



Public Document Pack

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16 September 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 28 September 2022 at 2.00 pm** and you are requested to attend.

Members: Councillors Chapman (Chair), Edwards (Vice-Chair), Blanchard-Cooper, Bower, Chace, Goodheart, Mrs 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 24 August 2022.

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

DEFERRED ITEM

6. K/22/22/PL LAND EAST OF KINGSTON HOUSE, KINGSTON LANE, KINGSTON

(Pages 9 - 16)

PLANNING APPLICATIONS

7. **BE/57/22/PL LAND ADJACENT TO TESCO EXPRESS, 351 CHICHESTER ROAD, BERSTED PO21 5AN** (Pages 17 - 36)
8. **BE/73/22/PL ARUN RETAIL PARK, UNIT G, SHRIPNEY ROAD, BOGNOR REGIS PO22 9NF** (Pages 37 - 48)
9. **BR/156/22/PL 62-64 HIGH STREET, BOGNOR REGIS PO21 1SP** (Pages 49 - 68)
10. **LU/205/22/PL 25 RIVER ROAD, LITTLEHAMPTON BN17 5BZ** (Pages 69 - 90)
11. **P/96/22/HH 97 HARBOUR VIEW ROAD, PAGHAM PO21 4RJ** (Pages 91 - 96)
12. **M/145/21/HH 44 SOUTHDEAN DRIVE, MIDDLETON-ON-SEA PO22 7TB** (Pages 97 - 104)
13. **AL/72/22/PL ROCK HOUSE, WESTERGATE STREET. ALDINGBOURNE** (Pages 105 - 118)

PLANNING APPEALS

14. **APPEALS LIST** (Pages 119 - 124)
15. **KEY PERFORMANCE INDICATORS 2022-2026-QUARTER1 PERFORMANCE REPORT FOR THE PERIOD 1 APRIL 2022 TO 30 JUNE 2022** (Pages 125 - 130)

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](#)

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PLANNING COMMITTEE

24 August 2022 at 2.00 pm

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

Apologies: Councillors Thurston and Warr

218. WELCOME

The Chair welcomed members, officers and the public to the meeting and advised the Committee that he would require a vice-chair for the meeting.

It was then proposed by Councillor Bower and seconded by Councillor Chace that Councillor Lury act as the vice-chair for this meeting as there were no objections this vote was CARRIED.

219. DECLARATIONS OF INTEREST

Cllr Chace declared a Personal, Prejudicial and Pecuniary interest in item 10 [LU/158/22/PL] as he is the applicant and leaseholder of the kiosk. He confirmed that because of his interests he would leave the meeting during the applications discussion.

220. MINUTES

The minutes of the previous meeting held on 20 July 2022 were approved by the Committee and signed by the Chair.

221. 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 announced that there was one urgent item that would be heard by the committee today and outlined his reasons why this application had been agreed to be brought before the Committee. He then invited the Planning Area Team Leader to present the urgent report that had been circulated to members and the public on Friday 19 August 2022.

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FP/114/22/TEL VERGE AT JUNCTION OF MIDDLETON ROAD AND PARK DRIVE FELPHAM PO22 6RJ

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Planning Committee - 24.08.22

PRIOR NOTIFICATION UNDER SCHEDULE 2 PART 16 CLASS A FOR PROPOSED 5G TELECOMS INSTALLATION, H3G STREET POLE AND ADDITIONAL EQUIPMENT CABINETS.

1 Public Speaker

Mandy Brown – Objector

The Planning Area Team Leader presented the report who explained the application would not usually come to Committee, however, it was felt given the high number of objections received that it should be reviewed by the Committee. He also referred to and addressed the concerns raised by the Public Speaker. Advising that all mobile telecommunications equipment must be accompanied by an ICNIRP report to show compliance.

Members then took part in a debate, a summary of the concerns and queries raised are below;

A query was raised in relation to the material considerations documented at point 4 on page 4 of the supplementary agenda pack referencing that applications were to include a thorough examination of alternative sites. The Chair and the Planning Area Team Leader confirmed that other locations had been investigated thoroughly.

The chosen colour of the of the mast was discussed where one member stated that as there were no trees around in their opinion the mast colour should be in keeping with the others, which were grey.it was explained that the colour had been a difficult consideration, however green was what had been specified within the application.

Further discussion was had on the transmission rates of 5G masts where it was stated that 5G transmission was very low and when the location of the site had been decided this fact was given crucial consideration.

Discussion on two potential reasons for refusal, siting of the mast and or its appearance was had. Members relooked at the plan pictures from the presentation to understand the masts proximity to residential houses. It was asked if there was any guidance on what would be considered as 'too close' and it was confirmed that there was very little guidance, it was a judgement based on the detail within the NPPF. The Planning Area team Leader confirmed that his recommendation was that the judgement applied in this application was suitable.

The recommendation was then proposed by Councillor Bower and seconded by Councillor Chace.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report

222. Y/3/22/OUT LAND WEST OF BILSHAM ROAD

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.

4 Public Speakers

Andrew Knight – Objector

Lisa Jackson – Agent

Anna Harper – Applicant

Cllr Worne – Ward Member

The Planning Area Team Leader presented the report and referred members to the report update that had been provided to them ahead of the meeting. He also advised the members that on page 2 of the update report it contained an updated recommendation that requested for the Committee to delegate to the Group head of Planning in consultation with the Chair and Vice-Chair that should the s106 not be completed in 5 months from the date of the Planning Committee's resolution to grant permission, then the application shall be refused for the reasons outlined in the report update. He then drew members attention to pages 11 and 12 of the update report where it detailed a number of Housing Land Supply and NPPF issues that could be used to refuse the application. However, he advised members that as this application was adjacent to the village boundary, should it be refused, the council would not be able to defend the refusal on an appeal.

Members then took part in debate where a number of questions and concerns were raised;

Concern raised in relation to the having a fixed boundary so as not to render the village a small town in years to come. The suitability of the roads in/out and surrounding the village were stated to be unsustainable for the level of development. It was also commented that in relation to policy DM1 the policy criteria that should be met required a land assessment comprising of mitigation measures be responded to by the applicant and this had not happened. One member made a statement highlighting his objection to comments raising issues with the 5-year land supply. He stated that the Arun District Council did not have control over the 5-year land supply and in his opinion the issues being seen across the district were at the fault of the local plan and developers not building at the rate they should be.

The Chair asked for clarification on the comment on page 2 of the update report that stated that the applicant had verbally objected to the inclusion of the National Highways (formally Highways England) condition. The Planning Area Team Leader advised that National Highways had a number of tick box checks that were required. Specifically for this application the council was not departing from National Highways advice.

Planning Committee - 24.08.22

It was expressed by the vice-chair that he had the upmost sympathy to the residents of Yapton, in his opinion the amount of development facing the area was an indictment of the current planning system. In summing up he stated he liked the idea of modular building and the use of timber.

The recommendation was then proposed by Councillor Bower and seconded by Councillor Chapman upon re-taking the vote it was split, therefore the Chair used his casting vote to approve the application.

The Committee

RESOLVED

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

223. Y/77/22/PL BONHAMS, HOE LANE, FLANSHAM PO22 8NP

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.

2 Public Speakers

Bill Rogers – Objector
Kai Penny – Agent

The Planning Area Team Leader presented the report and was invited to respond to any points raised by the two public speakers. He confirmed that West Sussex County Council had not objected to the proposal.

As there was no debate on the application the recommendation was then proposed by Councillor Bower and seconded by Councillor Chace.

The Committee

RESOLVED

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

224. R/60/22/PL THE WINDMILL INN, MILL LANE, RUSTINGTON BN16 3JN

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.

1 Public Speaker

Peter Bunce – Objector

The Planning Area Team Leader presented the report and clarified the concern regarding the trees raised by the public speaker.

The recommendation was then proposed by Councillor Bower and seconded by Councillor Chace.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report

225. LU/158/22/PL MEWSBROOK PARK TRADING KIOSK, HENDON AVENUE, LITTLEHAMPTON BN16 2LX

(Councillor Chace left the meeting at the start of this application at 15:23pm.)

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.

The Planning Area Team Leader presented the report to members. As there was no debate the recommendation was then proposed by Councillor Lury and seconded by Councillor Kelly.

The Committee

RESOLVED

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

226. K/22/22/PL LAND EAST OF KINGSTON HOUSE, KINGSTON LANE, KINGSTON BN16 1RP

Planning Committee - 24.08.22

(Councillor Chace returned to the meeting at 15:29pm)

-
3 NO STABLES AND A BARN. THIS SITE IS IN CIL ZONE 3 (ZERO RATED) AS OTHER DEVELOPMENT.

3 Public Speakers

Kingston Parish Council

Ed Miller – Objector

Robert Saunders – Agent

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The Planning Area Team Leader presented the report and responded to the comments made by the public speakers confirming that usage of the barn was for equine usage only as detailed in the report.

Members then took part in a debate on the application where the Chair queried that the comment made by Kingston Parish Council regarding no bridleways being on the land differed to that documented in the officer's report. Additional comment was made regarding the bridleway not showing on the map presented to members at the meeting. It was then proposed by Councillor Bower and seconded by Councillor Chace that this application should be deferred pending a site inspection to establish if there was or was not a bridleway on the land.

The Committee

DEFERRED the application to the next meeting of the Committee pending a site visit to establish if there was a bridleway on the land.

227. EP/39/22/PL 29 TAMARISK WAY, EAST PRESTON BN16 2TE

(Councillor Chapman declared a personal interest in this item as he lives on the same estate.)

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.

1 Public Speaker

Rebecca Hoad – Agent

The Planning Area Team Leader presented the report.

As there were no questions asked, Councillor Bower proposed the recommendation, and this was seconded by Councillor Lury.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report

228. AL/94/22/PL NYTON REST, NYTON FARM SHOP, NYTON ROAD, ALDINGBOURNE PO20 3TU

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.

The Planning Area Team Leader presented the report and referred members to the report update circulated to them ahead of the meeting.

During the debate it was queried that the previous application had been granted with a level of monitoring to ensure compliance with the application, but it was not clear if this was required again. The Planning Area Team Leader confirmed no such condition could be applied. He also confirmed that given the 4-parking spaces had now been properly marked out along with the application for extension having been received early, i.e., the previous application had not been left to lapse, and that the applicant was in constant communication with officers it was felt that monitoring was not needed.

The recommendation was then proposed by Councillor Chace and seconded by Councillor Bower.

The Committee

RESOLVED

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

Planning Committee - 24.08.22

229. APPEALS

The Committee noted the appeals update.

(The meeting concluded at 3.55 pm)

REF NO: K/22/22/PL

LOCATION: Land East Of Kingston House
Kingston Lane
Kingston

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

A post committee site visit took place on the 2 September 2022.

The following Councillors were present: Chapman, Bower, Kelly and Hayward. There were no other attendees.

The report to the August Planning Committee claimed that the site was within 100m of a bridleway. This is not the case. Whilst there are extensive public rights of way near to the site, these do not have formal bridleway status. There is an extensive bridleway network on the north side of the A259 about 1km away from the site and a more limited one to the south. Policy EQU DM1 states that non-residential planning permission will be granted for horse related activities subject to six criteria including where, a site is "well related to the existing bridleway network and the bridle network is sufficient to accommodate the scale of use from the proposed development". The application proposal does not meet this test. However, the site is well located in relation to the local highway network which horses and their riders are fully entitled to use.

Further, in this case, 3 horses is seen to be a limited number and there is no evidence to suggest that they cannot travel the required distance to the nearest bridleway using local roads without causing an unacceptable highway danger to themselves or other road users. It is noted also that there is a Pegasus crossing opposite the Peugeot/Honda showrooms on the A259 to enable safe access to the bridleway for horses and their riders from the south. Moreover, there are several other examples of similar low key equestrian paddocks nearby and in the wider area.

Given the above, whilst the proposal will be in conflict with one part of Arun Local Plan Policy EQU DM1, there is substantial compliance with all five of the other requirements of the policy. In all the circumstances, it is considered that a refusal of planning permission would not be warranted and could not be sustained on appeal.

REPORT UPDATE

Application No: K/22/22/PL

Reason for the Update / Changes

Reason for Update:

Objections from the Ferring and East Preston Parish Councils were not included in the officer report.

Officers Comment:

The relevant material planning issues raised by both Parish Councils include those set out by others in the report which have been addressed.

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

PLANNING APPLICATION REPORT

REF NO: 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
SDSP3	SD SP3 Gaps Between Settlements
DDM1	D DM1 Aspects of form and design quality

Kingston Neighbourhood Plan 2014 Policy KPNP2

Kingston Neighbourhood Plan 2014 Policy KPNP6	BUILT-UP AREA BOUNDARY SOIL, HORTICULTURE, EQUINE & SHEPHERDING DEVELOPMENTS
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PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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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100018487. 2015

PLANNING APPLICATION REPORT

REF NO: BE/57/22/PL

LOCATION: Land adjacent to Tesco Express
351 Chichester Road
Bersted
PO21 5AN

PROPOSAL: Erection of 6 No. 2-storey dwellings consisting of 2 No 2 bed units & 4 No 3 bed units, access, parking, cycle storage, bin store and other associated landscape works (resubmission following BE/104/21/PL). This site is in CIL Zone 4 & is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Permission is sought for the erection of 6 two-storey dwellings consisting of a terrace of 2 two-bed units and 1 three-bed unit in Block A (facing to Chichester Road) and a terrace of 3 three-bed units in Block B behind the Tesco with access, parking, cycle storage, bin store and associated landscape works.
	The main entrance would be from Chichester Road to the north of an existing entrance to Tesco. The bus stop would be replaced.
SITE AREA	1955.80 square metres.
RESIDENTIAL DEVELOPMENT DENSITY	31 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There are some mature trees that would be affected.
BOUNDARY TREATMENT	Wooden fences form the boundary with neighbouring gardens to the south, southeast, and west, and a stone wall forms the site's boundary to the north, with a new wooden fence forming the boundary with the Tesco store to the south east of the site.
SITE CHARACTERISTICS	A former car park and garden area serving the former Rising Sun public house. It is an irregular shaped plot of land with access off Chichester Road.
CHARACTER OF LOCALITY	Built-up area with predominantly residential, 2 storey, well set back semi-detached and terrace dwellings of substantial size and regularity along the north-eastern side of Chichester Road and Bedford Avenue sitting on narrow plots with outbuildings to the rear. There is a considerably different pattern of development to the west with well set back bungalows along Sun Park Close and 2 storey terrace with garage compound and a rather generous public area in St Clares Gardens.

RELEVANT SITE HISTORY

BE/104/21/PL	Erection of 7 No. 2-storey dwellings consisting of 3 No. 2 bed units & 4 No. 3 bed units, access, parking, cycle storage, bin store and other associated landscape works. This site is in CIL Zone 4 & is CIL Liable as new dwellings.	Refused 06-09-21
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The above application was refused for the following reasons:

Having regard to the proximity and relationship of block B to neighbouring residential properties to the west, the proposal creates unacceptable living conditions for the occupants of adjoining properties 28 and 30 Sun Park Close through overbearing, limiting their outlook and overshadowing and for the prospective occupants of proposed property through overlooking their rear garden from the first floor of 26 Sun Park Close.

The development fails to respect the surrounding character and appearance of the area, would detract from the existing pattern of development. The proposal results in an unduly cramped and unneighbourly form of development which would be detrimental to the character and amenities of the surrounding residential area.

REPRESENTATIONS

Bersted Parish Council: OBJECT:

- Although improvements have been made the design, does not reflect the appearance and character of the area, contrary to Bersted Neighbourhood Plan Policies ES1, HDQ1, HDQ2 and HDQ5 and Arun Local Plan Policies D SP1 and D DM1.
- There are no EVC points on site as required by Arun DC Design Guide Parking Strategy.

12 letters of objection received:

- It would impact privacy due to being overlooked.
- A large tree in the plot should have a preservation order on it.
- The houses nearest to Bedford Avenue will overlook our gardens and houses.
- Adding another exit here will cause even more dangers for the traffic and pedestrians.
- Amended drawings show a new vehicular access form Haverfordwest Close; do they have rights of access?
- Would have a detrimental effect on the rear access for residents of the north side of Bedford Avenue.
- Overdevelopment, overlooking, blocking daylight, loss of privacy, road danger.
- There is already considerable building development in North Bersted.
- The development of this small site would be completely out of character with the local area.
- This may well have had a detrimental effect on breeding birds, mammals, and insects.
- The committee should review letters of objection to previous application (BE/104/21/PL). All comments still apply.
- Dwellings shoehorned into a small site making the whole development look like an unplanned afterthought.
- Placement of refuse containers directly against our fencing, could lead to rodent infestation in neighbouring properties.
- Access to the site in a close vicinity of Bus stop and Tesco store access.

- No regard for wildlife, no trees should be removed.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The issues are discussed in the conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

DRAINAGE ENGINEERS: Have lodged a holding objection/request further information and ask the applicant to provide plans that clearly show that no boundary treatments - walls, fences or other structures - will be located within 3m of this watercourse. Conditions requested to be applied.

NATURAL ENGLAND: No objection subject to securing Appropriate mitigation.

ADC GREENSPACE: No landscape objection subject to conditions.

ADC TREE OFFICER: No objection subject to conditions.

ENVIRONMENTAL HEALTH: Main concern is noise from the road and the Tesco Express store and a submitted noise report fails to address noise from deliveries to the store. Their suggested conditions will be applied to the decision.

WSCC HIGHWAYS: No objection in traffic impact terms to the principle of developing the site for 6 dwellings and the relocation of the vehicular access. Visibility splays are required at 41.7m to the north and 41.5m to the south which are based on speeds surveys taken from the previous submission. These splays should be included on the site plan and Highways re-consulted.

ARCHAEOLOGY: It is unlikely works associated with the proposal would impinge on archaeological deposits to the extent refusal or the requirement of other mitigation measures would be justified.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. An Appropriate Assessment (AA) was issued to Natural England for review on the 22 July 2022, but no response has been received. It is likely Natural England will advise that subject to a contribution (towards the provision of accessible natural open green spaces to serve the area) being secured, there will be no adverse effect on the integrity of the European Site in view of its conservation objectives. A copy of the AA is on the Council's website. Should a response be received prior to the committee meeting, this will be reported to members by way of a report update.

Further comments are awaited from WSCC Highways with respect to visibility splays provided by the applicant.

POLICY CONTEXT

Designations applicable to site:

Built-Up Area Boundary;
Pagham Harbour Access Management Zone B.

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
HDM1	H DM1 Housing mix
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<u>Bersted Neighbourhood Plan 2014 Policy ES1</u>	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy ES8	Renewable energy
Bersted Neighbourhood Plan 2014 Policy HDQ1	Housing Site Allocations
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ4	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's

Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and the made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies of the Bersted Neighbourhood Development Plan have been taken into account in determining this application:

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that it would not have unacceptable adverse effects on the visual amenities of the locality or the residential amenities of the adjoining properties.

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

KEY ISSUES

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

PRINCIPLE

Whilst the area is suitable for residential development in principle, being in the built-up area, such development should comply with the policies in the development plan. The key policies are D SP1, D DM1, D DM2, ENV DM2 and T SP1, of the Arun Local Plan.

Policy D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrate and new development should have a minimal impact to users and occupiers of nearby properties and land. Policy D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard. Policy ENV DM2 expects all new residential development to contribute towards the agreed strategic approach.

Policy HDQ1 of the BNDP refers to housing site allocations and the site is allocated for a minimum 5

dwellings.

The Council is unable to identify a 5-year supply of housing land and the policies which are the most important for determining the application are out of date. In these circumstances, paragraph 11 d) ii of the Framework requires planning permission to be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

The proposal is acceptable in principle given its position in walking distance of a range of shops, facilities, and services. There are frequent bus services on Chichester Road providing access to Bognor Regis, Littlehampton, Chichester etc. and includes Chichester and Barnham Railway stations. Bus stops for these services are a very short distance from the site. It would provide six dwellings on a previously developed site which is sustainably located. Such an approach is supported by policies SD SP1 and SD SP2 of the Arun Local Plan, policy HDQ1 of the BNDP and NPPF.

DESIGN AND VISUAL AMENITY:

Policy D SP1 of the Arun Local Plan stresses that successful development should respond to locally distinctive patterns of development. Paragraph 13.2.9 of the Local Plan (Design) continues insisting that new development should ensure that height and massing does not interrupt or debase the rhythm of an existing building/roof line or detract from the local and wider area's character. Policy D DM1 (7) expects that all development will incorporate existing and new tree planting as an integral part of the proposal.

Policies ES1 and HDQ5 of the Bersted Neighbourhood Development Plan require new development to be of a high quality and to reflect the character of the location.

Arun Design Guide Supplementary Planning Document (SPD) was adopted 25th January 2021. Part P.O1 deals with infill development and requires development to respond positively to the character, appearance, and layout of surrounding buildings to provide high quality development which enhances amenity for surrounding and new residents.

Paragraph 130 of the NPPF emphasises that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and do not undermine the quality of life or community cohesion and resilience.

The National Design Guide is a material planning consideration for the purposes of decision taking. Criterion C1 requires developments to understand and relate well to the site, its local and wider context; including the existing built development, layout, form and scale. Criterion I1 requires development to respond to existing local character and identity including the characteristics of existing built form and the elements of a place or local places that make it distinctive. Criterion B2 requires development to be of an appropriate building type and form, having regard to the height of buildings around them, the relationship with the street width, and the sense of enclosure that results.

The proposal is for the construction of two 2-storey terraces of 3 dwellings. The access would be from Chichester Road via a new access road with pavement. The layout of the terrace within the former parking area would respect the pattern of development of surrounding dwellings. The terrace would have a separation distance of approximately 3m from the boundary flint wall to the north and would be set back from the pavement by 5m (in the closest point), the other dwelling would step back by 1.5m. The

terrace would share the same relationship to the street as Tesco Express does whilst recognising the position of a terrace of distinctive appearance to the north of the site.

There would be a repeated pattern of windows and recessed entrances supported by black timber cladding which links ground floor windows with those above. The homes will be constructed using a mixture of white silicone render and red brick slips. The brick slip system is chosen to match the appearance of surrounding buildings. Roof tiles will be Marley Modern Grey or similar. Windows and doors will be black colour UPVC framed. Rainwater goods will match the door and window colour. The roof form would follow the established pattern of the existing houses, with the roof gable running parallel to the road. No windows are proposed on flank walls, the main entrances would be from the Chichester Road. The ground floor would comprise of hall, sitting/dining room, kitchen, and toilet. There would be 2 or 3 bedrooms and bathroom at the first floor.

The terrace in the former pub garden would create a block of identical houses with similar design and materials (with small alterations only) as those in Block A, however, they would be deeper. The ground floor would comprise of a hall, sitting/dining room, kitchen, and toilet. There would be 3 bedrooms and bathroom at the first floor.

The access would be from Chichester Road via a new access road with pavement. The relationship of this terrace has been improved (from that recently refused), the number and scale of dwellings has been reduced from four x 3-storeys to three x 2-storeys. As a result, the dwellings are set well away from the rear boundary of properties accessed from Sun Park Close in accordance with the requirement of the Arun Design Guide for habitable room windows to be at least 14 metres from the flank wall of the neighbouring property (Page 92).

There would be more than substantial separation between the rear elevation of the proposed development and the rear elevation of the existing terrace of dwellings in Bedford Avenue, with their rear gardens and an access lane in between.

Given the conventional design and the position of the proposed terraces relative to the new access and the surrounding development, the new buildings would present a positive appearance in the locality, especially when viewed, in the context of neighbouring buildings, from Chichester Road. The proposal would be visually integrated with existing dwellings in siting, massing/design and respond to the pattern of surrounding development.

The development would not detract from the local and wider area's character. The proposal complies with Arun Local Plan policies D DM1, D SP1, policies ES1 and HDQ5 of the Bersted Neighbourhood Development Plan, relevant paragraphs of NPPF, the Arun Design Guide (SPD) and the National Design Guide.

RESIDENTIAL AMENITY INCLUDING NOISE POLLUTION:

Arun Local Plan 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. Policy QE DM1 seeks to protect against the impacts of new noise generating development.

None of the Bersted NDP policies refer to residential amenity issues.

The proposed residential use would not be a noise generating form of development especially in an area of mixed-use development. The residential use would have similar characteristics to other residential properties in the locality.

The Arun Design Guide stresses that habitable room windows should generally be at least 14 metres from the flank wall of the neighbouring property (Page 92), back to side separation min 14m (Page 71). Back-to-back separation distance should be minimum 21m.

The development would have a sufficient separation distance and position towards all neighbouring dwellings including 28 and 30 Sun Park Close. There would be a separation distance of approximately 30m between the rear elevations of the proposed terrace within former pub garden and the rear elevations of terrace along Bedford Avenue.

Local Plan policy QE DM1 emphasises that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

'Road Traffic Noise Assessment (with regards to block A) has been submitted by the applicant and reviewed by ADC Environmental Health Officer and the report, methodology, calculations, and findings were found to be reliable and therefore recommended any future permission granted it would be in accordance with the report.

The dwelling on the east side of block B would be in close proximity of the substantial property occupied by Tesco Express with its air conditioning units, a condenser and chiller/freezer within a screened area to the rear of the property, facing the proposal site (approved by BE/40/12). Prospective occupiers of this dwelling are likely to be affected by the noise produced by this plant, even though the applicant in their Design and Access Statement claims that the end of the three x 3-bedroom terraced properties orientates away from the plant area of Tesco Express and would be screened by a line of planted trees.

The main concern of Environmental Health with this site relates to noise from the road and the Tesco Express store. The applicant has submitted a noise assessment which concludes that the site is suitable for development, however some of the dwellings will require mitigation measures to protect the inhabitants from noise. The noise report does not appear to address noise from deliveries to the Tesco Express store, which may occur at unsocial hours. The applicant addressed Environmental Health's comments by provision an Acoustic Statement Update and EH has been re-consulted. Any comments received will be reported in a supplementary report. Notwithstanding the above, the matter is addressed by proposed Condition 9 in the Recommendation section of this report.

The development would not have an adverse impact to users and occupiers of existing nearby properties by way of overbearing or to prospective residents, by limiting their outlook, subject to conditions proposed to be attached to the decision.

The proposal would have an acceptable impact on residential amenity, in accordance policies D DM1, QE SP1 and QE DM1 of the ALP and relevant paragraphs of the NPPF.

INTERNAL & EXTERNAL SPACE STANDARDS:

As per ALP policy D DM2, it is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use.

The two storey, 2 bedroom dwelling with a Gross Internal Area (GIA) of approximately 80sqm would satisfy the minimum internal space standards set out in the Technical Housing Standards Nationally Described Space Standards (2015) which is 79sqm for a 2-storey 2 bedroom 4persons home. The two storey, 3 bedroom dwelling with GIA of approximately 99sqm would exceed the minimum internal space standards which is 93sqm for a 2-storey 3 bedroom 5 persons home. The two storey, 3 bedroom

dwelling with GIA of approximately 108sqm would exceed the minimum internal space standards which is 102sqm for a 2-storey 3 bedroom 6 persons home.

The Arun Design Guide stresses the design of new homes should provide clear delineation of public and private spaces. Section H.04 deals with Residential Outdoor Amenity: 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5m. Submitted drawings show the provision of sufficient rear garden space for each dwelling which would satisfy the requirement of Arun Design Guide and comply with policies D DM1 & D DM2 and with the guidance in the NPPF (para. 130).

HIGHWAYS, TRAFFIC AND PARKING

The Arun Parking Standards Supplementary Planning Document, January 2020 states in Principle 1: 2.12 Parking provision should be sufficient to accommodate demand whilst exploiting the potential for sustainable travel, minimizing adverse effects on road safety, and avoiding increased on-street parking demand. In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes.

According to ADC Parking Standards for a 2-3 bedroom property in this type of location (Parking Behaviour Zone 4) a minimum of 2 car parking spaces on site is required. The site plan shows 16 parking spaces which allows for 2 spaces per dwelling plus visitor spaces what would satisfy the requirement of the above standard. Cycle parking has been provided in the form of sheds in the rear gardens.

The access would be 5.4m wide to allow for 2 vehicles to pass clear of the highway. Visibility splays would be provided at 41.7m to the north and 41.5m to the south which are based on speeds surveys taken from the previous submission. Fencing either side of the access should also be no more than 0.6m for the first 5m to ensure visibility is maintained for vehicles entering and exiting the site access as well as the Tesco access. These splays should be included on the site plan. The required information has been provided by the applicant and WSCC the Highways re-consulted with no response received yet.

A bus stop is located at the northern side of the proposed access. This will need to be relocated further from the access to ensure buses do not stop in front of the access point. The relocation of the bus stop can be secured by way of suitable wording within the S278 Agreement with WSCC Transport Services for the site access.

A condition is also proposed to secure Electric Vehicle Charging Points EVCP.

The proposal would provide a safe and suitable access, adequate parking and EVCP provision, and would not give rise to unacceptable highways safety or operation impacts, subject to satisfactory comments from WSCC Highways

PROTECTION OF TREES

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

Policy ENV DM3 of the Local Plan in section 17.3.1 underlines the importance of trees. The retention of mature trees can contribute to amenity and more attractive developments as well as retaining important

wildlife habitats and should be considered at the design stage of all developments.

The BNDP policy ES6 points out the positive contribution of trees to the Parish, play areas and residential properties and advises that the removal of trees to make way for development can completely change the amenities of a road and must be resisted.

The Tree Officer is of opinion that Tree Survey data is comprehensive and accords with the requirements of BS5837:2012, agrees with the retention category ratings and recommend the proposed scheme for approval, subject to conditions.

The Greenspace Officer pointed out in their report that existing trees and hedging in and adjoining the site which would need to be considered, protected retained and incorporated into a meaningful landscape setting.

The development would comply with policies ENV DM3 and ENV DM4 of the Arun Local Plan, policy ES6 of the Bersted Neighbourhood Development Plan and NPPF's paragraph 131.

BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

Government guidance states permission can only be granted if an appropriate survey has been carried out by a qualified ecologist at the time of year specified in Natural England's standing advice. Planning permission can be refused if there is not enough information to assess the effect on a protected species. ALP policy ENV DM5 is clear that where there is evidence of a protected species on a site, planning applications shall include a detailed survey of the subject species, with details of mitigation to avoid loss of the species.

The southern part of the site comprises the former garden of a public house, the northern end of the site was previously used as the car park of the public house and was primarily hard standing with a hedge line along the western boundary, dominated by scrub and scattered trees. A Preliminary Ecological Appraisal dated May 2021 has been submitted. This does not show harm to protected species.

The potential impact on the location would require that landscaping be provided as mitigation towards screening and softening of the development. An existing green boundary is evident in places, but requires reinforcement with further boundary planting treatment to enhance and improve biodiversity.

In line with Policy ENV DM5 of the Arun District Local Plan information on Biodiversity Net Gain will need to be provided. A Biodiversity Metric Report should be submitted demonstrating what will be included within the scheme and what level of net gain will be created from this. This can be secured by a suitably worded planning condition.

CLIMATE CHANGE/SUSTAINABLE CONTRUCTION:

ALP policy ECC SP2 requires new residential and commercial development (including conversions, extensions, and changes of use) be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. unless it is demonstrated this is unviable. ECC SP1 requires new development be designed to adapt to impacts arising from climate change.

The applicant in their Design and Access Statement affirms that this scheme has been designed around a standardised system incorporating MMC (the Government's new Modern Methods of Construction (MMC) Taskforce. All homes on this site will be 'A' rated under their Energy Performance Certificate. All manufacturing and design will be in accordance with Premier accreditation Guarantee.

As there are no particular technologies proposed, a condition would be necessary to secure compliance with the policy.

WATER SUPPLY AND QUALITY:

The Council, as stressed in policy W SP1, will support development that is appropriately located, taking account of flood risk and promotes the incorporation of appropriate measures and W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. The site lies in Flood Zone 1.

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

Arun District Council's Drainage Engineers request further information and 2 pre-commencement and informatives to be applied.

The development therefore would comply with those aspects of policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan and policy ES2 of the BNDP.

PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP policy ENV DM2 requires residential developments in a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £871 per new unit was agreed by the Council's Cabinet on 10 April 2017. The site lies in the designated Zone B and this application results in a net increase in a slight intensification in occupancy.

The net increase in 6 units resulted in a contribution of £5,226 and this is secured by the signed Section 106 legal agreement. There is no conflict with ALP policy ENV DM2 of the Arun Local Plan.

Arun DC are required to carry out an Appropriate Assessment (AA) to assess the impact of increased recreational disturbance arising from the proposal on the Pagham Harbour Special Protection Area (SPA) & Ramsar Site. An AA was issued to Natural England for review on the 22 July 2022 with a request for a response within 10 days. Natural England's response will be reported to the committee by report update.

OTHER MATERIAL CONSIDERATIONS:

On the basis of the Council's Authority Monitoring Report (AMR) from January 2022, the policies most important for the determination in the ALP have reduced weight as Arun cannot demonstrate an adequate supply of housing land (HLS). Due to the HLS being below 3 years (2.42 years) and its age, the BRNDP does not benefit from the support set out in para 14 of the NPPF. The NPPF presumption in favour of sustainable development is therefore unaffected by the Neighbourhood Plan.

Paragraph 11 (d) ii) of the NPPF 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 housing applications, where the Council cannot demonstrate a five year supply of deliverable housing sites),

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 NPPF contains several material considerations. Paragraph 119 requires planning policies and decisions promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 121 instructs local planning authorities to take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs. In its latest revision on 20 July 2021, the Government significantly strengthened its position on the use and application of design guides in the determination of planning applications. Specifically, para 128 now makes clear that "to provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, which reflect local character and design preferences." In this instance, the LPA has undertaken this extensive work which aligns with the requirements of the NPPF.

Para 129 of the NPPF details how such Design Guides should be applied at decision taking level: "Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as a supplementary planning document". In this instance, the ADC Design Guide comprises a formally adopted SPD. Following para 129, it carries weight in decision-making. Paragraph 130 calls for visually attractive development which promote health and well being.

CONCLUSION

This proposal represents an appropriate redevelopment of the site without compromising the visual amenity of the area amenities of neighbouring residential occupiers. The proposal represents sustainable development and is substantially in accordance with both the strategic and detailed policy requirements of the Development Plan.

This report has balanced the impact of development against other material considerations, including that of the NPPF, and it is considered that there are no adverse impacts associated with the proposed development that would significantly and demonstrably outweigh the benefits of the proposed development when the Development Plan and the NPPF are taken as a whole.

The application is therefore recommended for approval subject to a legal agreement and 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.

SECTION 106 DETAILS

This decision will be granted with a s106 legal agreement relating to a contribution of £5,226 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to the Pagham Harbour Special Protection Area by the proposed intensification of the existing building.

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 WITH SECTION 106 AGREEMENT**

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

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

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

Z0512 NOV 00 00 DR A 02000 Rev P5, Location and Block Plan;
 Z0512 NOV 00 00 DR A 02002 Rev P11, Revised Site Plan;
 Z0514 NOV 02 XX DR A 04000 Rev P4, Elevations Block B;
 Z0512 NOV 01 XX DR A 04001 Rev P2, Elevations Block A;
 Z0512 NOV 00 XX DR A 02005 Rev P1, Sections through No.28 and 30, Sun Park Close;
 Z0514 NOV 02 XX DR A 03000 Rev P4, Floor Plans - Block B;
 Z0512 NOV 01 XX DR A 03001 Rev P2, Floor Plans - Block A;
 Z0514 NOV 02 XX DR A 05000 Rev P2, GA Sections - Block B;
 Z0512 NOV 01 XX DR A 05001 Rev P2, GA Sections - Block A.

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

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

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

Reason: To provide car-parking space for the use and in accordance with policy T DM1 of the Arun Local Plan.

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

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

- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

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

- 7 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and are an overriding factor in terms of requirements. Winter groundwater monitoring to establish highest annual ground water levels and winter percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

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

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

- 9 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the "Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014 shall be submitted. Details shall be compiled by a competent acoustician on sound insulation and noise reduction for buildings and shall be submitted to and approved in writing by the Local Planning Authority. The scheme should be written with reference to the 'Acoustics Ventilation and Overheating Residential Design Guide' from the Institute of Acoustics and take into account the correct number of air changes required for noise affected rooms and the noise caused by any mechanical ventilation. 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.

- 10 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place, written confirmation is required from the Arboricultural Expert representing the site owner(s), confirming that all protective fencing has been inspected and found to be 'Fit for Purpose' as required under British Standard 5837:2012 and been erected and positioned exactly as shown on the Tree Protection Plan, ref. 20219-3, Barrell Tree Consultancy.

Reasons: To comply with BS5837:2012 and ensure the retention and maintenance of trees and vegetation which are an important feature of the area, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 11 All activity at the site is to be carried out in strict accordance with: - Arboricultural Assessment & Method Statement, ref. 20219-AA3-CA, 16th May 2022.

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 BS5837:2012 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in accordance with policy ENV DM4 of the Arun Local Plan.

- 12 Potentially contaminated land: If during development, any visibly 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 Adopted Arun Local Plan 2011 - 2031.

- 13 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

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

- 14 The dwellings shall not be occupied unless and until a scheme has been submitted for approval by the Local Planning Authority to demonstrate that the development will incorporate energy efficiency measures that reflect standards at the time of submission, together with decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

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

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

Reason: In the interests of highway safety and the amenities of the area in accordance with policy TSP1 of the Arun Local Plan.

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

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

- 17 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 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.

- 18 Within 3 months of commencement of development details of improvements to secure biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be completed within a month of 1st occupation of hereby approved dwellings and retained thereafter.

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

- 19 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%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided.

Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network.

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. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

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

21 INFORMATIVE: 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.

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 of trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.

BACKGROUND PAPERS

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

BE/57/22/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:	BE/73/22/PL
LOCATION:	Arun Retail Park, Unit G Shripney Road Bognor Regis PO22 9NF
PROPOSAL:	External alterations to the existing building associated with the change of use from Class E Restaurant to Sui Generis (consisting of a coffee shop / restaurant selling food and drink for consumption on and off the premises), alterations to car park including the creation of a drive-through lane, reconfiguration of cycle parking, new pedestrian crossings, and the increase in number of car parking spaces, relocation of footpath, removal of 2 x TPO trees (to be replaced), landscaping and associated works.(Resubmission following BE/16/22/PL). This application is in CIL Zone 4 (zero rated) as other development).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	4265.55 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	Two TPO trees to be removed as a consequence of the development.
BOUNDARY TREATMENT	Shripney Road runs along the north east boundary with 1.8m fencing on the north west boundary with housing behind. Riverside complex is situated to the rear of the site.
SITE CHARACTERISTICS	The site comprises 5 large format retail premises with loading facilities and extensive customer parking. In addition, there are three restaurants and takeaway premises adjacent to the site entrance. The application concerns one of these buildings - a red brick building of contemporary design with a glazed entrance porch and a domed metal sheet roof.
CHARACTER OF LOCALITY	The area surrounding the site on Shripney Road has a primarily commercial character comprising a number of retail parks and supermarket chain stores, as well as a number of individual estates. To the north-west and south-west of the site adjoining uses comprise caravan and park home estates.

RELEVANT SITE HISTORY

BE/16/22/PL	External alterations to the existing building associated with the change of use from Class E Restaurant to Sui Generis (consisting of a coffee shop / restaurant selling food and drink for consumption on and off the premises),	Withdrawn 19-04-22
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alterations to car park (including the creation of a drive-through lane, reconfiguration of cycle parking, new pedestrian crossings, and the increase in number of car parking spaces), relocation of footpath, removal of 4 x TPO trees (to be replaced), landscaping and associated works. This site is in CIL Zone 4 (Zero Rated) as other development.

BE/25/19/PL	Refurbishment of car park, including minor alterations to car parking spaces, provision of new pedestrian links & other associated physical works	ApproveConditionally 24-05-19
BE/21/19/PL	External alterations to the front elevations of the retail terrace & minor alterations to the site layout	ApproveConditionally 21-05-19
BE/143/16/T	Group 1 adjacent to Pizza Hut - remove 2No. Ash trees to ground level. Raise crown to the various species of retained trees by 3.5m. Group 2/2B adjacent to Burger King - 10No. Ash trees to be removed to ground level. Raise crown to various species of retained trees to 3.5m. T1-T7 Various tree surgery.	Refused 01-12-16

BE/16/22/PL was withdrawn due to the objection of the ADC Tree Officer.

REPRESENTATIONS

Bersted Parish Council: Objection.

Object to the removal of established TPO'd trees and there is enough drive thru restaurants in the vicinity. Improved accessibility is welcomed.

1 letter of objection:

- Protected trees must be protected, not felled.
- We do not need another coffee outlet, there are 4 places locally already.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The issues are discussed in the conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC TREE OFFICER: Recommends the scheme for approval, subject to conditions.

ADC DRAINAGE ENGINEERS: No conditions requested as the application proposes only minor

changes to impermeable areas within the site.

ENVIRONMENT AGENCY: No objection.

WSCC HIGHWAYS (LHA): The proposal would not have a severe impact on the operation of the highway network, therefore it is not contrary to the NPPF (para 111), and there are no transport grounds to resist the proposal on, subject to conditions. Full comments are online (BE/16/22/PL).

WEST SUSSEX FIRE AND RESCUE SERVICE: No objection subject to conditions.

LEISURE AND LANDSCAPE OFFICER: No objection. The landscape improvement/mitigation need to be implemented before occupation/opening of the premises. Maintenance arrangements should be in place within 12 months of completion to ensure establishment of the landscape scheme and replacement of any planting which fails to thrive.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary;
Tree Preservation Order;
Flood Zone 2,3

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
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM2	T DM2 Public Parking
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

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy GA1	Pedestrian and Cycle Connections

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.

The relevant policy of the Bersted Neighbourhood Development Plan has been taken into account in determining this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality, nor would it have an adverse impact upon the established character of the surrounding area or highway safety.

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**PRINCIPLE:**

The site is in the Bognor Regis Built-up Area Boundary in the Local Plan where development is acceptable in principle in accordance with policy SD SP2 provided it accords with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity and parking. The key policies of the Arun Local Plan are D SP1, D DM1, and T SP1 of the Arun Local Plan and relevant

paragraphs of the NPPF.

Policy D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrate and the proposed development should have a minimal impact to users and occupiers of nearby properties and land.

Regard should be had to policy SD SP1 of the Arun Local Plan which states "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)." Para 120 (d) of the NPPF states that planning policies and decisions should "promote and support" the development of under-utilised land and buildings. Paragraph 124(d) NPPF requires planning policies and decisions to support development that makes efficient use of land, considering the desirability of maintaining an area's prevailing character and setting.

The proposal is for the re-occupation of a vacant unit. The site is easily accessible from the highway network and by public transport and makes efficient use of land by bringing a vacant unit back into a use, reflecting the characteristics the site. Such an approach is supported by policies SD SP1 and SD SP2 of the Arun Local Plan and NPPF.

CHANGE OF USE:

ALP policy RET DM1 seeks to maintain the existing hierarchy of retail centres in Arun and requires a high standard of design, the scheme is easily accessible by the highway network and public transport, the scheme includes provision for access by cycle and on foot and appropriate provision to enable access for people with disabilities.

This application seeks the change of use of the existing restaurant unit (Use Class E(b)) to a Sui Generis use (consisting of a coffee shop / restaurant selling food and drink for consumption on and off the premises alongside with alterations to the wider car park at the Retail Park,

Whilst Bersted Parish Council expressed disagreement with the change of use, pointing out the number of drive thru restaurants in the vicinity, there are no policies to prevent changes of use from E(b) to Sui Generis especially in area of retail park, outside of town centre. The use is very similar in nature to the existing so no significant adverse implications are anticipated from the proposed change of use. Further, the applicant in their Planning Statement clarifies: 'although the proposals seek the change of use from its existing restaurant use, it is anticipated that only around 15% of total sales will comprise the sale of hot food for consumption off the premises, and as such cannot be regarded as Tim Horton's (the operators) primary business.'

The change of use is acceptable and it would be in general compliance with the ALP policy RET DM1.

CHARACTER OF THE AREA:

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

Policy D DM1 of the Arun Local Plan 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 and Policy D DM4(a) expects the extension or alteration of existing buildings to sympathetically relate to and visually integrate with the existing building in siting, massing, design, form, scale and materials.

the development will see an increase in vehicular movements, modelling demonstrates it will continue to operate within theoretical operating capacity, therefore the impact is not considered to be severe.

An area of highway verge adjacent to the A29 is required to allow for the 'drive thru' facility and will require relocation of an existing totem sign which is not shown in the application.

The proposals would provide a safe and suitable access, adequate parking, and would not give rise to unacceptable highways safety or operation impacts.

The proposal would satisfy policies T SP1 and T DM2 of the Arun Local Plan and guidance on highways in the NPPF.

PROTECTION OF TREES:

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

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

The BNDP policy ES6 points out the contribution of trees to the Parish play areas and residential properties. The removal of trees to make way for development can completely change the amenities of a road and must be resisted.

The development would result in the removal of 2 x TPO trees, and the applicant have employed Aspect Arboriculture Ltd. to prepare an Arboricultural Impact Assessment (AIA) inclusive of Tree Constraints Plan and a Tree Protection Plan for this project.

The ADC Tree Officer has reviewed the AIA data and confirmed that it is comprehensive and accords with the requirements of BS5837:2012. He further agrees with the retention category ratings and the necessity for removal of two Category U trees. Finally, he confirms that the replacement tree planting detailed on the Landscape Plan, dwg. no. 7610.LP.1.0 Rev F, would be an appropriate compensation and that the development is achievable without undue detriment to the retained on-site trees, provided there is adequate site supervision at key stages by the project arboriculturist. This can be secured with a suitably worded planning condition. The scheme is therefore recommended for approval.

It is noted that Bersted Parish Council has objected to the removal of trees with a TPO, however, whilst the development would cause the loss of 2 TPO trees, the applicant has provided a comprehensive view of tree issues arising from the proposals and offered an appropriate scheme of mitigation for the modest tree loss. As such it would comply with policies ENV DM3 and ENV DM4 of the Arun Local Plan, policy ES6 of the Bersted Neighbourhood Development Plan and NPPF's paragraph 131.

FLOODING ISSUES:

W DM2 of the Arun Local Plan states development in areas at risk from flooding (as identified by the EA) will only be permitted following compliance with listed criteria. One of these criteria is the submission of a sequential test in accordance with the NPPF. Flooding is likely to increase in the future, particularly due

to rising sea levels, increased surface water and from rivers.

According to Environment Agency Flood Risk Map the site falls in Flood Zone 2 (defined as land having a 1 in 100 or greater annual probability of river flooding) and Flood Zone 3 (defined as land having a 1 in 100 and 1 in 1,000 annual probability of river flooding). The Climate Change Data shows the entire area to be Flood Zone 3a by 2031, 2061 and 2111 (Future Flood Risk).

The application is supported by a full Flood Risk Assessment that has been reviewed by the Environmental Agency, who have confirmed that they have no objection to the proposals. It is considered that the proposals are compliant with Policy W DM2 and the NPPF and therefore acceptable in this regard.

BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

A Preliminary Ecological Appraisal (PEA) dated Jun 2022 was submitted. This shows that trees to be removed (T4 and T5) appear to provide negligible to low suitability to support roosting bats, in the form of single opportunistic individuals. Mitigation measures and ecological enhancements are set out in the PEA to avoid or minimise adverse effects on retained habitats and associated fauna and suggested enhancements like flowering lawn area created at the north-east of the site and areas of existing amenity grassland alongside with new areas of shrub planting are proposed as part of the landscape planting scheme, which includes a high proportion of plants for pollinators.

The scheme provides details of biodiversity net gain and protects habitats on site in accordance with the ALP policy ENV DM5 and is considered to be satisfactory. The opportunity to increase biodiversity and mitigation measures will be secured via condition.

SUMMARY

The development is consistent with the last use of the building and the established pattern of uses in the area. The proposed changes to the building and the site layout would not compromise the visual amenities or character of the area and there would be no adverse implications for highway safety. The proposal complies with development plan policies. The recommendation to approve is made subject to conditions/informatives.

HUMAN RIGHTS ACT

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

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

be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is in CIL Zone 4 (zero rated) as other development).

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Dwg No URB DT 08 00 01 Rev D01, SITE LOCATION PLAN;
 Dwg No URB DT 08 00 03 Rev D03, SITE BLOCK PLAN DETAIL LOCATIONS;
 Dwg No URB DT 08 00 05 Rev D00, PROPOSED UNIT PLANS AND ELEVATIONS;
 Dwg No URB DT 08 00 06 Rev D00, WORKS TO DRIVE THRU AREA - AS PROPOSED;
 Dwg No URB DT 08 00 07 Rev D04, ALTERATION WORKS TO SITE LAYOUT & PARKING;
 Dwg No URB DT 08 00 08 Rev D04, PARKING LAYOUT CHANGES B&Q / RETAIL TERRACE & SERVICE YARD;
 Dwg No URB DT 08 00 09 Rev D03, SITE BLOCK PLAN AS PROPOSED;
 Dwg No 7610.LP.1.0, LANDSCAPE PLAN.

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

- 3 No part of the development shall be first used until covered and secure cycle parking spaces have been provided in accordance with the proposed plan. The facilities shall thereafter be retained in perpetuity.

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

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

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

Reason: In the interests of highway safety and the amenities of the area in accordance with policy TSP1 of the Arun Local Plan.

- 5 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s):
- at this meeting all protective fencing will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan, dwg. no. 11069 TPP 01 Rev F, June 2022.

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

Reasons: To comply with BS5837:2012 and ensure the retention and maintenance of trees and vegetation which are an important feature of the area, in accordance with Policies D DM1 and ENV DM4 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 6 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment, Aspect Arboriculture Ltd., ref. 11069_AIA.001 Rev F, June 2022.

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 BS5837:2012 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in accordance with policy ENV DM4 of the Arun Local Plan.

- 7 The development shall be carried out in full accordance with the recommended biodiversity enhancement measures listed in the Preliminary Ecological Appraisal dated June 2022 and retained in perpetuity. The landscape improvement/mitigation/tree planting works shown on Landscape Plan 7610.LP.1.0 Rev F must be implemented before the use hereby approved commences.

Reason: To enhance the environment for local wildlife and result in net biodiversity gain, in

accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 8 1) Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

2) Prior to the first occupation of unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network. As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service.

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan 2011-2031 and in accordance with The Fire & Rescue Service Act 2004.

- 9 INFORMATIVE: The applicant is advised that the existing public highway to be incorporated into the development must be the subject of a Stopping Up Order. This process must be successfully completed prior to any highway land being enclosed within the development. The applicant should contact the Department for Transport's National Transport Casework Team in order to commence this process:

National Transport Casework Team
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR

<https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

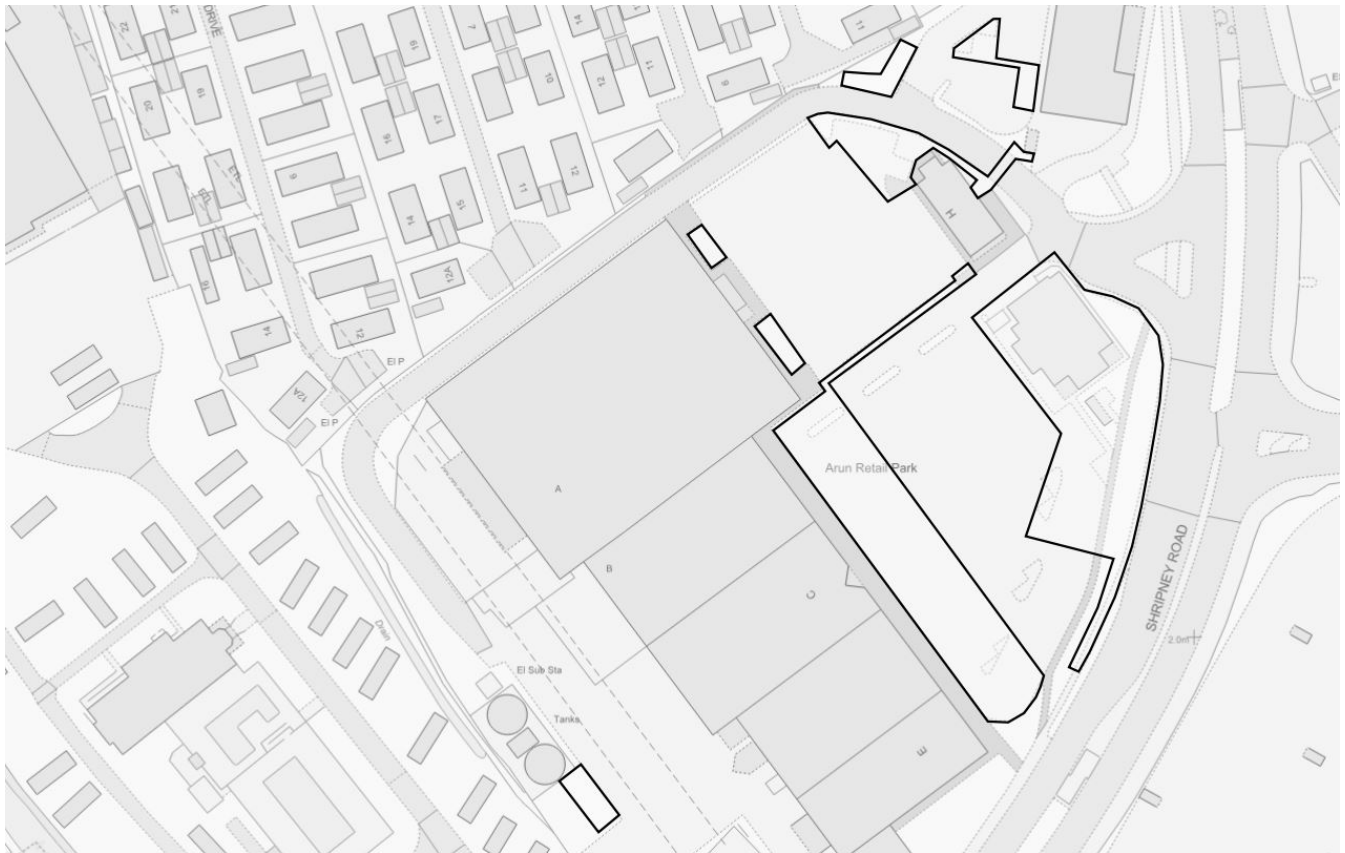
- 10 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, 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](#).

BE/73/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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100018487. 2015

PLANNING APPLICATION REPORT

REF NO: BR/156/22/PL

LOCATION: 62-64
High Street
Bognor Regis
PO21 1SP

PROPOSAL: Upward extension of one storey and conversion of the existing first and second floors of the building to provide 38 student rooms along with associated elevational changes and reconfiguration of ground floor, including provision of refuse and recycling facilities and cycle store to the rear. This application may affect the setting of a Listed Building and is in CIL Zone 4 (zero rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to add a new storey, increasing its height from 12.5m to 15.3m but maintaining a flat roof. The building will be renewed with new windows to front/rear/side (plus projecting surrounds), new fibre cement rain screen cladding (A1 rated, non-combustible) provide new student accommodation. The ground floor will be altered to provide a new student entrance at the front and rear access to a bin store, 24 space cycle store and a lift. A communal laundry room will be at first floor level. The cafe (167m2) will be retained and will have its mezzanine floor level upgraded to provide staff toilets. A 66m2 commercial unit (class E) will be retained at ground floor (replacing the gym). No parking is proposed.
SITE AREA	0.10 hectares.
TOPOGRAPHY	Predominantly flat.
SITE CHARACTERISTICS	The ground floor of 64 is partly occupied by a cafe and a vacant commercial unit (formerly part of the gym above). There used to be a gym at first floor, but it is understood that this space is currently vacant as is the 2nd floor. The building is from the 1960's and is formed from concrete, metal, brick and glass. It has a flat roof. It backs onto a rear service road which dead ends at this point. There are no boundary treatments.
CHARACTER OF LOCALITY	The site is in the centre of the Bognor Regis High Street and adjoins a Natwest bank. Morrisons car park lies to the rear and wraps around the western side of the building.

RELEVANT SITE HISTORY

BR/134/14/PL	Change of use of from office to Gym (D2 Assembly & Leisure)	ApproveConditionally 28-07-14
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BR/105/13/

Change of use from office to Gym (D2 Assembly & Leisure)

ApproveConditionally
21-06-13

Permission was granted in 2013 to change the first floor to a gym and in 2014 to use half the ground floor as part of the same gym.

Permission was granted in February 2018 (BR/270/17/PL) for two additional storeys on a building 20m to the east (56 High Street). This was to facilitate conversion for 9 flats with offices at ground floor.

Permission was granted under BR/270/18/PL for an additional 6 storeys above Wilkos on London Road to facilitate part use as student accommodation. This permission has lapsed but a resubmission is currently being determined.

REPRESENTATIONS

Bognor Regis Town Council object:

- Layout of cluster rooms and kitchen/diners which have the potential to cause fire risk & issues with emergency escape.
- The small size of the cluster rooms (16m² or less) will not provide acceptable living conditions.
- Whether the building is capable of conversion and able to support the additional load from the extra storey.
- The proposal provides no outside amenity space for occupiers in conflict with policy H SP4 of Arun Local Plan; and
- The proposal represents overdevelopment.

COMMENTS ON REPRESENTATIONS RECEIVED:

The objection is based on the consultation comments of the council's Structural Engineer and Private Sector Housing Officer set out below. These raise issues that are not capable of being planning considerations as they are governed by separate legislation (i.e., building regulations and private sector housing licensing). Outdoor space is a planning matter and will be discussed in the conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - no objection subject to a contribution to offset the likely impact of the accommodation in combination with other residential proposals on the Pagham Harbour Special Protection Area (SPA) and Ramsar site. Also require this be formally checked by way of an Appropriate Assessment.

SUSSEX POLICE - no objection but make a number of recommendations for measures to improve security. These are set out in full on the Councils website dated 12/07/22.

WSCC HIGHWAYS - no objection subject to conditions re construction management and cycle storage.
Comment:

- The site is in a highly sustainable location near a variety of amenities. Walking, cycling, or using public transport for all these needs is readily available. There are bus services nearby providing access to the University.
- One cycle space will be provided per room.
- Drop off/pick-ups using the adjacent Morrisons car park or loading/unloading bays on the opposite side of the road will be possible.
- Enforceable parking restrictions are in place along High Street and the side roads in the vicinity of the site.
- The student letting agreement will have a clause which they agree to not bringing cars to the site; and
- Travel information packs should be provided to all students.

WSCC INFRASTRUCTURE - no objection subject to a fire and rescue contribution of £570 being provided to be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Bognor Regis.

WSCC FIRE - all points inside all flats are within 45m of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. This is to be measured along the hose lay route, not in a direct line or arc measurement. Any areas not in the 45m distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS8458 standard.

ADC STRUCTURAL ENGINEER - state there is no justification via a Structural Engineer's report to demonstrate the building is capable of conversion and able to support the additional load.

ADC ECONOMIC DEVELOPMENT - are pleased to see applications for residential accommodation at first floor level in town centres particularly where commercial occupation appears unlikely. This adds to the footfall and security of the area.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions re construction management/hours, internal noise levels, noise insulation, details of all new commercial plant / air moving equipment and post-completion noise testing.

ADC PRIVATE SECTOR HOUSING - raise concerns with the layout, namely:

- Whilst a fire curtain (roller shutter) will protect parts of the kitchens in case of a fire, fire could start elsewhere in the room or spread before activation.
- The only means of escape for the cluster bedrooms is through the kitchen.
- The layout of the cluster units & shared kitchens to the first, second and third floors should be reconfigured to avoid creating inner rooms.
- The en-suite shower rooms are too small to allow a person to dry themselves or change in.

Also, make recommendations regarding security, fire safety, lighting, internal room sizes and ventilation which will be relevant for when a license is applied for.

ADC CONSERVATION OFFICER - comments set out in full on the website but in summary:

- A heritage assessment has been provided but fails to identify the significance of the heritage assets affected in accordance with the definitions in the NPPF.
- The setting of the conservation area is varied with The Queensway to the north-east and other urban/suburban development to the north & west.
- The contribution the building makes to the setting of the Listed Building and its significance, is, at best, neutral.
- The building is a modern commercial office which is of poor design and quality. It is situated amongst a

group of more recent buildings which do not necessarily contribute towards the street character.

- The change of use to a form of residential use will help to ensure that there is a greater mix of uses in the town centre.
- It will help to ensure that the building can be better maintained.
- Whilst of a more standard, modern type of design, it will sit in with the surrounding buildings and not affect the way in which the non-designated heritage assets are experienced.
- Likewise, the fact that the site is separated from the conservation area by the mid-late C.20 designed buildings, and will be roughly the same height, means that the setting of the conservation area is not harmed; and
- The proposal will not result in harm to the setting of the designated assets and will not harm their significance.

ADC DRAINAGE ENGINEERS - Due to the scale, location, and type of application, have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

COMMENTS ON CONSULTATION RESPONSES:

Noted except as discussed below.

NATURAL ENGLAND - An Appropriate Assessment (AA) was issued to Natural England for review on the 6th of September 2022 and a copy is on the website. Natural England have previously advised it is appropriate for the contribution to be calculated using the same approach to student accommodation as the Bird Aware Solent strategy. This is because the site and interest features are similar to the Solent harbours, therefore it is likely that people, pets, and wildlife will behave in the same way. As pets are not allowed in student accommodation and around half of major disturbance events recorded in the Solent were from dogs off leads, a 50% reduction in the tariff is appropriate. To further achieve a consistent approach, 5 student bedrooms should be treated as one residential dwelling. Any response from Natural England will be reported by an update report.

WSCC FIRE - the comments refer to the Building Regulations which is a separate process and not something that can be subject to a condition. Therefore, an informative will be used to make the applicant aware of the requirement.

ADC STRUCTURAL ENGINEER - these issues are not planning considerations as they are governed by separate legislation. The applicant reviewed the comments and provided further information to demonstrate that structural issues have been considered and the building is capable of conversion and able to support additional load from the extra storey.

ADC PRIVATE SECTOR HOUSING - these issues are not planning considerations as they are governed by separate legislation. However, the applicant reviewed the comments and has issued an updated Technical Statement and floor plans. The floor plans now show a separate corridor access to the cluster flats (avoiding access through the kitchen) plus a heat activated fire resistant roller shutter curtain deployed around kitchen appliances. It is material that WSCC Fire raise no objection and that the front elevation is to be clad with an A1 rated, non-combustible material. Furthermore, the building is below the height threshold where a Fire Statement would be required under the The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Boundary.
 Bognor Regis Economic Growth Area.
 Secondary Retail Frontage.
 Within 5km of Pagham Harbour SPA.
 Within 2km of Bognor Reef SSSI.
 Within 2km of Felpham SSSI.
 Current & Future Flood Zone 1.
 CIL Zone 4.

Within 60m of a Grade II Listed Building (61-65 High Street);
 Within 60m of The Steyne and Waterloo Square Conservation Area; and
 Close to several non-designated heritage assets (Buildings of Character).

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
EMPSP1	EMP SP1 Strategic Economic Growth
EMPSP2	EMP SP2 Economic Growth Areas
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
INFSP1	INF SP1 Infrastructure provision and implementation
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Bognor Regis Neighbourhood Plan 2015 Policy 1</u>	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 4	Reducing underuse of property in the town centre
Bognor Regis Neighbourhood Plan 2015 Policy 8A	Design Excellence
Bognor Regis Neighbourhood Plan 2015 Policy 8B	Car Parking

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021
SPD2	Conservation Areas

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. Relevant policies of the Bognor Regis Neighbourhood Development Plan (BRNDP) are discussed 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 comply with relevant Development Plan policies in that the resultant building would not have a materially adverse effect on the townscape or the visual amenities of the locality and there would be no harm to amenities of any nearby residential properties. The lack of parking will not result in highway safety issues and there will be no harm to the viability or vitality of the Bognor Regis town centre. There will also be no harm to nearby heritage assets. However, there is some conflict with policy D DM4 in that the extension is not visually subservient to the host building and with H SP4 in that there is no amenity space.

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 development is in the built-up area boundary (BUAB) where residential development is acceptable in

principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) provided it is in accordance with other policies of the ALP covering such issues as impact on the town centre, heritage, design, residential amenity, space standards, highway safety, security, pollution, telecommunications, climate change, biodiversity, infrastructure, and impact on Pagham Harbour.

The National Planning Policy Framework (NPPF) advises decisions should promote and support the development of under-utilised land, especially if this would help to meet identified needs for housing (para 120d). Para 125 states where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that decisions avoid homes being built at low densities, and ensure developments make optimal use of the potential of each site. Higher densities are encouraged for city/town centres and other locations well served by public transport.

The proposal accords with ALP policy SD SP2 and with the NPPF guidance on the efficient use of land.

PLANNING POLICY ON HMOs:

The proposal, whilst described as student accommodation, could allow for future occupation as an HMO. It is therefore necessary to consider ALP policy H SP4 which states that applications for houses in multiple occupation (HMOs) will be favourably considered where the proposal contributes to the creation of sustainable, inclusive, and mixed communities and meet the following criteria:

- a. Do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing.
- b. Do not contribute to the generation of excessive parking demands or traffic in an area; and
- c. Provide adequate areas of open space.

The development will support the local community by providing student accommodation to help meet future needs, support local educational institutions, create/maintain construction jobs and result in additional spending in the local area by future student residents. The proposal will increase footfall in the town centre and bring an element of passive surveillance to the town centre area during those times when it is least inhabited.

There is no conflict with criteria (a) as the use is in the town centre (not a residential area) and mixed uses are encouraged. Criteria (b) and (c) will be addressed in the rest of this report and despite the proposal not having any amenity space (which is a policy conflict), overall, the proposal is acceptable.

IMPACT ON THE TOWN CENTRE:

ALP policy RET SD1 states Bognor Regis and Littlehampton will be the main focus for major retail, leisure, commercial, office, tourism, cultural, community and residential development - and the council will positively welcome development & initiatives aimed at the sustainable economic growth and social wellbeing of these centres.

ALP policy EMP SP1 states the council will promote the sustainable growth of the District's economy to meet the varying needs of different economic sectors and to support regeneration within the two main towns. The policy sets out support for "the provision of appropriately scaled development where such uses compliment, and are compatible with, employment & commercial uses". The site is in the Bognor Regis Economic Growth Area and policy EMP SP2 seeks to enhance local employment opportunities and promote economic growth and regeneration to strengthen the economic base of the District and provide local job opportunities.

The student accommodation will increase footfall in and around the town centre which will result in a

boost to the sales of local shops, particularly those catering to the student demographic. A populated building in a central location adds an element of passive surveillance during times when an area is least inhabited, and this can help reduce anti-social behaviour in town centres - particularly in this case across the adjacent car park. This application attracted support from the council's Economic Development officers.

ALP policy RET DM1 states proposals for the re-use of vacant floorspace on the upper levels of commercial properties for residential, commercial and community purposes will be permitted provided that:

- (a) It can be demonstrated that non-retail use of the upper floor will not inhibit business needs for workspace, storage, or retail expansion.
- (b) The development has no significant adverse effects for the occupiers of neighbouring properties; and
- (c) The proposal reflects the need to minimise noise intrusion.

The policy states a reduction in car parking standards will normally be acceptable provided there is no adverse effect on levels of traffic congestion and road safety. Policy 4 of the BRNDP states proposals to reuse empty or underused property above shops and commercial premises along designated primary and secondary retail frontages will be supported.

The vacant ground floor commercial unit is not affected as the student entrance replaces an existing entrance lobby that provides access to the upper floors. Neither is the cafe which will receive a slight upgrade to its facilities on its upper ground floor (mezzanine) level. There are no neighbouring residential properties and although no noise assessment has been submitted (required by ALP policy QE DM1), the council's Environmental Health Officer raises no objections subject to conditions concerning new internal noise levels and new plant details. The proposal accords with ALP policies EMP SP1, EMP SP2 & RET DM1 and policy 4 of the BRNDP.

HERITAGE ASSETS:

The building is not a heritage asset in and does not lie in a protected heritage area. There are several nearby designated & non-designated heritage assets and there is potential for the development to affect the setting of these heritage assets.

ALP policy HER DM1 requires proposals to protect and enhance the setting of Listed Buildings. Policy HER SP1 refers to the need to protect the setting of non-designated heritage assets. Policy HER DM3 lists criteria for proposals affecting the setting of a Conservation Area. In particular, proposals should not harm important views into, out of or within the Conservation Area. BRNDP policy 1 requires that proposals affecting designated and non-designated heritage assets should demonstrate how proposed changes will support the delivery of relevant BRNDP objectives and the vision for Bognor Regis.

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

The planning statement includes a commentary on heritage issues but does not identify the significance of the affected heritage assets in accordance with the definitions in the NPPF. The Conservation Officer states the building will sit alongside the surrounding modern buildings and not affect the way in which the

non-designated heritage assets are experienced. The site is separated from the conservation area and associated Listed Buildings by mid-late 20th century buildings, and will be roughly the same height, such that the setting of the conservation area will not be harmed.

The Conservation Officer concludes there will be no harm and the proposal accords with relevant policies. There is no conflict with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and the proposal can be supported.

DESIGN AND CHARACTER:

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. These seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours, and the locality. In particular, extensions should be visually subservient to the host building.

BRNDP policy 8a is relevant due to this being a major development within the town centre area and it requires that new development demonstrate 'design excellence' and help to establish a strong sense of place, create attractive and comfortable places to live, work and visit. This should include using good quality materials.

The Arun Design Guide (ADG) is a material consideration and section J refers to building design and states new development must ensure the existing character and sense of place of an area is respected and enhanced. This can allow for new design forms but only where these take cues from well-designed elements of the area. New development should generally reflect the scale of existing buildings and should avoid overshadowing of neighbouring properties. Roof extensions should not be visually intrusive or block light into surrounding properties. They should not detract from the character and appearance of the building and local area.

The development will increase the height of the building by an additional storey (an increase of 2.8m) and the extension is not subservient to the building. Tall buildings are not inappropriate in the town centre and, as shown by the proposed elevation, the building will not be significantly higher than 56 High Street to the east, Gordon House (Iceland) to the west or the multi-storey car park to the north. It will be much lower than the extension of the Wilkos building to the north or the tallest building in the town centre (Fitzfleet House at 50m high).

The increased height will be most noticeable from ground level to the west, immediate south & east and from the car park to the north (including the upper levels of the multi-storey). Views from further afield will be hindered by existing roofs of other town centre buildings. The existing building is predominantly vacant and has a poor appearance to its elevations with missing sections of paint & irregular windows on its front and a west side elevation which has a mix of different shades of blue paint, light grey horizontally corrugated cladding and red brick.

The elevations will be upgraded with new and replacement windows (including projecting surrounds on the front), solar shading above windows at third floor level, fibre cement rain screen cladding on the front and part east side, painted render (rear & west side elevations) and a new canopy above the cafe's rear entrance. The materials are acceptable having regard to the existing appearance and that of other buildings in the town centre (including newer buildings such as 56 High Street), but a condition will still be imposed to control the colour and texture of the materials.

The development will bring the building back into use and smarten up its appearance which will be positive. The design approach taken appears to be consistent with the recently completed nearby

building to the east at 56 High Street. The development demonstrates a good standard of architectural principles, and the density of the scheme is appropriate given the sustainable location. There will be an impact on the character of the townscape in the immediate surroundings however, this will be a positive change to the local townscape and will bring about a positive improvement in the character of this part of the High Street.

The proposal conflicts with policy D DM4 in that the extension is not visually subservient to the host building and there is also conflict with the Design Guide for the same reason. However, there is no conflict with ALP policies D DM1 & D SP1 or with policy 8a of the BRNDP.

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. Policy D DM4 requires that extensions do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. The ADG sets out guidance on interface distances between dwellings and these are: 21m for back-to-back, 16m for front to front and 14m for front/back to side.

The site is not in a residential area and there are no nearby residential properties that would be adversely affected in respect of loss of light. There may be some residential conversions in upper floors of buildings fronting the High Street opposite however there is a distance of 20m between these front elevations. There is at least 28m to Gordon House to the west. There is no conflict with policies D DM1, QE SP1, D DM4 or the Design Guide.

QUALITY OF ACCOMMODATION:

As per ALP policy D DM2, it is necessary to assess the proposal against internal space standards in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if buildings will be suitable for residential use. Section J.08 of the ADG re-iterates this requirement. The standards do not provide any guidance for HMOs and as the accommodation has shared living accommodation, it is not appropriate to apply the standards for a 1 bed flat.

Arun has its own "Standards for Houses in Multiple Occupation" (March 2019) to which the comments of Private Sector Housing refer to. This is not a planning policy document and instead applies for when a private housing license is applied for. The applicant has been made aware of the concerns with room sizes. However, as this is covered by separate legislation, it is not a material planning consideration and does not require assessment through this planning application.

ALP Policy H SP4 does not define what level of open space is adequate for an HMO use and the ADG only provides standards for flatted accommodation or houses. The site has no external areas and does not include amenity space. However, this is acceptable given the location of the site in a short walk of the seafront, Waterloo Square and Hothamton Sunken Gardens. It is material that no communal amenity space was provided for the flat conversion at 56 High Street. The proposal complies with ALP policy D DM2 and the Design Guide. There is a partial conflict with ALP policy HSP4.

HIGHWAY SAFETY & PARKING:

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

traffic, cyclists and pedestrians and provide appropriate levels of parking. The Council also has a Parking Standards SPD. BRNDP policy 8b states that major developments should demonstrate that they do not impact on existing capacity of public highways to accommodate parking and regard should be had to seasonality of parking needs in Bognor Regis.

WSCC Highways raise no objection. In respect of parking, they note the management plan proposes each student tenancy agreement will include a no car ownership clause. Furthermore, that there is provision nearby using public parking spaces for students to be picked up/dropped-off. The management plan will be enforced by way of a planning condition and this approach is the same as that applied to other student developments in Bognor Regis including but not limited to BR/42/22/PL (Highfield Road), BR/270/18/PL (London Road) and BR/270/16/PL (Campbell Road).

Due to the sustainable location, students will not need to own a car to get between the site and University or to access shops, local services, and other facilities. WSCC Highways state the nil parking provision will not adversely affect highway safety. The application includes a large internal cycle store such that students can cycle to and from nearby facilities whilst remaining confident of the security of their bicycle.

The proposal complies with the NPPF guidance and the relevant policies of the development plan.

LIGHT POLLUTION:

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider landscape. Further, that schemes proposing outdoor lighting be accompanied by an assessment. The application is silent on lighting proposals. There is no objection from Environmental Health, and it is possible to impose a condition to secure approval of any new external lighting. On this basis, the proposal accords with QE DM2.

SECURITY:

Policy D DM1 requires new development provide security measures to make places feel safer. It states this should be achieved through natural surveillance and human presence by locating buildings along public routes and spaces. It is also relevant to consider 'Secured by Design' principles.

The proposal will add movement and population to an underutilised building and will provide passive surveillance over surrounding land. New lighting (if proposed & approved) will further aid in reducing any concealed nearby locations available for potential crime. The application has been assessed by Sussex Police who raise no objections but make a series of recommendations on security. An informative will direct the applicant to ensure that these measures are implemented. The proposal is in accordance with policy D DM1.

WASTE MANAGEMENT:

ALP policy WM DM1 advises that all new residential development must be designed to ensure that kerbside collection is possible for municipal waste vehicles. Section H.07 of the ADG advises that it should meet the requirements of users of the buildings while being as unobtrusive as possible. It should be convenient and safe for users to access and ensure efficient collection by waste vehicles.

A large refuse and recycling store is shown to be provided in the rear part of the building at ground floor. This will be accessed internally or from a rear access door. The bins would be appropriately managed by the appointed management company to ensure that they are maintained, cleaned and waste is regularly collected. Waste is already collected from the rear of the site and so there is no change to the existing

situation.

TELECOMMUNICATIONS:

ALP policy TEL SP1 state all proposals for residential, employment and commercial development must be designed to be connected to high quality communications infrastructure. This policy will be adhered to by means of a condition to require evidence of such a connection before the student rooms are occupied. On this basis, there is no conflict with the policy.

CLIMATE CHANGE/SUSTAINABLE CONTRUCTION:

ALP policy ECC SP2 requires all new residential and commercial development be energy efficient and should incorporate decentralised, renewable, and low carbon energy supply systems. It states for major developments, 10% of the total predicted energy requirements should be produced from renewable/low carbon energy generation on site, unless it is demonstrated this is unviable. Policy ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. The application states the scheme will incorporate a significant area of PV solar panels on the flat roof together with heating and hot water assistance by air source heat pumps although gas will still be used for cooking. On this basis and with the imposition of a condition to secure the appropriate energy efficiency technologies, the proposal will comply with the relevant policies.

BIODIVERSITY:

ALP policy ENV DM5 requires proposals achieve a net gain in biodiversity and protect habitats on site. The application is not accompanied by an ecological appraisal but existing buildings in high density urban areas and town centres tend to have low potential as habitat for protected species therefore this is acceptable. However, it is still necessary to demonstrate biodiversity net gain and a condition will be imposed to require that bird/bat nesting facilities are placed on the building. This satisfies policy requirements.

STRUCTURAL ISSUES:

There are no policies in the development plan which discuss the structural aspects of development other than in respect of Listed Buildings or the conversion of rural buildings. Further to the comments of the Structural Engineer, the applicant supplied structural calculations to demonstrate that structural issues have already been considered and that the existing building is capable of conversion and able to support the additional load from the extra storey. These structural matters will then be assessed through Building Regulations.

INFRASTRUCTURE REQUIREMENTS:

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 type of development is not liable for CIL, so it is appropriate to seek mitigations through a s106 legal agreement.

WSCC have requested a financial contribution of £570 towards the supply and installation of fire safety equipment to vulnerable persons homes in the West Sussex Fire Rescue Services Southern Area serving Bognor Regis. This will offset the impacts of the proposal by improving the safety of other existing properties in the area. This contribution is necessary to make the development acceptable in terms of ALP policy INF SP1, is directly related to the needs of the development (with the contributions required to meet the demands of - and mitigate the impacts of - the development) and is fairly &

reasonably related in scale and kind. Such a contribution has previously been secured for other student accommodation schemes in the local area such as BR/270/18/PL (London Road) and BR/311/18/PL (Chichester University). This will be secured by a s106 agreement.

PAGHAM HARBOUR:

ALP policy ENV DM2 requires residential developments in a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £871 per new unit was agreed by the Council's Cabinet on 10 April 2017. The site lies in the designated Zone B and in accordance with previous advice from Natural England, the contribution has been calculated in accordance with the same approach to student accommodation as the Bird Aware Solent strategy.

As pets are not allowed in student accommodation and around half of major disturbance events recorded in the Solent were from instances where dogs were off a lead, a 50% reduction in the tariff is appropriate. To achieve a consistent approach, 5 student bedrooms should then be treated as one residential dwelling. The contribution has been calculated by dividing the number of bedrooms by 5 and then by 2. The contribution will be £3,309.80 and this will be secured by a s106 agreement.

Notwithstanding, ADC are required by planning law to carry out an Appropriate Assessment (AA) to assess the impact of increased recreational disturbance arising from the proposal on the Pagham Harbour Special Protection Area (SPA) & Ramsar Site. An AA was issued to Natural England for review on the 6th of September 2022 and any comments from Natural England will be reported to the Meeting. As such, there is no conflict with policy ENV DM2

SUMMARY:

The development will alter the character of the local townscape however this impact will be generally positive, particularly given the underused nature of the building and its poor appearance. The development will benefit the town centre through increased footfall and better natural surveillance of existing public spaces.

There is some conflict with D DM4 and the ADG in that the extensions are not visually subservient to the building, but this conflict is outweighed by the benefits to the scheme. Similarly, the benefits outweigh the minor policy conflict in respect of amenity space provision. The report has addressed all of the relevant policies of the ALP, BRNDP and the NPPF. There will be no harm to the town centre, to the character of the area, to heritage assets, to residential amenity, to the existing environment and townscape or to the safety and convenience of local highways.

The proposal would represent a boost to the Council's current HLS shortfall, meets the definition of sustainable development and an approval would accord with paragraph 11d of the NPPF which states "where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole". The ALP is broadly not out of date but as there is a housing land shortfall, para 11d does apply.

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:

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

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

Should the s106 not be completed within 4 months of the date of the Planning Committee's resolution to grant planning permission, then the application shall be refused for the following reasons:

(1) In the absence of a signed Section 106 agreement, the development makes no provision for contributions to improving local fire & rescue services and is thereby contrary to the aims and objectives of the NPPF and Arun Local Plan policy INF SP1.

(2) In the absence of a signed Section 106 agreement, the application fails to make a financial contribution towards the cost of providing accessible natural open green spaces to mitigate the harm to the Pagham Harbour Special Protection Area and the proposal is therefore not in accordance with Arun Local Plan policies ENV DM1 and ENV DM2.

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 granted in accordance with a s106 legal agreement which secures:

FIRE AND RESCUE

A contribution of £570 to be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in the West Sussex Fire Rescue Services Southern Area serving Bognor Regis.

PAGHAM HARBOUR

A contribution of £3,309.80 towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour.

CIL DETAILS

There is no CIL payable for student accommodation.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

PL102 "Proposed Site Plan".
 PL105 Rev C "Proposed Ground & First Floor Plan".
 PL106 Rev C "Proposed Second & Third Floor Plans" .
 PL107 "Proposed Roof Plan".
 PL108 "Proposed South & East Elevations".
 PL109 "Proposed North & West Elevations".
 PL110 "Proposed Section"; and
 "Technical Statement" Rev A 12/08/22.

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

- 3 No 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 work involving power tools or machinery on Sunday or Bank/Public Holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

Reason: To protect the amenity of existing town centre residential occupiers such as those at nearby Gordon House or above existing commercial properties in accordance with policy QE DM1 of the Arun Local Plan.

- 4 The development permitted shall only be carried out and occupied in accordance with the submitted "Proposed Management Plan" by Fresh Development/My Student Lets. The proposed mitigation/management measures shall be fully implemented prior to occupation of any part of the building and adhered to permanently thereafter. There shall be no deviation from these mitigation measures without approval in writing from the Local Planning Authority. This condition shall apply to any future alternative uses of the building unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that local parking facilities are not adversely affected and to protect the amenities of nearby local residents, nearby businesses, and the new residents within the

proposed accommodation in accordance with policies T SP1, T DM1, QE DM1 and QE SP1 of the Arun Local Plan.

- 5 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with West Sussex County Council and the Councils Environmental Health Officers & Structural Engineer). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction (including details of any access by mobile cranes if required),
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials, and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works,
- An indicative programme for carrying out of the works,
- 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),
- Safety measures to protect the occupiers of affected buildings and the general public during the construction phase
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination,
- Measures to control the emission of dust and dirt during construction,
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

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

- 6 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the 'Indoor ambient noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014 and shall be complied by a competent acoustician on sound insulation and noise reduction for buildings and shall be submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required for noise affected rooms. The 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 future occupants in accordance with policy QE DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because some measures may need to be built into the fabric of the building.

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

associated with air moving equipment including fans, ducting and external openings, compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the Local Planning Authority before installation. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the measured background sound level when assessed by a competent acoustician using BS 4142:2014, at any adjoining or nearby noise sensitive premises. All plant shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of structure-borne sound.

The approved plant shall be maintained in accordance with the approved details and shall not be altered without the prior written approval of the Local Planning Authority.

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

- 8 No development other than structural improvements to the existing building shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction/refurbishment of the resultant building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and the character & appearance of the town centre area by endeavouring to achieve a building of visual quality in accordance with policies HER SP1, D SP1, D DM1 and D DM4 of the Arun Local Plan.

- 9 No development other than structural improvements to the existing building shall take place until full details of the placement of bird/bat nesting facilities on the building have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full prior to occupation and thereafter retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of biodiversity enhancement as per the requirements of Arun Local Plan policy ENV DM5 and the NPPF.

- 10 No development other than structural improvements to the existing building shall take place unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of any part of the new buildings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

- 11 Prior to the occupation of any of the new student bedrooms, 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.

- 12 No individual student room 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 accommodation.

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

- 13 The sound insulation of the floor / ceiling between the ground and first floor shall achieve a minimum airborne sound insulation value of 50 dB (DnT,w + Ctr). Before the student accommodation is brought into first use, a test shall be undertaken by a competent acoustician and submitted to the Local Planning Authority to demonstrate compliance with this level.

Reason: To protect the amenity of future residential occupiers in accordance with policy QE SP1 of the Arun Local Plan.

- 14 Following implementation of the building envelope, glazing and ventilation specifications (where appropriate), sound testing shall be carried out to demonstrate that the internal noise levels within the residential units will conform to the 'Indoor ambient noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014.

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

- 15 No new external lighting shall be installed on the building or site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 or updated standard. The lighting approved shall be installed and shall then be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1 and QE DM2 of the Arun Local Plan.

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

- 17 INFORMATIVE: This decision has been granted in conjunction with a section 106 legal agreement to secure the following provisions:

FIRE AND RESCUE

A contribution of £570 to be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in the West Sussex Fire Rescue Services Southern Area serving Bognor Regis.

PAGHAM HARBOUR

A contribution of £3,309.80 towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour.

- 18 INFORMATIVE: A formal application for connection to the public sewerage system may be 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 at <https://beta.southernwater.co.uk/infrastructurecharges>.
- 19 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police as available on the Councils website (dated 12 July 2022).
- 20 INFORMATIVE: Please note the recommendations of our Private Sector Housing Team on our website dated 03/08/22 and 23/08/22 which includes guidance on fire safety, ventilation, lighting, other hazards and licensing standards.
- 21 INFORMATIVE: Surface water drainage should be designed and constructed to comply with building regulation requirements. Infiltration should be fully investigated, if however it is found that infiltration does not work controlled discharge to ordinary watercourse will be required. The applicant should be aware that any proposals to discharge flows to a watercourse require Ordinary Watercourse Land Drainage Consent prior to works.
- 22 INFORMATIVE: All parts of the new student accommodation must be within 45m of a fire appliance in accordance with the requirements of Approved Document B: Volume 1 2019 edition B5 section 13. Any areas not within the 45 metre distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS4854 standards.
- 23 INFORMATIVE: The applicant should provide Travel information packs for each student let informing them of all available transport options in the locality and should also offer travel vouchers to encourage use of these.

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](#).

BR/156/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: LU/205/22/PL

LOCATION: 25 River Road
Littlehampton
BN17 5BZ

PROPOSAL: Demolition of existing car garage (B2) and the erection of 2no. residential buildings comprising 4no. flats (C3) with associated works (resubmission of LU/151/21/PL). This application affects the character and appearance of the Littlehampton (River Road) Conservation area and is in CIL Zone 4 (zero rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The existing buildings will be demolished, and the site redeveloped with 2 no. part one/part two storey buildings comprising 4 flats. The buildings will be accessed from River Road and Terminus Place respectively. Each dwelling will have 1 underground parking space and there will also be secure cycle storage. Three flats will have private garden or terrace areas. Proposed materials include painted render, roof tiles, conservation roof lights, timber windows/doors and a green roof.
SITE AREA	0.0356 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	112 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Approx. 2m high boundary walling on Terminus Place to the rear of 1 & 2 Cyprus Villas. Painted flint walling to the rear of the workshop.
SITE CHARACTERISTICS	Single storey purpose-built garage, now vacant, formerly used as a car mechanic workshop. It has a shallow pitched roof with cream painted rendered elevations. Vehicular access on both River Road and Terminus Place.
CHARACTER OF LOCALITY	<p>Mainly residential area comprising a mix of dwelling heights, design, and style. Those fronting River Road are predominantly traditional style terraced and semi-detached dwellings. To the rear in Terminus Road are more modern flats.</p> <p>There is a modern 4 storey purpose-built block of flats further north (corner of Terminus Place and Terminus Road). To the Western side of Terminus Place is Arun Court which is located directly adjacent to the north of the application site and is a four-storey purpose-built residential block containing 8 no. individual flats. This has windows overlooking the site but</p>

many of those at ground floor level are already obscured by either the existing building or planting. This building also has a basement level. Nos. 1 & 2 Cyprus Villas to the south and east of the site have no first-floor rear windows.

RELEVANT SITE HISTORY

LU/151/21/PL	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.	Refused 12-10-21
LU/126/19/PL	Demolition of the existing garage building (B2 industrial use) and redevelopment of the site providing 9no C3 residential units - This application affects the character and appearance of River Road Conservation Area.	Refused 27-09-19

LU/126/19/PL (9 dwellings) was refused on grounds of overdevelopment and being harmful to the Conservation Area. More recently, LU/151/21/PL (5 dwellings) was refused in October 2021 under delegated powers for the following two reasons:

(1) The site by virtue of its size and shape, is considered unsuitable to accommodate 5 dwellings and private amenity space satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an overdevelopment of the site which comprises an unduly cramped and unneighbourly form of development which would be detrimental to the residential amenities of future occupiers and the character and amenities of the surrounding residential area, contrary to policies D DM1 and D SP1 of the Arun Local Plan.

(2) Given the layout, form, footprint, scale, height, and relationship with adjacent buildings the proposal would not result in sufficient public benefit to offset the less than substantial harm to the Littlehampton River Road Conservation Area in conflict with policies HER DM3 and HER SP1 of the Arun Local Plan and the NPPF.

This is currently at appeal (written representations procedure) and awaiting determination.

REPRESENTATIONS

Littlehampton Town Council - object on the grounds that the scale & massing is out of character with the surroundings and represents overdevelopment causing harm to amenity. There are also concerns of flood risk to the underground parking.

9 letters of objection raising the following issues:

- Underground parking is not in character.
- Height of the River Road building is out of keeping with neighbouring buildings.

- Harm to the Conservation Area.
- Overdevelopment.
- Need to retain existing flint walls.
- Overlooking and loss of light to surrounding dwellings.
- Will prevent fresh air reaching neighbouring windows.
- New front boundary wall pillars will hinder no. 2 Cyprus Villas storage of bins.
- Bin & cycle store will disturb Cyprus Villas.
- The creation of the underground parking could damage adjacent properties.
- No Party Wall Agreements are in place.
- Inconsistency between drawings 19 & 20 re. privacy screen.
- Noise/air pollution from underground parking to existing basement accommodation.
- Rainwater runoff will flood the underground parking.
- Insufficient parking for 10 people.
- Highway safety issues re. cars reversing out of the parking.
- Loss of existing on-street & off-street resident parking due to new dropped kerb & Terminus Place development.
- Construction impacts.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments of the Town Council and objectors are noted, and the objections are considered in the conclusions section except as discussed below.

Flood risk is considered elsewhere but it should be noted that the purpose of flood risk policies are to protect human health and therefore to protect living accommodation from flooding. It is acceptable for cars & other vehicles to be at risk. Indeed, a common solution to homes in areas at risk of flooding is to site garages and non-essential accommodation at ground level with living & sleeping accommodation above. This is the case elsewhere in development in River Road.

The development is not sufficiently close to existing windows so as to block air reaching them. No. 2 Cyprus Villas states that the new front boundary wall/pillars to the proposed front door will hinder his ability to store bins. However the wall is entirely within the ownership of the application site and so it is unclear what the impact will be. The same resident highlights an inconsistency between drawings. The privacy screen in question is shown on both drawings it is just not labelled on one of the two.

Construction impacts will be temporary and will be subject to Environmental Health controls re. noise and air pollution. A condition will be imposed to control construction hours, but a construction management plan is not appropriate for a site/development of this size. Party Wall agreements are not a planning matter, and it will be Building Control Regulations that ensure that the development does not damage existing adjoining/adjacent properties.

Parking is considered elsewhere however it should be noted that the resident parking on Terminus Place as referred to is actually within the application site (i.e., private land) whilst the extended dropped kerb on River Road is entirely in front of the existing building. The drawings show that the existing flint wall along the west side of the site (to an alleyway) will be retained and made good.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - state no objection subject to the imposition of 5 conditions.

WSCC HIGHWAYS - no objection subject to conditions re. access, parking & cycle storage. They state that the site is in a sustainable location within walking and cycling distance of a range of public services, amenities & employment options. Buses and rail station provide a realistic travel opportunity for longer trips. Future occupiers would not be reliant on the use of a private motor vehicle.

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

ADC PRIVATE SECTOR HOUSING - no objection and advise a number of points as regards to fire safety, internal room sizes and ventilation which will be relevant for if/when a license is applied for.

ADC DRAINAGE ENGINEERS - recommend standard drainage conditions.

ADC CONSERVATION OFFICER - comments set out in full on the website but in summary:

- The buildings in this part of the Conservation Area are smaller and simpler than those to the east.
- They are two storey and treated with painted render.
- The concept of redeveloping the site offers the opportunity to better reveal what is important about the site and local area whilst also removing a vacant/poorly maintained building.
- The concept of maintaining the River Road street frontage will ensure that the character of the local area can be reflected, which is positive.
- The design of the River Road and Terminus Place buildings are appropriate to the Conservation Area.
- The underground parking is not necessarily a new introduction as there are examples of ground floor garages in the other newer buildings.
- A positive feature of the approach here is that the lower ground floor is not dominated by a modern "up and over" garage door although the success will be dependent on materials and details.
- Requests details of joinery and materials to be secured by conditions.
- The current proposal is an improvement on the previously submitted one, and if executed to a very high standard, it will, on balance, not cause harm to the heritage assets; and
- Therefore, the proposals comply with the relevant paragraphs of the NPPF 2021, and policies contained in the Arun District Local Plan 2018 relating to the protection of conservation areas.

CONSERVATION AREA ADVISORY COMMITTEE (CAAC) - object with the following comments:

- Amendments have been made to the previously refused scheme which have led to a generally more appropriate scale, form & detailing and they relate better to the built form of the conservation area.
- However, underground parking on the River Road frontage is not in character and cannot be supported.
- Therefore, there is conflict with the NPPF and section J of the Arun District Design Guide.
- If, however, permission is granted then request conditions to control materials and window designs.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except in the case of Environmental Health in that a construction management plan condition is not appropriate for a site of this size so instead a construction working hours condition will be imposed.

POLICY CONTEXT

Designations applicable to site:

Within the Built-Up Area Boundary.
 Predominantly Flood Zone (FZ) 3 with some FZ2 at the northern end.
 Entirely FZ3 by 2061.
 Littlehampton (River Road) Conservation Area.
 Littlehampton Growth Area.
 Within 2km of the Clymping Site of Special Scientific Interest; and
 CIL Zone 4.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
EMPSP2	EMP SP2 Economic Growth Areas
ENVDM5	ENV DM5 Development and biodiversity
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

<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

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021
SPD2	Conservation Areas

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. Relevant policies of the Littlehampton Neighbourhood Development Plan have been referred to in this determination.

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 for development within the Built-Up Area Boundary and would not cause demonstrable harm to highway safety, local character or residential amenity. It would also not conflict with development plan policies regarding flooding, parking or heritage.

Where the building is located in a Conservation Area, Section 71(1) of the Act states: "In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The proposal will not result in any harm to the Conservation Area.

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

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

OTHER STATUTORY PLANS

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

- South Marine Plan Policy S-ACC-1
- South Marine Plan Policy S-CC-1
- South Marine Plan Policy S-CC-2
- South Marine Plan Policy S-CO-1
- South Marine Plan Policy S-DIST-1
- South Marine Plan Policy S-ML-2
- South Marine Plan Policy S-MPA-1
- South Marine Plan Policy S-MPA-3

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site lies within the built-up area boundary (BUAB) where residential development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) and policies 1 & 2 of the Littlehampton Neighbourhood Development Plan (LNDP). The proposal is acceptable provided it is in accordance with other policies of the ALP covering such issues as flood risk, biodiversity, heritage, design, highway safety/parking, residential amenity, space standards, pollution, and climate change.

LNDP policy 1 states planning applications which accord with the policies in the Neighbourhood Plan will be approved unless material considerations indicate otherwise. There are no policies in the Neighbourhood Plan specifically relating to this site. The proposal would accord with this policy. Policy 2 concentrates future housing within the BUAB of Littlehampton and the proposal accords with this policy.

The Council published its Authority Monitoring Report (AMR) for 2020/21 and this shows the Housing Land Supply (HLS) decreased from 3.3 years to 2.42 years. This reflects a more rigorous assessment of housing trajectories following recent planning appeals in the Arun District.

LOSS OF EMPLOYMENT FLOORSPACE

The existing planning use of the premises is as a vehicle garage (use class B2), and this will be lost. ALP policy EMP DM1 seeks to protect and enhance existing employment sites and premises in order to maintain a supply of good quality commercial sites and premises to meet the needs of businesses and the local economy. The site is also within the Littlehampton Economic Growth Area and policy EMP SP2 therefore applies. This seeks to enhance local employment opportunities and promote economic growth and regeneration in order to strengthen the economic base of the District and provide local job opportunities.

Changes of use from business use classes are not generally permitted unless the site has no future as an industrial use or is causing insurmountable environmental harm or amenity which cannot be satisfactorily resolved. The Local Planning Authority requires evidence to demonstrate that the site has not been made deliberately unviable, that marketing has been actively conducted for a reasonable period of time and that alternative employment uses have been fully explored.

Evidence has been submitted which demonstrates that no interest has resulted from marketing of the premises for business uses since February 2018. Therefore, the loss of the site to a residential use would not conflict with the aims of the above policies.

MARINE PLAN POLICIES

The relevant policies of the Marine Plan generally require that impacts on the marine environment are (in order of preference) avoided, minimised, or mitigated. In particular, the relevant Marine Plan policies to this location seek to ensure public access, minimise greenhouse gas emissions, ensure that development adapts to impacts arising from climate change, ensure uses coexist with each other, protect wildlife species, and reduce litter in the marine environment. The analysis in the rest of this report demonstrates that there is no conflict with these policies.

FLOOD RISK & DRAINAGE

The site predominantly lies in FZ3, and this covers the new dwellings fronting River Road and the front gardens of those fronting Terminus Place. The remainder of the site is then in FZ2. As per the Councils Strategic Flood Risk Assessment, the whole of the site will be in FZ3 by 2061 although the flood risk is tidal, and the site does benefit from sea defences.

ALP policy W DM2 states that development in areas at risk from flooding, will only be permitted where certain criteria have been satisfied. Policy ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. The National Planning Practice Guidance states that residential development in Flood Zone 3a is only acceptable provided that the sequential and exceptions test are met and that a satisfactory Flood Risk Assessment (FRA) has been submitted. There is a requirement to provide a sequential site assessment in cases of both current and future high flood risk in order to demonstrate there are no other suitable locations for the development in areas not affected by current/future flooding.

The applicant has supplied an FRA to which the EA have not raised any objections (subject to conditions). The FRA refers to the need to provide a sequential assessment, but it does not provide one. The submitted planning statement contains a few paragraphs in response to this, which state:

- There are no suitable sites located within a reasonable radius accessible/available to the applicant of the same scale, type, and nature.
- Potentially developable sites (that are not already in a housing use) within a reasonable radius of the application site are within a protected use class, where conversion to residential is resisted in principle.
- The supporting estate agent evidence demonstrates that this site is no longer viable as a B use class.
- Sites that have been confirmed as being suitable for residential development (either through a site allocation or the grant of planning permission) are unobtainable as they are already under the ownership of other developers.
- Considering sites further afield outside of Littlehampton is not appropriate for a small scale, dense, flatted development such as the proposal which the Local Plan directs to be concentrated within sustainable locations; and
- The application site lies in a sustainable town centre residential location, where recent developments for housing have been granted in close proximity of the application site.

Whilst this does make a case for why the development has to be in this high flood risk location it does not represent a full sequential assessment and is not supported by maps and details of the sites considered & discounted.

The exceptions test requires (1) that the proposal will provide wider sustainability benefits to the community that outweigh the flood risk; and (2) that it will be safe for its lifetime without increasing flood risk elsewhere and where possible reduce flood risk overall. The latter is dealt with by the submitted FRA. The proposed ground floor will be set at 5.27m AOD and flood resilient construction methods will be used above ground floor level to provide further protection in the event that the flood defences are not maintained in line with current policy or if a 1 in 1000-year flood event occurred and affected the site. In respect of part (1), the submission states:

- The provision of four smaller units of housing will be within a desirable & sustainable location.
- The homes will contribute to the current severe HLS shortfall.
- The application seeks to redevelop an existing redundant & unsightly building, enhancing this section of the River Conservation Area and contributing to the wider regeneration of the East Bank area; and
- The construction project would employ local builders and tradespeople, contributing to the local economy.

The proposal is largely in accordance with ALP policy W DM2 except in respect of the sequential assessment which is lacking in sufficient detail regarding other sites considered and discounted. However, the exceptions test is passed.

ALP policy ALP policy W DM3 states all development must identify opportunities to incorporate a range

of Sustainable Urban Drainage Systems (SuDS) as appropriate to the size of development. The council's Drainage Engineer notes that no groundwater or infiltration data has been supplied at this stage but agree to the proposal in principle subject to a standard condition.

HERITAGE

The site is located in the River Road conservation area. As per the Conservation Officer comments, the existing building does not contribute positively to the character & appearance of the area and its removal & replacement with a building of acceptable design, scale and detailing would therefore be acceptable in principle.

ALP policy HER SP1 states development likely to prejudice heritage assets and their settings will be refused. HER DM3 sets out criteria for proposals affecting the setting of a Conservation Area and those relevant are:

- (a) New buildings and structures acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings.
- (d) Unsympathetic features are removed.
- (e) It retains historically significant boundaries, important open spaces, and other elements of the area's established pattern of development, character, and historic value, including gardens, roadside banks, and verges; and
- (f) It does not harm important views into, out of or within the Conservation Area.

Furthermore, demolition in Conservation Areas is only acceptable where the structure to be demolished makes no material contribution to the special character or appearance of the area.

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

The LPA has reviewed the Heritage Assessment contained within the submitted Planning Statement and the Council's Conservation Officer has provided comments (as summarised elsewhere in this report). The redevelopment of the site will not result in any harm to the character and appearance of the Conservation Area and on the basis that there is no harm, it is not necessary to demonstrate any public benefits. An assessment of the impact on general character is provided in the following section. A contrary view is expressed by CAAC but although this is noted, the local planning authority's assessment remains that there will be no harm to the Conservation Area. The Conservation Officer also states that the proposals are in accordance with the relevant ALP policies. As such, there is also then no conflict with the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and the proposal can therefore be supported.

DESIGN AND CHARACTER

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

The Arun Design Guide (ADG) is also material consideration and Section J refers to new building design and states new development must ensure the existing character and sense of place of an area is respected and enhanced. This can allow for new design forms but only where these take cues from well-designed elements of the existing area. New development should generally reflect the scale of existing buildings and should avoid overshadowing of neighbouring properties. Section P requires that Infill developments is informed by surrounding buildings and spaces in order to contribute to a sense of cohesion and unity. The prevailing character of the area should always inform development unless exceptionally high-quality design is proposed.

The ADG suggests a density of 60-100 dwellings per hectare in urban locations. The proposed density is 112 dwellings per hectare is only slightly and acceptably greater than this range. Higher density buildings are appropriate in an accessible and urban locations such as this.

The application proposes the demolition of the existing car garage/workshop and the erection of two buildings each providing two apartments. One building fronts River Road whilst the other fronts on to Terminus Place. The former is two storeys with a single storey flat roofed rear projection. The latter is part two storey and part single with a shallow hipped roof (where adjacent to Arun Court behind). They will both have semi-underground parking spaces contained within a lower ground floor (with the parking being visible to the street). The proposed buildings will be white rendered and with clay tiles.

The current condition of the building/site detracts from the Conservation Area and as per the Conservation Officer advice, causes harm to it. Therefore, on balance, its loss and redevelopment will be an enhancement of the local area and is therefore acceptable. The concept of redeveloping the site offers the opportunity to better reveal what is important about the site and local area.

The River Road building follows the building line of the neighbouring properties, and this is a positive feature. The Terminus Place building has had to be set back in order to accommodate the parking spaces, but this is acceptable as there is no clear building line on this side of the street. The concept of maintaining the River Road street frontage will ensure that the character of the local area is reflected.

Whilst the idea of the semi-basement style car parking is understood in that it allows for the creation of off-street parking, it creates a raised ground floor level of residential accommodation, this also increases the height of the buildings overall. This was deemed unacceptable with the previous application, but changes have been made to the design which better reflect the character/appearance of the Conservation Area/locality, along with key elements of the neighbouring houses. The use of the sliding sash and bay windows better reflects the neighbouring buildings on the River Road elevation. Also positive is the revised design for the front door on the River Road elevation and the treatment of the car parking area. Furthermore, the Terminus Place element of the scheme steps down and has a simple design which better reflects the simple approach currently seen on houses along that road.

The height of the resultant River Road building is greater (at the ridge) than the adjacent properties within the River Road streetscene but is the same height as the taller (flat roofed) Arun Court building to the rear (which can currently be glimpsed from River Road and would as a result of the development be significantly less visible). The raised height is due to the need to provide ground floor levels above the flood risk datum and also results in the level of windows not matching with the neighbouring buildings. However, the building design is attractive and this does not in itself detract from the streetscene. The Terminus Place building will be slightly higher than Cyprus Villas to the south but lower than Arun Court to the North and the houses on Purbeck Place to the west.

Overall, this revised scheme is now acceptable having regard to design and character considerations.

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 ADG sets out guidance on interface distances between dwellings and these are: 21m for back-to-back, 16m for front to front and 14m for front/back to side.

The River Road building infills a gap between 2no. two storey buildings and these both have flank windows (1 per dwelling). However, the drawings demonstrate there is no impact on a 25-degree splay drawn from no. 2 Cyprus Villas high level flank window. The flank window to no. 27 River Road will be blocked off but as per the planning history (LU/84/89), this serves a landing and so is a secondary window. The submitted plans propose an additional sun tube to 27's roof to compensate for the loss of this window. No new flank windows are proposed and light to these two flats will be achieved by front/rear facing windows and roof lights.

The rear building (on Terminus Place) has also been designed to minimise harm to the amenities of neighbours. Its first floor only has windows facing south and east (so none face Purbeck Place to the west or Arun Court to the north). The single rooflight above will not allow views out. There are two proposed rear windows at ground floor level which face onto the alleyway at the rear. These will be high level and obscure glazed. It has also been demonstrated that the Terminus Place building will have no impact on a 25-degree angle drawn from the first-floor windows of the houses on Purbeck Place. The two terrace gardens to the front of the Terminus Place building are slightly above street level but they are to be provided with privacy screens to prevent views of Arun Court to the north and Cyprus Villas to the south.

The impact of the new building in respect of daylight & sunlight on the flats within Arun Court is acceptable as there is no greater harm than the existing building (indeed, the new building is actually slightly better due to the shallow hipped roof design compared to the previous gable end).

There is a shortfall in respect of the interface distance between the rear of the River Road building and the side of the Terminus building (10.5m compared to the 14m requirement). However, this is acceptable as the rear facing windows on the River Road building are either obscure glazed or high level. Furthermore, the ADG is not policy and allows for some flexibility such as in dense town centre locations like this.

It is acknowledged that there will be a bin & cycle store adjacent to the rear wall of 1 Cyprus Villas Bin & cycle store will disturb Cyprus Villas and that this may result in noise disturbance. However, it is material that the boundary is a solid brick wall and that this part of the site is currently used for the parking of cars. Similarly, the walls of the underground parking will be of solid construction and will be subject to noise insulation if deemed necessary by Building Regulations in order to protect the amenities of adjoining accommodation.

The applicant has supplied a copy of the Sunlight & Daylight Assessment as provided for the previous application. This states the development complies well with the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a good practice guide, 2nd Edition" (2011) requirements and will not conflict with any policies that seek to protect daylight and sunlight.

Overall, the proposal is in accordance with the relevant policies.

QUALITY OF ACCOMMODATION

As per ALP policy D DM2, it is necessary to assess the proposal against internal space standards set out

in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if buildings will be suitable for residential use. Section J.08 of the ADC Design SPD re-iterates this requirement.

The plans show that all 4 flats will either meet or exceed the NDSS requirements:

- Unit 1 (two bedrooms, three bedspaces): 62m² compared to 61m².
- Unit 2 (one bedroom, two bedspaces): 55m² compared to 50m².
- Unit 3 (two bedrooms, three bedspaces): 73m² compared to 70m²
- Unit 4 (one bedroom, one bedspace): 40m² compared to 39m².

There are no policies in the ALP relating to garden sizes but section H.04 of the Arun Design Guide sets out standards for garden sizes for flats as follows:

- Private Amenity space for flats including balconies: at least 3sqm of useable space; and
- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony space.

The layout shows three of the dwellings as having a private garden or terrace which exceeds the standards. There is no space for a communal garden, but the site is only a short distance from the riverfront, Beach Green, Harbour Park, and the seafront for recreational activities. Overall, the proposal will provide a good standard of amenity for future residents and is therefore acceptable.

HIGHWAY SAFETY & PARKING

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

The Parking SPD sets out a requirement for this development of 4 allocated spaces and 0.8 visitor spaces (rounded up to 1). It is noted that the SPD states garages are to be treated as providing only half a space each. However, in this case, the dwellings will only have a garage space (i.e., no driveway space in front) and so are unlikely to use the garage for domestic storage. Therefore, the provision can be calculated as 4 spaces which represents a shortfall of 1. The SPD states that a more flexible approach will be taken with schemes that incorporate flats and on sites close to urban centres. Furthermore, this site is in a town centre location and future occupiers would not be reliant on the use of a private motor vehicle. A shortfall of 1 space is not therefore sufficient to warrant refusal on parking grounds. The scheme also provides cycle storage which accords with the SPD.

WSCC Highways have considered the scheme and raise no objections. Also, it is acknowledged that local residents consider that vehicles backing out of the garages may result in harm to pedestrians/cyclists or conflicts with other vehicles, the NPPF only allows for a refusal on highway grounds when there is an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this case there will be no such unacceptable or severe impacts.

BIODIVERSITY

ALP policy ENV DM5 requires that proposals achieve a net gain in biodiversity and protect existing habitats on site. The application is not accompanied by an ecological appraisal, but existing residential

buildings and their curtilages tend to have low potential as habitat for protected species particularly in dense urban and seafront locations. Biodiversity net gain was not discussed on the previous application, but it is a requirement and so a condition will be imposed to require that bird/bat nesting facilities are placed on the building. It is also noted that the proposal includes a green roof. This satisfies policy requirements.

CONTAMINATION

ALP Policy QE DM4 states development will be permitted on land that is contaminated as long as remediation is provided. The Council's Environmental Health Officer has recommended a standard contamination condition due to the previous use of the site. With this condition in place, remediation can be secured should any contamination be discovered and as such the proposal will be in accordance with the policy.

TELECOMMUNICATIONS

ALP policy TEL SP1 state all proposals for new residential, employment and commercial development must be designed to be connected to high quality communications infrastructure. This policy will be adhered to by means of a condition to require evidence of such a connection before the homes are occupied. On this basis, there is no conflict with the policies.

CLIMATE CHANGE/SUSTAINABLE CONTRUCTION

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. The application states:

- The proposed buildings will feature double-glazed windows providing optimal levels of insulation and air-tight construction to avoid heating emissions.
- Thermal insulation will be installed to building regulations standard to mitigate against heat loss.
- The buildings will achieve an energy efficiency standard of a minimum of 19% CO2 improvements over Building Regulations requirement (Class L); and
- The buildings will feature a rainwater harvester and will achieve a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Conditions will be imposed to secure the water usage and energy efficiency measures. A further condition is included to secure electric vehicle charge points. Subject to the conditions being discharged, the proposal would comply with policies ECC SP1 and ECC SP2.

SUMMARY & TILTED BALANCE

The proposed development would represent a small boost to the Council's current HLS shortfall, meets the definition of sustainable development and is generally policy compliant (the exceptions being the sufficiency of the sequential assessment and the parking provision). The proposal would accord with paragraph 11d ii. of the NPPF which states:

"Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

This is because as there is a housing land shortfall policy SD SP2 of the ALP is out of date and any adverse impacts from granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The proposal is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

There is no CIL payable for flatted developments in CIL zone 4. The development is too small in scale to attract s106 contributions.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Location Plan and Proposed Block Plan Dwg No TA 1433/01;
Proposed Site Plan Dwg No TA 1433/10 Rev B;
Proposed Lower Ground Floor Plan Dwg No TA 1433/11;

Proposed Upper Ground Floor Plan Dwg No TA 1433/12 Rev B;
 Proposed First Floor Plan Dwg No TA 1433/13 Rev A;
 Proposed River Road/South Elevation Dwg No TA 1433/14;
 Proposed East/Side Elevation Dwg No TA 1433/15 Rev A;
 Proposed North Side Elevation/Section AA Dwg No TA 1433/16 Rev A;
 Proposed West/Side Elevation Dwg No TA 1433/17;
 Proposed East Elevation/Section DD Dwg No TA 1433/18 Rev A;
 Proposed South Side Elevation/Section BB Dwg No TA 1433/19 Rev A; and
 Proposed Section CC Dwg No TA 1433/20.

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

- 3 The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref "Flood Risk Assessment" 22-08-05, May 2022) and the following mitigation measures it details: "Finished floor levels of the Ground Floor shall be set no lower than 5.27m above Ordnance Datum (AOD)". This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure the safety of the development and future occupants in accordance with policy W DM2 of the Arun Local Plan and the National Planning Policy Framework.

- 4 No 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 work involving power tools or machinery on Sunday or Bank/Public Holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

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

- 5 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and are an overriding factor in terms of requirements. 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 No piling or any other foundation construction using penetrative methods shall be carried out other than with the express written consent of the local planning authority (who shall consult

with the Environment Agency). The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can pose a risk to potable water supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways. This condition is imposed in accordance with paragraph 174 of the NPPF and policies W SP1 & W DM1 of the Arun Local Plan. This is not strictly a pre-commencement condition as other means of foundations are available however, if piling must be used then these details must be agreed prior to commencement.

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

1. A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved. Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

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.

8 No development above damp-proof course (DPC) level shall take place unless and until full details of all eaves, guttering, materials, windows, doors and other proposed external finishes have been 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 the sections and glazing

or glazing bars. Once approved, the development shall be undertaken in accordance with these details and retained as such at all times thereafter in perpetuity. 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/appearance of the Conservation Area by endeavouring to achieve a building of visual quality in accordance with policies D DM1, HER SP1 and HER DM3 of the Arun Local Plan.

- 9 No development above damp-proof course (DPC) level shall take place unless and until the applicant has submitted a scheme for approval in writing by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of any part of the new buildings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with the NPPF and policy ECC SP2 of the Arun Local Plan.

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

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

Reason: In the interests of amenity and the character/appearance of the Conservation Area in accordance with policies D DM1 and HER DM3 of the Arun Local Plan.

- 12 No development above damp-proof course (DPC) level shall take place until full details of the placement of bird/bat nesting facilities on the buildings or in the associated gardens have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full prior to occupation and thereafter retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of biodiversity enhancement as per the requirements of Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 13 The use of the car parking spaces shall not commence until 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: To secure satisfactory standards of access for the proposed development in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

- 14 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall always thereafter be kept for their designated purpose.

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.

- 15 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 policy T SP1 of the Arun Local Plan and the NPPF.

- 16 Prior to the occupation of any of the new dwellings, 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.

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

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 18 The windows indicated on the approved drawings as being obscure glazed (annotated as OG) shall be implemented as such prior to first occupation and permanently retained thereafter.

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

- 19 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions, roof alterations to the dwelling houses shall be constructed or buildings shall be erected within the curtilage

unless permission is granted by the Local Planning Authority on an application in that behalf.

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

- 20 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.

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.

- 21 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.

- 22 INFORMATIVE: The Environment Agency strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods <http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf> and/or Department for Communities Local Government: Improving the flood performance of new buildings: <https://www.gov.uk/government/publications/flood-resilientconstruction-of-new-buildings>

- 23 INFORMATIVE: The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-forflooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

- 24 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, (plus 40%) 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%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided. Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extent of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

- 25 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which is available to read via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 26 INFORMATIVE: All parts of the new flats must be within 45m of a fire appliance in accordance with the requirements of Approved Document B: Volume 1 2019 edition B5 section 13. Any areas not within the 45 metre distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS4854 standards.
- 27 INFORMATIVE: Please note the recommendations of our Private Sector Housing Team on our website dated 04/08/22 which includes guidance on fire safety, ventilation, railings to terraces/balconies, other hazards and licensing standards.
- 28 INFORMATIVE: The Local Highways Authority (LHA) advises the applicant that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee the permission of a Vehicle Crossover (VCO) licence.

Please see the following link on details pertaining to the licence application process: <https://www.westsussex.gov.uk/carriageways-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/carriageways-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

- 29 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)

LU/205/22/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: P/96/22/HH

LOCATION: 97 Harbour View Road
Pagham
PO21 4RJ

PROPOSAL: Erection of single storey outbuilding to rear.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks a single storey outbuilding in the rear garden of the property.

REPRESENTATIONS

Pagham Parish Council provided an objection.

- Concerned that no height was specified.
- The building appears to have commenced but not as suggested on the plans and too close to the boundary.

5 letters of objection from 3 nearby occupiers.

- Second building being constructed
- TPO trees have been cut down.
- Object due to the size and height of the building.
- Too close to boundary.
- It will affect the light in garden.
- It might be used as a domestic or commercial building.
- Highly visible from the end of my garden.

Comments noted - examination of the TPO's on site confirms that there are no protected trees to the rear of the property. The tree application recently applied for was identified by the tree officer as being unnecessary.

Commenced works to the rear boundary of the garden do not form part of this application.

A measuring tool on the website is available to scale the drawings to determine the height of the structure. The dimensions of the proposed structure are detailed below under the heading 'DESIGN AND VISUAL AMENITY'.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Built up area boundary

TPO

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

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
SPD13	Arun District Design Guide (SPD) January 2021

CONCLUSIONS**PRINCIPLE**

The site falls within the built-up area boundary. The key policy is D DM1 of the Arun Local Plan and the Arun Design Guide.

Pagham does not have a Neighbourhood Plan although it does have a Village Design Statement with the property located within the Kings Beach Estate.

DESIGN AND VISUAL AMENITY

The outbuilding will be located in the rear garden and is not visible from the street scene.

The outbuilding is of a standard construction featuring a dual pitched roof to a ridge height of 4m, with eaves to 2.5m. It will have a depth of 4.6m with a length of 10m. This is positioned along the side northern elevation and retains 1.2m to the boundary. Whilst large, the size is acceptable and does not appear an overdevelopment of the site.

The external appearance will feature white render, with slate grey roof tiles. This is acceptable, with no views available from the street frontage.

The Arun Design Guide states that new development should respond to and complement the existing character and appearance. The development is not too large in size or scale for the site and is acceptable, retaining a sufficient amount of garden land for conventional domestic use.

With no viewpoints of the outbuilding, the proposal will not impact the appearance of the street scene and complies with D DM1 of the Arun Local Plan and the Design Guide.

RESIDENTIAL AMENITY

Representations have been made regarding groundworks that are taking place to the rear boundary of the garden. The agent confirmed this is where an existing shed will be relocated to and does not form part of the application.

The outbuilding proposed is higher than that which could be constructed under permitted development and is visible above the boundary fence line. With a height of 4m, this may provide some minor

overshadowing on the garden of the neighbour to the north at No.95, although with separation retained to the boundary fence and with the roof sloping away from the boundary, this will not be significant.

Only limited views of the outbuilding would be achievable from the neighbours to the east at Barons Mead with approximately 6m retained to the rear boundary which adjoins the neighbouring garden. To the south, 10m is retained to the boundary and the structure would not result in adverse harm upon this elevation.

The use of the outbuilding is described as an office/storage area, although a toilet is shown within. Its use would remain ancillary to the dwelling and a condition included to ensure it does not become a separate unit of accommodation.

There will be a door to the southern side to enable access and 2 windows. There will be a window to the northern side although at single storey level, views would be intersected by the boundary fencing in place and would not result in views additional to that which can be achieved from standing in the garden. 2 rooflights are shown to the northern roof slope, although due to their siting above head height, views will not be achievable.

The proposed outbuilding would not be overbearing or result in adverse harm upon amenity by way of overshadowing or overlooking in compliance with Policy D DM1 of the Arun Local Plan.

SUMMARY

The development complies with relevant development plan policies and 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 Plan
 - Block Plan
 - Proposed Elevations
 - Proposed Floor Plan
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 The outbuilding hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 97 Harbour View Road as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies D DM1 of the Arun Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.
- 4 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)

P/96/22/HH - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Arun District Council

REPORT TO:	PLANNING COMMITTEE 29 September 2022
AGENDA ITEM:	
SUBJECT:	<i>Planning Application M/145/21/HH</i>
LEAD OFFICER:	Daniel Bainbridge, Group Head of Law and Governance
LEAD MEMBER:	
WARDS:	Middleton
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: Council scheme of delegation and Planning Protocol as set out in the constitution (Part 7 section 2 Para 2.1.3 and Part 8 section 3 (Planning Protocol) paragraph 6.2 of the constitution	
DEPARTMENTAL POLICY CONTEXT: N/A	
FINANCIAL SUMMARY: N/A	

1. PURPOSE OF REPORT

The purpose of this report is to explain why a determination of a planning application made by an officer in error should be determined by committee

2. RECOMMENDATIONS

To consider the report and recommendations of the Planning Officer

1. EXECUTIVE SUMMARY

- 1.1. This application was considered and determine by an officer. It has come to light that the application was a “Member application” and as such could only have been determined by committee. The matter is now brought to committee for a determination.

2. DETAIL

- 2.1. The Application was submitted November 2021 by an Architect as agent for the Householder. The house is jointly owned by a District Councillor and therefore, under council procedures, should have been treated as a Member application. However, the applicant failed to expressly indicate on the

application form that it was being made on behalf of joint owners, one of whom is a District Councillor.

2.2. The application was determined by the Group Head of Planning (and Officers acting under their delegated authority) on 21 January 2022. That determination was outside the delegated powers of the officer, as the application should have come before the Planning Committee for determination as this is a 'Councillor application'.

2.3. The applicant sought to vary one of the conditions of the permission and in the course of examining this variation application, Officers discovered that the decision in January 2022 should not have been taken at Officer level. The Officer had been unaware that the site owner was a District Councillor. The matter was referred to the Council's Legal Services team and to the Monitoring Officer (the Group Head of Law and Governance). The legal advice and the advice of the Monitoring Officer is that the decision in January 2022 should be treated as void. The Officer who made the decision did not have the authority to make the decision, though it should be stressed that the determining officer could not have known at the time of determination that the applicant is a Councillor.

2.4. The Committee should treat the application as if the original decision had not been made.

3. OPTIONS / ALTERNATIVES CONSIDERED

3.1. It was considered that to do nothing was not an option as the decision goes to the heart of the Council's planning protocol and standards of conduct. Consideration was given to whether the decision could be revoked. It was decided that as there was no valid decision, there was no lawful decision to revoke.

4. CONSULTATION

4.1. The applicant as joint owners have been consulted and the Councillor householder agrees that the matter should not only be dealt with in accordance with the rules but should be seen to be dealt with in accordance with the rules by being considered by the Planning Committee.

5. FINANCIAL CONSIDERATIONS

5.1. There are no financial implications for the purposes of this report.

6. RISK ASSESSMENT CONSIDERATIONS

6.1. There is a risk that the public may or anyone else might challenge the decision as not being in accordance with the highest standards of propriety as set out in the Council's Constitution.

7. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 7.1. This matter is covered by Part 7 section 2 Para 2.1.3 (Officer scheme of delegation) and Part 8 section 3 paragraph 6.2 (Planning Protocol) of the constitution. There is a conflict between part 7 and part 8. Part 8 says the application will be determined in consultation with the Chair of the Planning Committee, while the Planning Protocol says that a Councillor application should be determined by the Planning Committee. While the decision was taken by an Officer, there is no evidence that the Chair of the committee was consulted – because the determining officer was not aware that the applicant is a Councillor. This conflict will be addressed during the next formal review of the Constitution.
- 7.2. The issue here is that there is no valid planning permission. It is not an otherwise valid permission with an error in it, it is an invalid determination and has no effect.

8. HUMAN RESOURCES IMPACT

None for the purposes of this report.

9. HEALTH & SAFETY IMPACT

None for the purposes of this report.

10. PROPERTY & ESTATES IMPACT

None for the purposes of this report.

11. EQUALITIES IMPACT ASSESSMENT (EIA)

None for the purposes of this report and for the purposes of the determination the relevant considerations are contained in the officer report.

12. CLIMATE CHANGE & ENVIRONMENTAL IMPACT

None for the purposes of this report and for the purposes of the determination the relevant considerations are contained in the officer report.

13. CRIME AND DISORDER REDUCTION IMPACT

None for the purposes of this report and for the purposes of the determination the relevant considerations are contained in the officer report

14. HUMAN RIGHTS IMPACT

None for the purposes of this report and for the purposes of the determination the relevant considerations are contained in the Officer report.

15.FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

None for the purposes of this report and for the purposes of the determination the relevant considerations are contained in the Officer report.

CONTACT OFFICER:

Name: Daniel Bainbridge

Job Title: Group Head of Law and Governance and Monitoring Officer

Contact Number: 01903 737607

BACKGROUND DOCUMENTS: *Planning Officer Report January 2022*

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: M/145/21/HH

LOCATION: 44 Southdean Drive
Middleton-On-Sea
PO22 7TB

PROPOSAL: Roof extension to facilitate conversion of loft to habitable use and alterations to fenestration.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Alterations to the roof configuration and insertion of 3 flat roof dormer windows in southern roof plane to enable conversion of loft space to habitable and first floor infill extension to enlarge Bedroom 2.

REPRESENTATIONS

Parish Council - No Objection

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

None

POLICY CONTEXT

Designation applicable to site:
Lidsey Treatment Catchment Area
Built Up Area Boundary (BUAB)

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)

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
SPD7	Middleton on Sea Village Design Statement

CONCLUSIONS

PRINCIPLE

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

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

Arun recently adopted a Design Guide which provides detailed guidance that will help raise design standards 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. In this instance, roof extensions should not be visually intrusive or block light into surrounding properties and dormers should be positioned in discreet locations, on the rear of the property wherever possible. In general roof extensions should not detract from the character and appearance of the building and local area.

Middleton has a village design statement which states proposals should have a high quality design, relate well to the existing site and its surroundings and seek to minimise overshadowing.

DESIGN AND VISUAL AMENITY

The property, a large family dwelling is set on a generous plot at the head of Southdean Drive. The property has neighbours to the west and east but backs onto the seafront. It is proposed to alter the configuration of the roof and add three roof dormers to the rear (southern) elevation of the property, add 4 rooflights to the east and west facing elevations and infill an area on the first floor to increase the size of Bedroom 2. No additional ground floor area is sought through this application.

The addition to the roof structure, will not increase the height nor extend past the existing most southerly roof plane. It is proposed to add a section of roof to join the southern plans of two existing hipped gables and enclose the infill extension on the first floor.

The rear facing dormers, the largest of which measures approximately 1.8m in width, are appropriately sized with glazing features to match the property's existing windows. Their proportionate scale infers good visual integration and subservience with the host dwelling.

Works to infill the area at first floor level will be constructed with materials which match those currently found on the existing building and will achieve good visual integration.

The proposed extensions will not be visible from the street and will be located 40m away from the southern boundary with the beach, they will not affect the street scene or the compromise the spatial character of the area.

Design guidance states the creation of additional habitable space within loft spaces as an effective use of land.

It is considered that in terms of design and visual amenity that the proposal accords with policies D DM1 and D DM4 of the Arun Local Plan and Middleton's Village Design Guide.

RESIDENTIAL AMENITY

This application does not propose additional increase in ground floor footprint. The first floor addition is an infill extension located between two existing protrusions and will not be overbearing or overshadow any neighbouring properties.

In terms of overlooking, the proposed dormer windows and increase in depth of an existing first floor bedroom window facing south will only achieve views already available by the occupants of the property, they will not increase overlooking into neighbouring properties.

The side facing roof velux windows appear to be located at a high level, however in order to control these they will be conditioned to be obscure glazed and fixed shut below 1.7m above finished floor level.

It is therefore considered by virtue of not being overbearing, overshadowing and overlooking that the proposed extensions accords with policy DDM4 (c) of the Arun Local Plan and Part M of the Arun Design Guide.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

date of this permission.

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

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

- Location Plan PL100
- Block Plan PL101
- Proposed Block Plan PL102
- Proposed Plans PL104B

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

- 3 The rooflight windows hereby approved to the east and west elevations shall be non-opening and fully obscured below, 1.7m above finished floor level prior to the first use of the rooms. The windows shall be retained as obscure glazed/non-openable in perpetuity.

Reason: In the interests of protecting the privacy of neighbouring properties in accordance with policy D DM1 and D DM4 of the Arun Local Plan.

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

Arun District Council

REPORT TO:	PLANNING COMMITTEE 29 September 2022
AGENDA ITEM:	
SUBJECT:	Planning Application AL/72/22/PL - Rock House Westergate Street
LEAD OFFICER:	Daniel Bainbridge Group Head of Law and Governance
LEAD MEMBER:	N/A
WARDS:	Barnham
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
Council scheme of delegation and Planning Protocol as set out in the constitution (Part 7 section 2 Para 2.1.2).	
DEPARTMENTAL POLICY CONTEXT:	
N/A	
FINANCIAL SUMMARY:	
N/A	

1. PURPOSE OF REPORT

The purpose of this report is to explain why a determination of a planning application made by an officer in error should be determined by committee.

2. RECOMMENDATIONS

To consider the report and recommendations of the Planning Officer.

1. EXECUTIVE SUMMARY

- 1.1. This application was considered and determine by an officer. It has come to light that the application was could only have been determined by committee because it is excluded from the delegation to officers. The matter is now brought to committee for a determination.

2. DETAIL

- 2.1. The Application was submitted by an Architect acting as agent for the property owner in May 2022. It was validated in July 2022 with a decision due date of 1st September 2022. The application was publicised in accordance with the council's normal procedures, part of which involving notification to the Parish Council, in this case Aldingbourne Parish Council. On 11th August 2022, the Parish Council responded giving their support for the application proposals. However, as the application progressed, it became apparent that the proposals, which involved changes to a Listed Building and the loss of employment floorspace were substantially in breach of a number of Local Plan policies and

were likely to be recommended for refusal. The agent was advised and invited to withdraw the application, consider officers' concerns and then re-submit a suitably amended scheme. Initially, the agent agreed with this proposed course of action but, after taking instruction from the client, the agent advised that they wanted the application to be determined in its then current form. The application was duly refused planning permission by officers. However, as the Parish Council had previously supported the application, under Council procedures, the application should have been an application referred to the Planning Committee for determination.

- 2.2. The application was determined by the Group Head of Planning (and Officers acting under their delegated authority) on 1st September 2022. That determination was outside of the delegated powers of the officer.
- 2.3. The matter was referred to Arun legal services and to the Monitoring Officer. The legal advice and the advice of the Monitoring Officer is that the decision in on 1st September 2022 should be treated as void. The Officer who made the decision did not have delegated authority to make the decision.
- 2.4. Committee should treat the application as if the original decision had not been made.

3. OPTIONS / ALTERNATIVES CONSIDERED

- 3.1. It was considered that to do nothing was not an option as the decision goes to the heart of the Council's planning protocol and standards of conduct. Consideration was given to whether the decision could be revoked. It was decided that as there was no valid decision, there was no decision to revoke.

4. CONSULTATION

- 4.1. The agent has been notified. Any responses (or lack of response) to the notification will be relayed to the committee.

5. FINANCIAL CONSIDERATIONS

- 5.1. There are no financial implications for the purposes of this report.

6. RISK ASSESSMENT CONSIDERATIONS

- 6.1. There is a risk that the public may or anyone else might challenge the decision as not being in accordance with the highest standards of propriety as set out in the Council constitution.

7. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 7.1. This matter is covered by Part 7 section 2 Para 2.1.2 (Officer scheme of delegation) which states that the officer scheme excludes applications which prior to its determination is subject to a written representation from the Parish Council, which is in conflict with the recommendation of officers.

- 7.2. The issue here is that there is no valid planning decision and whilst the applicant retains the ability to appeal on grounds of non-determination they are not otherwise able to appeal against the putative reasons for refusal.

8. HUMAN RESOURCES IMPACT

None for the purposes of this report.

9. HEALTH & SAFETY IMPACT

None for the purposes of this report.

10. PROPERTY & ESTATES IMPACT

None for the purposes of this report.

11. EQUALITIES IMPACT ASSESSMENT (EIA)

None for the purposes of this report and for the purposes of the determination the relevant considerations are contained in the officer report.

12. CLIMATE CHANGE & ENVIRONMENTAL IMPACT

None for the purposes of this report and for the purposes of the determination the relevant considerations are contained in the officer report.

13. CRIME AND DISORDER REDUCTION IMPACT

None for the purposes of this report and for the purposes of the determination the relevant considerations are contained in the officer report.

14. HUMAN RIGHTS IMPACT

None for the purposes of this report and for the purposes of the determination the relevant considerations are contained in the Officer report.

15. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

None for the purposes of this report and for the purposes of the determination the relevant considerations are contained in the Officer report.

CONTACT OFFICER:

Name: Daniel Bainbridge

Job Title: Group Head of Law and Governance and Monitoring Officer

Contact Number: 01903 737607

BACKGROUND DOCUMENTS: *Planning Officer Report January 2022*

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Recommendation Report for Planning Permission

REF NO:	AL/72/22/PL
LOCATION:	Rock House Westergate Street Westergate PO20 3RJ
PROPOSAL:	Demolition of Servac Int workshops keeping certain structures and features, to renovate them in to a 2 No carport, with storage loft and re-landscaping to provide new gardens and biodiversity zones. This application may affect the setting of a listed building and is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	<p>Demolition of the 'Servac' workshops retaining parts of the structure, using this as a two-bay car port with storage loft above.</p> <p>Whilst the description refers to retention of structure this will only be small sections of wall along the western facade and parts of the greenhouse.</p> <p>The ridge height of the proposed Car Port and Store will be 6.4m. Eaves height 4m. The wall (partly retained) running north south behind the workshop and returning to meet the carport building will be 4.2m. The wall running along the western face of the site in front of the car port and forming the open bin store will be 2.1m</p> <p>A new low wall in front of the original Rock House (1m) and new fencing and gates in front of the car port. A new open walled bin store will be provided together with landscaping to provide new gardens and biodiversity zones.</p> <p>It is noted that the DAS does not relate to the proposals that form the application. There are discrepancies between the elevations and plans proposed. Some elevational elements are absent.</p>
TOPOGRAPHY	<p>The plot falls from east to west, the garden of Hop Garden Cottage sits at a higher level than the site. The DAS includes reference to the levels of the site identifying it as a highly complex issue & one that will require structural & civils engineering reports. Levels are not indicated on the planning application drawings.</p>
TREES	<p>It is understood there are protected trees (TPO 3/46/90) on the Hop Garden Cottage. The location and canopy spread of any</p>

BOUNDARY TREATMENT

trees close to the boundary have not been shown on the application drawings.

Boundaries consist of a mix including 1.8m high close boarded fencing, hit and miss horizontal fencing on the road frontage.

The DAS refers to live wall structures or vegetation frames for creepers and climbers to grow onto around North & Eastern boundaries. No details have been provided.

The ground floor plans show a solid boundary, further elevational details are not provided.

SITE CHARACTERISTICS

The site comprises a former rock factory most recently used as Servac Int. as factory/workshop and two storey flint and brick painted house with single storey pitched roof extension to the front, part flint, part render, part painted and tiled roof with flat roof single storey side extension. Parking and hard surface to the front of the house. The majority of the site is covered by empty workshop structures, yard, refuse storage, car parking with Rock House having a small vegetable garden and patio.

The Servac building has a monopitch style roof falling east into the site, the highest point of this building is 4.2m.

CHARACTER OF LOCALITY

The site lies in the BUAB of Westergate in a prominent location on Westergate Street adjacent to a thatched and flint listed cottage. This part of Westergate is predominantly residential.

To the north-east of the site, Hop Garden Cottage is a Grade II Listed Building. It is a C18 Cottage which has been extended to both the west and east in the C20 of flint construction with red brick dressings, hipped thatched roof with end brick stacks. Hop Garden Cottages' garden runs along the entire Eastern boundary, accessed off Westergate street. Its brick and tile garage lies east of the application site on higher ground, the roof of the garage can be seen from the road.

To the South, 1 Butlers Mews a 2-storey house, accessed from Westergate Street, set back with parking in front.

The front (western) boundary is the public footpath for Westergate Street, a single carriage main road.

RELEVANT SITE HISTORY

PAA/16/18/

Single storey extension.

Refuse Pre App
23-03-18

Noted.

REPRESENTATIONS

ALDINGBOURNE PARISH COUNCIL:

Supports this application as it is a sympathetic development to the area and enhances the community.

COMMENTS ON REPRESENTATIONS RECEIVED:

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

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC CONSERVATION OFFICER: A full version of the Conservation Officers report can be found on the website.

The heritage statement does not identify the significance of the heritage assets affected by the proposal in accordance with the requirements of the NPPF.

The proposal to remove part of these inappropriate structures and replace them with something else is positive

The increase in height will mean that it will be seen in the context of Rock House, not subservient to it and also the side elevation of the listed building.

The height will mean that the eye will be drawn to it when viewing the two buildings from the surrounding roads. This element is problematical, and not acceptable.

Any new walling will need to be carefully considered and constructed so as to not detract from the existing building and walling. Details and a sample panel should be provided.

Confirmation would be required as if the new enclosed front garden area would be enclosed by a gate, alongside the new walling.

The southern elevations do not show how the existing 'garage doors' on the workshop will be treated, additional information is required?

The report identifies a number of inconsistencies in the plans and requests that these be dealt with so that it can be understood exactly what is proposed and where.

Reference is made on the application to replacement windows, not clear if this is referring to any new windows/doors, or if all of the existing windows will be replaced. Details of all replacement windows and doors should be provided. They should be of an appropriate design and material for this building.

The Conservation Officer concludes that whilst the concept of redeveloping the site and removing the later additions is acceptable, the design of the garage is not suitable.

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 and 203 of the NPPF (2021).

COMMENTS ON CONSULTATION RESPONSES:

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

POLICY CONTEXT

Designation applicable to site:

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

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

TPO on neighbouring site

DEVELOPMENT PLAN POLICIES

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

EMPDM1	EMP DM1 Employment Land: Development Management
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary

[Aldingbourne Neighbourhood Plan 2019-31 Policy EH1](#) Built up area boundary

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

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

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with the relevant Development Plan policies in that by reason of the height and visual dominance of the first floor above the car port there would result in a materially adverse effect on the visual amenities of the locality and the setting of the adjacent listed building, and it would have an adverse impact upon the established character of the surrounding area. In addition the applicants have failed to meet the requirements of Policy EMP DM1 of the ALP and EE2 of the ANDP.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site lies within a built-up area boundary where development is acceptable in principle subject to normal development control criteria being with respect to visual and residential amenity.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

In this instance the main criteria against which the application will be assessed is policies EMP DM1, D DM1, D DM4, DSP 1, HER DM1, HER DM3 and HER SP1 of the Local Plan, EEP of the ANDP and the NPPF.

KEY ISSUES

The key issue to be considered as part of this application are the conservation and enhancement of heritage assets (listed building Hop Garden Cottage) impact on the wider streetscene and the loss of business floorspace.

DESIGN AND APPEARANCE

The workshop buildings are of little visual amenity. The core of the structure is the original dwelling which is painted flint and brick. It is accepted that the attached factory is a visual distraction and leaves the original dwelling with little merit and whilst the removal of much of the workshop structure will result in an improvement, the design for the carport and store will result in a structure whose height and dominance would detract from the visual amenity of the area and the setting of the listed building, Hop Garden Cottage.

The two storey structure fails to meet the requirements of policy D DM4 which seeks to ensure that extensions or alterations sympathetically relate to and are visually integrated with the existing building in terms of siting, massing, design, form and scale. Whilst materials are acceptable the carport building and attached wall will not be visually subservient to the main building and will compromise the established spatial character and pattern of the place.

The height and mass of the building will exceed anything currently found on this section of the site and rival the scale of the main house to the south. The carport and continuation of an additional section of

4.2m high wall connecting the existing workshop wall to the proposed carport building will introduce additional bulk and height not previously experienced when viewing the site from the north and west.

HERITAGE ASSET

Section 16 of the NPPF (2021) "Conserving and Enhancing the Historic Environment" deals with applications of this nature. Para 194 of the NPPF requires that the LPA should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The Heritage Statement that forms part of this application does not meet these requirements.

Para 195 requires that the LPA identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal

The Arun Design Guide in section C.03 Heritage & Conservation Environment identifies that the District has a rich historic environment, which future development must seek to protect, complement and enhance.

The site is next to Hop Garden Cottage. Hop Garden Cottage is a Grade II Listed Building. It is an C18 Cottage which has been extended to the west and east in the C20. It is of flint construction with red brick dressings, hipped thatched roof with end brick stacks. There is a central C19 porch with hipped tile roof. There is a single storey gabled addition to west, also in flint with red brick dressings and thatched roof with semi-circular window above and 5-bay oriel below.

According to the listing description the interior features include an open fireplace, exposed beams and plank doors. It is of architectural and historical significance.

The cottage is mostly experienced from in its curtilage and to a certain extent from outside of this from the road. Rock House as the neighbouring building is not physically connected, but the two can be viewed from the road to the front.

Rock House is an attractive building with painted flint elevations and a mixture of sliding sash and casement windows. It has two single storey elements, one of which looks as if it could have been part of a larger, single storey barn structure (based on a review of historic mapping). Sadly, the building has been poorly altered and extended over time. Despite the alterations it retains a characterful building with an import street elevation.

It appears on the 1875-90 OS map and has been identified as a non-designated heritage asset.

HERITAGE IMPACT ASSESSMENT

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building, or its setting must have regard to the desirability of preserving the building or its setting. Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas. Paragraph 189 of the NPPF requires such information to be provided in order to assess the impact of the proposal upon these assets.

The development will cause less than substantial harm on the setting of the Listed Building, due to its design and siting. As such, the proposal should be determined in accordance with the relevant sections

of the Development Plan.

Paragraph 199 requires that when considering the impact of development on the significance of a designated heritage asset great weight should be given to the asset's conservation irrespective of the scale of harm identified.

With regard to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which requires the Local Planning Authority to have special regard for the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses, the proposal results in harm to the setting of the Listed Building and the proposal is considered to conflict with policy HER DM1 of Arun Local Plan.

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 and 203 of the NPPF (2021).

RESIDENTIAL AMENITY

The proposals are acceptable from a residential amenity point of view, the use and buildings would not result in a detrimental loss of amenity to neighbouring occupiers. A window is proposed at first floor in the northern elevation, this will not result in a detrimental loss of amenity or privacy.

BUSINESS FLOORSPACE

The applicant advises that the workshops are currently unoccupied and empty having been last used at the beginning of November 2021. The proposals result in the loss of 220sqm of business floorspace.

In the DAS it is advised that workshops are now a non-ancillary structure to the employment use and function of Servac Int. No further clarification is offered. No change of use has previously been sought.

Policy EMP DM1 states ADC will require evidence that the site has not been made deliberately unviable, that marketing has been actively conducted for a reasonable period of time and that alternative employment uses have been fully explored.

Whilst an industrial use immediately adjacent to residential property may not be viable particularly if there are no personal links to the occupants of the building the applicants have failed to explain the background to cessation of use or demonstrated what measures have taken place with respect to alternative uses.

The proposal therefore fails to meet the requirements of EMP DM1 and ANDP Policy EE2.

SUMMARY

ADC seek to protect and enhance existing employment sites and premises in order to maintain a supply of good quality commercial sites and premises to meet the needs of businesses and the local economy.

Policy EMP DM1 requires that it should be demonstrated that the site is no longer required and unlikely to be re-used, whilst it is acknowledged that the existing location surrounded by residential development is not an ideal location for a general industrial use (identified as B2 by the applicants) the applicants have not provided any supporting information with respect to alternative uses, marketing or the loss of business floorspace.

Notwithstanding the loss of business floorspace, whilst it is acknowledged that the removal of the existing

Servac building may ultimately represent an improvement to the streetscene and the setting of the application site and the adjacent listed building, Hop Garden Cottage, the height and dominance in the streetscene of the proposed two storey carport and storage building and associated works will fail to enhance and preserve the heritage asset and fails to accord with the policies in the Local Plan, the Aldingbourne NP and the NPPF.

RECOMMENDATION

It is recommended this application is refused for the reasons that follow:

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

REFUSE

- 1 The development by reason of its scale, height, design and overall appearance would adversely affect the character of the area and in particular would be detrimental to the setting of the adjacent building (Hop Garden Cottage) which is listed as being of special architectural or historic interest contrary to policies HER SP1, HER DM1, HER DM2 and D DM4 of the Arun District Local Plan.
- 2 The development includes the loss of business floorspace site, it has not been demonstrated that this floorspace is no longer required and is unlikely to be re-used or re-developed for industrial/commercial purposes. The proposal therefore conflicts with policy EMP DM1 of the Arun District Local Plan.
- 3 INFORMATIVE: On the basis of the information available the Local Planning Authority is not satisfied that the development can be undertaken in a satisfactory manner. There are discrepancies identified between the plans, elevations and Design and Access Statement

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submitted as part of the application.

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to withdraw the application. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

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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/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

Received: 12-07-19

12 Hunters Close Aldwick Bay Estate Aldwick

Decision Level = Delegated

Reduce height by 8m to 1 No. Lombardy Poplar tree.

**Written
Representations**

PINS Ref: APP/TPO/C3810/7494

AW/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/180/21/T

Original Decision = Refused

Received: 02-08-22

4 The Orchard Close Bognor Regis

Decision Level = Delegated

Fell 1 No. Sycamore tree in rear back garden 3m from house and replace with either Willow or Silver Birch as directed.

Written

Representations

PINS Ref: APP/TPO/C3810/8754

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

F/22/21/PL

Original Decision = Refused

Received: 25-08-22

Land rear of Paynters Croft Burndell Road Yapton

Decision Level = Delegated

23 No dwellings with associated access, infrastructure, landscape and open space (resubmission following F/5/21/PL). This application is a Departure from the Development Plan & is in CIL Zone 3 and is CIL Liable as new dwellings.

Informal Hearing

PINS Ref: APP/C3810/W/22/3304106

FG/142/21/PL

Land North of Highdown Vineyard (Formerly McIntyre Nursery)

Original Decision = Refused

Received: 09-05-22

Littlehampton Road Ferring

Decision Level = Delegated

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

Original Decision = Refused

Received: 20-05-22

The Chalet Littlehampton Road Ferring

Decision Level = Committee

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

Original Decision =
ApproveConditionally

Received: 06-07-22

23 Little Paddocks Ferring

Decision Level = Delegated

Front balcony/inset dormer and 1st floor rear extension.

Written

Representations

PINS Ref: APP/C3810/W/22/3296083

FG/92/20/T

Original Decision = Refused

Received: 26-04-21

3 Lavender Court Ferringham Lane Ferring

Decision Level = Delegated

Fell 1 No. Himalayan Cedar

Informal Hearing

PINS Ref: APP/TPO/C3810/8172

FP/32/21/PL

Original Decision = Refused

Received: 02-03-22

Land adjacent to 10 Second Avenue Felpham

Decision Level = Delegated

Two storey, 4 Bed detached dwelling with new access & parking. This site is in CIL Zone 4 & is CIL Liable as new dwelling.

Written

Representations

PINS Ref: APP/C3810/W/21/3284860

LU/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/417/21/OUT

Original Decision =

Received: 23-08-22

Land north of Toddington Lane (adjacent to Lyminster Bypass) Hampton Park Littlehampton

Decision Level =

Outline application with some matters reserved (except access) for the erection of up to 71 No dwellings.

Informal Hearing

PINS Ref: APP/C3810/W/22/3304168

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

Received: 15-03-22

Land at the Rear 71 The Causeway Pagham

Decision Level = Delegated

Change of use from public amenity to private residential garden together with boundary works. This site is in CIL Zone 4 (Zero Rated) as other development.

***Written
Representations***

PINS Ref: APP/C3810/W/21/3289260

P/178/21/OUT

Original Decision = Refused

Land West of Pagham Road Pagham

Decision Level = Delegated

Received: 08-09-22

Outline application with all matters reserved (except access) for the construction of up to 106 new homes, formation of access onto Pagham Road, new pedestrian and cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure. This application is a Departure from the Development Plan and may affect the setting of a Listed Building.

Informal Hearing **15-11-22**

PINS Ref: APP/C3810/W/22/3302023

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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Arun District Council

REPORT TO:	Planning Committee – 28 September 2022
SUBJECT:	Key Performance Indicators 2022-2026 – Quarter 1 performance report for the period 1 April 2022 to 30 June 2022.
LEAD OFFICER:	Jackie Follis
LEAD MEMBER:	Councillor Shaun Gunner
WARDS:	N/A
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: The Key Performance Indicators support the Council's Vision and allows the Council to identify how well we are delivering across a full range of services.	
DIRECTORATE POLICY CONTEXT: This report is produced by the Group Head of Organisational Excellence to give an update on the Q1 Performance outcome of the Key Performance Indicators.	
FINANCIAL SUMMARY: Not required.	

1. PURPOSE OF REPORT

- 1.1. In order for the Committees to be updated with the Q1 Performance Outcome for the Key Performance indicators for the period 1 April 2022 to 30 June 2022.

2. RECOMMENDATIONS

- 1.2. As this report is an information paper, there are no recommendations for the Committee to consider. This report is to be taken as read only with Members having the opportunity to ask questions at the meeting on service performance. Members can also submit questions or comments on the indicators relevant to their Committee and these will be considered by the Policy and Finance Committee on 20 October 2022.

2. EXECUTIVE SUMMARY

- 2.1. This report sets out the performance of the Key Performance indicators at Quarter 1 for the period 1 April 2022 to 30 June 2022.

3. DETAIL

- 3.1. The Council Vision 2022-2026 was approved at Full Council in March 2022. To support the Vision we need a comprehensive and meaningful set of performance measures which allow us to identify how well we are delivering across a full range of services. Two kinds of indicators were agreed at the Policy and Finance Committee on 17 March 2022. The first of these are annual indicators and will primarily update the progress against strategic milestones. In addition to this 'key performance indicators' (KPIs) will be

reported to committees every quarter. These KPIs are known as our Corporate Plan.

- 3.2. A short report and appendix will go to each of the other Committees in the cycle of meetings after each quarter has ended. This appendix will only contain the indicators which are relevant to each Committee.
- 3.3. A full report showing quarterly performance against all indicators (which are measured at that quarter) will go to the relevant Policy and Finance Committee meeting at the end of the cycle of the other Committee meetings. Members of the other Committees will be able to give comments or ask questions about the KPI indicators that are relevant to their Committee and these will be submitted to the Policy and Finance Committee for consideration.
- 3.4. This is the first quarterly report covering performance from 1 April 2022 to 30 June 2022 and will cover only those indicators that are due to be measured at this point.
- 3.5. Please note that the CMT Member shown on the appendix was as of the end of Q1. CMT Members have changed for some service areas following the Group Head restructure which took effect from 4 July 2022.
- 3.6. Thresholds are used to establish which category of performance each indicator is within.

	Achieved target	100% or above target figure
	Didn't achieve target but within 15% range	85%-99.9% below target figure
	Didn't achieve target by more than 15%	85% or less target figure

- 3.7. There are 42 Key Performance indicators. 10 of these indicators relate to this Committee and all 10 are measured at Q1.
- 3.8. This report gives the status of the indicators at Q1, which may be different to the status for June. To view the status of indicators for June please see Appendix A. This appendix gives full commentary for each indicator and notes any action to be taken to address any under performance.

Status	Number of Key Performance indicators in this category
Achieved target	3
Didn't achieve but within 15% range	3
Didn't achieve target by more than 15%	4
TOTAL	10

4. CONSULTATION

- 4.1. No consultation has taken place.

5. OPTIONS / ALTERNATIVES CONSIDERED

- 5.1. To review the report

5.2. To request further information and/or remedial actions be undertaken

6. COMMENTS BY THE GROUP HEAD OF CORPORATE SUPPORT/SECTION 151 OFFICER

6.1. None required.

7. RISK ASSESSMENT CONSIDERATIONS

7.1. None required

8. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

8.1. None required

9. HUMAN RESOURCES IMPACT

9.1. Not applicable.

10. HEALTH & SAFETY IMPACT

10.1. Not applicable.

11. PROPERTY & ESTATES IMPACT

11.1. Not applicable.

12. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

12.1. Not applicable.

13. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

13.1. Not applicable.

14. CRIME AND DISORDER REDUCTION IMPACT

14.1. Not applicable.

15. HUMAN RIGHTS IMPACT

15.1. Not applicable.

16. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

16.1. Not applicable.

CONTACT OFFICER:

Name: Jackie Follis

Job Title: Group Head of Organisational Excellence

Contact Number: 01903 737580

BACKGROUND DOCUMENTS: *None*

No.	Indicator	Council Vision Theme	Service Committee	Service Area	CMT Member for June data	Frequency data collected	Assess by	Target 2022-2026	June 22 Outturn (June only)	June 22 Outturn - Q1 (April-June)	June 22/Q1 Commentary	June 22 Status	Q1 Status
CP26	Major applications determined in 13 weeks or agreed extension of time	Fulfilling Arun's economic potential	Planning	Planning	Karl Roberts	Monthly	Higher is better	80%	40% (60%)	18% (71%)	Out of 17 applications, 3 were determined within the target time period. A proportion of those applications not determined within time will have had a legal agreement attached and there is little chance of determining such applications in time. The Planning Committee was recently asked to note a new Customer Advice Note which will be setting out to applicants and members of the public our approach to negotiation and other relevant matters which all influence the speed of determination. We will be monitoring the impact of this customer advice note to see how it impacts on overall performance.	Not achieving	Not achieving but within 15% range
CP27	Minor applications determined in 8 weeks or agreed extension of time	Fulfilling Arun's economic potential	Planning	Planning	Karl Roberts	Monthly	Higher is better	90%	37% (63%)	39% (64%)	The Planning Committee was recently asked to note a new Customer Advice Note which will be setting out to applicants and members of the public our approach to negotiation and other relevant matters which all influence the speed of determination. We will be monitoring the impact of this customer advice note to see how it impacts on overall performance.	Not achieving	Not achieving
CP28	% of other applications determined in 8 weeks or agreed extension of time	Fulfilling Arun's economic potential	Planning	Planning	Karl Roberts	Monthly	Higher is better	90%	92% (92%)	90% (91%)	Target achieved. The Council has been successful in recruitment into more junior officer posts and has managed to retain a number of apprentices. Performance at this level is excellent.	Achieving	Achieving
CP29	Average number of days to determine householder application	Fulfilling Arun's economic potential	Planning	Planning	Karl Roberts	Monthly	Lower is better	55 days	54	55	Target achieved.	Achieving	Achieving
CP30	Average number of days to determine other applications	Fulfilling Arun's economic potential	Planning	Planning	Karl Roberts	Monthly	Lower is better	55 days	59	57	Target only just missed. Performance at this and HH applications remains strong.	Not achieving but within 15% range	Not achieving but within 15% range
CP31	Average number of days to determine applications - Trees	Fulfilling Arun's economic potential	Planning	Planning	Karl Roberts	Monthly	Lower is better	40 days	46	45	Many of these applications are dependent upon the comments from internal consultees. Having carried out some analysis, there is a need to work with other departments to explore more timely consultation responses.	Not achieving but within 15% range	Not achieving but within 15% range
CP32	Average number of days to determine application - Discharge of Condition	Fulfilling Arun's economic potential	Planning	Planning	Karl Roberts	Monthly	Lower is better	40 days	52	52	Discussions are taking place with other Group Heads around how we can improve the response times from some internal consultees.	Not achieving	Not achieving
CP33	Average number of days to determine major planning applications	Fulfilling Arun's economic potential	Planning	Planning	Karl Roberts	Monthly	Lower is better	120 days	120	196	See CP26	Achieving	Not achieving
CP34	Average number of days to determine minor planning applications	Fulfilling Arun's economic potential	Planning	Planning	Karl Roberts	Monthly	Lower is better	55 days	74	76	See CP27	Not achieving	Not achieving
CP35	% of planning applications registered within 5 days	Fulfilling Arun's economic potential	Planning	Planning	Karl Roberts	Monthly	Higher is better	70%	88%	92%	Target achieved. At a time when the team is not fully resourced, this performance is very good.	Achieving	Achieving

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