



Public Document Pack

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Committee Manager Andrew Bishop (Ext. 37984)

21 December 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 11 January 2023 at 2.00 pm** and you are requested to attend.

Members: Councillors Chapman (Chair), Edwards (Vice-Chair), Blanchard-Cooper, Bower, Chace, Hamilton, 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

AGENDA

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

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

Members and officer should make their declaration by stating:

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

3. **VOTING PROCEDURES**

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

4. **MINUTES**

(Pages 1 - 24)

To approve as a correct record the Minutes of the meetings held on 30 November and 9 December 2022, and to note a correction to the list of Members present [to include Councillor Daniells] in 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. **AL/72/22/PL - ROCK HOUSE, WESTERGATE STREET**

(Pages 25 - 36)

PLANNING APPLICATIONS

7. **Y/124/22/PL - BARNs SOUTH OF STAKERS FARM, NORTH END ROAD, YAPTON** (Pages 37 - 64)
8. **M/126/22/PL - 12 THE LAYNE, ELMER PO22 6JL** (Pages 65 - 78)
9. **LU/348/22/PL - 51B BEACH ROAD, LITTLEHAMPTON BN17 5JG** (Pages 79 - 86)
10. **FP/197/22/PL - LAND ADJACENT TO 10 SECOND AVENUE, FELPHAM PO22 7LJ** (Pages 87 - 100)
11. **CM/46/22/PL - BAIRDS FARM SHOP, CROOKTHORN LANE, CLIMPING BN17 5SN** (Pages 101 - 110)
12. **BR/240/22/PL - LAND ADJACENT TO COMMUNITY CENTRE, WESTLOATS LANE, BOGNOR REGIS PO21 5JZ** (Pages 111 - 124)
13. **BN/144/22/OUT - NUTHATCH, WANDLEYS LANE, FONTWELL, EASTERGATE PO20 3SE** (Pages 125 - 142)
14. **AL/31/22/PL - RYEFIELDS FARMHOUSE, OAK TREE LANE, WOODGATE PO20 3GU** (Pages 143 - 160)

PLANNING APPEALS

15. **APPEALS** (Pages 161 - 164)
16. **HMO ARTICLE DIRECTION REPORT** (Pages 165 - 170)

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

David Easton (Ext 37698) email david.easton@arun.gov.uk

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

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

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

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Public Document Pack Agenda Item 4

Subject to approval at the next Planning Committee meeting

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PLANNING COMMITTEE

30 November 2022 at 2.00 pm

Present: Councillors Chapman (Chair), Blanchard-Cooper, Bower, Chace, Hamilton, Haywood, Lury, Thurston and Warr

The following Members were absent from the meeting during consideration of the matters referred to in the Minutes indicated:-
Councillor Blanchard-Cooper – Minute 482 [part]; Councillor Warr – Minute 484 [part] to Minute 486.

Apologies: Councillors Edwards and Kelly

469. ELECTION OF THE VICE-CHAIR

The Chair opened the meeting and explained that the Vice-Chair had given his apologies for the meeting. He then proposed that Councillor Lury sit as acting Vice-Chair for this meeting. This was seconded unanimously by all other Committee Members present.

The Committee

RESOLVED

That Councillor Lury be Vice-Chair of this meeting.

470. DECLARATIONS OF INTEREST

No declarations of interest were made.

471. MINUTES

The Minutes of the previous meeting held on 26 October 2022 were approved by the Committee and signed by the Chair.

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

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

Planning Committee - 30.11.22

473. AL/107/21/PL WOODGATE CENTRE, OAK TREE LANE, WOODGATE

Demolition of the Woodgate Centre buildings (including 3 No. residential dwellings) & the construction of 180 No. residential dwellings with the creation of new vehicular access with footways and cycleways, ancillary road infrastructure, emergency access arrangements, associated parking, public open space, including children's play space, landscape planting, surface water attenuation & drainage & other associated infrastructure. This site is in CIL Zone H SP2, BEW Strategic Site and is not CIL Liable.

This application was deferred by Committee on 27 April 2022 [Minute 818] to allow for further information and clarity on the use of the Section 106 Agreement contributions. The Strategic Development Team Leader presented the report which provided further information to Members and noted a verbal update to the Officer recommendation due to outstanding issues with the Section 106 Agreement arising from Arun and West Sussex's updated apportionment methodology and infrastructure negotiations.

Members then took part in a debate on the application where a number of points were raised and responded to by Officers, including questions around the delivery of the footbridge and whether a date for delivery had been settled, clarification over the Section 106 contributions especially in relation to the A29 realignment and any impacts to funds going to public transport, and the parking standards around electric vehicle charging points. The recommendations were then proposed by Councillor Bower and seconded by Councillor Chace.

The Committee

RESOLVED

To delegate to the Group Head of Planning in consultation with the Chair of Planning Committee authority to:

- a) Grant full planning permission subject to conditions set out in the Officer's report; and
- b) Subject to a Section 106 Agreement, subject to minor amendments to confirm the level of Highway and Transport contributions and projects and the mechanism for the delivery of the East-West cycle/footbridge.

Should these matters not have been resolved within 6 weeks then delegated authority be granted to the Group Head of Planning (in consultations with the Chair of Planning Committee) to refuse the application.

474. A/153/22/OUT BROADLEES, DAPPERS LANE, ANGMERING BN16 4EN

2 Public Speakers

Cllr Nicky Hamilton-Street – Angmering Parish Council
Anna Gillings – Agent

Outline application for development of the site to provide up to 20 dwellings with all matters reserved (except for access).

The Planning Area Team Leader presented the report with updates and highlighted a change to conditions as the condition requiring a pavement linking the site to Water Lane was already secured as a condition on another planning approval (A/114/18/PL) which was already under construction. This was followed by 2 Public Speakers.

Members then took part in a debate on the application where a number of points were raised and responded to by Officers, including the removal of trees from the site, the drainage solutions and whether the Committee should consider them at the Reserved Matters stage, local secondary education capacity, and the level of disruption to the care home. The Group Head of Planning concerned that the application was CIL liable and that was how funds for infrastructure would be secured, rather than through Section 106 contributions. The Planning Area Team Leader noted conditions in the report concerning trees and drainage, and that the separate approval for the care home also had conditions to minimise disturbance. The recommendations were then proposed by Councillor Chace and seconded by Councillor Bower.

The Committee

RESOLVED

To delegate to the Group Head of Planning in consultation with the Chair authority to:

- a) Complete the Section 106 Agreement, the terms of which are substantially in accordance with those set out in the report with any minor amendments authorised by the Group Head of Planning; and
- b) Upon completion of the Section 106 Agreement, grant outline planning permission subject to conditions.

Should the Section 106 Agreement 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 reason:

1. In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision and is thereby contrary to the aims and objectives of the NPPF and policy AH SP2 of the Arun Local Plan.

Planning Committee - 30.11.22

475. AB/128/22/PL 55 FITZALAN ROAD, ARUNDEL BN18 9JP

Variation of condition following APP/C3810/D/22/3294699 (AB/130/21/HH) relating to Condition No 3 – materials.

The Planning Area Team Leader presented the report but technical issues in the meeting prevented some Members being able to see the visual presentation. One Member did note the difficulty in determining applications without being able to see the proposals. 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 subject to the conditions as detailed.

476. AL/96/22/RES LAND AT BAYARDS, LEVEL MARE LANE, EASTERGATE PO20 3RZ

(Before this application, there was a two minute pause to resolve technical issues in the Chamber.)

3 Public Speakers

Ken McGowan – Objector

Ian Anderson – Agent

Rob Collett – Applicant

Approval of reserved matters following outline consent AL/113/21/OUT for 67 No. houses. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liabile as new dwellings.

The Planning Area Team Leader presented the report with updates. This was followed by 3 Public Speakers. Members then took part in a debate on the application and raised concerns over the location of the proposed play area and whether it should be closer to and within site of the affordable housing, the impacts from the development to Level Mare Lane as only 6 of the 67 houses would be accessible from this road, and the unpopularity of the proposals with some of the local community. 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.

477. AL/135/22/RES LAND WEST OF HOOK LANE, ALDINGBOURNE PO20 3BB

2 Public Speakers

Katherine Jarman – Aldingbourne Parish Council

Sam Sykes – Agent

Approval of the Reserved Matters; Appearance, Landscaping, Layout and Scale for the construction of 10 No. dwellings following the permission of AL/79/20/OUT. This application is in CIL Zone 30 (CIL Liable) and is a Departure from the Development Plan.

The Planning Area Team Leader presented the report with updates. This was followed by 2 Public Speakers. Members then took part in a debate on the application where concerns were raised about the lack of protection given to the mature hedgerow on the site's eastern boundary and the loss more generally of hedgerows and biodiversity in the District. 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.

478. BN/65/22/PL LAND REAR OF CEDAR END, EASTERGATE LANE EASTERGATE PO20 3SJ

(Before this application, the Chair announced there would be a ten minute adjournment to resolve technical issues.)

2 Public Speakers

Richard Blott – Objector

Darryl Howells – Agent

Sever land and erection of 1 No. bungalow with new vehicular access (resubmission of BN/14/22/PL). This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwelling.

The Planning Area Team Leader presented the report with updates. This was followed by 2 Public Speakers. One Member questioned the size of the property relative to the plot and whether it was too big, but Officers noted that it was similar to neighbouring properties and not visible from the road. The recommendation was then proposed by Councillor Bower and seconded by Councillor Chace.

Planning Committee - 30.11.22

The Committee

RESOLVED

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

479. BR/159/22/PL 5-11 ARONEL COTTAGE NURSING HOME, HIGHFIELD ROAD, BOGNOR REGIS PO22 8BQ

Two storey side extension creating 16 No. additional bedrooms with en-suite, new lift and additional living space (resubmission of BR/135/21/PL). This application is in CIL Zone 4 (zero rated) as other development.

The Planning Area Team Leader presented the report. One Member asked if a Flood Zone Assessment had been undertaken. It was confirmed that the site was located within Flood Zone 1 so this was not necessary. Another Member noted the conditions on ecology and energy and asked whether trees had been removed ahead of this application being submitted. Officers confirmed that there were no TPOs on the site so were not involved in that process. 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 subject to the conditions as detailed.

480. FG/155/22/PL 7 SEA LANE, FERRING BN12 5JP

2 Public Speakers

Michelle Blackburn – Supporter

Jane Wilkinson – Supporter

Variation of condition 4 following FG/12/16/PL to vary hours of operation to Monday-Sunday 12:00-22:30, Christmas Eve 12:00-23:00, New Year's Eve 12:00-00:30; late night refreshment on Christmas Eve 23:00-00:30, New Year's Eve 23:00-01:00; performance of live music on New Year's Eve 23:00-00:30 and performance of recorded music on New Year's Eve 23:00-00:30.

The Planning Area Team Leader presented the report with updates and confirmed an update to conditions following Environmental Health being satisfied by a noise assessment submitted by the applicant. This was followed by 2 Public Speakers. Once the hours of operation and the wording of conditions were clarified, the recommendation was proposed by Councillor Bower and seconded by Councillor Blanchard-Cooper.

The Committee

RESOLVED

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

481. LU/204/22/PL 36 BEACH ROAD, LITTLEHAMPTON BN17 5HT

Change of use ground, first and second floor from mixed use E and C3 to Sui Generis House of Multiple Occupation with ancillary office on part ground floor.

The Planning Area Team Leader presented the report. Members then took part in a debate on the application where concerns were raised about the loss of commercial floorspace, the limits this would impose on potential businesses and the detrimental impact this could have to the site's town centre location. The Planning Area Team Leader noted that current permitted development regulations allowed for a change of use from retail to residential. The recommendation was then proposed by Councillor Chapman and seconded by Councillor Bower.

The Committee

RESOLVED

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

482. P/161/22/PL LAND ADJACENT TO SEFTER SCHOOL HOUSE, SEFTER ROAD, BOGNOR REGIS PO21 3EE

[Councillor Blanchard-Cooper was absent for part of the discussion and the vote for this item.]

1 Public Speaker

Cllr Peter Atkins – Pagham Parish Council

Variation of condition 13 imposed under P/116/19/OUT relating to the rewording of the condition.

The Planning Area Team Leader presented the report. This was followed by 1 Public Speaker. Members then took part in a debate on the application where a number of points were raised and responded to by Officers, including clarification of the details of the fourth component under Condition 13 (the requirement for longer-term monitoring of pollutants and maintenance) and whether this research should precede building work rather than occupation. The recommendation was then proposed by Councillor Chace and seconded by Councillor Bower.

Planning Committee - 30.11.22

The Committee

RESOLVED

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

483. WA/57/22/NMA LAND EAST OF FONTWELL AVENUE, FONTWELL

1 Public Speaker

Dawn Appleton – Agent

Non material amendment following WA/22/15/OUT to amend the description of development to refer to 405 new dwellings so that the description reads: Outline planning permission for up to 405 new dwellings, up to 500 sq. m of non-residential floor space (A1, A2, A3, D1 and/or D2), 5,000 sq. m of light industrial floorspace (B1 (b)/(c)) and associated works including access, an internal road network, highway works, landscaping, selected tree removal, informal and formal open space and play areas, pedestrian and cyclist infrastructure, utilities, drainage infrastructure, car and cycle parking and waste storage.

The Strategic Development Team Leader presented the report. This was followed by 1 Public Speaker. Once it was confirmed that any change agreed by Committee would not impact what had previously been approved and only alter the description, the recommendation was then proposed by Councillor Chace and seconded by Councillor Bower.

The Committee

RESOLVED

That the non-material amendment be APPROVED so that the amended description reads: Outline planning permission for up to 405 new dwellings, up to 500 sq. m of non-residential floor space (A1, A2, A3, D1 and/or D2), 5,000 sq. m of light industrial floorspace (B1 (b)/(c)) and associated works including access, an internal road network, highway works, landscaping, selected tree removal, informal and formal open space and play areas, pedestrian and cyclist infrastructure, utilities, drainage infrastructure, car and cycle parking and waste storage.

484. WA/86/22/RES LAND WEST OF TYE LANE, WALBERTON

[Councillor Warr left the meeting during this item.]

2 Public Speakers

Philip Hailey – Objector

Dawn Appleton – Agent

Approval of reserved matters following outline consent WA/68/20/OUT for the construction of 131 No. dwellings (30% affordable homes) and amendment to boundary of garden land to serve adjoining property. This application may affect the setting of listed buildings, may affect the character and appearance of the Walberton Village Conservation Area and is in CIL Zone 3 and is CIL Liable as new dwellings.

At the beginning of this item, the Chair read out a statement to the Committee [which is provided here verbatim for the record]:

On Wednesday 23 November I received an e-mail from a Mr James Mallinson on behalf of the applicants for this item. On that day I was travelling to York. When I arrived in York at around 5pm I accessed my I-pad and noticed the message. Given the heading relating to a live planning application I did not open it. When I returned home on 27 November there was a message on my home answerphone received on 24 November from Mr Mallinson asking me to confirm that I had received the message. I did not respond. On Monday 28 November Mr Mallinson again telephoned on my home number and asked me to confirm that I had received and read his message on behalf of BDW. I told him that I was not prepared to confirm or deny that I had received or read his message and that I would seek further advice on the matter from the Monitoring Officer. This, therefore, is a brief summary of matters relating to this application and I am now confirming to this Committee, for the record and for transparency, that I did not read the content of the message from Mr Mallinson and that whatever its contents it has no bearing on my consideration of the application.

The Planning Area Team Leader then presented the report with updates. This was followed by 2 Public Speakers. Members then took part in a debate on the application where a number of points were raised, including that the application was won on appeal but that it did not meet the objectives of the Appeal Inspector as they had wanted bungalows along the southern boundary of the site and instead there were 2-storey dwellings, what constituted a bungalow, the need for single storey dwellings, the demographics that may use bungalows and whether there would be conflict with placing the play area in front of them, the suitability of the style and materials proposed for the location and the need for a consistent approach to quality across the development.

The Officer recommendation to approve conditionally was then proposed by Councillor Chapman and seconded by Councillor Warr. After a vote, the recommendation was declared NOT CARRIED.

The Chair noted that the meeting was nearly at its 3 hour limit unless an extension as per Part 5, Section 2, 8.1 of the Constitution was voted for. Councillor Chace proposed a 30 minute extension to the meeting. This was seconded by Councillor Blanchard-Cooper.

Planning Committee - 30.11.22

The Committee

RESOLVED

That the meeting be extended for a further 30 minutes at which time the meeting would stand adjourned.

The Legal Services Manager explained the process that Members would need to follow when refusing or deferring an application against the Officer's recommendation and reasons for refusal were then discussed by Members. These included the proposal conflicting with the Inspector's decision/guidance that the properties to the southern end of the site fronting the play areas should be single storey only, and that proposed dwelling style and materials failed to reflect those found in the locality. Both reasons were considered to significantly harm the character and appearance the area. The recommendation to refuse was then proposed by Councillor Bower and seconded by Councillor Lury.

The Committee

RESOLVED

That the application be REFUSED on the grounds that:

1. The proposal conflicted with the Inspector's decision/guidance that the properties to the southern end of the site fronting the play areas should be single storey bungalows only and thereby significantly harm the character and appearance of the area in conflict with policies D DM1 and D SP1 of the Arun Local Plan;
2. The proposal by reason of dwelling style and materials proposed failed to reflect those found in the locality and thereby significantly harm the character and appearance the area in conflict with policies D DM1 and D SP1 of the Arun Local Plan.

The Members who voted against the Officer's recommendation to approve and for the recommendation for the application to be refused were Councillors Blanchard-Cooper, Bower, Chace, Chapman, Hamilton, Haywood, Lury and Thurston. There were no votes cast against this recommendation and no votes cast in abstention.

485. CHANGE TO THE ORDER OF THE AGENDA

Due to the approaching time limit for the meeting and the deadlines involved in the consultation, the Chair used his discretion to amend the order of the agenda to hear Agenda Item 20 [Rampion 2 Wind Farm Proposal - Supplementary Statutory Consultation] next.

486. RAMPION 2 WIND FARM PROPOSAL-SUPPLEMENTARY STATUTORY CONSULTATION

Upon the invitation of the Chair, the Group Head of Planning presented the report which updated Members on the proposed amendments to the onshore elements of the Rampion 2 Wind Farm proposals. These amendments were deemed to be relatively minor for Arun and included a change in the location of the substation and changes to the cable route from the shore to the substation. The recommendation was then proposed by Councillor Bower and seconded by Councillor Haywood.

The Committee

RESOLVED

That the proposed alternative routes be noted and that there were no additional comments specific to those proposals, and that the resolution of the Committee in September 2021 [Minute 238] remained unchanged.

The Chair informed the Committee that the meeting would then be adjourned and a date to finish the business of the meeting to take place within 10 working days would be communicated to Committee Members as soon as available. The meeting was then adjourned.

(The meeting adjourned at 5.21 pm)

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PLANNING COMMITTEE

9 December 2022 at 2.00 pm

Present: Councillors Chapman (Chair), Edwards (Vice-Chair), Bower, Chace, Hamilton, Kelly, Lury and Thurston

Apologies: Councillors Blanchard-Cooper, Haywood and Warr

516. WELCOME

The Chair welcomed all to the meeting and explained that the meeting had been convened to complete the business of the adjourned meeting on 30 November 2022.

517. DECLARATIONS OF INTEREST

No declarations of interest were made.

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

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

519. APPEALS

One Member sought clarification over the impact to any of these appeals of the recent Government announcements on greater flexibility for Councils in meeting Government-set housing targets. The Chair explained that the Government was yet to set out the changes in any detail and that it would take time to amend the National Planning Policy Framework (NPPF), and as such these announcements would not affect any of the decisions listed under this item. The Committee then noted the Appeals list.

520. UPDATED PLANNING COMPLIANCE STRATEGY 2022

The Chair opened this item by reminding Members of questions directed to him as part of Public Question Time at Full Council on 9 November 2022 asked on behalf of a number of Parish Councils. He updated Committee that since that meeting he had received two further representations from Parish Councils seeking further delay to this item to allow further consultation. He clarified for the record why he wished for no further delay to the adoption of the compliance strategy as the recommendation was seeking approval 'on the basis that work to monitor and include performance targets specified in the Strategy be initiated', and as such if the Committee decided to approve the strategy at the meeting then the scrutiny work could start and the strategy would become a living document that could be amended on the basis of further representation (including the possibility of amendment via consultation).

Planning Committee - 9.12.22

Upon the invitation of the Chair, the Planning Area Team Leader presented the report which set out the outcome of consultations with Parish and Town Councils on the proposed updated Compliance Strategy and sought the Committee's agreement that the strategy be adopted. He provided a verbal update to the strategy [on page 254 of the agenda pack] following representation from Littlehampton Town Council that Houses in Multiple Occupation (HMOs) be moved from the lowest case priority [4] to priority 2, and that this change would be amended in the approved strategy. He noted the work involved in updating the strategy and highlighted the close involvement of enforcement officers, and how it was hoped the updated strategy would engage with the local community and give them confidence that any breaches reported would be investigated in a fit and proper way.

Members then took part in a debate on the item where a number of points were raised, including:

- further support that the strategy update had not been rushed, contrary to some Parish Councils' criticism
- the use of consultants, whether they were clearing the backlog and whether there was a timeline for this or an expected date by which the backlog would be cleared
- the state of the relationship between Parish Councils and Arun given some of the comments made in their representations
- when this strategy and the Planning department's performance would come back to Committee for review
- understanding the need for proactive monitoring of strategic development sites for breaches, but that this was also needed elsewhere in the District on smaller sites (issues with parking in Bersted was noted)
- staffing resource and clarification over the number of enforcement staff currently in post when the report talks about a full complement of 5 enforcement staff
- the recruitment of retired police officers and armed forces personnel to enforcement roles

The Planning Area Team Leader provided Members with responses to the points raised. He noted that there were serious enforcement cases throughout the District, and not just relating to strategic sites, and that any reported breach from priorities 1-3 (less so priority 4) would be looked into as their severity dictated. He clarified that the Council currently only had one enforcement officer and though consultants had been recruited they were not able to get involved in the backlog (built up whilst there were no enforcement resources to investigate complaints) due to the amount of bigger cases also requiring attention. He explained that there was not currently the resource to completely deal with the backlog and that recruitment in the past had not proved successful. New approaches to recruitment were being explored, including seeking to recruit more traditional site-visiting enforcement officers with investigative-type skills, rather than additional planning-trained planning officers, who would perform the inspections and then work with existing planning officers who would undertake a planning assessment.

The Chair noted that changes to pension rules for police officers in 2020 had made it less attractive for them to work for a public authority and had had an impact on their recruitment, and that approaches should be made to retiring armed forces personnel and that this was best done through Councillor Edwards as the Community Military Covenant Champion for Arun. The recommendation was then proposed by Councillor Bower and seconded by Councillor Chace.

The Committee

RESOLVED

That the updated Planning Compliance Strategy 2022 be approved, on the basis that work to monitor and include performance targets specified in the Strategy be initiated within three months of the adoption of this strategy.

521. PLANNING COMMITTEE - PERFORMANCE REPORT QUARTER 2

The Chair invited discussion on the report which set out the performance of the Key Performance Indicators at Quarter 2 for the period 1 April 2022 to 30 September 2022. Members raised a number of points, including:

- following the resolution of the last item, how the Committee would monitor the progress of compliance issues and whether in future data on compliance should be included as a KPI and how this might look
- the KPI range and scope being set by Policy and Finance Committee and whether Planning Committee should formally seek via Committee resolution to incorporate a KPI to enable the Committee to monitor the performance process, and/or in the meantime whether Members should work with Officers to strengthen the robustness of the data in reports already coming to Committee whether they are reported under KPIs or not. The Committee gave the Chair the power to explore this and report back any response.
- downward movement on a number of KPIs (CP26, CP28, CP30, CP35) since the previous report and the reasons for this (staff sickness, absence and recruitment were noted)
- the reactive nature of planning and the skewing impact of the large strategic applications on the metrics if just one target is missed, and frustration when impacts are caused by the applicants and are out of the control of Arun
- the need for an update from Planning Officers on the new announcements from central Government on Government-set housing targets

The Committee then noted the report.

(The meeting concluded at 2.40 pm)

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Public Document Pack

Subject to approval at the next Planning Committee meeting

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PLANNING COMMITTEE

24 August 2022 at 2.00 pm

Present: Councillors Chapman (Chair), Lury (Vice-Chair), Blanchard-Cooper, Bower, Chace, Daniells (Substitute for Goodheart), Haywood and Kelly

Apologies: Councillors Goodheart, 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.

Planning Committee - 24.08.22

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

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

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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.

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.

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

(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

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.

Subject to approval at the next Planning Committee meeting

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229. APPEALS

The Committee noted the appeals update.

(The meeting concluded at 3.55 pm)

REPORT UPDATE

Application No: AL/72/22/PL

Reason for the Update / Changes

REASON FOR UPDATE CHANGES

Determination of the planning application was deferred at the meeting of the Planning Committee on 28 September 2020 to allow time for the receipt and consideration of additional information from the applicant concerning the application.

The applicant has since submitted further information regarding use of the buildings and some revised drawings showing changes to fenestration have also been received. No other changes are proposed. These minor changes are listed below.

The plans and supporting information have been sent to previous consultees for comment.

Changes to drawings:

0353 PO2 (Layout Amended 28.09.22) Proposed East and South

- an additional south elevation 2 and an additional window and archway in the east elevation.

0250 PO2 (Layout Amended 28.09.22) General Arrangement Ground Floor Proposed

- window to living room.
- windows in office at front.
- opening on south elevation of workshop.

0350 PO2 (Layout Amended 28.09.22) General Arrangement Elevation - Proposed West (Roadside) and North

- different height of boundary treatment on far right of drawing.
- includes west elevation roadside with gate.
- north elevation shows gate piers.
- door on front elevation of house omitted.

Heritage Statement

The applicants have supplied a Heritage Statement (dated 13.10.22).

This gives a detailed background to the proposals, includes proposed materials and coloured sketches of the scheme.

Comments from ADC Principal Conservation Officer are awaited

Supporting Statement with respect to Policy EMP DM1

This statement advises that the applicant's business has outgrown the premises, which are to be converted. The original business space having arisen from a historic family business use connected to Rock House as a family home.

The workshop is physically connected to the house and the applicants have been able to explain the background to cessation of use and have confirmed that given the physical links with their house that alternative uses by a third party would be inappropriate.

It is concluded, in these specific circumstances, that the proposals are acceptable with respect to Policy EMP DM1 and ANDP Policy EE2.

OFFICERS RECOMMENDATION

As there have been no substantive changes to the proposed scheme, the reason for refusal (1), based on the adverse effect on character and affects to setting of a listed building, remains in place.

The reason for refusal (2) concerning loss of employment floorspace has been removed.

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: 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 Demolition of the 'Servac' workshops retaining parts of the structure, using this as a two-bay car port with storage loft above.

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.

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

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.

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.

TOPOGRAPHY

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.

TREES

It is understood there are protected trees (TPO 3/46/90) on the Hop Garden Cottage. The location and canopy spread of any trees close to the boundary have not been shown on the application drawings.

BOUNDARY TREATMENT

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
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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 Built up area boundary

EH1

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.

BUISNESS 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 Local Plan.

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

BACKGROUND PAPERS

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

AL/72/22/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: Y/124/22/PL

LOCATION: Barns South of Stakers Farm
North End Road
Yapton

PROPOSAL: Erection of 9 No dwellings with associated access, car ports, parking and landscaping. This application may affect the setting of a listed building, may affect the character and appearance of the Main Road/Church Road Conservation Area, is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal is for 9 dwellings to be accessed from within the adjacent Stakers Farm development (which in turn accesses onto North End Road). Two of the dwellings are FOGs (flat over garage) although in this case they are above car port structures. The rest are two-storey semi-detached or terraced. The overall mix is 6 x 2 beds and 3 x 3 beds. The layout includes a shared surface courtyard.

A 5m wide landscaped buffer is shown along the south-eastern boundary. Boundaries will be formed by hedging (front) and fencing (rear). The layout includes a narrow strip of land comprising a farm track which will be redeveloped in part as garden land for properties in the Stakers Farm development and in part as pockets of amenity space. The inclusion of this track in the red edge enables a link to be made between the Dandara and Seaward sites thus allowing for people to move between those two sites and onto destinations elsewhere.

SITE AREA 0.34 hectares

RESIDENTIAL DEVELOPMENT DENSITY 26.5 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES Some trees on the south western edge of the site including along the access track but none are affected by the development.

BOUNDARY TREATMENT Mixed. The north-western boundary is presently predominantly open save for a small 0.7m high fence in the northern corner. The north-eastern boundary is similarly open. The south-eastern boundary includes a section of 2.1m high flint/stone wall. The south-western boundary includes both wall and fence both approximately 1.1m high.

SITE CHARACTERISTICS

A farm compound comprising two agricultural buildings, part clad in grade 1 asbestos sheets, areas of hardstanding and small areas of grass or overgrown vegetation. The hardstanding areas include fertilizer & water tanks, a fuel station plus areas of open storage/waste. The site is accessed from Stakers Farm to the south (which has an entrance onto North End Road). The site area includes a narrow strip of land comprising a farm track which extends in a north-easterly direction towards agricultural fields.

CHARACTER OF LOCALITY

The site is currently surrounded on three sides by residential developments (currently construction sites) whilst to the south-east are former barn buildings associated with Stakers Farmhouse. These barns are in the Yapton Main Road & Church Road conservation area. Stakers Farmhouse is Grade II Listed whilst the aforementioned barn buildings are curtilage listed.

RELEVANT SITE HISTORY

Y/106/21/PL	Variation of condition 1 imposed under Y/72/20/RES relating to amended plans. This application affects the character & appearance of the Main Road/Church Road Yapton Conservation Area & affects the setting of Listed Buildings.	ApproveConditionally 24-09-21
Y/72/20/RES	Approval of reserved matters following outline approval Y/44/17/OUT for the erection of 70 No. dwellings, public open space, play area, drainage & landscaping. This application affects the character & appearance of the Main Road/Church Road Yapton Conservation Area & affects the setting of Listed Buildings.	App Cond with S106 16-03-21
Y/105/19/PL	Conversion of & alterations to existing barns to create 3 no. dwellings, erection of car barns & stores, a replacement pump house, demolition of barn & associated landscaping & parking - This application may affect the character and appearance of Main Road/Church Road Conservation Area.	ApproveConditionally 30-07-20
Y/106/19/L	Listed building consent for conversion of & alterations to existing barns to create 3 no. dwellings, erection of car barns & stores, a replacement pump house, demolition of barn, associated landscaping & parking.	ApproveConditionally 30-07-20

Y/63/19/RES	Approval of reserved matters following the grant of Y/1/17/OUT for 56 No. dwellings with associated open space & creation of new access. This application affects the character & appearance of the Yapton (Main Road) Conservation Area & affects the setting of listed buildings.	Approve Conditionally 21-02-20
Y/108/14/PD	Prior notification under Class MB for change of use of agricultural building to 2 No. dwellings (Use Class C3)	Objection 12-02-15 Appeal: Dismissed 10-12-15
Y/77/14/PD	Prior notification under Class MB for change of use from agricultural to 2 No. dwellinghouses (Use Class C3)	Objection 03-11-14
Y/77/13/PD	Prior Notification for change of use of agricultural building to Use Class B1 (Business)	No Objection 23-12-13

Y/77/13/PD concerns the southernmost of the two buildings and granted consent for a change from agricultural building to a B1 (Business) use, but the permission was never implemented and Y/77/14/PD & Y/108/14/PD to convert the same building into dwellings were refused and dismissed on appeal. There have been no further planning permissions within the site confines.

Since then, permissions have been granted for significant new residential development on land adjoining the site including 56 dwellings on land at Bonhams Field (being delivered by Seaward Properties) and 70 dwellings on Stakers Farmland (being delivered by Dandara). The three barn buildings adjoining the south-eastern boundary have received planning permission and Listed Building Consent) to convert into dwellings.

REPRESENTATIONS

Yapton Parish Council - will only support the proposal if the following (summarised) points are fully considered:

- Site lies outside the Built-Up Area Boundary but could be perceived as infill.
- Proposal is too dense and fails to reflect the lower density of outlying areas of neighbouring sites.
- The mix is inappropriate as it does not include housing suitable for an aging population such as bungalows.
- The materials must reflect the historic nature of the site especially that of the adjoining flint barn.
- The existing track should be designated to form a green route/public multiuser byway to allow access for children living south of Main Road to Yapton Primary School; and
- The farm track should be used to provide space for biodiversity to benefit the local community.

Six letters of objection and one of no-objection raising the following issues:

- Roads & rail crossings in Yapton are struggling to cope with increased traffic associated with housebuilding.

- Need to ensure footpath, cycle path and Bridleway between the Dandara & Seawards developments not just a footpath.
- Covenants should not be imposed restricting what type of vehicles can be parked here.
- Need easily accessible cycle storage and an active travel package to support new owners.
- Dandara has a bad history when it comes to cladding and fire safety.
- Harm to bats present in the agricultural buildings; and
- Too many houses already built in Yapton.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments of the Parish Council and the objectors are noted, and the majority of the objections are considered in the conclusions section with the exception of the following responses:

- The forthcoming revised Yapton Neighbourhood Development Plan proposes to designate the site as within the Built-Up Area Boundary.
- A condition will be imposed to control materials.
- It has been a longstanding ambition of the council to create a link between the Bonhams and Stakers Farm sites to enable people to walk between Main Road and North End Road as an alternative to using narrow pavements. Connections have already been secured between the Stakers Farm site and Clays Farm, from there into the Redrow site (Land at Street Buildings) and from there onto North End Road further up or onto Maypole Lane. The track between the Seaward and Dandara sites was the missing piece of this route but was separately owned and would have otherwise required the council to agree with the owner to enter into a legal agreement to enable persons to cross the track (and there may then have been the potential for conflict between pedestrians & farm vehicles). However, there was never any proposal to create a route along the length of the track to North End Road and such a proposal would need the agreement of the owner of Stakers Farmhouse to cross their (private) land to the south-east of the application site. Residents of the development can access this link using estate roads and pavements in the wider Dandara site.
- The application showed the rest of the track as open space, and this would have allowed for biodiversity planting but would not be accessible to the community. With the land being shut off between adjacent private gardens, it would likely be a target for 'over the fence' dumping of garden waste or for anti-social behaviour. The applicant was requested to reallocate the land to adjacent gardens.
- The link between the sites had always been intended as a pedestrian route first. No provision was made for cycle access in the adjacent layouts but there would be nothing to prevent people from dismounting whilst crossing the link to then continue on a bicycle within the estate roads either side. The report for Y/72/20/RES (Stakers Farm) stated:

"This was not stated to be a requirement on the outline planning application when access arrangements were considered & agreed. As such, the Council is not now able to request a segregated pathway." and "There was no request in respect of the outline application by WSCC Highways for a bridleway on this site. It is acknowledged the ALP sets out a deficiency in bridleway provision, that ALP policy T SP1 seeks to promote bridleway routes and that the NPPF seeks to improve recreation by adding links to existing rights of way networks including long distance routes for walking, cycling & horse riding. Such a requirement should have been resolved at the outline stage when access was considered (and approved). It would not be possible to refuse the application on basis of no provision for horses."
- The comment about covenants is understood to refer to the fact that there is a covenant on the Dandara site preventing the parking of commercial vehicles with graphics by residents in the

development as has been separately reported to the case officer. This has led to such vehicles being parked on local roads. Covenants are separate to the planning process and the local planning authority has no control over their imposition/enforcement.

- The scheme will provide cycle storage spaces, and this will be enforced through a condition. There is no requirement for a planning application of this scale to provide a Travel Plan and so no potential to require active travel measures.

- The fire safety of building materials is a matter for Building Control.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - no objection subject to a standard pre-commencement condition.

WSCC HIGHWAYS (LHA) - Initially requested more information regarding trip generation rates and this was provided. This shows 5 in the morning peak & 6 in the evening peak hour with a total of approximately 26 outbound & inbound trips daily. WSCC have no concerns with trip rates or movements of large vehicles in the layout and state no objection with no conditions recommended.

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

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

ADC LANDSCAPE OFFICER - no objection (no conditions recommended) with the following comments:

- The proposals will be screened from the conservation area and Stakers Farmhouse by the inclusion of a planted buffer on the eastern boundary.
- There will be no requirement for on-site play provision, Public Open Space, or an allotment contribution.
- The planting proposals would appear suitable for location & application and are sufficiently detailed; and
- The allocation of the former farm access to gardens would appear appropriate and prevent an inaccessible unusable strip of waste land which could have the potential for rubbish collection and antisocial behaviour.

ADC DRAINAGE ENGINEERS - raise a holding objection pending the provision of winter groundwater monitoring & winter infiltration testing and complete calculations to assess the size of drainage structures required. State that a rough plan should be formed showing where these structures will be provided in the layout. Evidence that no pumping or ground raising would be required. Detailed design of the system can then be left until discharge of conditions. State that standard pre-commencement conditions can be imposed if approving the application.

ADC CONSERVATION OFFICER - the development will result in "less than substantial harm" in accordance with paragraph 202 of the NPPF (2021). Advises it will be necessary to consider the public benefits that the development may achieve as part of the application assessment along with the contents of section 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Comment as follows:

- Rear elevations will potentially be viewed from in the farmstead and neighbouring road (Conservation Area).
- It is anticipated that there will be more inter-visibility when appreciating the assets as a group, and that the development will be in the field of vision. Therefore, there will be an impact the setting of the Conservation Area and heritage assets.
- The intention is to (re-)instate a green treed boundary to the boundary with the Stakers Farm complex. This is essentially a form of mitigation that will act as a screen between the modern houses and the historic farmstead. It is unfortunate that the development is requiring vegetation to screen it.
- It is not clear who will maintain these trees and if at some point in the future they will be deemed problematic for future occupiers who will wish them to be removed, with the result that the buildings would once again be clearly visible in the setting of the assets.
- It is not clear what will happen to the boundary walling between the site and the Stakers Farmstead and the boundary walling between the site and the neighbouring development to the south (Bonhams Field). This should be retained and enhanced where needed. Likewise, it is not clear what will be used to complete the boundary between the site and the Stakers Farmstead where there has historically been a gateway. Further information is required.

COUNCIL's ARCHAEOLOGIST - no objection and recommend no conditions. State the archaeological evaluation of the general area to the north and west of this site in 2020 revealed a low level of dispersed archaeological activity of marginal significance, whilst the area immediately adjacent to it seemed to have been so disturbed by deep ploughing that nothing of interest survived. This along with the built nature of the site means that there is little archaeological reason to either object or to require any other measures to mitigate its impact.

COUNCIL's ECOLOGIST - no objection subject to securing biodiversity enhancement & mitigation measures. Conditions are requested. Note that the submitted surveys did not identify any roosting bats. The mitigation measures as proposed will conserve & enhance protected species particularly bats, Barn Owls, and other birds.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

ADC ENVIRONMENTAL HEALTH - due to the small-scale nature of the proposal and its location within a wider construction site, it is not appropriate to require a Construction Management Plan.

ADC DRAINAGE ENGINEERS - it is appropriate to park the holding objection and recommend conditions as should the applicant not be able to secure an acceptable drainage scheme post-approval, then they would need to re-apply for a different layout to accommodate the required drainage features.

ADC CONSERVATION OFFICER - a condition will be imposed to seek details of alterations to boundaries and new boundary treatments. A condition will state that the south-eastern planted buffer is to be retained in perpetuity. The applicant has confirmed that 4m high semi-mature trees will be planted initially and that these will then continue to grow. These buffer trees are in the gardens of plots 2-5 but the applicant has confirmed they will make sure the new occupiers are aware of the condition requiring their retention.

POLICY CONTEXT

Designations applicable to site:

Outside the Built-Up Area Boundary (BUAB).

Flood Zone 1.

Area of Special Control (Adverts).

Adjoins the Yapton Main Road/Church Road Conservation Area; and

Affects the setting of a Grade II Listed Building.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TELDM1	TEL DM1 Telecommunications
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Yapton neighbourhood plan 2014 Policy BB1</u>	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy H3	Dwellings appropriate for the needs of older people
Yapton neighbourhood plan 2014 Policy E8	Conservation Areas
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy BE2	High speed broadband
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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.

The relevant policies within the Yapton Neighbourhood Development Plan (YNDP) have been considered in the preparation of this report. Yapton are currently working on a revised Plan (YNDP2) and are currently at regulation 17/18 stage such that it is necessary to refer to the emerging policies. The YNDP2 proposes that the site be included within the Built-Up Area Boundary.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal conflicts with relevant Development Plan policies in that the site is in the countryside. However, it complies in that it would result in a development of an appropriate scale and appearance which is not harmful to the character & appearance of the area, to the setting of nearby heritage assets, the amenities of existing/future residents or the existing road and public footpath network.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: "In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72(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 complies with these in that it preserves the character of the conservation area and the setting of the nearby Listed Building by providing a natural green buffer to the shared boundary.

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

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

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan other than as set out in the report below.

CONCLUSIONS

PRINCIPLE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. However, section 38(5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflict with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Until such time as the YNDP2 is made, any conflict between the current YNDP and the ALP would be resolved in favour of the ALP.

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

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

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

On the basis of the new AMR, the policies most important for the determination in the ALP (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land. The policies in the YNDP have even less weight because they relate to out-of-date housing needs, as the policies were based on the 2003 Local Plan and early versions of the then emerging Arun Local Plan.

The Arun Local Plan (ALP):

Policy H SP1 sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes reference to additional non-strategic allocations being made across the District, through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document". It is no longer planned to prepare this document. Instead, the ALP is to be subject to a formal review, but this is currently on pause. The emerging YNDP2 does not allocate additional housing land (but does amend the BUAB) and instead acknowledges the contribution to housing need made by dwellings which had planning consent as of March 2021.

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

application therefore conflicts with ALP policies C SP1 and SD SP2.

The Yapton Neighbourhood Development Plan (YNDP):

The YNDP was made in November 2014 on the basis of saved policies in the 2003 Arun District Local Plan and the draft policies in the 2014 publication version of the emerging ALP. The site is outside of the BUAB in the YNDP. Policy BB1 states development outside the BUAB will not be permitted unless in accordance with 4 listed criteria. Criteria 1-2 & 4 are not relevant to the proposal, but number 3 is where the development relates to additional allocations for housing land in accordance with policy H1.

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

The emerging YNDP2 proposes to modify the BUAB to take account of the permitted sites as of March 2021 which were previously outside the existing defined area, and this change will result in the site now being within the BUAB. On this basis, development of the site would be in accordance with the YNDP2.

The NPPF:

The NPPF is an important material consideration in determining applications. As the council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development would be triggered.

This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Part (i) does not apply to this determination as the site does not lie in a protected area. The part (ii) test will be applied at the end of this report.

Other Material Considerations:

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy but is meant as a guide for developers proposing development on sites outside the BUAB and to inform decisions. The IHS applies to sites adjacent to settlement boundaries and this site meets the criteria as both Stakers Farm to the south-east and Bonhams to the south-west are within the BUAB. The IHS sets out criteria to help speed up determinations of suitable residential developments. The application does not comment on the IHS.

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

ALP policy SD SP1 "Sustainable Development" states the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The site is on the edge of the Yapton BUAB and is sustainably located. It is possible to walk or cycle to reach nearby facilities, shops & services and there are also bus stops on North End Road. Whilst the private car could be required for longer distances, new residents would not need to rely on a car for local journeys. There is little environmental harm associated with the proposal whilst it will result in social and economic benefits. Overall, the proposal is sustainable development.

Conclusion on Matters of Principle:

The principle of development conflicts with the ALP and the current YNDP. It is material that the council cannot demonstrate an appropriate HLS and that it supports applications on sites adjacent to settlements in sustainable locations. Furthermore, the forthcoming YNDP2 includes the site within the BUAB and once made, the YNDP2 will outweigh the ALP. Due to the HLS position, the application as a whole, falls to be determined by the NPPF presumption in favour of sustainable development.

TRAFFIC & ROAD SAFETY:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

The only relevant YNDP policy is PK1 which refers to parking. Para 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The site would be accessed via the Dandara development with vehicles entering or exiting the wider development via the approved access on North End Road north of the Primary School. WSCC Highways raise no objections and have no concerns with the increase in vehicle movements at the access junction. The proposal results in a link between the Seaward and Dandara sites being forged across a former agricultural track north-west of the site. This will allow through movement by pedestrians & cyclists and create an alternative route between Main Road and North End Road. Residents of the new site will be able to access this via the adjoining estate roads. This link gains support from ALP policies T SP1 & T DM1.

The council's Parking Standards SPD set out a need for 18 allocated spaces and 2 visitor spaces and the proposal meets this and exceeds the visitor requirement (5 spaces). A condition will be imposed to prevent the car ports from having doors added at a later date so as to preserve these as parking spaces and not allow them to become garages. YNDP policy PK1 sets out the same standards as in the SPD and there is no conflict with this policy. Cycle storage will be achieved by either storage sheds in rear gardens or racks within the car ports and a condition will be imposed to secure this.

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

HERITAGE:

The south-eastern boundary of the site adjoins with the Yapton Main Road/Church Road Conservation Area and the curtilage of the Grade II Listed Stakers Farmhouse. There are further listed buildings on North End Road, but these all have intervening developments in between.

Relevant Arun Local Plan (ALP) policies are HER SP1 (The Historic Environment), HER DM1 (Listed Buildings) and HER DM3 (Conservation Areas). HER SP1 states that development likely to prejudice heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. HER DM3 lists criteria for proposals affecting the setting of a Conservation Area and those relevant are:

- (a) New buildings and structures should acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings; and
- (f) It does not harm important views into, out of or within the Conservation Area.

YNDP policy E8 states that development proposals will be required to preserve or enhance the character of Conservation Areas.

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

The submission includes a heritage assessment which states the degree of any impact will be informed by the green belt of trees and gardens of the new development. It proposes to (re-)instate a green treed boundary with the Stakers Farm complex. This includes trees and the residential gardens, which the heritage statement states will provide a green boundary between the development and the heritage asset. This is a form of mitigation and thus implies that there will be an impact.

The council's conservation officer states that subject to the mitigation offered by the green boundary to Stakers Farm, the proposal will result in less than substantial harm to the heritage assets. The applicant advises that 4m high semi-mature trees will be planted initially and that these will then continue to grow. As such, it is necessary to weigh this harm against the public benefits that the development may achieve which are as follows:

- the sustainable development of 9 homes to help meet local and district wide needs.
- an increase in Council Tax receipts associated with the 70 new homes.
- potential 'New Homes Bonus' payments from the Government*.
- provision of a link between the Seward and Dandara sites enabling an alternative safer route to the use of existing narrow pavements on local roads.
- financial contributions arising from any CIL payments towards local infrastructure.
- the creation/maintenance of construction jobs (albeit not necessarily benefitting local people); and
- additional spending by new residents on goods & services (albeit not necessarily in the local area)

* the New Homes Bonus is a local finance consideration and as noted in the Development Plan Background section above, section 70(2) of Town and Country Planning Act 1990 (as amended) provides that local planning authorities should have regard to any local finance considerations, so far as material to the application.

Whilst there is conflict with the development plan policies in that the proposal will result in some harm to the setting of the conservation area and nearby listed buildings, the public benefits set out above, are of a level that the "less than substantial harm" can be outweighed and that the proposal can be considered in accordance with the NPPF guidance.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority .. shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Section 72 states: "In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Whilst the setting of such designated heritage assets will be subject to less than substantial harm, it is not considered this harm is significant and can be mitigated through landscaping and outweighed by the strength of the public benefits. It was accepted in *Jones v Mordue* EWCA Civ 1243, 1 W.L.R. 2682 that if the approach in the NPPF paragraphs is followed, then the section 66(1) duty is likely to have been properly performed.

CHARACTER, DESIGN & DENSITY:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. YNDP policy H1 refers to encouraging small-scale residential developments that are sympathetic to their surroundings and providing well-designed dwellings that are sympathetic to the character of the village. Emerging YNDP2 policy H4 encourages high quality & sympathetic design, appropriate density, and sufficient outdoor space.

The Arun Design Guide (ADG) suggests a density for village locations of 15-25 for detached/semi-detached houses, 20-30 for terraced houses and 30-50 for flats. The density should be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character. The overall gross density of the site is 26.5 dwellings per hectare which whilst higher than the ADG range, is on par with the overall gross density of the adjoining Dandara site (at 26.4). As an objector points out, the density is clearly greater than existing outlying development (i.e., fronting North End Road) but the site will be read as part of the Dandara site, so this is acceptable.

The layout is appropriate to the shape and size of the site and reflects the approved scheme in terms of parking to frontages or in parking courts, use of terraced/semi-detached dwellings and shared surfaces. With the exception of plot 6 (which faces over and provides passive surveillance to a car park), all homes front onto the public realm. A comprehensive landscaping has been provided which proposes greening to plot frontages, to parking areas (including to break up runs of spaces) and areas of general amenity space within the layout. It also includes proposals for the buffer adjoining Stakers Farm to consist of 9 new trees with ornamental shrub planting. A further 21 new trees are shown elsewhere.

The two-storey scale of the scheme is the same as that on the adjacent Dandara site and in part on the Seaward site. The homes will be similar in basic shape and form to those on the adjacent site but with added design features and a different materials palette to bring interest to the elevations. and reflect the transition towards the heritage assets. The materials comprise terracotta coloured brickwork for the walls, occasional flint walls with brick quoins and black boarding. Roofs will be finished in grey roof tiles and windows will have white frames. The design features comprise gabled roofs, dormer windows set into the eaves, timber gabled porches and brick headers. The stated aim is to create a distinct character area, and this is reflected by the design.

The proposal will result in a change to the character of site from farm storage buildings to residential however the loss of the storage buildings is positive whilst the surroundings are all already in residential use such that this area already has a residential character. The scheme is heavy on landscaping to the site edges and within the layout and this help to soften and green the development. The change in character is not thought to be harmful to the settlement as a whole and the proposal is in accordance with all of the relevant development plan policies.

HOUSING MIX & HOMES FOR OLDER PEOPLE:

The Parish Council consider the mix to be inappropriate and they request the provision of bungalows. ALP policy H DM1 sets out parameters for housing mix but states that a balanced mix of dwelling sizes including family sized accommodation based on the most on the most recent SHMA recommendations is only required for developments of 11 dwellings or more. YNDP policy H2 (which is not proposed to be amended by the YNDP2) sets out housing mix parameters only for developments of 15 or more. Therefore, neither policy applies to this proposal and a refusal on grounds of housing mix would not be sustainable.

YNDP Policy H3 requires that a minimum of 25% of the 1, 2 and 3 bed dwellings are delivered to Lifetime Home Standards. The emerging YNDP2 proposes no amendments to this policy. The lifetime homes standard was replaced by the M4(2) standard in the Building Regulations. In order to comply with the YNDP policy, the application should provide two no. M4(2) homes. The application does not show this, but a condition will be imposed to ensure that internal modifications are made to 2 of the dwellings to ensure they meet the M4(2) standard.

Arun has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration and is supported by references in ALP policies D DM1 & D DM2. However, in this instance it is outweighed by the YNDP policy and in any case has no requirements for developments of less than 10 dwellings.

RESIDENTIAL AMENITY:

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

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

The layout is largely compliant save for the distance between the front of plot 2 and the side of plot 1 which is only 7.5m compared to the 14m standard. This distance is only true for half of the front of plot 2 and no windows are proposed in the affected half of the first floor (instead a fake window) or in the side of plot 1. This shortfall is acceptable.

The application includes a drawing showing the interface distances to existing or committed adjacent residential properties. There is a very minor shortfall in respect of the distance between plot 8 and some single storey homes on the Seaward site to the south-west (20.9m vs 21m). There is a shortfall between the front elevation of plot 9 to the rear of the two-storey flatted building on the Dandara site (13.2 vs 21m)

but it is material that there is currently a large agricultural storage building in this part of the site and that its loss has benefits to the apartment building in terms of light and outlook. Trees are proposed in the intervening space between the dwellings to provide screening. There is a further minor issue concerning the proximity of plot 1's side elevation to the rear garden of plot 59 in the Dandara site however, as no windows are proposed in this elevation and as the new building is to the south-east of the garden, there will be no loss of amenity.

The new access and use of the site will result in an increase in activity levels but as already stated the site lies within an area that is currently being developed for residential, and the Dandara site has not yet been completed such that any new residential occupiers have not yet had a chance to be comfortable in their surroundings in order to notice any difference. There is no conflict with relevant development plan policies.

QUALITY OF ACCOMMODATION:

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

The ADG requires rear gardens to be a minimum of 10.5m deep and front gardens at least 2m. Flats should have at least 3m² of private useable space plus communal areas equating to 40m² plus 10m² per flat. The layout has been checked and all residential gardens exceed this depth except plots 4 & 5 which have only a very minor shortfall (10.43m). The layout provides the houses with 1.5m deep front gardens except for plot 7 (3m). Plots 1 & 6 have no front space as they are flats above car ports. Plot 6 (flat) has a generous rear garden space but there is no private space allocated to plot 1 which represents a minor conflict with the ADG.

The former access track will be part repurposed to provide additional communal amenity space for the apartment building on the Dandara site and also to provide additional private garden space to plots 30, 31, 32 & 50. Its other areas are shown as par communal amenity space and part landscaping associated with the path link.

POLLUTION & CONTAMINATION:

Policy QE DM1 states residential development likely to experience road noise must (a) be supported by a noise exposure category assessment and designed to ensure that residents will not be adversely affected by noise. The policy does not require the assessment of noise from residential development on existing residential occupiers.

The application is not accompanied by a noise assessment but there is no policy conflict as the site is in a residential area and a distance of 62m from North End Road. The council's environmental health officer (EHO) requests consideration of condition to mitigate internal and external noise but has not indicated the justification for such conditions. No such conditions were imposed on the wider Dandara site and so it is not appropriate to impose such conditions here.

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. No assessment has been provided but it would be standard practice to control this by condition to require the submission of full lighting details post approval.

ALP Policy QE DM4 states development will be permitted on land that is contaminated as long as remediation is provided. As this site is a former farmyard with the presence of fuel tanks and asbestos in

the buildings, a condition to secure investigation and remediation is appropriate. The council's EHO has requested standard conditions. Subject to this, there would be no conflict with policy as remediation can be secured.

BIODIVERSITY:

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

The application is accompanied by a Phase II Bat Survey & Mitigation Strategy which identified the presence of bat species and barn owls in the vicinity of the site. However, no bat roosts were found in the existing buildings and overall bat foraging/commuting levels were low. One bird perch was found but no nesting sites.

The council's ecologist has no objections subject to conditions to secure biodiversity enhancements and mitigation measures. These measures will include bat bricks in 5 dwellings, 2 no. barn owl boxes in the site and a sensitive lighting scheme. 30 new trees will be planted on the site along with the retention of existing trees, new hedgerow units, wildflower meadow planting, shrub planting, areas of native scrub and rich grassland. These features all demonstrate biodiversity net gain. The proposal is in accordance with the relevant development plan policies.

TELECOMMUNICATIONS:

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

CLIMATE CHANGE:

ALP policy ECC SP2 requires new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires new development be designed to adapt to impacts arising from climate change. Emerging YNDP2 policy H5 supports development which meets the highest possible standards of environmental and energy efficiency.

The application includes a section on sustainability in the Design & Access Statement which states the new houses will be provided with the following:

- Enhanced air tightness standards demonstrating an improvement above the Building Regulations.
- Improved thermal detailing.
- Insulation will exceed Part L of the Building Regulations; and
- Double Glazing.

It is stated consideration will be given to the use of: (a) local materials and suppliers where viable to reduce the transport distances, (b) 'A' rated materials as assessed using the BRE Green Guide to Specification for Buildings wherever possible, (c) timber, the source of which is certified by FSC / PEFC, and (d) insulation materials with zero ozone depletion potential.

A condition will be imposed to seek the detail of these measures. Conditions will also be included to require electric vehicle charge points. On this basis, there would be no conflict with the relevant policies.

SUMMARY & TILTED BALANCE:

The site is located outside of the BUAB as per the Arun Local Plan and current YNDP. As the council's HLS is below 3 years (2.42 years), paragraph 14 of the NPPF does not apply and the application would fall to be determined by the NPPF presumption in favour of sustainable development. This states at 11 (d) (ii) that where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The proposal represents sustainable development and is in an appropriate edge of settlement location whilst it is material that the YNDP2 proposes that it be reclassified as within the settlement boundary. This report identifies some impact to heritage assets (but this will be mitigated by landscaping) and some minor conflicts with the ADG standards on density, interface distances & private garden space. On the other hand, the proposal will make a meaningful contribution to the HLS shortfall along with other social, economic, and environmental benefits. In particular, it will enable a link to be made between the Dandara and Seaward sites thus providing local people with an alternative route to the use of Main Road/North End Road.

This is an appropriate location for development and benefits from support from the council's Interim Housing Statement. The adverse impacts identified do not significantly and demonstrably outweigh the benefits and there is no conflict with other policies within the NPPF.

The recommendation is for Planning Committee to approve the application subject to conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This site is in Zone 3 and is CIL Liable. However, due to the presence of existing buildings which are currently in use, there is no net increase in floorspace (in fact a deficit of minus 439.2m²) and so no CIL is liable.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

22018-S101 Rev A Location Plan.
 22018-P101 Rev B Proposed Site Layout.
 22018/C101 Rev C Coloured Site Layout.
 22018-P102 Rev B Building Materials layout.
 22018-P103 Rev B Boundary Materials Layout.
 22018-P104 Rev B Land Use Plan.
 22018-P110 Plot 1 Floor Plans & Elevations.
 22018-P111 Plots 2-5 Floor Plans & Elevations.
 22018-P112 Plot 6-7 Floor Plans & Elevations.
 22018-P113 Plot 8-9 Floor Plans & Elevations.
 CB_L_62_301L_1200 Rev B Illustrative Masterplan.
 CB_L_62_301L_1300 Rev C Detailed Landscaping Proposals.
 CB_L_62_301L_1701 Rev C Tree Pit Detail; and
 CB_L_62_301L_1801 Rev C Landscape Specification.

The landscaping details as approved by this condition 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. The proposed mitigation planting along the south-eastern boundary shall be retained in perpetuity.

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

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

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

- 4 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Phase II Bat Survey and Mitigation Strategy (Ecosupport, July 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and policy ENV DM5 of the Arun Local Plan.

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

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

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

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

4. A 'Verification 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, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to occupation of any dwelling or part of the site (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 Plan, 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.

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

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

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

Reason: In order to safeguard the amenities of the area, of neighbouring residents and in relation to drainage in accordance with policy D DM1 of the Arun Local Plan. This is required

to be a pre-commencement condition because it is necessary to agree levels before foundations are laid.

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

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

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

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

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

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with policy H3 of the Yapton Neighbourhood Development Plan and policy D DM1 of the Arun Local Plan.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and the setting of adjacent heritage assets in accordance with policies D DM1, D SP1, HER DM1 & HER DM3 of the Arun Local Plan.

- 13 No development above damp-proof course (DPC) level shall take place until details of all new boundary treatments and any amendments to the existing boundaries have been submitted to and approved by the Local Planning Authority and no dwellings within the site shall be occupied until the boundaries associated with the development have been erected or amended. The submission shall include details of proposals in respect of the following existing boundaries:

- the boundary walling between the site and the Stakers Farmstead.
- the boundary walling between the site and the neighbouring development to the south (Bonhams Field); and
- the completion of the boundary between the site and the Stakers Farmstead where there was historically a gateway.

Gaps shall be included at the bottom of proposed new boundary treatments serving dwellings

or on the site boundaries to allow movement of small mammals across the site. The requirements for gaps only relates to new boundary treatments and not to the existing retained walling. The development shall be carried out in accordance with the approved details and the approved boundary changes permanently retained in a useable condition thereafter.

Reason: In the interests of visual amenity, heritage and wildlife connectivity in accordance with policies D DM1, HER DM1, HER DM3 and ENV DM5 of the Arun Local Plan.

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

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

- 15 A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority prior to any development above damp-proof course (DPC) level. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Arun Local Plan policy ENV DM5.

- 16 No dwelling shall be occupied unless and until secure cycle storage sheds or secure storage facilities within car ports to serve that dwelling have been implemented in accordance with the council's Parking Standards SPD (table 2.3, page 10). These cycle storage spaces shall thereafter be permanently retained and maintained.

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

- 17 Prior to the occupation of any part of the development, full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage). This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using trees and hedgerows (in accordance with the BCT/ILP Guidance Note 08.18) by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. Care should be exercised in respect of lighting directed to the site boundaries. The lighting approved shall be installed and maintained in

accordance with the approved details.

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

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

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

- 19 None of the approved houses shall be occupied unless and until the footpath link between the adjacent Stakers Farm and Bonhams Field developments has been provided in a manner that enables a seamless route between these two sites. This link shall thereafter be retained in perpetuity for continued public access.

Reason: To promote sustainable development by encouraging walking and cycling in accordance with policy D DM1 of the Arun Local Plan and the National Planning Policy Framework.

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

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

- 21 Prior to the occupation of any part of the development, the applicant or developer shall ensure that infrastructure is implemented to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage thresholds to buildings 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.

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

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

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

- 23 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) there shall be no alterations to any of the approved car ports within the site (plots 1 & 6) unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain an adequate supply of parking spaces within the development in accordance with policy T SP1 of the Arun Local Plan.

- 24 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no roof extensions/roof alterations to plot 9 shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy & amenity of the flatted building on the adjacent Stakers Farm development in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

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

- 26 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'.

27 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

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

Without this information WSFRS would not be aware of any fire hydrants available on the site and lead to valuable time being spent looking for a water supply to keep the fire appliance supplied with water. Without a supply of water people's lives and properties could be put at undue risk in the event of a fire. Fire hydrant information is to be sent to either the Planning Officer or directly to the Water and Access Department (WSFRS) at Frs.waterandaccess@westsussex.gov.uk

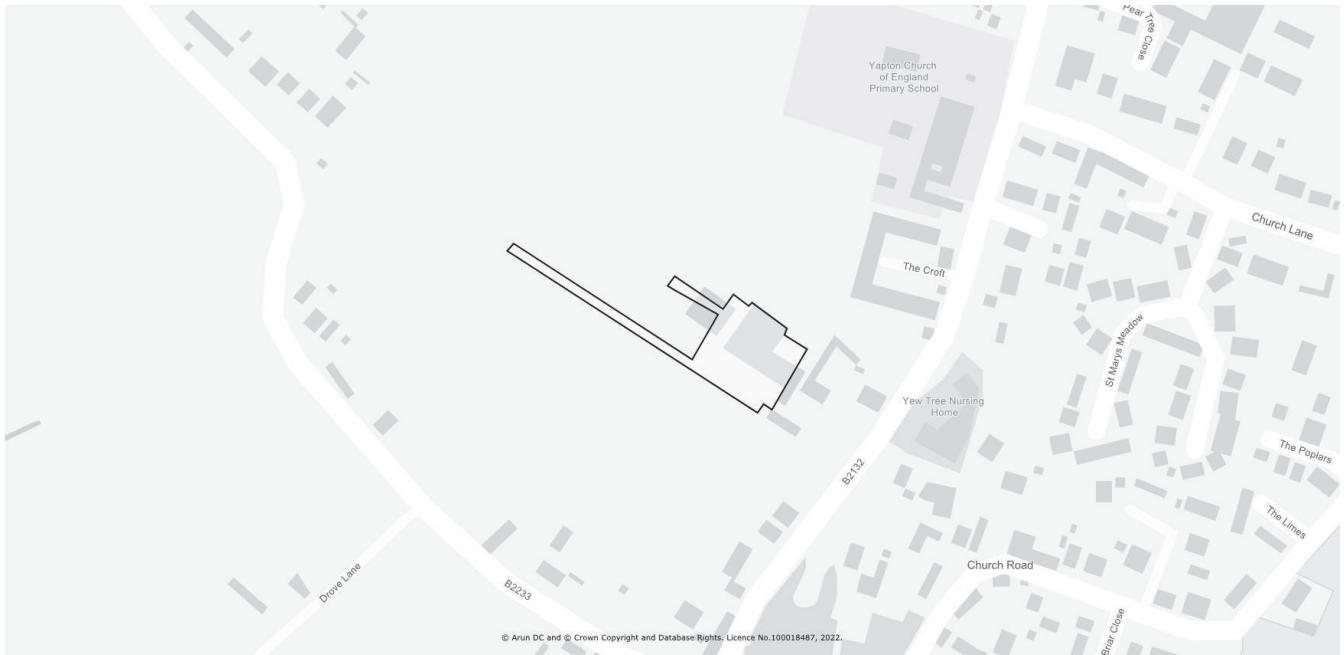
29 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

30 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](#).

Y/124/22/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: M/126/22/PL

LOCATION: 12 The Layne
Elmer
PO22 6JL

PROPOSAL: Demolition of existing dwelling and new build 1 No replacement dwelling. This application is in CIL Zone 4 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The replacement dwelling will be one and half storeys but wider and slightly further forward than the existing. It includes single storey front and rear projections. The roof will be pitched (7.3m high to the ridge) with front and rear dormers (2 per roof slope) but the rear features a cat slide roof design. The house will have a 12.35m maximum width and a 16.8m maximum depth. It will be between 10.5m & 11m from the rear boundary, and between 6m & 10m from the front. Distances to the side boundaries are also varied with at least 0.8m to the southern and 1m to the northern.

The house will have 4 bedrooms with parking comprising a single garage and three off-road spaces. The rear garden will be accessed from both sides of the house and will include a cycle store and bin storage. New 1.8m high timber fencing is proposed to replace the existing temporary fencing down the northern boundary. The front boundary will be left open. An apple tree and a planted border will be provided in the front garden.

SITE AREA

462m².

RESIDENTIAL DEVELOPMENT

No change.

DENSITY

TOPOGRAPHY

Predominantly flat.

TREES

Some small trees on the site frontage and one on the northern side boundary towards the rear none of which are proposed to be felled.

BOUNDARY TREATMENT

Presently temporary metal Heras fencing to the northern side and eastern front boundaries. Timber fencing to the southern side and western rear.

SITE CHARACTERISTICS

An existing, allegedly uninhabitable, one and half storey chalet bungalow with parking to the front and garden to the rear. It features an integral garage and a southern side dormer. There is an access track running adjacent to but outside of the northern boundary which provides access to 14 & 16 The

Layne situated on land to the rear of 10, 12 & 18.

CHARACTER OF LOCALITY

This is an area of mixed house types and designs, primarily bungalows or chalet bungalows, many with side dormers. The dwelling to the south is single storey with no flank windows visible. To the north beyond the access drive is another chalet bungalow with single storey side extensions. Again, no flank windows are visible. No. 14 to the rear is a chalet bungalow whilst no. 16 has two storeys.

REPRESENTATIONS

Middleton Parish Council object due to overdevelopment and risk of surface water flooding due to the increased size of the dwelling based on use of existing services.

COMMENTS ON REPRESENTATIONS RECEIVED:

These concerns will be assessed in the conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - no objection.

WSCC HIGHWAYS - no objection (with no conditions recommended) and state:

- The site is located on The Layne which is a privately maintained road.
- Given that this application is for a replacement dwelling, do not anticipate a material intensification of movements to or from the site.
- The proposed amount of parking is sufficient.
- Whilst the parking bays are the correct size, the garage is undersized as per Manual for Streets requirements.
- On-site turning does not appear achievable so vehicles may have to exit the site in a reverse gear, but this is no different to the existing situation; and
- The applicant has demonstrated a secure cycle store to the rear of the proposed dwelling.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions regarding an asbestos survey, contamination, electric vehicle charging provision, internal noise levels, construction hours and construction management plan (CMP).

ADC DRAINAGE ENGINEERS - state that as the site lies in the Lidsey Treatment Catchment Area, conditions are required to ensure drainage is not to existing sewers. Recommend a standard condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

ADC ENVIRONMENTAL HEALTH - due to the small-scale and replacement nature of the proposal, it would not be reasonable to require a CMP. In addition, the applicant has submitted an asbestos survey confirming no asbestos in the samples and the environmental health officer (EHO) has withdrawn the requirement for this condition. The EHO has advised that standard glazing and typical building materials

will likely be sufficient to ensure that the internal noise levels are met so there is no need for a condition. In any event, there will be no material increase in noise from present even without the glazing type mentioned.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Lidsey Treatment Catchment Area;
CIL Zone 4; and
Current & Future Flood Zone 1.

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
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
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

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

PLANNING POLICY GUIDANCE:

NPPDG National Design Guide

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, 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. Middleton do not have a Neighbourhood Plan and the site is not within the area covered by their Village Design Statement.

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 there would be no materially unacceptable effect on character, residential amenity, highway safety, biodiversity or climate change. There is a small conflict with policy relating to water quality.

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

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

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan except as set out in the report below with regards to drainage.

CONCLUSIONS**PRINCIPLE:**

The site lies in the built-up area boundary (BUAB) where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) provided it accords with other development plan policies covering such issues as highway safety/parking, design/character, residential amenity, biodiversity, drainage, and climate change.

MARINE PLAN POLICIES:

The site is not adjacent to but is 175m in a straight line north of the sea shore. The relevant policies of the Marine Plan as listed in the policies section 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 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.

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 & supplies, give priority to pedestrian & 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's Parking SPD sets out a requirement for this development of 3 allocated spaces and no visitor spaces. The proposal complies with this with 3 frontage spaces. Whilst the additional garage does not meet the size requirements set out in the Parking SPD and so cannot be counted as providing any provision, in practice it could still be used and so technically there is a partial over provision. Cycle storage is to be provided at the rear of the property in a small storage shed.

WSCC Highways raise no objections. It is material that 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. There is no conflict with ALP policy T SP1 or the Parking SPD.

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 a material consideration and Section J refers to new building design and states new development must ensure the existing character and sense of place of an area is respected and enhanced. This can allow for contemporary 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.

This is an area of mixed house types and designs but primarily traditional bungalows or the higher type chalet bungalows with relatively few instances of traditional two storeys. The replacement dwelling will be 1.6m higher than the existing, 0.4m higher than no. 10 and 0.8m higher than no. 18 which is sufficient for it to be read visually as a one and half storey dwelling with the first-floor windows being dormers within the roof. On this basis, the replacement dwelling is appropriate in scale and design with those elsewhere in the streetscene.

As the wider area has a mixed house design/type, it is acceptable for the replacement dwelling to move away from the current front gable end and propose a main ridge with side hips. There are other examples of this and also front hips in the streetscene. It is also clear that other houses in the Layne have developed to (or almost to) their boundaries and so the widening of the dwelling is appropriate.

Furthermore, both of the adjacent dwellings are deeper than they are wide therefore the extra depth is appropriate. There are also instances of front & rear building stagger in the immediate area.

It is stated building materials will reflect many of the existing dwellings in the area and the local environment. It is proposed to use a controlled palette of good quality materials such as a quality facing brick, horizontal weatherboarding (light grey), and grey clay tiles to the pitched roofs.

Overall, there is no conflict with development plan policies in respect of design, character, and layout.

RESIDENTIAL AMENITIES:

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.

There are no standards given for side to side, but it is normally expected that side windows are discrete, serve secondary rooms/areas and can be obscure glazed without harm to the amenity of future occupiers. Indeed, the ADG states windows and doors should normally be placed in front and rear walls to minimise overlooking of neighbours.

The proposal will have three first floor flank bathroom windows but as noted elsewhere, none of the adjacent dwellings have flank windows that could be affected. A condition will be imposed to require these to be obscure glazed and fixed shut below 1.7m. Despite the changes to the depth of the building, the first-floor front windows will be within the ADG standards as mentioned above with 25-28m to no. 11a diagonally opposite. To the rear, there is some shortfall as the distance to no. 14 is between 17m (southern end of the rear boundary) and 26m (northern end of the rear boundary). However, due to the orientation of 14, as not directly facing the site, no windows will directly overlook each other and therefore mean that there will be no harm to residential amenity in this regard.

The new dwelling will be in broadly the same position as the existing so will not affect light to nearby properties. Whilst it will be deeper to the rear, it will not extend past the building line of adjacent dwellings and so will not impact on a 45-degree line drawn from their principal rear windows (as used to assess light loss). The proposal complies with the relevant development plan 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 proposed 4-bed, 7-person dwelling would have an internal space of 223.68m² (including the integral garage) whilst the requirement according to the space standards is 115m². The dwelling considerably exceeds the minimum space standard.

Section H.04 of the ADG sets out standards for garden sizes and requires rear gardens to be a minimum of 10.5m deep and front gardens at least 2m. The proposal provides a rear garden with a depth of between 10.5m & 11m (due to the staggered building line and plot shape) plus a front space of 6-10m. There is no conflict with the ADG.

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 a connection before the replacement home is occupied. On this basis, there is no conflict with the policies.

TREES AND BIODIVERSITY:

The site is existing residential garden and is likely to have low potential for biodiversity or species habitat. ALP policy ENV DM4 states TPO protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity are not damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland. No trees are to be removed and none are protected. The existing trees only have amenity value to the site itself not the streetscene, particularly as the largest of the existing trees is to the rear of the site.

ALP policy ENV DM5 requires proposals achieve a net gain in biodiversity and protect habitats on site. There will be only a limited loss of biodiversity on site as it already hosts human occupation from one dwelling and whilst the replacement dwelling will be larger, it will only result in the loss of low quality grassed garden habitat. However, a condition will be imposed requiring two bird boxes to be provided in order to demonstrate some biodiversity net gain. The plans also show the planting of an apple tree and a planted border in the front garden which is positive. Overall, there is no conflict with ENV DM5.

FLOODING & DRAINAGE:

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development. ALP policy W DM1 states all development within the Lidsey Treatment Catchment Area must be accompanied by a Drainage Impact Assessment that takes account of both the individual and cumulative impact upon foul water disposal, flood storage capacity and surface water drainage or flood flows within the catchment area.

Whilst Middleton Parish Council raise concern regarding surface water flooding, it is material that the site lies in Flood Zone 1 (low risk) and is not affected by future flood risk due to climate change. Furthermore, the council's drainage engineers raise no objections in principle subject to a condition which will seek to control runoff rates and prioritise infiltration to ground over discharge to local sewers. This will reduce the risk of surface water flooding associated with the proposal.

The application does not respond to the requirements of policy W DM1 and so there is a policy conflict. However, it is material that there is no drainage objection (and that engineers refer to the Lidsey Treatment Catchment Area) and that the proposal is for a replacement dwelling so there would have previously been flows to the sewers. Southern Water raise no objection. A refusal due to this policy conflict would not be sustainable.

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 that the new property is intended to be of a high energy efficiency, sustainable standard. It will be highly insulated with all glazing to AAA rate as per industry standards and LED lighting throughout. There will be a wood burning stove within the living room and solar panels are to be fitted to the south-east & south-west facing roofs. These details will be secured by condition and a further

condition will secure electric vehicle charge points in accordance with policy QE DM3. Subject to these conditions being discharged, the proposal would comply with policies ECC SP1 and ECC SP2.

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 to require remediation should any contamination be discovered. 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.

SUMMARY & TILTED BALANCE:

This proposal represents an appropriate redevelopment of an existing building plot and does so without compromising the visual amenity of the area or the amenities of existing neighbouring residential occupiers. It is recommended the application be approved in accordance with the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This is a CIL Liable development. It is in Zone 4 and should permission be granted then a CIL amount of £20,254.98 would be payable unless the applicant applies for exemption subject to the requirements of the CIL Regulations 2010 (as amended). The Parish Council would receive 15% (£3,038.24) of this.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Location and Proposed Site Plan 398/01.
Proposed Floor Plans 398/03.
Proposed Elevations 398/05.
Existing and Proposed Roof Plans 398/06; and
Street Scenes 398/07.

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

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

Reason: To protect the amenity of local residents and on-site biodiversity in accordance with policies ENV DM5, QE SP1 and QE DM1 of the Arun Local Plan and the NPPF.

- 4 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.

- 5 No development above damp-proof course (DPC) level 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 includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy

ECC SP2 and ECC DM1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until two bird boxes have been placed either on the building or in trees in the garden. These shall then be thereafter retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of securing biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

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

Reason: To provide car parking spaces for the use in accordance with policy T SP1 of Arun Local Plan.

- 8 Prior to occupation of the approved dwelling, the applicant or developer shall provide the dwelling with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires all dwellings with a garage or driveway to have EV charging points in 100% of parking spaces with electric ducting provided to all other spaces to provide 'passive' provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

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

- 9 Prior to the occupation of any part of the development, the applicant or developer shall ensure that infrastructure is implemented to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage thresholds to buildings 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.

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

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

- 11 The bathroom windows in the first floor flank elevations of the building shall at all times be glazed with obscured glass and permanently fixed to be non-opening above an internal floor to ceiling height of 1.7m.

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

- 12 The landscaping details shown on the proposed site plan drawing 398/01, shall be carried out in the first planting and seeding season, following the occupation of the building 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.

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

- 14 INFORMATIVE: 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'.

- 15 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.
- 16 INFORMATIVE: To prevent impacts to the amenities of future occupiers of the proposed dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', as available upon request from pollution@arun.gov.uk.
- 17 INFORMATIVE: Should any asbestos be found then the developer shall handle/manage it in accordance with HSE guidelines and The control of Asbestos regulations 2012.
- 18 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 19 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](https://www.arun.gov.uk/weekly-lists) and entering the application reference or directly by clicking on [this link](#).

M/126/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: LU/348/22/PL

LOCATION: 51B Beach Road
Littlehampton
BN17 5JG

PROPOSAL: Replacement of 15 No. existing timber sliding sash timber windows with 14 No. PVCU windows and a PVCU door with a window above.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Replacement of 15 No. existing timber windows with new double-glazed PVC windows.

SITE CHARACTERISTICS 51 Beach Road is a locally listed building of character. The building has been split into flats, 51B Beach Road being one of them. The building is a large 2.5 storey detached property on the corner of Granville Road and Beach Road.

CHARACTER OF LOCALITY The site is within an Area of Character. The area is populated by a diverse mix of uses including residential. The Council's main office is a short distance to the North and St Catherine's Church is a short distance to the South-East. There are also a number of other locally listed properties within close proximity to the site.

REPRESENTATIONS

Littlehampton Town Council - Objection:
- Replacement of wood with PVC frames is contrary to Arun Local Plan Policy HER DM2 which require alterations to buildings on the Local List to relate sensitively to the building and respect its architectural, or historic interest.

2 No. representations in support from resident and agent:
- High energy bills and the property still remains cold.
- Low energy efficiency due to rotting timber frames and open air gaps.
- Three of the residents are vulnerable with physical and or mental health issues. I can go into further details about this and provide medical evidence if required.
- We are not a for profit business as is the Nightingale Nursing Home, or a publicly funded charitable enterprise such as our neighbours, Dove Lodge. Who you will be aware have already installed UPVC double glazing in their buildings.
- Unlike other UPVC Double Glazing replacement windows installed along Beach Road and St Catherines Road, these are like for like sash window designs that incorporate the use of Georgian style bars in the top sections of the sash windows.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

Verbal consultation with Conservation Officer:

- This is a prominent and impressive building within the street scene. The loss of the timber frames and their replacement with uPVC would be regrettable. However, the applicant has attempted to simulate the Georgian designs which is to its merit.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Area of Character.

Built-Up Area Boundary.

Locally listed building of character.

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
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM4	HER DM4 Areas of Character
HERSP1	HER SP1 The Historic Environment
ECCSP2	ECC SP2 Energy and climate change mitigation

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

Littlehampton Neighbourhood Plan 2014 Policy 17 Buildings and Structures of Character

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that there will be no unacceptable adverse effects on the character and appearance of the area or the residential amenities of neighbouring occupiers.

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

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

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

The proposal will effect 2 No. non-designated heritage assets. The site is a locally listed building and it is within an Area of Character. The proposal will not give rise to any significant adverse impacts on either asset as the replacement windows are a common feature within the Area of Character and the existing building already features multiple PVC windows.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The key policies are D SP1, D DM1, D DM4, ECC SP2, HER SP1, HER DM2 & HER DM4 of the Arun Local Plan and policies 1, 2 & 17 of the Littlehampton Neighbourhood Development Plan (LNP). Paragraph 203 of the National Planning Policy Framework regarding non-designated heritage assets and the Arun Design Guide are also relevant.

Policy 1 of the LNP states that permission should be granted for proposals which accord with other relevant policies in the LNP. Policy 2 states development should be focussed within the Built-Up Area Boundary, in which this property is located. The proposal is compliant with other relevant LNP policies and as such, is compliant with policy 1.

Policy 17 of the Littlehampton Neighbourhood Development Plan seeks to protect Buildings and Structures of Character that have been identified by the Neighbourhood Plan. The host property for this proposal is one such Building of Special Character. This has been considered when determining this proposal and it is compliant with this policy as articulated below.

DESIGN, VISUAL AMENITY AND ENERGY EFFICIENCY

51 Beach Road currently has an assortment of period timber frame, sliding sash windows. The building also features 8 No. white PVC windows, mostly to the rear (East) elevation, and 1 No. PVC window to each of the 4 No. dormers that can be found on each elevation of the roof.

The proposal seeks to replace 15 No. timber frame windows with PVC windows of an identical scale and a similar period design. Though these PVC windows are designed to imitate the form and style of the existing timber frame windows, it is noted that PVC windows are characterised by thicker frames with a shinier finish. Additionally, the proposed replacement windows are to be double-glazed, this will result in the windows having a more reflective appearance. They, therefore, will represent a visually noticeable alteration to the existing appearance of the building. The property is sited in a prominent location on the corner of Granville Road and Beach Road. Visual alterations to the building would, therefore, also have a more noticeable effect on the wider street scene.

Section L of the Arun Design Guide states that development should use a palette of materials and incorporate details which are simple, robust and in keeping with local design vernacular. It also goes on to mention the use of traditional materials will be actively encouraged to reflect the vernacular of the local area. The description of this Area of Character describes the fenestrations within the area to predominantly be vertically sliding sashes, with very few having been replaced with PVC. This is an outdated description as it is no longer the case. Many properties within the locality, including other nearby locally listed buildings such as Conway House, Nightingale Nursing Home, and the neighbouring building Dove Lodge, feature double-glazed windows with similar white PVC frames. The introduction of the proposed white frame PVC windows may be a visual alteration to the building, but it is not a change that would be out of character within the locality.

The building already features 8 No. white PVC framed windows and these do not unacceptably harm the character of the area. Additionally, online imaging shows these PVC windows being present as far back as 2009 so they have been present a substantial period of time and established themselves as part of the character of the area. PVC windows are now a common feature within the locality and further introduction of these materials would not significantly harm the external appearance for the building. It is supported that most of these windows match or reflect the period sliding sash design of the existing timber windows. This would mitigate the visual impact of introducing contemporary materials to the building.

The replacement windows being double-glazed would allow for a significantly greater level of insulation within the building. The properties occupants would benefit in terms of health and wellbeing from having better insulation. Additionally, it would reduce energy consumption by reducing the loss of heat to the atmosphere and therefore, it is an improvement in terms of energy efficiency.

The proposal is compliant with relevant Development Plan policy D DM1(1) in that the replacement windows are of an identical design and scale to the existing windows and would use materials that can be found within the locality.

The alteration of the building is compliant with policy D DM4(a) since the windows remain visually integrated within the building and do not have an unacceptable effect on the character and appearance of the building or the local area.

The proposal is also compliant with relevant Development Plan policies D SP1 & ECC SP2 in that the proposal would improve the insulation of the building, thereby improving the usability of the dwelling, improving the health and wellbeing of its occupants, and lowering energy consumption by improving the thermal efficiency of the building.

The proposal is similarly compliant with policies HER SP1, HER DM2 & HER DM4 of the Arun local Plan in relation to its impact on heritage assets.

NEIGHBOURING RESIDENTIAL AMENITY

As the window openings are to remain the same, there would be no rise of any adverse impacts by way of overbearing, overshadowing, or overlooking on any neighbouring properties.

As such, the proposal is compliant with relevant Development Plan policy D DM1(3) and D DM4(c).

SUMMARY

The existing windows are an attractive feature that break up the design and, within the context of the front elevation, mirror those found on the ground floor that serve the other flat. The windows contribute to the character of the building and its area. The replacement of these windows would result in some loss of the significance of the buildings architectural character. However, similar white PVC framed double-glazed windows are a feature which can be seen at numerous properties within the locality, the host dwelling, and neighbouring non-designated heritage assets. Additionally, the period appropriate proposed style of the window frames and their sliding sash functionality closely resemble the existing timber windows that are to be replaced. Furthermore, the property would benefit in terms of living amenity and energy efficiency. Although there will be some loss of the buildings character, the level of harm is limited due to the established presence of PVC windows and the appropriate design of the windows. This harm is outweighed by the building's increased functionality and energy efficiency. The proposal is therefore recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is not CIL Liable.

RECOMMENDATION**APPROVE CONDITIONALLY**

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

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

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

- Block Plan (Dwg No. TQRQM22297142059588)(Dated 24/10/22).
- Photo Schedule (Dated: 25/10/22).
- Window Details (Ref: 410-1-v7)(Dated: 11/10/22).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 & HER DM2 of the Arun Local Plan.

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

BACKGROUND PAPERS

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

LU/348/22/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: FP/197/22/PL

LOCATION: Land adjacent to 10 Second Avenue
Felpham
PO22 7LJ

PROPOSAL: 1 No two storey, 3 bed detached dwelling with new access and parking (Re-submission following FP/32/21/PL). This application is in CIL Zone 4 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Detached two storey, 4-bedroom dwelling in the side garden of no.10 Second Avenue with a new vehicular & pedestrian access and off-road parking (2 spaces).

The dwelling will be approximately 8.6m wide and 14.2m deep and will sit at least 8.7m from the front boundary & 1.2m from both side boundaries (so 3m to no.12, and 2.4m to no. 10). It will have a contemporary design similar to the host dwelling with a hipped roof, a hipped front projection, painted render walls to lower elevations and horizontal cement based 'New England' style boarding above with interlocking slates to the pitched roof. Patio and gardens to the rear. The ridge height would be 7.2m down from 8.4m on the previous scheme.

SITE AREA 427m²

RESIDENTIAL DEVELOPMENT APPROXIMATELY 23 DWELLINGS PER HECTARE

DENSITY (NET)

TOPOGRAPHY Predominantly flat.

TREES Five small trees will be lost (two to the front and three down the southern side). These comprise 2 x Tamarisk, 1 x Bay Laurel and 2 x Pittosporum. Due to the small stature of the trees, they would not have been present when the Bognor no. 3 TPO was made and so are not protected.

BOUNDARY TREATMENT Existing boundary treatments are 1.8m timber fencing to the sides and to the rear with mature shrubs and hedging. These will be retained for the new site and a 1.8m close boarded fence installed between no. 10 and the new dwelling. Hedging approximately 3m high to front.

SITE CHARACTERISTICS No 10 Second Avenue is a substantial two storey detached dwelling of an L-shape at the first-floor level with a gable facing to the road and to the rear, hipped roof above the first-floor side extension. The garden is spacious and includes a small shed (to be repurposed for cycle storage) and summer house.

CHARACTER OF LOCALITY

The site is located on a private residential cul-de-sac of predominantly two storey detached dwellings of various styles and is a part of the Summerley Private Estate within the Felpham Neighbourhood area. Dwellings along Second Avenue are enclosed by Third Avenue to the east and First Avenue to the west, the seashore to the south and Limmer Line to the north. Second Avenue is a spacious road with an open layout occasionally with boundary treatments to the front including hedges, dwarf walls and timber posts.

RELEVANT SITE HISTORY

FP/32/21/PL	Two storey, 4 Bed detached dwelling with new access & parking. This site is in CIL Zone 4 & is CIL Liable as new dwelling.	Refused 21-04-21
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FP/32/21/PL was refused under delegated powers for reason of significant harm to the character & established pattern of the residential area and the residential amenities of adjoining properties. An appeal was lodged which was dismissed in July 2022 but solely on the grounds that the front elevation would have an awkward relationship to no. 10. The Inspector stated:

"The two-storey flank wall of the new dwelling would not only stand well forward of the adjacent two storey wall of No 10 but would also extend forward of the adjoining single-storey part of that building. When approaching the site from the north, the side wall of the new house would be seen as an obtrusive feature in the view. The relationship between the new and existing dwelling would, in my opinion, appear incongruous, awkward and harmful to the streetscape at this point."

No concerns were raised in respect of the character of the area or residential amenity. This new application has sought to respond to the appeal decision by pulling the front elevation back an extra 1.6m from the front boundary where adjacent to no. 12 and 2m where adjacent to no. 10. In addition, there is also a reduction in the ridge height (from 8.4m to 7.2m) and the removal of the previous front gable. The building will however be 1m deeper at the rear than before. The proposal is also now for 3 bedrooms not 4 as before.

REPRESENTATIONS

Felpham Parish Council - Objection in line with their previous comments due to overdevelopment of the site and not in keeping with the street scene.

2 letters of support on the grounds that the design is appropriate and has been designed sympathetically with the needs of residents.

One letter of objection from a direct neighbour on the grounds of loss of light to residential windows, the building extends further to the rear than before, overdevelopment of the plot, is similar to the existing overdevelopment at 2a Second Avenue, harm to the Summerley Estate, and a side extension by the previous owner was intended to prevent further development of the side garden.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments of the Parish Council and the residents are noted, and the majority of the objections are considered in the conclusions section with the exception of the following responses:

- The building plot is similar to the site at 2a Second Avenue (approved by FP/195/18/PL) and this lends weight to this proposal. The appeal Inspector highlighted this in the previous decision stating: "Large gaps between dwellings are not typical in this part of the Summerley Estate and there are a number of examples of houses where gaps are similar in width to what is being proposed here. These include modern infills, such as No 2a, and they contribute to the area's character as it exists today."

- Whether the intention of a previous side extension was to prevent further development or not is immaterial as permission can be granted to replace or suit adjacent to an existing structure.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - no objection and recommend conditions relating to car parking, cycle storage and electric vehicle charge point (EVCP) provision.

ADC LANDSCAPE OFFICER - no objection subject to landscape details to provide ornamental and native improvements and potential biodiversity gain. Require details of tree protection.

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

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions re contamination, EVCP, construction management plan (CMP) and construction hours.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

WSCC HIGHWAYS - a condition requiring cycle parking is not appropriate as it is already indicated that this will be in a shed in the rear garden.

ADC LANDSCAPE - the imposition of a landscape condition would not be reasonable for a single dwelling; however, a biodiversity condition will be imposed. The site plan does show details of new frontage hedging and this will be secured by the proposed plans condition. The applicant states the trees to be retained are small with limited root growth and will not be affected by the development. The tree officer has not responded but the trees are small (in the range of 3-4.5m) and are of no particular horticultural value and contribute little in public amenity value. A tree protection condition would not be reasonable.

ADC ENVIRONMENTAL HEALTH - due to the small-scale nature of the proposal, it would not be reasonable to require a full CMP.

POLICY CONTEXT

Designations applicable to site:

Current & Future Flood Zone 1.
 2km Buffer for Site of Special Scientific Interest (Felpham).
 Built Up Area Boundary (BUAB); and
 Tree Preservation Order Bognor No. 3 (ref 3/342/91).

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
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<u>Felpham Neighbourhood Plan 2019-31 Policy H2</u>	Windfall Sites
Felpham Neighbourhood Plan 2019-31 Policy ESD1	Quality of Design
Felpham Neighbourhood Plan 2019-31 Policy ESD5	Surface Water Management
Felpham Neighbourhood Plan 2019-31 Policy ESD9	Protection and Enhancement of Wildlife or Ecological Networks.
Felpham Neighbourhood Plan 2019-31 Policy GA4	Parking in New Residential Development

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

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

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 original Felpham Neighbourhood Plan (FNDP) was made by Arun District Council on the 16th of July 2014 following a referendum. The adoption of the Arun District Local Plan in Summer 2018 required a review and where appropriate, amendment of the FNDP to ensure the two documents were in alignment and reflect the new policies.

At Full Council meeting of 17/03/21, ADC resolved to make the Felpham Neighbourhood Development Plan 2019-2031 (FNDP2). The relevant policies are: H2 Windfall Sites, ESD1 Quality of Design, ESD5 Surface Water Management, ESD9 Protection and Enhancement of Wildlife and GA4 Parking in New Development.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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 now complies with relevant development plan policies in that it results in a development of an appropriate scale and appearance which is not harmful to the character & appearance of the area, to the immediate streetscene or to the amenities of adjacent residential occupiers.

OTHER MATERIAL CONSIDERATIONS

Other than the previous appeal decision, there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

The site lies in the built-up area boundary (BUAB) where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) provided it accords with other policies of the development plan covering such issues as highway safety/parking, design/character, residential amenity, biodiversity, and climate change.

ALP policies D DM1 and D SP1 seek to ensure that developments make an efficient use of land whilst preserving or improving upon local character. The Arun Design Guide states density should be appropriate to location, balancing the need for efficient use of land with a design that responds to and enhances the existing character of the site or wider locality. In general, higher densities will be appropriate in town and village centres, along strategic routes, and around key movement intersections with good access to public transport and facilities.

The NPPF seeks to promote the effective use of all land (para 119) and gives weight to proposals that develop under-utilised land (para 120d). However, this is not to be at the expense of local character.

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.

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 & cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

Policy GA4 of the FNDP2 stresses that proposals for new development should, where possible, have car parking accommodated within the curtilage of the dwelling in the form of a garage and/or parking spaces. Landscaping should be used to hide frontage spaces.

The council's Parking SPD sets out a requirement for this development of 2 allocated spaces with no visitor space requirement. The proposal complies with this and also proposes cycle storage in the rear garden which accords with the SPD. The proposed site plan demonstrates new hedging to the front along with retained trees and shrubs. that will help to screen the parking spaces (although frontage parking is not out of character in the area).

WSCC Highways have considered the scheme and raise no objections. It is also material that 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.

There is no conflict with ALP policy T SP1, FNDP2 policy GA4 or the Parking SPD.

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.

Policy ESD1 of the FNDP2 requires new development to be of a high quality of design and must contribute to local character by creating a sense of place appropriate to location. It also refers the reader to the Felpham Design Guide 2018 (FDG). Policy H2 allows for redevelopment and infill proposals provided that the scale of the development is appropriate, and the townscape is conserved or enhanced.

The Arun Design Guide (ADG) is a material consideration and Section J refers to new building design and states new development must ensure the existing character and sense of place of an area is respected and enhanced. This can allow for contemporary 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 development 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 10-30 dwellings per hectare in urban locations. The density is 23 dwellings per hectare and so is appropriate.

The pattern of development, layout, density, and character on Second Avenue and within the Summerley Private Estate is for substantial, detached 2 storey dwelling houses within spacious plots maintaining a sufficient distance between properties and with regular rhythm.

Notwithstanding the concerns of the Parish and the objector, it is material that the previous appeal was dismissed solely on the grounds that the projection of the front elevation would have an awkward relationship to no. 10 and be an obtrusive feature in the street scene. No concerns were raised in respect of the character of the area or the design of the dwelling (aside from the front projection).

This application has sought to respond to the appeal decision by pulling the front elevation back an extra 1.6m from the front boundary. It now sits almost level with the front of no. 10 and with a single storey element on the side closest to 10 (as 10 itself has a front single storey projection). This creates a better impression on the streetscene. The removal of the front gable projection has resulted in a change in the roof design (now hipped) and a 1.2m reduction in the height of the ridge which further reduces the impact of the dwelling in the streetscene. Whilst the adjacent dwellings both have front gables, there are hipped roofs elsewhere in the streetscene including opposite to no. 12, so this is appropriate.

The Inspector had no concerns with the principle of a dwelling on this plot, with the height, with the gaps to boundaries or with the proposed materials. She stated that "Purely as a piece of architecture, I am satisfied that it would be in keeping with the locality". She commented that it was likely no. 10 was originally built on land that was intended as two plots as evidenced by its lack of central positioning and the fact that the numbering omits a no. 11.

The development would be appropriate in design and character and comply with ALP policies D DM1 & D SP1, with FNDP2 policies H2 & ESD1 and with the ADG.

The FDG states that dwellings in the Summerley Estate are predominantly detached of an individual design, with large roofs, simplicity of materials & detailing and on generous sized plots. General design guidance is given at section 4 and refers to building lines, gaps between dwellings, infill development and use of traditional materials. There is some conflict with the guidance, but this is outweighed by the views

of the appeal inspector.

RESIDENTIAL AMENITIES:

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. Due to the position of the plot and the spacious nature of the area, there is no conflict with these standards.

The proposed building infills a gap between 2, two storey dwellings which both have ground and first floor flank windows facing the site along with front and rear principal windows. The proposed dwelling is similar with a ground floor WC window and utility room door on the north side and first floor en-suite windows at first floor (both sides). There may be some inter-visibility between flank windows and also there will be a loss of light to the existing flank windows. The existing/proposed boundary fencing (1.8m high) will partially mitigate views at ground floor (and already reduce light in part) and a condition will be imposed to require the new first floor flank windows to have obscure glazing.

It is material that the previous appeal Inspector raised no concerns with residential amenity despite it forming part of the previous refusal reason. She stated regarding the existing flank windows that the fencing already restricts light and outlook, and that the light also penetrates to the rooms these serve from other windows to the front and rear. She found that the new two-storey side which would extend beyond the rear wall of No 10, would considerably diminish the light and outlook to these flank rooms. However, the windows all appear to be secondary in nature and the entrance hall is a non-habitable room that is further inset from the boundary. On this basis, she was satisfied that the living conditions of the occupiers of Nos 10 and 12 would not be unacceptably harmed.

It is acknowledged that the proposed house will now be 1m deeper to the rear than that proposed at the appeal, however 45-degree splays are maintained, free of intrusion, from the centre of the rear principal windows and the extra depth is not likely to exacerbate the harm to the flank windows to such a degree as to justify a refusal. Therefore, the proposal complies with the relevant development plan 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 proposed 3bed/6-person dwelling would have an internal space of 184m² whilst the requirement according to the space standards is 102m². The dwelling therefore considerably exceeds the minimum space standard.

Section H.04 of the ADG sets out standards for garden sizes and requires rear gardens to be a minimum of 10.5m deep and front gardens at least 2m. The proposal provides a rear garden with a depth of between 15.5m and 18.5m (due to the staggered rear building line) plus a front space of 8.5m deep. Therefore, there is no conflict with the ADG.

TREES AND BIODIVERSITY:

The site is existing residential garden and is likely to have low potential for biodiversity or species habitat. However, the proposal would result in the loss of 5 trees of between 2.5 and 4.5m tall.

ALP policy ENV DM4 states TPO protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity are not damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland. FNDP2 policy ESD9 states development that damages or results in the loss of trees of arboricultural and amenity value or loss of hedgerows will not be supported unless the need for, and the benefits of the development in that location clearly outweigh the loss.

The Tree Officer has not responded to the consultation request. The trees to be removed are not protected and it has been determined that they only have amenity value to the site itself not the streetscene. Their loss is regrettable but can be mitigated by a condition requiring biodiversity net gain. The latter will also satisfy the requirements of ALP policy ENV DM5 and the second part of policy ESD9 "Where it is appropriate and practical development must be designed to incorporate net gains for biodiversity within and around developments".

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 that solar panels were removed from the previous proposal as they are now intending to use an air source heat pump system instead. This will be secured by condition and a further condition will secure electric vehicle charge points. Subject to the conditions being discharged, the proposal would comply with policies ECC SP1 and ECC SP2.

SUMMARY

The scheme is acceptable when applying the Local Plan polices (that are relevant and up to date) and in accordance with paragraph 11c of the NPPF, permission is recommended subject to conditions and informatives.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership,

pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

CIL DETAILS

This is a CIL Liable development. It is in Zone 4 and a CIL amount of £18,180.08 would be payable unless the applicant applies for an exemption subject to the requirements of the CIL Regulations 2010 (as amended). A proportion of this (£4545.02) would go direct to the Parish Council.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Location Plan dated 23/01/21.
 Proposed Site Plan Rev B dated 20/09/22.
 Proposed Plot Plan Rev B dated 20/09/22.
 Proposed Ground Floor Plan dated 20/09/22.
 Proposed First Floor Plan dated 20/09/22.
 Proposed Roof Plan dated 20/09/22.
 Proposed West and North Elevations Rev B dated 17/10/22.
 Proposed South and East Elevations Rev B dated 17/10/22; and
 Proposed Street Elevation Rev B dated 20/09/22.

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

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

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

- 4 No development above damp-proof course (DPC) level 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 includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy

ECC SP2 of the Arun Local Plan.

- 5 No development above damp-proof course (DPC) level shall take place unless and until a biodiversity enhancement strategy has been submitted to and approved in writing by the local planning authority. The content of the biodiversity enhancement strategy shall include the following:

- a) purpose and conservation objectives for the proposed enhancement measures.
- b) detailed designs to achieve stated objectives.
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where applicable).
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- e) persons responsible for implementing the enhancement measures; and
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021, s40 of the NERC Act 2006 (Priority habitats & species) and Arun Local Plan policy ENV DM5.

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

Reason: To provide car parking spaces for the use in accordance with policy T SP1 of Arun Local Plan.

- 7 Prior to occupation of the approved dwelling, the applicant or developer shall provide the dwelling with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires all dwellings with a garage or driveway to have EV charging points in 100% of parking spaces with electric ducting provided to all other spaces to provide 'passive' provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

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

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

Reason: To protect the amenity of local residents and on-site biodiversity in accordance with policies ENV DM5, QE SP1 and QE DM1 of the Arun Local Plan and the NPPF.

- 9 Prior to the occupation of any part of the development, the applicant or developer shall ensure that infrastructure is implemented to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage

thresholds to buildings 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.

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

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

- 11 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) or roof alterations to the dwelling house shall be constructed 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 and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun Local Plan.

- 12 The bathroom windows in the first floor flank elevations of the building shall at all times be glazed with obscured glass and permanently fixed to be non-opening above an internal floor to ceiling height of 1.7m.

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

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

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

- 14 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.

- 15 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.
- 16 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 17 INFORMATIVE: To prevent impacts to the amenities of future occupiers of the proposed dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', as available upon request from pollution@arun.gov.uk.

BACKGROUND PAPERS

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

FP/197/22/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: CM/46/22/PL

LOCATION: Bairds Farm Shop
Crookthorn Lane
Climping
BN17 5SN

PROPOSAL: Erection of a substation, eight ultra-rapid electric vehicle chargers and associated electrical equipment within the car parking area of Maidenhead Aquatics Littlehampton. This application is in CIL Zone 5 and is Zero Rated as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the installation of 8 EV charging points, (2 sets of 4 spaces) within existing car park of the garden centre, cafe and aquatics shop.
	Each EV charging point measures 2.1m high. The sub station measures 3.1m by 2.2m by 2.2m high.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Post and rail style fencing to site frontage.
SITE CHARACTERISTICS	Established farm shop with car parking adjacent to road frontage. It is single storey with clad elevations. The area immediately to the east of the car park contains a raised bed planted with shrubs and enclosed by sleepers. The car park area is hard surfaced.
CHARACTER OF LOCALITY	The area is rural in character with sporadic linear development to the south. Land to the east and west of the site is predominantly undeveloped agricultural land.
	To the immediate south of the site, and approx. 81m away from the proposed location of the EV chargers, is The Cottage, a Grade II Listed Building. The Listed Building has good screening to its western, northern and eastern boundaries.

RELEVANT SITE HISTORY

CM/20/20/PL	Use of site approved for tent pitches (CM/7/18/PL) to be used for caravan/motor home camping and tent pitches and associated changes to approved layout.	ApproveConditionally 25-08-20
CM/27/18/PL	Part change of use of farm shop (sui generis) to include	ApproveConditionally

CM/16/18/PL Development of a 64-bed Specialist Dementia Care Centre together with access, parking & landscaping (Use Class C2). This application is a Departure from the Development Plan & affects the setting of a Listed Building. Refused 15-11-18

**Appeal: Allowed+Conditions
21-01-20**

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

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

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

REPRESENTATIONS

Parish Council - Objection:

- No objection in principle to siting Osprey charging network. Have concern with regards to the potential increase in traffic movements onto the A259.
- Concerns are also raised if the facility is to be open 24 hrs and lit causing light pollution in a currently dark skies area.

3 letters of objection from neighbours:

- Request for resolution of existing planning on site.
- Overdevelopment of site.
- Attract more cars to the area.
- Residents of Clymping do not require the chargers.
- Previous applications refused on site.
- Ugly addition.
- Site subject to vandalism.
- Unsure of operating hours.
- Questions raised over flood lighting.
- Effect on nearby Listed Building.
- Will impede entry/exit of site.
- Commercial intensification of site.

1 letter of no objection from neighbour.

- Confirmation of opening hours needed.
- Against the idea if it will require more lighting.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Planning matters will be discussed within the conclusion section of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection.

There is no mention of any lighting in the application either planned or existing, any new lighting may require a suitable impact assessment to ensure it is adequate and does not interfere with residential properties nearby.

WSCC Highways - No objection.

The Local Highways Authority (LHA) does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network and therefore is not contrary to the National Planning Policy Framework (paragraph 111). There are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

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

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
INFSP1	INF SP1 Infrastructure provision and implementation
DSP1	D SP1 Design
SDSP3	SD SP3 Gaps Between Settlements
DDM1	D DM1 Aspects of form and design quality
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
HERDM1	HER DM1 Listed Buildings
TDM1	T DM1 Sustainable Travel and Public Rights of Way
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation

Clymping Neighbourhood Plan 2015 Policy CPN11 Quality of Design

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

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 impact on visual amenity, occupant amenity, highways, parking and improvement in air quality is acceptable.

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**

Policy INF SP1 supports development proposals which provide or contribute towards infrastructure. It goes on to explain that the Authority will support service providers for the delivery of utility infrastructure required locally which are needed to serve existing or new development to ensure the growth of the District. Within the preamble of the policy the types of infrastructure needed are discussed. The list at paragraph 22.1.2 is not exclusive but one of those cited is transport, including Green Infrastructure. Although the requirements largely relate to the provision of enhancements to Rights of Way and the establishment of new 'green Links' between settlements, of note is the requirement of the policy to work in partnership with other service providers to deliver other schemes. In this instance, the provision of an Electrical Vehicle (EV) charging station, to support a sustainable road network and the 2035 Government deadline for the cease the sale of new petrol/diesel cars, will clearly go towards serving the local community. This is more so in this case as the next nearest public charging services are 1.6 miles to the east (max. 22kW) or 4.4 miles to the west (max. 50 kW).

The proposal complies with the requirements as set out in Policy INF SP1 of the Arun Local Plan (ALP).

Policy C SP1 of the ALP states that development outside of the built-up area will only be permitted where they are for agricultural needs, diversification of the rural economy, informal recreation, road or cycle schemes or where they accord with other policies in the Plan. In this instance as the proposal complies with Policy INF SP1 of the ALP, for a specific form of development i.e. the provision of infrastructure to serve the need of the local community, it therefore also complies with Policy C SP1 of the ALP.

Policy SD SP3 aims to protect the open undeveloped nature of gaps between settlements. This is discussed further in the following section of this report.

Policy CPN4 of the (Clymping Neighbourhood Plan) CNP supports the upgrade of existing commercial sites providing that they do not negatively impact surrounding residents, compromise the character of the area, are acceptable in terms of traffic impact and accords with other policies in the neighbourhood plan. This is discussed further in the highways and parking section of this report.

DEVELOPMENT WITHIN THE SETTLEMENT GAP

The site is in the Littlehampton to Middleton settlement gap. Policy SD SP3 states that development will only be permitted in the gaps if it does not undermine the physical or visual separation of settlements, it would not compromise the integrity of the gap, or it cannot be located elsewhere.

The proposed EV charging points will be located within the car park of an existing business. They are small in scale and as such would not undermine the visual separation of the gap when viewed against the much more significant built development on site and beyond to the south. Furthermore, as development is within an already established business it will not compromise the integrity of the gap. The EV chargers could not be easily located on another highly accessible site within the vicinity of the application site. As such it would accord with Policy SD SP3 of the ALP.

Despite this proposal relating to development within a countryside location and a settlement gap, as a result of the small scale of the proposal and its positioning in the car park of an established business it accords with policies C SP1 and SD SP3 of the ALP.

Concerns have been raised relating to disturbance from potential lighting on site. To control the potential negative impact to the settlement gap, a condition will be added to any approval requiring the written approval of any lighting to be provide.

VISUAL IMPACT

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.

Due to their positioning to the front of site, the charging point will be visible from the street. As development designed for passing traffic this is seen as a positive to the scheme. When compared to the existing built form of site, the proposed EV chargers are of an appropriate design for their intended use and location.

The Electric Vehicle charging units and substation are relatively small in scale, with a maximum height of 2.2m and their design and appearance would not be visually prominent within the context and setting of the car park and business.

Due to the minimal scale of the proposal and its appropriate location within the car park of the business, it would not have an unacceptable impact in terms of the visual amenity and character of the area, and

would be in accordance with Arun Local Plan policies D SP1 and D DM1.

RESIDENTIAL AMENITY

The charging points are located adjacent to the entrance into site, as such the nearest neighbour would be 50m away from the chargers if measured in a straight line. Due to the existing buildings on site, views of the EV chargers would be screened which, together with their low height, means that neighbouring amenity would not be adversely impacted.

At present there are no restrictions to the opening hours of the farm shop/ aquatic centre on site. The use of the EV chargers is expected to be infrequent after the shop has closed due to the lack of other facilities near to the site and the running of the EV points itself will not increase noise pollution arising from site.

The works are small scale, and the use of Electric Charging Points (EVCPs) would not result in any adverse impacts to these nearby occupants and accords with the NPPF and Arun Local Plan policies D DM1, QE SP1 and QE DM1.

HERITAGE ASSET

There is a Listed Building on the site known as The Cottage which is already viewed against the commercial site to its east.

Policy HER DM1 relates to listed buildings and states that proposals must preserve and if possible, enhance the historic character, qualities and special interest of the building. Also, proposals should not be detrimental to the historic integrity of the building's exterior or interior and where possible enhance the setting of the building.

The proposed EV charging points would not be visible from the immediate area surrounding the Listed Building and glimpses of the EV chargers would only be possible from the very northern part of its garden. Due to the significant visual and physical separation distance from the EV charging points, other existing buildings within the site would be far more prominent in terms of their effect on the setting of the listed building and the EV chargers will have no harm to the setting of the Listed Building.

HIGHWAYS & PARKING

County Highways raised no objection on highways safety or capacity grounds. The proposal would not result in a loss or increase in parking but rather would utilise 8 existing parking bays for electric vehicle charging.

They have also confirmed that the proposal will not result in adverse effects on the highway network.

The introduction of EVCPs accords with the Arun Parking SPD which seeks the installation of EVCPs for all new development. The proposals in respect of parking and highways would accord with the NPPF and Arun Local Plan policies T SP1 and T DM1.

AIR QUALITY & CLIMATE CHANGE

The introduction of EVCPs meets the objective of improving air quality and providing measures against climate change, in accordance with Arun Local Plan policy QE DM3 which seeks '(c) Encouraging the use of cleaner transport fuels on site, through the inclusion of electric car charging points', and ALP policies ECC SP2 and ECC SP2 which seek to promote energy efficient and renewable energy.

SUMMARY

The proposal complies with relevant planning policies, having an acceptable impact on visual amenity, highways, parking, and would result in an improvement in air quality and provide measures against climate change, in accordance with the objectives of the Local Plan.

The application 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.

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 Rev V1
- 8 Bay 8 Charger 1st Row Rev V1
- 8 Bay 8 Charger 2nd Row Rev V1
- Substation Detail Drawing V1
- Site Plan V1

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 concrete bases level shall take place unless and until a schedule of finishes to be used for external faces of the proposed substation has been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the substation.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and integrity of the settlement gap with policy D DM1 of the Arun Local Plan.

- 4 No external lighting shall be installed in connection with the proposed EV charging points, without details being submitted and agreed in writing with the Local Planning Authority.

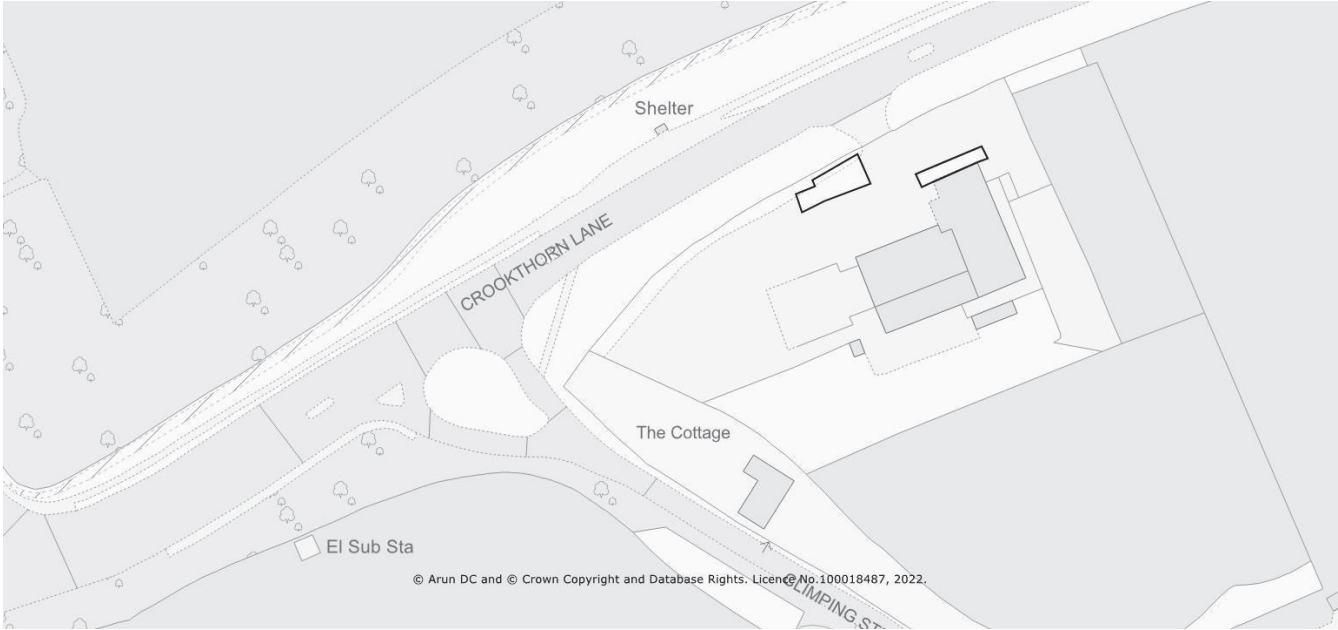
Reason: To control the residential amenities of the local environment in accordance with Arun Local Plan policies QE SP1, QE DM2 and D DM1.

- 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](#).

CM/46/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: BR/240/22/PL

LOCATION: Land adjacent to Community Centre
Westloats Lane
Bognor Regis
PO21 5JZ

PROPOSAL: Application under Regulation 3 of the Town and Country Planning (General Regulations) 1992 for the erection of 4 No 2 bedroom dwellings with associated parking and landscape. This site is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The two storey building would consist of two parts, interlinked via pitched roofs and a shared stairs area from where the flats would be accessed; first floor flats from the entrance on the south-western elevation, ground floor flats from the north-eastern. 4 parking spaces are proposed to the front with a new vehicular access. A timber cycle shed would be to the rear in communal garden, abutting the north-eastern boundary, and a timber bin store is proposed to the front. The building would incorporate a combination of red facing brick and artificial slate roofs. Existing boundaries to remain. It is necessary to divert a public sewer to facilitate the building.

This application is made on behalf of the Arun District Council.

SITE AREA 0.0758 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 53 dwellings per hectare.

TOPOGRAPHY Predominantly flat but there is an approximately 1m high bund adjacent to the rear boundary.

TREES 1 small tree to the site frontage to be retained. Small trees along the boundary with the community centre/youth club. None of these are significant.

BOUNDARY TREATMENT

- 1m high pole and rail fencing to the front;
- 1m high wall to the youth club;
- 2m high timber fence to the very rear; and
- Mix of hedging & 1.8m high timber fencing to Sudbury.

SITE CHARACTERISTICS Vacant grassed amenity land to the side of a Community Centre/youth club. Two shipping containers present on site.

CHARACTER OF LOCALITY Residential area with a Community Centre adjacent to the south-west and a large public park opposite. The surrounding area consists of predominantly semi-detached and two storey dwellings. The neighbouring dwelling to the north-east, Sudbury, has a ground floor flank door and first floor flank

stairs window facing the application site. It has a greenhouse and sheds at the end of its long garden.

RELEVANT SITE HISTORY

BR/222/18/PL	Erection of 4no. 2 bedroom dwellings with associated parking & landscape.	ApproveConditionally 13-02-19
BR/195/06/	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for 1no. portable storage unit anti vandal-steel	ApproveConditionally 05-09-06

An almost identical building was approved (BR/222/18/PL). The only difference is the height of the roof above the rear projection. The building would be shifted closer to the south-western boundary with Community Centre.

REPRESENTATIONS

Bognor Regis Town Council: No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

ENVIRONMENTAL HEALTH: Records show the site comprised land which was historically associated with brick works, therefore a contaminated land condition is suggested.

WSCC HIGHWAYS - No objections subject to conditions requiring construction management details, provision of the access, and provision of car and cycle parking.

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

SOUTHERN WATER: Awaiting their response. They were consulted on the previous application and raised no objection to the diversion of public sewer, subject to a condition to ensure the sewer is protected.

WEST SUSSEX FIRE and RESCUE SERVICE (WSFRS): Evidence is required to show that access for a fire appliance to the property can be achieved to within 45 metres of all points inside all flats in accordance with Approved Document B Volume 1 2019 Edition B5 section 13.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary;
 Within 5km of Pagham Harbour Special Protection Area;
 Within 2km of Bognor Reef SSSI; and
 Public Sewer on Site.

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
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

There are no relevant Bognor Regis Neighbourhood Development Plan policies.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal would comply with the Arun Local Plan in that it would not cause demonstrable harm to the character of the area, neighbouring residential amenity and makes appropriate provision for the protection of Pagham Harbour.

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

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

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

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

The site lies in the built up area boundary (BUAB) where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) provided it accords with relevant development plan policies covering such issues as highway safety/parking, design/character, residential amenity, biodiversity, and climate change.

ALP policies D DM1 and D SP1 seek to ensure that developments make an efficient use of land whilst preserving or improving upon local character. The Arun Design Guide states density should be appropriate to location, balancing the need for efficient use of land with a design that responds to and enhances the existing character of the site or wider locality. In general, higher densities will be appropriate in town and village centres, along strategic routes, and around key movement intersections with good access to public transport and facilities.

The NPPF seeks to promote the effective use of all land (para 119) and gives weight to proposals that develop under-utilised land (para 120d). However, this is not to be at the expense of local character.

The development represents an efficient use of land in a sustainable location of the BUAB without compromising the character of the area. It complies with policies SD SP2 and SD SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.

VISUAL IMPACT

Policy D SP1 of the Arun Local Plan (ALP) states development should reflect the characteristics of the site and local area, including in respect of scale, character, materials, finish. ALP policy D DM1 looks at aspects of form and design quality, including character, appearance, landscaping and scale.

The Arun Design Guide Supplementary Planning Document (SPD) is a material consideration in determination applications. Part P.O1 deals with infill development requiring development to respond positively to the character of surrounding buildings and balance the benefits of more efficient and intense use of development land, whilst preserving the character and local amenities of the site's context.

Paragraph 130 of the NPPF expects developments to be visually attractive as a result of good architecture and sympathetic to local character and history.

The site is between a two storey low pitched Community Centre building and a pair of two storey side gabled semi-detached houses. The front and rear element of the building would be connected by a staircase. A side gabled roof above the front projection would be the highest element and the roof above the rear projection the lowest. The street scene shows the new building approximately 1.8m higher than the Community Centre and 0.5m higher than adjacent dwellings (the highest point of the proposed roofs). This difference is acceptable given the spacious gaps between neighbouring buildings (4.2m to the Community Centre and 6.9m to Sudbury) and the character and appearance of the Community Centre.

The building would be constructed on a building line which is respectful of buildings either side and the design of the building viewed from the front resembles a semi-detached building. There are 2 flats at ground floor level; one facing the road and one the rear garden. The living /dining /kitchen area of the flat to the rear would have a direct access to the patio via French doors. The flat above would have a Juliette balcony. The first floor flats have an identical layout as those on the ground floor. The ground floor flat facing the road would have a patio accessed from the living /dining /kitchen area and the flat above a balcony.

Materials would be similar to those of neighbouring residential properties: red facing brick and artificial slate roofs. Black PVCu gutters and downpipes are proposed with dark grey eaves, soffits, and bargeboards. Porch canopies would be contemporary style with flat roofs clad in single ply membrane and grey metal fascia.

Whilst clearly of contemporary design and detailing, the development would respect the character of local development and would comply with those aspects of policies D SP1 and D DM1 of the Arun Local Plan, relevant paragraphs of NPPF and the Arun Design Guide (SPD).

RESIDENTIAL AMENITIES

Arun Local Plan policy D DM1 indicates permission will only be granted for schemes displaying high quality design and layout and which takes into account impact on adjoining occupiers, land, use or property by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. The Council requires in policy QE SP1 that all development contributes positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity.

The development would have similar characteristics to other properties in the locality. The proposal would result in 4 flats of an appropriate size within sufficient separation distances from neighbouring properties.

There are no windows on the main flank wall which faces Sudbury but a lounge window is shown at first floor level on the flank of a rear projection. As this is a secondary window, it is acceptable to impose a

requirement that the window is obscure glazed/non opening below 1.7m. This would protect the neighbouring property from harm due to overlooking. Due to the presence of recreation land opposite and the Community Centre adjacent, together with the deep rear garden of the proposal site, there are no other issues with overlooking to the front/side. The interface distance to the nearest dwelling to the rear is more than adequate.

In respect of sunlight, it is accepted the proposed building would be to the south of the neighbouring dwelling to the north-east (Sudbury) and could affect the amount of light reaching the neighbours' garden and windows. There is to be a wide gap between the neighbour and the new building - and this gap widens to the rear. This will ensure that an adequate amount of light still reaches the neighbour and minimises the amount of shading that may occur. The development would not result in an adverse impact on living conditions of occupiers of neighbouring dwellings by reason of overbearing, overlooking, or overshadowing.

The development would accord with policies D DM1, QE SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.

INTERNAL and EXTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Section J.08 of the ADC Design Guide SPD reiterates the need to comply with the national internal space standards.

The application proposes 1-storey, 2 bed, 4-person flats. The minimum Gross Internal Area (GIA) for which, according to the standards, would be 61sqm whilst floor plans indicate a GIA of 71sqm which would exceed the national internal space standards and comply with policy D DM2 of the ALP.

Arun Design Guide part H.04 advises on Residential Outdoor Amenity & External Space Standard:
- All development should provide residents with access to outdoor amenity space, whether private or communal. It advises that Residential Communal Shared Spaces should be minimum 40sqm plus 10sqm for each unit.

The scheme includes a large communal rear garden plus private spaces for three of the flats (1 balcony & 2 patio's). The size of rear garden is approximately 315sqm and would allow for required Residential Shared Communal Spaces; approximately 79sqm is provided for each unit. This provides for a good standard of amenity for future occupiers. There is a public park on the opposite side of the road.

The proposal complies with Local Plan policies D DM1 & D DM2 and guidance within the NPPF.

SITE ACCESS, PARKING AND HIGHWAYS IMPACT

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. The ADC Parking Standards (SPD) sets out the vehicle/cycle and EVCP parking standards.

Policy T DM1 requires that development be located in easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

A new vehicular access and four parking spaces are proposed. The expected level of provision for 2-bed flat in Parking Behaviour Zone 4 is one car. The 4 parking spaces for the proposed development would satisfy this requirement, however, according paragraph 3.3, an additional parking for visitors will be required at a ratio of 20% of the total number of residential units. Principle 3, 2.16 states that 'active'

charging points for electric vehicles shall be provided at a minimum of 20% (at 2019 levels of provision) of all parking spaces with ducting provided at all remaining spaces where appropriate to provide 'passive' provision for these spaces to be upgraded in future.

The applicant has demonstrated a cycle store with provision for four cycles, in accordance with Arun Parking Standards but failed to provide one parking space for visitors as required by SPD. On-street parking is present along Westloats Lane and offers alternative parking opportunities for residents. There are comprehensive parking restrictions prohibiting vehicles from parking in places that would be a detriment to highway safety. WSCC Highways assessed the application and confirmed that the 1 space shortfall would not be harmful to highway safety. They raise no objections to the proposal.

Subject to conditions, the proposals would provide a safe and suitable access, adequate parking and EVCP provision, and would not give rise to unacceptable highways safety or operation impacts. The proposals would therefore accord with the NPPF, ALP policies T SP1 and T DM1, and the ADC Parking SPD (2020).

BIODIVERSITY

ALP policy ENV DM5 asks development schemes to achieve a net gain in biodiversity and protect habitats on site.

The site is a parcel of vacant overgrown land with hardstanding. There are two shipping containers on site. An existing green boundary is evident in places, but requires reinforcement with further boundary planting treatment to enhance and improve biodiversity. The impact of the proposal could be blended into the environment; landscape provision to the building and improvement with native species infill is required.

In line with Policy ENV DM5 of the Arun Local Plan information on Biodiversity Net Gain will need to be provided. Further information would be required demonstrating what will be included within the scheme and what level of net gain will be created.

A condition will be imposed to ensure this takes place. The proposal complies with Policy ENV DM5 of the Arun Local Plan and relevant paragraphs of the NPPF.

CLIMATE CHANGE:

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

As there are no decentralised, renewable and low carbon energy supply systems proposed, a condition would be necessary to secure compliance with the policy. A condition is proposed to ensure an electric car charge point is provided at the property.

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 site is in Zone B and it is necessary to apply this requirement. The net increase of four dwellings

results in a contribution of £3,484. This will be secured by the signed Section 106 legal agreement. There is no conflict with ALP policy ENV DM2 of the Arun Local Plan.

SUMMARY

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

The scheme is acceptable when applying the Local Plan policies (that are relevant and up to date) and in accordance with paragraph 11c of the NPPF, permission is recommended subject to a legal agreement, 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.

SECTION 106 DETAILS

This decision will be granted with a s106 legal agreement relating to a contribution of £3,484 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 residential building.

CIL DETAILS

This site is in CIL Zone 4 (Zero Rated) as flats.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

Dwg No 70 Rev C, Street-scene and Site Location Plans;
Dwg No 71 Rev C, Floor Plans, Roof Plan, Section A and Elevations.

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 building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

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

- 4 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

- 5 Development shall not commence until full details of the proposed measures to be undertaken to divert the existing public sewers have been submitted and approved in writing by the local planning authority (in conjunction with Southern Water). None of the dwellings shall be occupied until the measures in respect of diverting the sewer have been completed in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because new development has the potential to cause damage to any sewer crossing the site.

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

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

- 7 Prior to the occupation of the dwellings, electric vehicles charging to serve the approved dwellings shall be implemented in accordance with the ADC SPD Parking Standards and 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.

- 8 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.

- 9 The secondary lounge window on the north eastern elevation of the building at first floor (flat 3) shall at all times be glazed with obscured glass and fixed shut up to 1.7m from the floor level.

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

- 10 All four of the southwest facing bathroom windows within the proposed building are to be glazed with obscured glass.

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

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

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

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

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

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

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

Contamination - Verification

The scheme shall be implemented as approved above and, prior to occupation of any dwelling or part of the site (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 Plan, 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.

- 12 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.

- 13 Prior to occupation 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 the approved flats and retained thereafter.

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

- 14 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 15 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.

- 16 INFORMATIVE: To prevent impacts to amenities of future occupiers of the dwelling/s and occupiers of neighbouring dwellings, the development should be carried out to accord with 'the Arun District Council Construction Code of Practice: For small developments in Arun', available from:
<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n12193.pdf&ver=12201>

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

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

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/240/22/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: BN/144/22/OUT

LOCATION: Nuthatch
Wandleys Lane
Fontwell
Eastergate
PO20 3SE

PROPOSAL: Outline application with all matters reserved (except access) for the erection of 4 No. residential units with associated car parking and landscaping with new access to be provided via Wandleys Lane. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
	<p>The proposal is outline with all matters reserved except access. The indicative site layout shows a new access directly off of Wandleys Lane into the site. This would lead onto a track through the site from north to south which spurs towards its southern most point east.</p> <p>It shows 4 dwellings, 3 of which would be situated to the east of the access track with the other dwelling to the south. The northern most dwelling would face north towards the highways and would be served by a cart barn with space for 5 vehicles to park. The indicative plans show that the dwellings would be two-storey and detached with plot 1 being of brick and brick hanging tiles with a brick tiled pitched roof. Plot 1 is also shown to have dormers on the first floor and a chimney. Plot 5 would have horizontal dark stained weatherboard cladding for the walls and brick tiled pitched roofs. It would also have large windows on the principal elevation. Two of the dwellings are shown as having catslide roofs.</p> <p>Each plot would be served by large rear gardens and there would be landscaping throughout the site, seen with tree and hedgerow planting.</p>
SITE AREA	0.5 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	10 dwellings per hectare.
TOPOGRAPHY	Predominantly flat
TREES	A category C hazel and category C hawthorn would be removed to facilitate the development shown in the indicative site layout.

BOUNDARY TREATMENT	The site is bounded to the east by a tree line, beyond which is the curtilage of the neighbouring property Nuthatch. To the south is thin treeline, beyond which is a track and field of the neighbouring property Studlands. To the west is a tree line beyond which is the same access track associated with Studlands. To the north is Wandleys Lane.
SITE CHARACTERISTICS	The application site comprises undeveloped agricultural grassland with some areas of degrading vegetation.
CHARACTER OF LOCALITY	<p>The application site is situated to the southeast of Wandleys Lane. The wider area comprises a mixture of residential to the southwest in the heart of Fontwell and agricultural, industrial, equestrian and caravan sites to the northwest, northeast and south of the application site.</p> <p>The dwellings immediately northeast of the site are mainly one storey detached dwellings and outbuildings with white/pink render for the walls and tiled pitched roofs. One of the buildings has an upwards extension with timber weatherboarding on its walls and a brick tiled roof. The dwellings in Fontwell are typically one or two storey detached and semi-detached with red brick or rendered walls and dark coloured brick tiled hipped or gable pitched roofs. Many of the dwellings have chimneys and some have porches of matching materials. Plots are typically narrow with front parking spaces and rear gardens.</p>

RELEVANT SITE HISTORY

WA/76/17/PL	Application of four Affordable Intermediate Sale Homes and one Full Market home with associated car parking, garaging, landscaping and bin storage and the creation of 2 new accesses onto Wandleys Lane. This application is a Departure from the Development Plan.	Refused 08-06-18
		Appeal: Allowed+Conditions 08-04-19

REPRESENTATIONS

Barnham and Eastergate Parish Council objected to the proposed development as it is located outside of the Built-up Area Boundary, it is within open countryside and a historic land. It conflicts with Neighbourhood Plan policies ES1A, ES1B, ES14, ES16, ES17, ES10, ES15 and ES5.

1 objection

- Far too many buildings in this area causing congestion concerns.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:****ENVIRONMENTAL HEALTH:**

No objection in principle subject to conditions relating to contaminated land, electric vehicle charging points, construction management plan, construction hours, internal noise levels and external lighting.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS AUTHORITY:

No objection but requested that speed survey data is provided in the appendix of the Transport Statement and a departure from standards (DFS) form is completed to assist with the S278 application.

DRAINAGE OFFICER:

No objection, however infiltration testing was done in July 2022. Whilst the infiltration rates prove that infiltration may be viable on the site, they cannot be used for the purposes of the design as they do not represent worse case conditions on the site. Infiltration testing will need to be repeated in mid-winter at the location and depth of proposed infiltration features and above peak groundwater level. A full winters groundwater monitoring will also need to be supplied to prove that groundwater will not influence the drainage of the site, this will be necessary even if infiltration is not viable to account for the risk of floatation. If infiltration is found to not be viable on the site, due to high groundwater levels or infiltration rates that are so slow that out half drain requirements cannot be met, then the applicant will need to investigate connecting surface water to the watercourse on the opposite side of Wandleys Lane. Third party permissions may be required to enable this connection, in addition to land drainage consent. The Officer also recommended a condition for the submission and approval of a proposed surface water drainage scheme.

SOUTHERN WATER:

No objection but it is possible that a sewer now deemed to be public could be crossing the development site. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Due to surface water inundation issues in the Lidsey Catchment, the applicant is advised to adopt, where appropriate, the measures set out in the table "Practical measures to reduce the potential impacts of development". The developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

ECOLOGY OFFICER:

No objection subject to securing biodiversity mitigation and enhancement measures. The Officer recommended a number of conditions relating to carrying out all mitigation and enhancement measures set out in the Preliminary Ecological Appraisal and the submission of a Construction Environmental Management Plan for biodiversity, a Biodiversity Enhancement Strategy, a wildlife sensitive Lighting Design Scheme and a condition relating to a time limit before further surveys are required.

SOUTH DOWNS NATIONAL PARK AUTHORITY:

No comments to make.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Sharp Sand and Gravel Minerals Safeguarding Area (MSA)

Outside of the Built-up Area Boundary

Biodiversity Corridor

CIL Zone 3

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HSP1	HSP1 Housing allocation the housing requirement
LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Barnham & Eastergate Neighbourhood Plan 2019</u> <u>POLICY ES10</u>	Trees and Hedgerows
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES15	Green Infrastructure and Ecosystem Services
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES1b	Reducing Flood Risk
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES1c	Sewage
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2019 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H1	Housing
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H8	Settlement boundary

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and MaBarnham and Eastergate Neighbourhood Development Plan 2019 - 2031. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

Section 70(2) of 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

CONCLUSIONS**PRINCIPLE**

The Council cannot demonstrate a deliverable 5 year supply of housing. As such, in terms of paragraph 11 d) of the National Planning Policy Framework (NPPF) comes into play. This makes it clear that where development plan policies are out of date, planning permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (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.

As the Council are unable to demonstrate at least three year supply of deliverable housing, the tests of NPPF para 14 are not met.

The proposal seeks to provide 4 dwellings outside of the built-up area boundaries, in the countryside. This kind of residential development does not fall within the list of development that may be permitted in

the countryside in policy C SP1 of the Local Plan. Similarly, no justification has been provided by the applicant to demonstrate that there is a need for the development to be located in the countryside as required by policy H8 of the Barnham and Eastergate Neighbourhood Plan.

The principle of the proposed development is not supported by the development plan, however, as Arun District Council are unable to demonstrate a five-year supply of housing, these policies are out of date and hold substantially less weight in the determination of the application. The fact that the principle of development is not supported by the development plan is not enough, individually, to warrant refusal of the application.

Notwithstanding the above, the key policies in the development plan that are relevant to the proposed development are SD SP1a, D SP1, D DM1, ECC SP2, ECC DM1, T SP1, T DM1, ENV DM1, ENV DM4, ENV DM5, W DM2 and W DM3 of the Arun Local Plan and policies ES5, ES10, ES13, ES15, GA4, H1, H4 and H6 of the Barnham and Eastergate Neighbourhood Development Plan.

To establish whether the proposal is acceptable in principle, we must therefore consider whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

DESIGN AND CHARACTER OF THE AREA

The scale, form, design and use of materials will be confirmed at the reserved matter stage. The indicative layout shows a road through the site with 4 dwellings situated to its east and south. The proposal would have a density of 10 dwellings per hectare which is not considered to be overdevelopment.

The indicative sketch shows that the dwellings would be of red/brown brick walls of varying tones and details, with red/brown brick pitched roofs, or dark stained timber weatherboarding walls and brown brick tiles pitched roofs. One dwelling is shown as having a catslide roof to provide a parking area. Garages may also be of dark stained timber weatherboarding. It is considered that the use of timber weatherboarding reflects the semi-rural agricultural character of the area. In addition, the use of brick is common on Wandleys Lane, particularly at the recent development at Woodfield Place (application reference WA/76/17/PL) and at Wandleys Farm. The cart barn parking structure shown on the indicative plans would also reflect the agricultural character of the area.

Overall, the indicative design of the dwellings would respect the character of the area in accordance with policies D SP1 and D DM1 of the Arun Local Plan and policy ES5 of the Barnham and Eastergate Neighbourhood Plan.

Full details of design would be secured at the reserved matters stage.

RESIDENTIAL AMENITY

The application site is situated adjacent to the dwellings associated with Nuthatch. The indicative layout shows that there would be tree planting on the eastern boundary of the site. The distance between plot 1 and the adjacent dwellings, and the use of boundary vegetation would avoid any adverse impacts to amenity between the two sites. There are no other external factors that would adversely impact on the proposed dwellings.

The dwellings are generally well separated and there would be no adverse impacts regarding amenity. The exception to this, however, is that the dwellings on plot 3 and plot 4 would only be circa 4.44 metres apart. As the application is outline with all matters reserved except access, elevations and floor plans

have not been provided, meaning that it is unclear whether the proposal would result in any overlooking between the two dwellings and/or loss of privacy. This matter would be dealt with in the reserved matters stage, however it is suggested that the applicant demonstrates how adverse impacts on amenity will not be created, in any subsequent reserved matters application.

The indicative site layout shows that each dwelling would be provided with spacious rear gardens. Plots 1, 2 and 3 would meet the standards set in the Design Guide for rear garden depths of 10.5 metres, however plot 4 would marginally fall short at circa 9.29 metres from the projecting part of the rear elevation.

It is noted that the side elevation of plot 4 would only be circa 4.44 metres from the principal elevation of plot 3 which falls significantly short of the Design Guide standards which requires a back/front to side separation distance of a minimum of 14 metres.

As the application is outline, the layout would be dealt with at the reserved matters stage. However, the illustrative layout demonstrates that the quantum of units proposed could come forward, with some minor modifications, in an acceptable way.

ACCESS

The proposal seeks to create a new access off of Wandleys Lane. The bell mouth would be 11 metres wide with visibility splays of 2m x 47m to the southwest, and 2m x 35m to the northeast. Further into the site, the proposed road would measure circa 5 metres wide. The access arrangements were agreed on as part of the pre-application advice submission, and as such, West Sussex County Council as local highway authority, raise no issues with the access and are satisfied that the site can accommodate turning movements of a pumping appliance and delivery van. The proposal therefore complies with policy T SP1 of the Arun Local Plan as it makes 'provision for safe access to the highway network through improvements to the existing road network'.

HIGHWAYS

A Transport Statement has been prepared by the applicant which confirms that there is an average of 204 eastbound and 210 westbound daily vehicle movements along Wandleys Lane. It calculated that the provision of 4 dwellings would create an additional 14 daily arrivals and 15 daily departures which it concludes as being negligible. West Sussex County Council stated that it 'does not consider this development to have any material capacity impacts'. The proposed development therefore accords with policies T SP1 and T DM1 of the Arun Local Plan which require development to avoid detrimental impacts on the highway network.

PARKING

As the application is outline with all matters except access reserved, the proposed housing mix has not been provided. The indicative layout shows that there would be 12 car parking spaces however it is unclear whether a visitor space would be provided. It must be ensured that at the reserved matters stage, final parking levels meet the requirements of the Council's Parking Standards.

FLOODING AND DRAINAGE

The application site is within Flood Zone 1 and at low risk of flooding. As discussed below, a drainage strategy is required to be submitted at the reserved matters stage. This will need to demonstrate that the development would not increase flood risk onsite or elsewhere.

A Drainage Impact Assessment has been prepared by the applicant which identifies that the site is within the Zone 1c (Zone 1 - Subsurface Activity) groundwater source protection zone. The Assessment sets out an indicative drainage strategy for the site, including that roof runoff will drain to cellular soakaways located in the back garden of each plot, at least 5 metres from buildings and that all hardstanding will be constructed as a permeable pavement with direct infiltration to the ground. It's calculated that the strategy demonstrates that the proposed SuDS features will manage runoff for all storms up to the 1% (1 in 100) annual probability (AP) events.

The Council's Drainage Officer commented that the proposed density of development or layout is not considered to prejudice the surface water drainage design and therefore they had no objection, however they recommended a condition requiring the submission of a proposed surface water drainage scheme that must comply with several requirements. Southern Water also had no objection to the proposed development but stated that it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during a construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

The indicative drainage strategy is therefore appropriate at this stage and demonstrates that viable drainage can be achieved as part of a reserved matters application.

ECOLOGY

The application site is within 10km of the Duncton to Bognor Escarpment Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). It is also within 12km of the Wider Conservation Area for Singleton and Cocking Tunnels SAC.

There is a biodiversity corridor, designated in the Barnham and Eastergate Neighbourhood Plan, along the northern and southern boundary of the application site. This does not prevent development on the site from coming forward, but the designation requires development to be highly sensitive to habitats and species which forage or commute on and around the site.

A Preliminary Ecological Appraisal (PEA) has been submitted with the application which states that following the proposed mitigation and enhancement measures, which include a sensitive lighting scheme, buffer zone around retained hedgerows and hedge planting, the proposed development would not have an adverse impact on designated sites of ecological interest. One priority habitat is identified on the site, but this would be retained, and impacts would be reviewed once a detailed scheme has been prepared.

The site is suitable to support roosting, foraging and commuting for bats. To avoid adverse impacts on them, the PEA recommends that any lighting scheme must be sensitive to bats. The site's boundary vegetation may be suitable for Great Crested Newts and reptiles, however, as this is to be retained, the PEA states that 'it is unlikely that GCN will pose a constraint to the development plans' and 'it is considered that reptiles do not pose a constraint to the development proposals'. There was no evidence of badgers on site, however measures have been recommended to avoid any harm arising from the development.

Dormice are common in the area, particularly within the biodiversity corridor designated in the Barnham and Eastergate Neighbourhood Plan. Boundary features provide good potential to support dormice, however this is set to be retained. The PEA identified two hazel coppices that would be removed. It recommends that their removal is sensitive, and there should be further planting to enhance the site for dormice. To avoid impacts to nesting birds, the PEA recommends mitigation measures and if followed, 'no significant residual impacts are predicted on nesting birds'. Records of hedgehogs have been returned 1.3km from the site but as boundary features are likely to be retained, 'no significant impact is to

be expected'.

Regarding impact on designated sites the PEA states that 'Given the scale of the proposals and distances of separation from the site and the above designations, it is not considered that any proposals would directly impact these sites through habitat loss, fragmentation or isolation. However, indirect impacts, such as recreational pressure will have to be reviewed once the exact extent of the development proposals are understood'. Mitigation measures such as the retention of boundary vegetation is recommended.

For the biodiversity corridor, measures are recommended to ensure the proposed development does not result in unacceptable impacts on them. This includes the retention of trees adjacent to Wandley's Lane, enhancement of the western aspect of the site with hazel, dogwood, hawthorn and spindle to create a more robust network, and additional planting.

The PEA also recommends ecological enhancement measures including bat boxes, nest boxes, enhancement of existing hedgerow, hedgerow, shrub and herb planting, log piles, and hedgehog homes. Biodiversity net gain would be confirmed as part of a reserved matters application, however the PEA states that 10% biodiversity net gain could be achieved with an appropriate scheme as required by Policy ES15 of the Barnham and Eastergate Neighbourhood Plan.

The Ecology Officer commented that the proposed development would be acceptable subject to compliance with mitigation and enhancement measures. These mitigation and enhancement measures would be secured by condition, alongside the submission of a Construction Environmental Management Plan for biodiversity, a Biodiversity Enhancement Strategy, a wildlife sensitive Lighting Design Scheme and a condition relating to a time limit before further surveys are required. A Biodiversity Net Gain Assessment will also be required by condition to ensure that the development achieves at least 10% biodiversity net gain.

Subject to mitigation and enhancement measures, the proposed development would contribute in the 'preservation, restoration and enhancement of biodiversity and the natural environment' in accordance with Policy ENV SP1 of the Arun Local Plan. It would avoid adverse impacts on designated sites of biodiversity or geological importance as required by Policy ENV DM1 and would 'incorporate elements of biodiversity minimising adverse impacts on existing habitats' in accordance with Policy ENV DM5.

LANDSCAPE

As identified in the Arboricultural Impact Assessment and Method Statement, two trees will be removed in order to install the access. The remainder of the boundary vegetation will be retained. The indicative layout shows tree and hedgerow planting within the site and between plots. Overall, the indicative planting provides appropriate screening between the site and the highway, and other neighbouring properties. It is also appropriate in reinforcing the character of the area, which is semi-rural with agricultural fields comprising boundary trees and hedgerow, in accordance with Policy LAN DM1.

A Landscape Visual Impact Assessment has not been submitted with the application however given the modest scale of the indicative layout and the retention of boundary features, it is considered that the proposal seeks to 'respect the particular characteristics and natural features of the relevant landscape character area' as required by Policy LAN DM1.

The application is within circa 800 metres of the South Downs National Park and within its setting. Given this separation distance and screening from the riding school to the north, and development between the A27 and Arundel Road, there will be no impact on views looking into the National Park. There will also be no adverse impact on the National Park's purpose of conserving and enhancing natural beauty, wildlife

and cultural heritage. The South Downs National Park Authority made a representation and made no comments on the application. The proposed development would therefore 'have special regard to the conservation of that setting, including views into and out of the Park' in accordance with Policy LAN DM1.

The Council's Landscape Officer has not made a representation, however as part of the reserved matters stage the applicant is required to submit full landscape details as part of the Biodiversity Enhancement Strategy which will be secured by condition.

TREES

An Arboricultural Impact Assessment and Method Statement has been prepared by the applicant based on the indicative scheme. It states that there are 12 category B trees and 23 category C trees on the site. A category C Hazel and a category C hawthorn would be removed to facilitate the development and it is stated that 'The loss of these trees is low and acceptable impact and is likely to have a minimal amenity impact on the surrounding area'. All category B trees and most category C trees which are of good health and value to the character of the area will be retained. The proposed development therefore accords with Policy ES10 of the Barnham and Eastergate Neighbourhood Plan which encourages development 'to retain wherever possible ancient trees, trees of good arboricultural and amenity value and hedgerows'.

In addition, to facilitate the access, the RPA of a category B Oak would be encroached however, the assessment states that 'The extent of this encroachment is low & acceptable'. The remainder of the RPAs would be unaffected as the works would be beyond the RPAs the retained trees.

The report also recommends measures to protect retained trees to avoid any adverse impacts from the development. This includes the construction of protective fencing to acceptable standards, the new driveway to be installed to specialist 'No Dig' construction specification and other ground protection measures. These measures would ensure that 'Proper provision must be made for the protection and management of trees or areas of woodland on-site when undertaking development' as required by Policy ENV DM4 of the Arun Local Plan.

The Council's tree officer has not made a representation, however on balance, the impact on trees, as a result of the illustrative layout, will be acceptable. As the proposal is outline with all matters reserved except for access, the layout could change so far as to create further impacts on retained trees. An updated Arboricultural Impact Assessment and Method Statement will be required to reflect the submitted layout as part of the reserved matters stage.

ENERGY

As the application is outline with all matters reserved except access, formal plans have not been provided showing renewable energy measures and an Energy Statement has not yet been provided.

The Design and Access Statement indicates that the layout has been designed so that the amenity areas face south or east to make use of solar gain and the fabric of the houses will be thermally efficient, with high quality windows, doors and screens. It is anticipated that the main heating will be electrical, with ground sourced heat pumps being used, alongside photo-voltaic panels. Other measures such as motion sensitive lighting will also be installed as well as energy efficient electrical fittings.

The above renewable energy measures should be incorporated into the scheme in the reserved matters stage, and an Energy Statement will be required by condition to demonstrate how the proposal will meet the aspirations of Policy ECC SP2 of the Arun Local Plan.

CONCLUSION

In this case, permission should 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 proposed development would deliver 4 dwellings to the District which would provide a contribution towards the supply of housing locally. This weights in favour of granting permission. In addition, the indicative design would respect the character of the area, an appropriate access and sufficient levels of parking could be achieved, alongside a suitable drainage scheme. Ecological impacts could also be acceptable subject to mitigation and further enhancement measures.

There are a number of small issues with the indicative scheme however as the application is outline with all matters reserved except access, this could be addressed in the reserved matters stage.

Overall, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, and therefore it is recommended that planning permission is granted subject to conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

The application is within CIL Zone 3 and therefore the development is liable to CIL. However, the application is outline with all matters reserved except for access and therefore the quantum of new floorspace created would be determined as part of a reserved matters application. The amount of CIL liable will be calculated in the reserved matters stage.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 2 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Landscaping.

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

2 The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before expiration of 1 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

Location Plan - 2129/PL.01 Rev A
 Context Plan - 2129/PL.03
 Transport Statement
 Preliminary Ecological Appraisal
 Arboricultural Impact Assessment and Method Statement

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.

4 No development above slab shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings has been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings

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

5 The layout details to be submitted pursuant to condition 1 shall include:
 a) a plan showing the location and quantum of vehicle and cycle parking spaces that serves each of the proposed dwellings.
 b) an Arboricultural Impact Assessment and Method Statement identifying if any trees will be removed to facilitate the submitted layout, the impact of the submitted layout on retained trees and the protection and mitigation measures required to appropriately mitigate this impact.

Reason: To ensure that each of the proposed dwellings is provided with adequate parking in accordance with the Arun District Council Parking Standards and Policy T SP1 of the Arun Local Plan and that retained trees are protected against the harmful impacts of development in accordance with Policy ENV DM4 of the Arun Local Plan.

6 Prior to commencement of the development hereby approved (or such other date or stage in

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

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

The scheme shall be implemented as approved above and, prior to occupation of any dwelling or part of the site (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 Plan, 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.

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

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

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031.

- 8 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.

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

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

- 10 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (The Ecology Partnership, August 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

- 11 Prior to commencement of any works, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones" based on any protected species survey results that are "in date".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on sit of an ecological clerk of works (ECoW) or similarly competent persons.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) ,Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

- 12 Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitable qualified ecologist shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures
- b) Detailed designs to achieve stated objectives;
- c) Locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) Persons responsible for implementing the enhancement measures;
- e) Details of initial aftercare and long-term maintenance (where relevant);
- f) Hard and soft landscaping details.
- g) Details and calculations to demonstrate that the proposed development would achieve at least 10% net gain in biodiversity

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species), Policy ENV DM5 of the Arun Local Plan, and Policy ES15 of the Barnham and Eastergate Neighbourhood Development Plan.

- 13 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.

- 14 Prior to any external lighting being installed on the site, a lighting scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall

identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

- 15 If the development hereby approved does not commence within 12 months from the date of the surveys, the approved ecological mitigation measures for mobile species shall be reviewed and, where necessary, amended and updated in line with CIEEM Advice note on the lifespan of ecological reports and surveys (2019).

The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of habitats or species, and
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development.

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

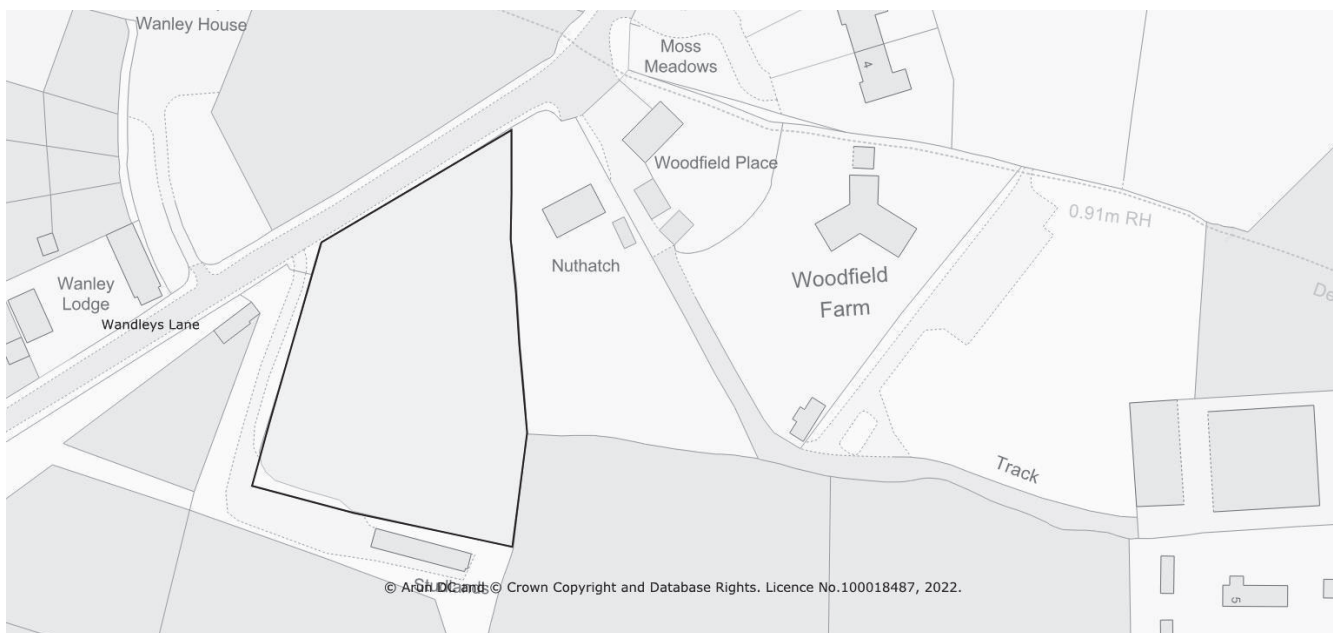
- 16 INFORMATIVE: To prevent impacts to the amenities of future occupiers of the proposed dwelling/s and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', available from : <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12193.pdf&ver=12201>

- 17 INFORMATIVE: This permission does not grant approval to the details submitted as supplementary information in support of but not forming part of the outline application.

BACKGROUND PAPERS

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

BN/144/22/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: AL/31/22/PL

LOCATION: Ryefields Farmhouse
Oak Tree Lane
Woodgate
PO20 3GU

PROPOSAL: Demolition of existing building and erection of 4 no. houses with associated access, landscaping, parking and associated works. This site falls within Strategic Site SD5, CIL Zone 1 (zero rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal is for the development of 4 no. houses with associated access, landscaping, parking and associated works. The houses would consist of 1 x 4 bed, and 3 x 3 bed dwellings.

SITE AREA 0.2 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 20 Dwellings per hectare

TOPOGRAPHY Predominantly flat.

TREES There is a mix of larger mature and semi-mature trees growing on and adjacent to the site boundaries, some of which are subject to made Tree Preservation Orders.

SITE CHARACTERISTICS Tree T15 is subject to a Tree Preservation Order, reference TPO/AL/1/19. This tree is proposed to be retained.

CHARACTER OF LOCALITY The site forms part of a residential garden associated with Ryefields Farmhouse. The site is predominantly amenity grass with ornamental planting and there is an existing small storage building. Access to the land is from an unmade private track which forms part of Oak Tree Lane. The lane is an informal track with substantial vegetation providing a semi rural character.

CHARACTER OF LOCALITY The character of the locality to the west and, beyond the railway line, north is built up and residential. The nearest dwelling to the west is two storey with some secondary windows in its flank elevation that look towards the site. To the east and south there is a mix of enclosed private gardens and open fields. To the southeast is a light industrial development.

RELEVANT SITE HISTORY

AL/126/21/PL	Demolition of existing building and erection of 5no. houses comprising 1no. 4-bed detached, 2no. 4-bed link detached & 2no. 3-bed detached houses with associated access & parking (resubmission of AL/81/21/PL). This site falls within Strategic Site SD5, CIL Zone 1 (Zero Rated).	Refused 14-01-22
AL/81/21/PL	Demolition of existing building & erection of 5 No houses comprising 1 No 4-bed detached, 2 No 4-bed link detached & 2 No 3-bed detached houses with associated access & parking (resubmission following AL/72/19/PL). This site is in CIL Zone 1 & is Zero Rated.	Refused 06-10-21
AL/72/19/PL	Demolition of existing buildings & erection of 10 No. houses, comprising 1x three bedroom detached, 6x three bedroom semi detached & 3x four bedroom detached houses with associated access & parking (resubmission following AL/118/18/OUT).	Refused 24-12-19
		Appeal: Dismissed 02-04-20
AL/118/18/OUT	Outline application with some matters reserved for the demolition of existing buildings & the erection of 10 No. dwellings comprising 1 No. three bedroom detached, 2 No. three bedroom semi detached, 4 No. four bedroom semi detached & 3 No. four bedroom detached houses with associated access & parking.	Refused 23-07-19

AL/72/19/PL - Demolition of existing buildings & erection of 10 No. houses, comprising 1x three bedroom detached, 6x three bedroom semi-detached & 3x four-bedroom detached houses with associated access & parking (resubmission following AL/118/18/OUT). (REFUSED)

AL/72/19/PL was appealed and dismissed. The reasons for refusal upheld were refuse, drainage, accessibility.

AL/81/21/PL - Demolition of existing building & erection of 5 No houses comprising 1 No 4-bed detached, 2 No 4-bed link detached & 2 No 3-bed detached houses with associated access & parking (resubmission following AL/72/19/PL). This site is in CIL Zone 1 & is Zero Rated. (REFUSED)

AL/126/21/PL - Demolition of existing building and erection of 5no. houses comprising 1no. 4-bed detached, 2no. 4-bed link detached & 2no. 3-bed detached houses with associated access & parking (resubmission of AL/81/21/PL). This site falls within Strategic Site SD5, CIL Zone 1 (Zero Rated). (REFUSED). Reasons for refusal included design, sustainable access, trees, drainage, housing mix, S106, Biodiversity Net Gain.

REPRESENTATIONS

Aldingbourne Parish Council object on the grounds that the site lies outside the Built Up Area Boundary (BUAB); within a strategic allocation, but does not contribute to the infrastructure requirements; is not cohesive with masterplan; contravenes dark skies policy; no biodiversity net gain; impact on bats; access insufficient for construction; adverse impacts to neighbour on Oak Tree Lane.

6 letters of objection were been received, highlighting the following material considerations:

- Application is premature to the BEW Masterplan
- Increased traffic movement relating to construction vehicles and on occupation causing safety issues
- Concern over how construction lorries will turn around
- Builder parking not addressed
- Oak Tree Lane is a private residential lane, and no consent has been sought to use this road
- Loss of existing trees
- Provides precedent for development to be consented prior to the A29 link road accessing the site via Oak Tree Lane
- Pressure on local services (Schools, Doctors, Dentists, lack of leisure facilities)
- Concern that cars would need to reverse onto reeds lane
- Fails to join up pedestrian access and consider access for disabled users
- The 21m gap between the proposal and existing residential development to west regularly floods and would not be therefore accessible on foot
- Should not be allowed to use a site for drainage that does not exist yet
- Parking already an issue, and this will exacerbate it. Parking is inadequate
- Design is not cohesive in relation to existing dwellings

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council comments are noted but according to the Neighbourhood Plan, the site does lie within the BUAB.

Oak Tree Lane is a private road but not designated by WSCC and there are no proposals to amend the route of the road. Whilst it may be necessary to obtain agreement from the existing residents to intensify any existing access rights over it, land ownership is not a material planning consideration and permission could be granted despite it not being possible to agree the additional use of the road.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Arun Drainage - No objection, subject to securing conditions. It was highlighted that previous applications had suggested a pumped connection to the foul sewer, which was not supported. The proposal to connect to an adjacent sites drainage (Pye Homes) could provide an acceptable solution subject to securing the relevant consents with them.

WSCC Highways - No objection subject conditions and securing contributions under S106.

Arboriculturist - A number of issues were initially raised, and have now been resolved through amendments. These included the removal of close boarded fencing in the RPA of T15; amending the layout to ensure that T15 is not within sightlines and at risk of removal; clarification of whether the track will be widened (which is not sought within this application); surface water drainage proposals within RPA's.

Archaeology - No objection.

Ecology - No objection subject to securing biodiversity and ecological enhancements.

Natural England - No objection. Natural England concurred with the conclusions of the Appropriate Assessment, and subject to securing adequate mitigation they had no objection.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM6	HER DM6 Sites of Archaeological Interest
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<u>Aldingbourne Neighbourhood Plan 2019-31 Policy EH1</u>	Built up area boundary
Aldingbourne Neighbourhood Plan 2019-31 Policy EH5	Surface water management
Aldingbourne Neighbourhood Plan 2019-31 Policy EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2019-31 Policy EH2 2019	Protection of bat habitation
Aldingbourne Neighbourhood Plan 2019-31 Policy GA3	Parking and new developments
Aldingbourne Neighbourhood Plan 2019-31 Policy H2	Housing Mix

Aldingbourne Neighbourhood Plan 2019-31 Policy H3	Housing Density
Aldingbourne Neighbourhood Plan 2019-31 Policy H8	Outdoor space
Aldingbourne Neighbourhood Plan 2019-31 Policy H9	Attention to detail
Aldingbourne Neighbourhood Plan 2019-31 Policy EE8	Communications infrastructure

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

The Aldingbourne Neighbourhood Development Plan (ANP) was reviewed in 2020. The reviewed Neighbourhood Development Plan was adopted by Arun District Council on 14 July 2021. Relevant NP policies have been taken into account and are addressed in the below report.

The development is located within the Arun Local Plan Strategic Housing Allocation SD5: Barnham, Eastergate, Westergate

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that (2) in dealing with an application for planning permission the authority shall have regard to -

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

The proposal is considered to comply with relevant Development Plan policies in that the site is located within the Strategic Housing Allocation SD5 and will meet the criteria and requirements of other relevant policies.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

ASSESSMENT VERSUS PREVIOUS REFUSAL (AL/126/21/PL)

The following is a brief commentary on how the resubmission relates to the previous Reasons for Refusal (RfR) as set out in the Planning history section above (AL/126/21/PL).

- (1) The reduction of dwelling sizes, alongside changes to the layout, overcome reasons for refusal 1.
- (2) The proposal provides for a pavement that is located alongside Oak Tree Lane. The adjacent development undertaken by Pye Homes (reference AL/107/21/PL) has been approved at planning committee subject to S106, and if approved will provide a "T" junction to overcome the length of track without any pedestrian provision. undertaken by Pye Homes (reference AL/107/21/PL). therefore this reason for refusal has been overcome.
- (3) A reduction in tree removal alongside removal of hardstanding within tree root protection areas results in the removal of this reason for refusal.
- (4) The scheme proposes gravity fed foul & surface water drainage connections into a proposed BEW development to the southeast. A drainage statement has been submitted, but it has been agreed that an appropriately worded planning condition could allow this to be submitted at a later date. Therefore, this reason for refusal is overcome.
- (5) The proposed housing mix is appropriate and therefore this RfR no longer applies.
- (6) The applicant has now engaged in drafting an indicative Heads of Terms therefore this RfR does not apply
- (7) The application has demonstrated biodiversity net gain, including an adequate tree replacement scheme and therefore this RfR has been overcome.

SUBSTITUTE PLANS

The applicant submitted additional plans during the determination of the application, with key consultees re-consulted. The changes sought to overcome officer concerns, with the main changes being:

- Reduction of dwelling size and layout (change of a 4-bed dwelling to a 3-bed dwelling)
- Change in layout of parking and detail of bike and bin storage
- Reduction in depths of Plots 1 & 2 resulting in increased amenity space
- Changes to Biodiversity Strategy to include additional tree planting to compensate for tree loss
- Additional PV panels, sedum roof on flat roof space, EV locations

PRINCIPLE

The site falls within the Built-Up Area Boundary (BUAB) as identified in the Aldingbourne Neighbourhood Development Plan (ANDP) and the Arun Local Plan (ALP). ANDP policy EH1 and ALP policy SD SP2 supports development within these areas.

The ALP allocated the Barnham, Eastergate and Westergate (BEW) strategic development site upon adoption of the Plan and this site falls within the BEW strategic allocation. ALP policy H SP2 makes it clear that "development proposals within the Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas which incorporates high quality imaginative design, giving a sense of place and permeable layout."

Whilst the site falls within the BEW strategic allocation, in accordance with the ALP, the area was not detailed as being central, nor integral, to the delivery of BEW. The intent behind this was to allow for this parcel to come forward at an appropriate time. However, the principles contained in the endorsed Framework Masterplan and the requirements of policy H SP2 (a sense of place and permeable layout) remain equally applicable.

The principle of residential development coming forward on this site is deemed to be acceptable, subject to the development delivering the policy requirements as detailed in ALP policy H SP2.

DESIGN AND LAYOUT

The following local and national policies and guidance are particularly relevant to the determination of this application:

1. Endorsed Barnham, Eastergate and Westergate Framework Masterplan (November 2020);
2. Arun District Council Design Guide (January 2021);
3. National Planning Policy Framework (July 2021); and
4. National Design Guide 2021.

The endorsed Framework Masterplan (FM) contains several High-Level Development Principles (HLDP). In summary, HLDP SDP 7 requires development to exemplify high standards of urban design to create a distinctive and attractive place with legible character areas that maximise the potential for sustainable design and non-motorised travel.

Oak Tree Lane is characterised by residential plots fronting onto the highway. There is an established set back of dwellings from their primary building line to the road of circa 10m. This gives the appearance of a suburban street with an established and coherent width and creates a continuity in the sense of place. All properties accommodate their parking requirements in the form of off-street parking between Oak Tree Lane and the primary elevation of the dwellings.

The reduction in units from previous schemes (A/126/21/PL) and a linear layout fronting the road is welcomed and better reflects the established character of the locality. The pair of semi-detached houses are set back further than the established character of Oak Tree Lane, however the development responds to the constraints of the site by retaining the protected tree (T15). The layout would not entirely conform to the established existing character; however, the proposals would not adversely impact on it.

The proposal would retain and enhance a large proportion of the existing boundary treatments to the east, west and south, which helps screen the development in wider views and maintain the sites positive rural character.

The existing dwellings along Oak Tree Lane have a mixture of front gable and side gable roofs, 1 and 2 storeys, and are varied in their frontages. This provides visual interest in the street scene and reduces bulk.

The proposed dwellings would all be side gabled with half hipped roof forms, and all two storeys. The proposed street scene would provide some variety given the dwelling compositions, frontage widths, boundary treatments, dormers and fenestration and are therefore acceptable.

The proposed dwellings have a reduced depth compared to the previous submission, which is consistent with the established built form along Oak Tree Lane and allows gardens to exceed the minimum depths required by the Arun Design Guide.

The changes to the design and layout of the scheme throughout this application are positive and the

development proposal accords with ALP policies D SP1, H SP2 & H SP2c, ANDP policy H3 and the adopted Arun Design Guide.

SUSTAINABLE TRANSPORT AND ACCESS

In relation to consideration of sustainable transport ALP policy H SP2, T DM1 and ANDP Policy GA1 are most relevant.

The proposed access to the site under a previous submission (AL/72/19/PL) was over approximately 20metres of unmade track from the made surface of Oak Tree Lane, outside of the planning application boundary. Under the dismissed appeal, an Inspector determined that this access caused considerable disadvantages to vulnerable users, including wheelchair users and people who are blind, due to the uneven potholed surfacing absent of any kerb. Consequently, it was in conflict with Policy T SP1 of the LP which, amongst other things, seeks to ensure that development proposals provide safe access to the highway network and consider the needs of people with disabilities by all modes of transport.

The current application seeks to address some of the concerns raised regarding the safe access by providing a length of pavement along the site's frontage, however this pavement would stop on the westernmost boundary of the site and therefore a gap of approximately 10m of unmade track and road would persist.

However, there is a proposed development (application reference AL/107/21/PL) which proposes a footpath which joins Oak Tree Lane and borders the application site. The proposed footpath would create a 'T' pedestrian access which would connect Oak Tree Lane and the new proposed pedestrian access within this application.

As such, subject to the approval of AL/107/21/PL, and subsequent delivery of the pedestrian access, the development would meet ALP policies T SP1, T DM1 and H SP2, policy GA1 of the ANDP, the endorsed BEW Framework Masterplan, adopted Arun District Council Design Guide and the NPPF.

TREES

The relevant policy considerations in relation to trees are policy ENV DM4 of the ALP and policy EH6 of the ANDP. Both policies seek to prevent the loss of trees which contribute to amenity.

The boundaries of the site are mainly vegetated with hedgerows and several mature trees, which provide good amenity and biodiversity value. The trees on the northern boundary further contribute to the character of the rural private lane.

Following the refusal of AL/126/21/PL, which proposed the removal of twenty-one trees, this application proposes the removal of 5no. trees and 1no. area of hedgerow. Two trees which are to be removed are identified as category B trees, which make a significant contribution to the sites verdant character and frontage. The TPO tree (T15, TPO reference TPO/AL/1/19) to the north would be retained.

The proposed layout results in several existing trees located within residential gardens, particularly the southwest corner of Plot 1. However, after layout changes, additional space has been provided within the gardens which will reduce pressure to fell by future occupants.

On balance, the scheme retains sufficient boundary planting whilst providing acceptable levels of amenity space for occupants and the proposal therefore accords with ALP policy ENV DM4 and ANDP policy EH6.

The tree officer has recommended that exploratory trial holes to ensure that the proposed closed boarded fence, however the proposal has been amended which locates a post and rail fence away from TPO tree T15.

BIODIVERSITY, ECOLOGY AND PROTECTED SITES AND SPECIES

ALP policy ENV DM5 and ANDP policy EH6 seek to protect habitats and achieve biodiversity net gain. ANDP policy EH2 2019 seeks to retain commuting corridors and foraging habitat unless it is proven that they are not used by bats linked to the Singleton and Cocking Tunnels Special Area of Conservation (SAC).

The Sustainability & Biodiversity Enhancement Plan (Reference 1324 DP311 Rev 03) indicates nine additional trees, ornamental and wildflower meadow planting along with a green roof on plots 1 & 2. Whilst no biodiversity metric has been provided, the measures are proportionate to the developments scale. Additional measures such as integrated bat and bird boxes, "hogitat" and log piles have also been provided.

The Ecological Impact Assessment Report concludes that six bat species were recorded in 2km of the site. The Appraisal confirms that "trees and hedges are likely used by bats as commuting and foraging feature" but that "the site is likely to be of site value for bats". No Phase 2 surveys have been undertaken or recommended in the Appraisal.

The site is in the 12km buffer zone for the Singleton and Cocking Tunnels Special Area of Conservation (SAC). As per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended), an Appropriate Assessment (AA) is required to be undertaken by the LPA (acting as the Competent Authority) on the foraging of bats deriving from the Singleton and Cocking Tunnels SAC.

The conclusions of the AA are that the proposals would not result in any significant adverse impacts on the integrity and function of the Singleton and Cocking tunnels. Natural England have confirmed that they agree with the conclusions of the AA.

The site provides biodiversity enhancements alongside ecosystem services enhancements and subject to the conclusions of the AA being that no adverse impact on the integrity of the site is found, the development proposal would accord with ALP policy ENV DM1, ENV SP1, ENV DM5 and ANDP policy EH6.

SURFACE AND FOUL WATER

The site falls in the Lidsey Wastewater Treatment Catchment Area. ALP policy W DM1 states that all development within this area must also be accompanied by a Drainage Impact Assessment that takes account of both the individual and cumulative impact upon foul water disposal, flood storage capacity and surface water drainage or flood flows within the area.

ALP policy W DM3 seeks to ensure SUDS discharge water from developments to be at a lesser rate, as prior to construction. ANDP policy EH5 requires new development make appropriate provision for accommodating foul and surface water.

The applicant demonstrated on a previous application (AL/81/21/PL) infiltration as a means of surface water disposal is not viable due to high groundwater levels. This position has been accepted previously by the Council's Drainage Engineers.

The hierarchy for sustainable drainage states that if infiltration is not viable then discharge to a

watercourse should be investigated, followed by discharge to a surface water sewer, and then a combined sewer where there are no other options. An application previously (AL/81/21/PL) showed a pumped surface and foul system to the existing public foul sewer on Oak Tree Lane which was considered unacceptable due to increased flood risk in the Lidsey Catchment and being unsustainable.

The applicant now proposes separate gravity fed surface & foul connections to the development on the adjacent land to the southeast. This development was approved at planning committee subject to finalising a Section106 agreements.

Drainage engineers have confirmed conditions could be imposed to prevent commencement until 1) the design of the surface and foul drainage systems has been agreed with the neighbouring landowner, and 2) installed in line with the delivery of the adjoining site. Therefore, it is critical that the relevant sections of the adjoining developments surface water drainage system are constructed to provide a means of accepting flows from Ryefields and ultimately discharging to the watercourse (main river) prior to the commencement of any development. This is to ensure that there is no increase in flood risk because of differing timescales for the developments.

The proposal is now acceptable regarding the surface water drainage policies. Whilst a Drainage Statement has been included within this application, there is a lack of detail regarding the cumulative impacts on drainage, as per the requirements of a Drainage Impact Assessment in support of Policy W DM1 (3). However, whilst the design is unknown and a pre commencement condition is included for details relating to the drainage, it would seem reasonable that this could form part of the condition. Therefore, subject to the use of an appropriately worded condition the development could accord with ALP policy W DM1.

RESIDENTIAL AMENITY

ALP policy D DM1 and policy QE SP1 seek to contribute positively to the quality of the environment and protect residential amenity for both occupiers and neighbours.

The proposed Block Plan (1324 DP301 Rev 02) confirms that all garden plot depths would exceed the 10.5metres minimum length for rear gardens. Planting areas and defensible spaces are provided alongside the parking bays to the front of dwellings.

There is proposed development to the south of the application site, which has been approved subject to S106. Planning application reference AL/107/21/PL shows courtyard parking in addition to rear private gardens, providing an adequate separation distance between dwellings to avoid any unacceptably adverse harm to residential amenity.

Therefore, the amenity of future occupiers of the site would be acceptable and would accord with ALP Policies D DM1 and QE SP1.

PARKING & HIGHWAY SAFETY

ALP Policy T SP1 and ANDP policy GA3 alongside the adopted Arun District Council Parking Standards SPD (January 2020), seek to provide sufficient parking, ensure safe access within and on to the highway network and promote sustainable transport.

The parking requirement of this development is ten spaces, including one visitor space. The proposal provides for twelve allocated parking spaces and two visitor spaces which are in a shared driveway accessed by plots 2, 3 and 4. The overprovision of parking allows plot 1 to have four spaces which could act as visitor provision for this dwelling.

West Sussex County Council raise no objections to the proposal in respect of access, visibility, or trip generation.

Based on the above, the proposal would deliver satisfactory parking provision and would therefore accord with Policy T SP1 of the Arun Local Plan.

ARCHAEOLOGY

ALP Policy HER DM6 seeks to avoid harm to archaeological heritage assets.

The site falls in a designated Archaeological Notification Area. Whilst an Archaeology report has not been submitted, the Councils Archaeologist has raised no objection and stated there are no known archaeological remains here and no archaeological intervention would be justified. Although there remains conflict with policy HER DM6 in that a desktop study was not undertaken, the advice from the county archaeologist suggests that this would not result in a different outcome. Therefore, refusing the application on this basis would not be sustainable to include this as refusal reason.

CLIMATE CHANGE

ALP policy ECC SP2 requires all new residential development to incorporate renewable energy supply systems. ALP policy ECC SP1 requires that new development be designed to adapt to impacts arising from climate change, such as energy and water efficiency.

PV panels have been proposed and the details of this alongside other energy/water efficiency measures can be secured via planning condition, which would be consistent with ALP policy ECC SP2 and ECC SP1.

SPACE STANDARDS

The proposed floor plans meet the Nationally Described Space Standard for minimum gross internal floor areas, in accordance with Policy ALP Policy D DM2. Furthermore, 50% of the plots will comply with Lifetime Homes standards (Part 4(2)) which will be secured via planning condition.

INFRASTRUCTURE AND CONTRIBUTIONS

Policy INF SP1 of the ALP requires developments to proportionally contribute to wider infrastructure and service needs. Necessary infrastructure has been identified for strategic development site (Policy H SP2c), which includes highways improvements.

The applicant has agreed to enter into a Section 106 agreement to secure the necessary infrastructure relating to the development. A Heads of Terms is included alongside the recommendation setting out the contributions for this development in accordance with policies H SP2, H SP2c and INF SP1 of the Arun Local Plan.

OTHER MATTERS

It is noted that Oak Tree Lane is a private Lane, and as such there are concerns over rights of access, and maintenance. This is a matter which is not considered by planning.

RECOMMENDATION

The recommendation to members is that the application is approved with conditions, subject to a S106

being agreed within 3 months of the date of the planning committee.

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

A Heads of Term has been prepared in relation to the development proposals.

CIL DETAILS

This development is not CIL liable as it falls within Strategic Site SD5.

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:

Block Plan DP301 Rev 02
 Location and Context Plan DP300 Rec 02
 Sustainability and Biodiversity Plan - DP311 Rev 03
 Proposed Site Plan DP0302 Rev 3

Floor Plan Plot 3 and 4 - DP307 Rev 02
Floor Plan Plot 2 DP305 Rev 03
Floor Plan Plot 1 DP303 Rev 02
Existing and Proposed Sections and Finished Floor/Site Levels DP310 Rev 02
Proposed Street Elevation DP309 Rev 02
Proposed Elevation D306 Plot 2 Rev 02
Proposed Elevation Plot 3 and 4 D308 Rev 01
Proposed Elevation Plot 1 D304 Rev 02
Tree Retention and Protection Plan LLD2289-ARB-DWG-002 Rev 06
Ecological Impact Assessment September 2021 Rev 01
Arboricultural Impact Assessment and Method Statement September 2021 LLD2289-ARB-REP-001 Rev 05

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development (including demolition) 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 on Sunday or Bank/Public Holidays. In addition, there shall be no external working an hour before, during and an hour after sunset and sunrise even if those times fall within the above time periods.

Reason: In the interests of neighbour amenity and to ensure adequate mitigation for bats in line with the HRA Appropriate Assessment.

- 4 No development shall commence until a schedule of all 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. A 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with policies D DM1/D DM4 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. Where the design of the surface water drainage scheme relies on an adjacent development, a Deed of Easement detailing agreement of taking such drainage shall also be provided as part of the required details. 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 In the instance that the approved drainage design permitted under condition 3 requires drainage discharge into a nearby approved development (AL/107/21/PL or another approved permission), commencement of this development shall not be allowed until the delivery of the

drainage system in the adjacent land is fully implemented and operational.

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.

- 7 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.

- 8 Prior to the commencement of the development, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, 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 and ENV DM4 of the Arun Local Plan.

- 9 Prior to the commencement of the development, including any works of demolition, a Construction and Biodiversity Management Plan shall be 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).
- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones".
- Practical measures (both physical and sensitive working practices) to avoid or reduce impacts on bats during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The time during construction when specialist ecologists need to be present on site to oversee

works.

- Responsible persons and lines of communication.
- Use of protective fences, exclusion barrier and warning signs.

Reason: In the interests of highway safety and the amenities of the area.

- 10 Prior to the commencement of development, a strategy for the provision or facilitation 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 seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To ensure that the needs of future residents to connect to the internet does not necessarily entail engineering works to an otherwise finished and high quality living environment in accordance with policy TEL DM1 of the Arun Local Plan.

- 11 No part of the development shall be first occupied until visibility splays of 2.0m by 23m to the east and 2.0m by 15m to the west have been provided at the proposed site vehicular access onto Oak Tree Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of highway safety

- 12 Prior to the occupation of each individual dwelling, a minimum of 1 no. Electric Vehicle Charging point per dwelling will be constructed in accordance with approved Block Plan - DP302 Rev 2. 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.

- 13 Prior to the occupation of each individual dwelling hereby permitted, the solar panels shall be constructed and in full working order. The solar panels shall be retained in perpetuity unless otherwise agreed by the Local Planning Authority.

Reason: In order for the development to accord with Policy ECC SP2 of the Arun Local Plan.

- 14 Prior to occupation of the first dwelling, details of any external lighting, including domestic and security lighting, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed upon completion of the development and shall remain in perpetuity.

Reason: In order to ensure that the integrity of the SAC is retained in accordance with the conclusions of the Appropriate Assessment, and Policies ENV SP1, ENV DM1 of the Arun Local Plan.

- 15 Prior to occupation, details of covered and secure cycle parking spaces shall be submitted and approved in writing by the Local Planning Authority. No individual dwelling shall be

occupied until cycle spaces have been constructed in accordance with the approved details. The cycle parking shall thereafter remain in perpetuity.

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

- 16 No individual dwelling shall be occupied until the car parking and associated turning area serving the respective dwelling 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.

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

Reason: To improve the sustainability of the dwellings in accordance with policy W DM1 and ECC SP1 of the Arun Local Plan.

- 18 INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

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

- 20 The applicant is advised that as the estate roads are to remain private/unadopted, the Highway Authority would require provisions in any s106 agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and casual parking are properly constructed, surfaced and drained, and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.

- 21 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

- 22 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.

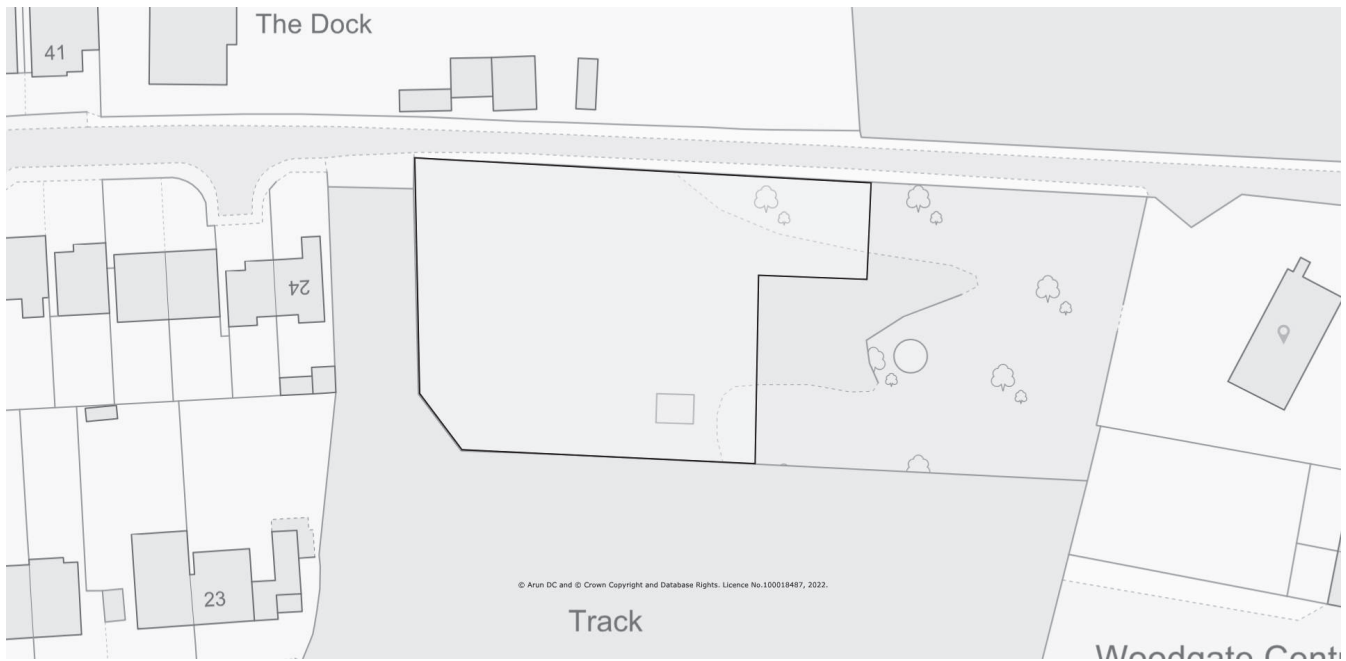
Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions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

- 23 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.
- 24 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

BACKGROUND PAPERS

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

AL/31/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

AL/85/22/HH

Original Decision = Refused

Received: 09-11-22

Reed Cottage Westergate Street Westergate

Decision Level = Delegated

Erection of detached garage with room above and 1 x dormer following the demolition of existing detached garage.

Written

Representations

PINS Ref: APP/C3810/W/22/3305015

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

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/4/22/PL

Original Decision = Refused

Received: 22-09-22

83 Aldwick Road Bognor Regis

Decision Level = Committee

Enlargement of existing HMO (Sui Generis). Single storey rear extension, rear roof dormer, front and rear rooflights (resubmission following BR/79/21/PL).

Written

Representations

PINS Ref: APP/C3810/W/22/3296267

BR/93/21/PL

Original Decision = Refused

Received: 16-03-22

22 Neville Road Bognor Regis

Decision Level = Delegated

Erection of a one 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/157/21/PL

Original Decision = Refused

Received: 15-11-22

4 Beechlands Close and East of 18 Beechlands Court East Preston

Decision Level = Delegated

Erection of 1 No 2 bed, 3 person dwelling (resubmission following EP/69/21/PL). This site is in CIL Zone 4 and is CIL liable as new dwelling.

***Written
Representations***

PINS Ref: APP/C3810/W/22/3301519

EP/3/22/PL

Original Decision = Refused

Received: 10-10-22

2 The Street East Preston

Decision Level = Delegated

Change of use of temporary outside seating area to the rear of the restaurant to be a permanent seating area for the consumption of food and beverages for our customers to use all year round. This application is in CIL Zone 4 (Zero Rated) as other development.

***Written
Representations***

PINS Ref: APP/C3810/X/22/3307441

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

LU/257/20/HH

Original Decision = Refused

Received: 14-01-21

2 Meadow Way Littlehampton

Decision Level = Delegated

Two storey brick side extension under tiled roof

***Written
Representations***

PINS Ref: APP/C3810/D/20/3264683

WA/2/22/OUT

Original Decision = Refused

Received: 22-11-22

Land West Of Yapton Lane Walberton

Decision Level = Delegated

Outline planning application with all matters reserved, other than means of access, for the construction of up to 48 dwellings (30% affordable homes) and dental/doctors' surgery (Use Class E (e)). (This application may affect the setting of a listed building & may affect the Walberton Village Conservation Area).

Public Inquiry

PINS Ref: APP/C3810/W/22/3309365

WA/80/21/OUT

Original Decision = Refused

Received: 07-10-22

Land East of Yapton Lane Walberton

Decision Level = Delegated

Outline application with all matters reserved (except access) for up to 75 No. dwellings. This application affects the setting of a listed building, affects the character & appearance of the Walberton Village Conservation Area & is a Departure from the Development Plan.

Written

Representations

PINS Ref: APP/C3810/W/22/3299514

Y/60/22/PL

Original Decision = Refused

Received: 07-12-22

Longacre Maypole Lane Yapton

Decision Level = Delegated

Erection of 1 No detached dwelling and garage with shared access from Maypole Lane. This application is a Departure from the Development Plan and this site is in CIL Zone 3 and is CIL Liable as a new dwelling.

Written

Representations

PINS Ref: APP/C3810/W/22/3308587

ENF/248/21

Received:

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

Written Representations

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

ENF/248/21

Received:

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

Written Representations

PINS Ref: APP/C3810/C/22/3296912

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REPORT TO:	Planning Committee - 11 January 2023
SUBJECT:	Houses in Multiple Occupation (HMO) in Arun
LEAD OFFICER:	Neil Crowther, Group Head of Planning
LEAD MEMBER:	Councillor Terence Chapman
WARDS:	Marine, River and Hotham
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
<p>The recommendations supports: -</p> <ul style="list-style-type: none"> • Improve the Wellbeing of Arun; • Delivering the right homes in the right places. 	
DIRECTORATE POLICY CONTEXT:	
<p>The proposals will help to enhance the quality of the natural and built environment, protect the district's natural and heritage assets and to promote economic growth in a sustainable manner, striking a balance between the need for development and the protection of scarce resources.</p>	
FINANCIAL SUMMARY:	
<p>The designation of an Article 4 Direction would remove permitted development rights for small scale HMOs and make them subject to requiring planning permission. The consequence of this is a loss of planning application fees. There will be an administrative and resource cost to preparing the Article 4 Directions that can be accommodated within existing budgets.</p>	

1. PURPOSE OF REPORT

- 1.1. This report updates the Planning Committee on the completion of the Article 4 Direction 21-day representation and 6-week notification periods concerning the proposed removal of Permitted Development rights for smaller scale Houses in Multiple Occupation (i.e.C4 Use Class) in the three Wards of Marine, Hotham (Bognor Regis) and River (Littlehampton). The notification and representation period commenced on 2 November 2022 and closed on the 23 November and 14 December respectively. Two representations were received, one from Littlehampton Town Council and one from Bognor Regis Town Council fully supporting Article 4 Directions for the wards affected in their areas (See Appendix 1: Representations from Town Councils).

2. RECOMMENDATIONS

- 1.2. That Planning Committee recommend to Full Council that the Article 4 Directions (under Article 4(1) Schedule 3 (1) of the Town and Country Planning (General Permitted Development) (England) Order 2015) for the three Wards of Marine, Hotham and River, to come into effect on 19 January 2023.

2. EXECUTIVE SUMMARY

- 2.1. The notification and representation periods to establish Article 4 Directions for Marine, Hotham (Bognor Regis) and River (Littlehampton) Wards has been completed with no objections. Two representations were received; one from Littlehampton Town Council and one from Bognor Regis Town Council. Both representations were fully supportive of the proposed Article 4 Directions respectively, for the wards of River (Littlehampton), Marine and Hotham (Bognor Regis). The Article 4 Directions when confirmed by Full Council, will come into effect on 19 January 2023. The Article 4 Directions will remove permitted development rights for C4 Houses in Multiple Occupation (HMO) and make them subject to a planning application.

3. DETAIL

- 3.1. Planning Committee considered the proposed Article 4 Direction for the three Wards of Marine, Hotham (Bognor Regis) and River (Littlehampton) at the meeting 26 October 2022.
- 3.2. The officer report included consideration of the evidence showing demonstrable harm arising from C4 HMO accommodation in the three Wards and consequent need for the removal of permitted development rights and which would require planning applications to be submitted for such proposals. Applications could then be determined in accordance with the Local Plan Policy H SP4 'Houses in Multiple Occupations', taking into account any such material considerations.
- 3.3. The Committee agreed that a 21-day representation and 6-week notification period be implemented and following that, should there be any representations these would be reported back to this meeting for consideration on whether any changes are necessary. Notification commenced on the 2 November 2022 with:-
- Advert in the West Sussex Gazette;
 - Notice to local Libraries;
 - Occupier Notification in each Ward;
 - Notices sent to Town Councils of Bognor Regis and Littlehampton;
 - Notices sent to Ward members.
- 3.4. The Committee should note that following legal advice, and in compliance with Regulation 4 (1) (2) (b) Town and Country Planning (General Permitted Development) (England) Order 2015 - SCHEDULE 3: Procedures for Article 4 directions; the occupier notification only required site notices in each Ward and the advert in the West Sussex Gazette, because the numbers (11,700 households) and cost (£6,550) made it impractical to serve individual notices.

Conclusion

- 3.5. Officers consider that the proposed Article 4 Direction for the three Wards should now be confirmed in accordance with the recommendation set out in this report and compliant with the regulations (i.e. under Article 4(1) Schedule 3 (1) of the Town and Country Planning (General Permitted Development) (England) Order 2015).

4. CONSULTATION

- 4.1. The Planning and Housing Services have coordinated on the commissioning of the BRE Evidence base study and its outputs and the earlier collation and reporting of available evidence in 2020.

5. OPTIONS / ALTERNATIVES CONSIDERED

- 5.1. The Council can choose to make the Article 4 Directions in response to the evidence on the environmental impact of HMOs and help to safeguard the amenity of the affected Wards and Towns or the Council can choose not to introduce Article 4 Directions and rely on other licensing interventions – however, these measures would not regulate the number of HMOs or wider amenity considerations.

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

- 6.1. The implementation of the recommendations can be accommodated within existing budget and resources.

7. RISK ASSESSMENT CONSIDERATIONS

- 7.1. Implementing the recommendation will minimise the risk of needing further interventions and associated costs to the Council in taking enforcement and other environmental measures.

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

- 8.1. Under the Planning Acts the Council has the powers to introduce Article 4 Directions in accordance with regulations, removing Permitted Development rights, in order to protect amenity and the environment and ensure the effective planning and regeneration of local communities.

9. HUMAN RESOURCES IMPACT

- 9.1. There are no implications arising from the proposals.

10. HEALTH & SAFETY IMPACT

- 10.1. The proposals should help to improve the amenity and regeneration prospects of the wards and towns affected as well as the concentration and quality of HMO accommodation, leading to healthier and safer living conditions.

11. PROPERTY & ESTATES IMPACT

- 11.1. There are no direct implications for Council property. However, the proposals would mean that any land and property owned by the Council put forward, falling within the affected wards, for small scale C4HMO development would be subject to planning approval.

12. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

12.1. There is a risk that the availability of smaller scale HMO property for rent may be restricted in the Wards affected at a time where there is increasing cost of living (i.e. energy and food price inflation) impacting on more disadvantaged households finding suitable living accommodation.

13. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

13.1. There are no direct adverse implications for Climate Change and the proposed recommendations are likely to improve the amenity of the Wards affected through ensuring that smaller scale HMOs are subject to planning regulation.

14. CRIME AND DISORDER REDUCTION IMPACT

14.1. The proposed recommendations will help to regulate the concentration of smaller scale HMO properties within the Wards identified, by making smaller scale HMO subject to planning applications.

15. HUMAN RIGHTS IMPACT

15.1. There is a risk that the availability of smaller scale HMO property for rent may be restricted in the Wards affected at a time where there is increasing cost of living (i.e. energy and food price inflation) impacting on more disadvantaged households finding suitable living accommodation.

16. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

16.1. There are no implications.

CONTACT OFFICER:

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BACKGROUND DOCUMENTS:

Planning Committee agenda 27 October 2022.

Appendix 1: Representations from Town Councils

Littlehampton town Council

“This proposal was considered by the Town Councils Planning and Transportation Committee at its meeting held on Monday 7 November 2022 and unanimously supported.

Please keep us advised of the progress with formalising the Direction.”

Bognor Regis Town Council

“Members of the Town Council’s Planning and Licensing Committee considered the Article 4 Direction proposed for Hotham Ward and Marine Ward, in Bognor Regis, at their meeting held 22 November 2022.

Those present were unanimous in their support for the Direction to come into effect, as detailed, and appreciate the opportunity to have responded to this consultation.”

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