



Public Document Pack

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27 January 2023

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 8 February 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 - 8)

To approve as a correct record the Minutes of the meeting held on 11 January 2023.

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. **CM/46/22/PL BAIRDS FARM SHOP, CROOKTHORN LANE, CLIMPING**

(Pages 9 - 20)

PLANNING APPLICATIONS

7. **A/46/22/RES PHASE 1 – LAND OFF ARUNDEL ROAD, ANGMERING** (Pages 21 - 36)
8. **BE/143/22/PL 1 FINCH GARDENS BERSTED PO22 9EQ** (Pages 37 - 46)
9. **P/141/22/RES LAND NORTH OF HOOK LANE, PAGHAM** (Pages 47 - 58)

PLANNING APPEALS

10. **APPEALS LIST** (Pages 59 - 62)
11. **KEY PERFORMANCE INDICATORS 2022-2026 – QUARTER 3** (Pages 63 - 68)
12. **FITZALAN LINK ROAD ACOUSTIC BARRIER** (Pages 69 - 72)

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](#)

These meetings are webcast live.

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Agenda Item 4

Subject to approval at the next Planning Committee meeting

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PLANNING COMMITTEE

11 January 2023 at 2.00 pm

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

The following Members were absent from the meeting during consideration of the matters referred to in the Minutes indicated:- Councillor Thurston Minute 550, Minute 560 (Part); Councillor Warr Minute 550 – Minute 552; Councillor Hamilton – Minute 560 (Part).

550. DECLARATIONS OF INTEREST

No declarations of interest were made.

551. MINUTES

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

The Minutes of the previous meetings held on 30 November and 9 December 2022 were approved by the Committee and signed by the Chair. A correction to the Minutes of the meeting on 24 August 2022 was noted. Councillor Daniells had been omitted from the list of Members present when she had in fact attended as a substitute for Councillor Goodheart.

552. 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.

553. AL/72/22/PL - ROCK HOUSE, WESTERGATE STREET

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

This application was deferred by Committee on 28 September 2022 [Minute 306] to allow for further consideration of information yet to come forward from the applicant. The Planning Area Team Leader presented the report which provided further information to Members on information supplied by the applicant, including use of the buildings and some revised fenestration drawings. A verbal update was given that a heritage statement had been received from the applicant. As this was a deferred item, the applicant was unable to speak again on the item and wished for it to be noted that they had not had the opportunity to speak to the Council's Conservation Officer. As there had been no substantive changes to the proposed scheme, the Officer recommendation to refuse the application had not changed. After one Member sought clarification over the amendments to the designs, the recommendation was proposed by Councillor Bower and seconded by Councillor Lury.

Planning Committee - 11.01.23

The Committee

RESOLVED

That the application be REFUSED.

554. Y/124/22/PL - BARNES SOUTH OF STAKERS FARM, NORTH END ROAD, YAPTON

1 Public Speaker

Peter Cleveland – Agent

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.

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

555. M/126/22/PL - 12 THE LAYNE, ELMER PO22 6JL

[During the discussion, Councillor Haywood declared a Personal Interest as Chair of Middleton-on-Sea Parish Council.]

1 Public Speaker

David Oldland – Applicant

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.

The Planning Area Team Leader presented the report. This was followed by 1 Public Speaker. Members that spoke commented on what they considered was the overbearing nature of the design for the plot and the drainage problems in the local area. 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.

556. LU/348/22/PL - 51B BEACH ROAD, LITTLEHAMPTON BN17 5JG

1 Public Speaker

Leslie Cowell – Supporter

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

The Planning Area Team Leader presented the report and noted an update to the Officer conditions. 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 the use of 'sash effect' windows being welcome, the designs of the door replacing the window, concerns for the continuing proliferation of plastic and the possible use of timber framed windows which were also double glazed and low in maintenance, and the materials used still having a detrimental effect on what was an imposing dominant building in the streetscape. The recommendation was then proposed by Councillor Chace 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.

557. FP/197/22/PL - LAND ADJACENT TO 10 SECOND AVENUE, FELPHAM PO22 7LJ

2 Public Speakers

Leigh Knowlden – Objector

Colin Lankester - Applicant

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.

The Planning Area Team Leader presented the report with updates. This was followed by 2 Public Speakers. The Vice-Chair welcomed that the applicant had taken onboard comments from previous submissions in the designs of this proposal. The recommendation was then proposed by Councillor Edwards and seconded by Councillor Bower.

Planning Committee - 11.01.23

The Committee

RESOLVED

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

558. CM/46/22/PL - BAIRDS FARM SHOP, CROOKTHORN LANE, CLIMPING BN17 5SN

2 Public Speakers

Councillor Colin Humphris – Climping Parish Council
Tracey Villa - Objector

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.

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 that principally revolved around concerns over the hours of operation and the illumination levels required for safe use and security reasons, and whether conditions were necessary to limit these and how practically enforceable these would be. The Planning Area Team Leader highlighted condition 4 which required external lighting to be agreed with the Local Planning Authority before installation. The Group Head of Planning noted that hours of operation were not consistent across the different businesses on the site but detailed the hours approved for the café on the site (Monday to Friday 0600–1800, Saturday 0700-1800 and Sunday 0800-1400). Members agreed that these hours of operation should be included as a condition. Other points raised included the close proximity of other charging points in the area and whether this operation should be scaled down, and the suitability of intensification for this location.

The Officer recommendation to approve conditionally was then proposed by Councillor Chapman and seconded by Councillor Edwards. After a vote, the recommendation was declared NOT CARRIED. Reasons for deferral or refusal were then discussed by Members. Members raised concerns around the hours of operation, the number of charging points on the site and the enforceability of any conditions imposed to limit the charging points' use. Following advice from the Legal Services Manager, a recommendation to defer on the grounds that Members did not have enough information to make a decision was proposed by Councillor Chace and seconded by Councillor Bower.

The Committee

RESOLVED

That the application be DEFERRED on the grounds that Members did not have enough information to make a decision.

559. BR/240/22/PL - LAND ADJACENT TO COMMUNITY CENTRE, WESTLOATS LANE, BOGNOR REGIS PO21 5JZ

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.

The Planning Area Team Leader presented the report. One Member asked about the future uses of the building. Another Member questioned the lack of energy efficiency and biodiversity measures in a Council application. The recommendation was then proposed by Councillor Chace and seconded by Councillor Bower.

The Committee

RESOLVED

That authority be delegated to the Group Head of Planning in consultation with the Chair of Planning Committee to grant full planning permission subject to conditions set out in the Officer's report and completion of a Section 106 Agreement.

560. BN/144/22/OUT - NUTHATCH, WANDLEYS LANE, FONTWELL, EASTERGATE PO20 3SE

[After some discussion, Councillor Thurston declared a Prejudicial Interest as she had previously visited the site and been consulted by the applicant and left the meeting and did not take part in the vote on the item. Councillor Hamilton was also absent for the vote on this item.]

3 Public Speakers

Cllr Sue Wallsgrove – Barnham and Eastergate Parish Council

David Penson – Applicant

Tim Rodway – Agent

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.

Planning Committee - 11.01.23

The Strategic Development Team Leader presented the report with substantial updates on the use of agricultural land for non-agricultural purposes and the need for further assessment of the impact on bat tunnels. The Officer recommendation was updated to delegate authority to the Group Head of Planning in consultation the Chair of Planning Committee to grant outline planning permission subject to conditions set out in the Officer's report and subject to HRA Screening and Appropriate Assessment and consultation with Natural England if necessary. This was followed by 3 Public Speakers. The recommendation was then proposed by Councillor Chace and seconded by Councillor Edwards.

The Committee

RESOLVED

That authority be delegated to the Group Head of Planning in consultation with the Chair of Planning Committee to grant outline planning permission subject to conditions set out in the Officer's report and subject to HRA Screening and Appropriate Assessment and consultation with Natural England if necessary.

561. AL/31/22/PL - RYEFIELDS FARMHOUSE, OAK TREE LANE, WOODGATE PO20 3GU

[Councillor Thurston returned to the meeting at the beginning of this item.]

1 Public Speaker

Kerri Simmonds – Agent

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).

The Principal Planning Officer presented the report with updates to the Officer's recommendation and conditions. This was followed by 1 Public Speaker. Members who spoke raised concerns that there were issues with the site still to be resolved including access through Oak Tree Lane. The recommendation was then proposed by Councillor Chace and seconded by Councillor Edwards.

The Committee

RESOLVED

That authority be delegated to the Group Head of Planning in consultation with the Chair of Planning Committee to grant full planning permission subject to conditions set out in the Officer's report and a Section 106 Agreement, subject to minor amendments to confirm the level of Highway and Transport contributions, and Police contributions and projects

Should sufficient progress not have been made within 3 months then delegated authority be granted to the Group Head of Planning (in consultations with the Chair of Planning Committee) to refuse the application.

562. APPEALS

The Committee noted the Appeals list.

563. HMO ARTICLE DIRECTION REPORT

Upon the invitation of the Chair, the Group Head of Planning presented the report which updated the 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. The recommendation was then proposed by Councillor Chace and seconded by Councillor Edwards.

The 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, come into effect on 19 January 2023.

(The meeting concluded at 4.06 pm)

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Report following a request for further information, negotiations or consultation

REF NO: CM/46/22/PL
LOCATION: Bairds Farm Shop
Crookthorn Lane
Climping
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.

Members at the January Planning Committee sought a reduction in the number of Electrical Vehicle (EV) charging points from 8 to 4 and to restrict the hours of operation to coincide with those of the Cafe on site which are 06.00 - 18.00 Monday - Friday, 07.00 - 18.00 Saturday and 08.00 - 14.00 on Sunday.

The applicant has responded with the following comments.

On the matter of reducing the number of EV chargers from 8 to 4 the case is made that:

- Whilst acknowledging the Members' concern, the applicants have pointed out that for the scheme to be commercially viable and more importantly for it to meet the growing demand of electric vehicles in the local area, the number of charge points installed needs to be consistent with the amount of power available and obtained (in this case, 1500kVA).
- They claim that the increase in traffic will be marginal. The volume of cars anticipated to visit the site in addition to that which area already visiting the garden centre will be between 10 and 30 per day; of which they anticipate that up to 60% of these will be 'passing traffic' i.e. those vehicles which would already be travelling along the road regardless of whether or not the charging hub was there.
- West Sussex Highway Authority concluded that the proposal would not have an unacceptable impact on highway safety and that there are no transport grounds to resist the proposal.
- An alternative amendment has been proposed. Instead of limiting the total number of charge points to 4 (which would make the project unviable) it is proposed that 4 charge points are installed under phase 1 and the remaining 4 installed 24 months after completion of phase 1. Drawings 'Site Plan Phase 1 Plan 4 V2' and 'Site Plan Phase 2 Plan 5 V2' have been submitted to support this proposal and demonstrates the phasing of the EV charging points.

OFFICER COMMENTS

Where the applicants say that 60% of those using the facility are passing traffic, officers would disagree. It is unlikely that as much as 40% of drivers would be making a dedicated journey to use the facility. The phasing of development is a proposal that cannot be recommended by officers as it would involve a condition that serves no planning purpose in conflict with Government guidance - paragraph 56 of the National Planning Policy Framework states that 'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.' However, if Members disagree and wish to pursue this option they may use the following condition

'The electric vehicle chargers hereby approved shall be installed and made operational in two phases, as denoted in 'Site Plan Phase 1 Plan 4 V2' and 'Site Plan Phase 2 Plan 5 V2', with the the second phase of electric vehicle chargers being installed no sooner than 24 months after phase 1 is made operational.

Reason: In the interests of protecting residential amenity and highway safety of the site in accordance

with policies QE SP1 and T SP1 of the Arun Local Plan.'

On the matter of hours of operation the applicants make the following points:

- A reduction in operational hours has a material impact on the commercial viability of the project, as it effectively reduces the amount of kWh (units of electricity) that can be sold through the network.
- 90% of charging activity takes place between 6am and 8pm.
- They propose that 4 of the chargers (the initial 4) will only be operated in the hours that match the operational hours of the garden centre (not the cafe). The applicants would then ask that the other 4 chargers, those installed under tranche 2, be allowed to operate 24/7.
- This can be enforced by building the charge points to the north west of the entrance first. These charge points are to be situated beyond the gate to the car park, meaning that they will not be accessible once the gate is closed. The gate is closed each night once the garden centre is closed.
- The 2nd four charge points are to be situated to the east of the entrance, in an area that is not within the gated area of the car park. This means that it would be practicably impossible to limit the hours of operation of these charge points. However, these would not be installed on day 1.

OFFICER COMMENT

Only the cafe business has restrictions on operating hours - between 08.00 hours and 18.00 hours Monday to Friday, 08.00 - 13.00 hours on Saturday and at no time on Sundays, Bank or other Public Holidays. The garden centre and maidenhead aquatics have no restriction on trading hours so can potentially be open 24/7 all year round. The campsite has no restriction on operating hours outside of 1st November and 31st March in any one year when it is conditioned to be closed. That being the case it would not be reasonable to impose a condition on the EV charging station that would prevent the use of maidenhead aquatics, the garden centre and the camping site.

Officers therefore cannot recommend a condition to restrict operating hours. However, if members disagree they could impose the same operating hours as that for the cafe on this proposal. These operating hours are:

'The use hereby permitted shall not be operated at any time otherwise than between the hours of 06.00 - 18.00 Monday - Friday, 07.00 - 18.00 Saturday and 08.00 - 14.00 on Sunday. The courtyard area shall not be open for use before 08.00 hours Mon - Sun and there shall be no external illumination outside of these times.

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

REPORT UPDATE

Application No: CM/46/22/PL

Reason for the Update / Changes

A further letter of objection has been received from a neighbour.

Comments include:

- No mention made about the use of the site for 5 businesses including, garden centre and cafe.
- The cafe causes problems for local residents.
- Concerns raised relating to WSCC Highways, no increase in traffic movements, especially with potential roadway improvements being recommended.

Comment:

Additional history included:

CM/30/18/PO - Approved, Application to modify a Planning Obligation dated 16/01/2006 under planning application CM/40/02/ to allow for additional use as a pet shop.

CM/7/18/PL - Approved, Change of use of land from agricultural field to 60 No. tent pitches operating from April to October to include 2 No. plumbed screened portable showers, 2 No. plumbed portable toilets, 2 No. screened changing cubicles, 2 No. 2 screened portable chemical toilets with hand wash facilities & washing up/drying area within existing building.

CM/20/13/CLE - Approved, Application for Certificate of Lawfulness for use of land as a farm shop and for purposes ancillary to the farm shop.

CM/17/03/CLE - Approved, Application for a Certificate of Lawfulness for an existing use - shop (primary use) and garden centre (ancillary use).

The existing site uses were fully considered when producing the report and recommending approval of the application.

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

PLANNING APPLICATION REPORT

REF NO: CM/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 sale of pet shop goods (A1 Retail)	ApproveConditionally 25-01-19
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.

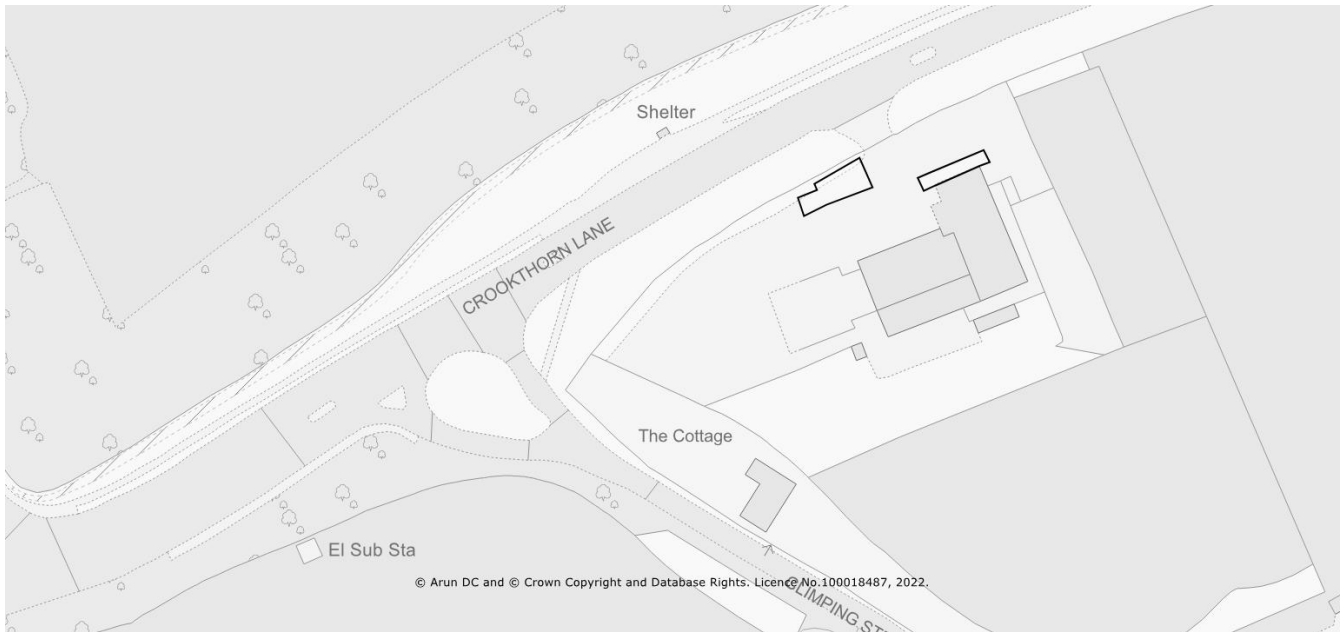
- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, 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.](https://www.arun.gov.uk/weekly-lists)

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: A/46/22/RES

LOCATION: Phase 1 - Land off Arundel Road
Angmering

PROPOSAL: Approval of reserved matters following outline consent A/122/19/OUT and varied by A/207/21/PL for the construction of 7 No dwellings with associated public open space, landscaping, parking, ecological mitigation, infrastructure and earthworks. This application is a Departure from the Development Plan and is in CIL Zone 3 and is not CIL liable.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks reserved matters approval for four x 3 bed and three x 4 bed dwellings (all two-storey) with associated public open space, landscaping, parking, ecological mitigations, earthworks (bunds), a foul pumping station and a large drainage attenuation basin. Approval of scale, layout, external appearance, and landscaping are sought. Access was approved by A/122/19/OUT (as amended by A/207/21/PL). This application would represent the first phase of the wider development and as such, the layout will link in several places with that proposed by A/48/22/RES (as amended by A/282/22/RES).

All of the houses will have hipped roofs. Materials include red/brown bricks, tile hanging and red/grey roof tiles. Two of the houses will have open timber porches. No chimneys are proposed. All properties will have 3 parking spaces (in plot or garage) and there is also visitor parking provision including a wheelchair visitor space. Cycle parking will be located within the garage spaces of each dwelling. Refuse storage would be provided within the rear gardens. The road layout includes a turning head.

This phase of the application includes the provision of the gateway open space to the north of the vehicular/ pedestrian entrance into the site and an electric substation in the same area. It also includes a proposed drainage attenuation basin in the north-western corner of the wider site, a foul pumping station in the same area and then a line of earth bunding along the northern edge. Additional landscaping and informal open space are proposed along the eastern boundary. The submission indicates boundary treatments in the form of 1.8m high walls or fences.

SITE AREA

0.35 hectares.

RESIDENTIAL DEVELOPMENT 20 dwellings per hectare.

DENSITY

TOPOGRAPHY

Predominantly flat, with land rising to the north.

TREES

Two oak trees (T8 and T9) situated on the western boundary of the wider site are protected by a Tree Preservation Order ref TPO/A/2/19, but the proposals do not impact on these. There are other existing trees in the area of this application which will be removed but these have not been determined as being worthy of protection. These comprise a 5m high Common Ash, a group of Common Ash & Common Hawthorn and a group of Common Ash, Goat Willow & Butterfly Bush.

BOUNDARY TREATMENT

The boundary treatment for the site varies and includes post and rail fencing, hedgerows and trees of various heights.

SITE CHARACTERISTICS

This particular site area is largely existing scrub woodland and part of a larger agricultural field.

CHARACTER OF LOCALITY

The site lies in a predominantly rural area which is characterised by a linear form of existing and approved residential development along the road frontage with Arundel Road. The wider development site is bounded to the south by playing fields, sports pitches including a cricket pitch, a pavilion, and a multi-use games area (MUGA) at Palmer Road Recreation Ground. Open agricultural fields adjoin the site to the west. The site is bounded to the north by Steyne Wood and to the northwest by Decoy Spring and ponds; and to the east by houses fronting onto Arundel Road, and a plot of land with planning permission (A/131/16/OUT) for 9 houses which also fronts onto Arundel Road. To the northeast of Arundel Road is the woodland of Poling Furze fields.

RELEVANT SITE HISTORY

A/282/22/RES

Approval of reserved matters following A/122/19/OUT and varied by A/207/21/PL pertaining to the layout, scale, appearance and landscaping for 160 No dwellings with associated public open space, landscaping, parking, ecological mitigation and earthworks. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

A/48/22/RES

Approval of reserved matters following A/122/19/OUT and varied by A/207/21/PL pertaining to the layout, scale, appearance and landscaping for 156 No dwellings. This application is a Departure from the Development Plan and is in CIL Zone 3 (Zero Rated) as new dwellings.

A/270/21/OUT

Hybrid application comprising:

- a) Demolition of existing buildings;
 - b) Full planning application for the development of 160 No. dwellings with open space, landscaping and sustainable drainage systems (SuDS), and two vehicular access points from Arundel Road;
 - c) Outline application with all matters reserved except for up to 1,393 square metres of Class E floor-space with associated parking provision and 2.1 hectares of sports pitch land.
- This site is a Departure from the Development Plan

A/235/21/DOC	Approval of details reserved by condition imposed under A/207/21/PL relating to condition 5-design code master plan.	DOC Approved 14-01-22
A/207/21/PL	Variation of condition following grant of A/122/19/OUT relating to Conditions Nos 4 - approved plans and 16 - vehicular access.	App Cond with S106 23-11-21
A/122/19/OUT	Outline application with some matters reserved for the erection of up to 160 dwellings with public open space, landscaping and sustainable drainage systems (SuDs), vehicular access point from Arundel Road; together with up to 1,393 square metres (15,000 square feet) of B1/B2 units with associated parking provision and vehicular access point from Arundel Road and land made available for expansion of current sports pitch provision (following the demolition of existing commercial units and one bungalow) (re-submission following A/36/18/OUT). This application is a Departure from the Development Plan.	App Cond with S106 17-03-20

Outline planning permission with some matters reserved was granted under reference A/122/19/OUT (and subsequently varied by A/207/21/PL) for the erection of up to 160 dwellings and up to 1,393 sqm of B1/B2 industrial units.

A/235/21/DOC granted permission for a design code masterplan relating to condition 5 of A/207/21/PL. This provides further detail on character areas, street hierarchy, building typologies, key buildings, the approach to car parking, structural planting, street furniture, lighting, and treatment of the public realm.

Applications A/48/22/RES and A/282/22/RES (the latter being a resubmission of the former) relate to the wider site area and are still being determined. Application A/270/21/OUT also concerns the entire site area and seeks to make changes to what has already been approved.

REPRESENTATIONS

Angmering Parish Council raise objection stating the application is premature and should be determined alongside A/48/22/RES.

COMMENTS ON REPRESENTATIONS RECEIVED:

The application cannot be determined as premature as it follows the approval of outline permission. It was submitted alongside A/48/22/RES and whilst they are being determined separately, this is appropriate given that the 7 dwelling scheme is only a small part of the wider layout and represents a proposed phase 1.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTH DOWNS NATIONAL PARK - no objection and it is recommended that the proposal is assessed in relation to local and national policies, with due regard to environmental, social and economic impacts and with particular emphasis to the special qualities of the South Downs National Park and its purposes of designation.

WSCC HIGHWAYS - no objection to the layout parking or cycle provision.

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

ADC DRAINAGE - advise a holding objection due to insufficient information. To overcome the objection, the application should provide a drainage strategy including drawings and calculations for the proposed drainage layout for the 7 units and proposed SuDS features.

ADC LEISURE - advise that whilst the proposals would be suitable for this small section of the site, the submitted documents do not detail how this will be integrated within the wider site context. Also comment that the green open gateway feature/buffer has been depleted from that shown at outline stage.

COMMENTS ON CONSULTATION RESPONSES:

WSCC FIRE & RESCUE - a fire hydrant condition has already been imposed on the outline permission.

ADC DRAINAGE - it is clear that drainage design is subject to separate conditional approval (conditions were placed on the outline approval). A similar approach can be taken here to how other reserved matters applications in the district have been determined. In these cases, it was made clear (by an informative on the decision notice) that if the drainage conditions cannot be agreed due to the layout not providing sufficient space, then a new reserved matters application will need to be submitted to account for the necessary drainage features. This application can therefore be determined without full support of drainage engineers.

ADC LEISURE - the landscaping plans clearly integrate with the wider site when the scheme is viewed alongside that proposed by A/282/22/RES. Indeed, the landscaping strategy drawing submitted for A/282/22/RES shows the whole of the site. It is agreed that the frontage planted area has been diminished from that shown at outline and this is discussed in the conclusions section.

Otherwise, all comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built-up Area Boundary.

Area of Advert Special Control,

Current/Future Flood Zone 1.

TPO/A/2/19.

Within 500m of a WSCC Waste Site; and

CIL Zone 3.

DEVELOPMENT PLAN POLICIES

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

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HWBSP1	HWB SP1 Health and Wellbeing
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm & rec facilities
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
CSP1	C SP1 Countryside
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management

[Angmering Neighbourhood Plan 2014 POLICY HD4](#) Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

Angmering Neighbourhood Plan 2014 POLICY EH2 Protect the Landscape setting of the South Downs National Park

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD2 Parish Housing Allocation

Angmering Neighbourhood Plan 2014 POLICY HD3 Housing Mix

Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density

Angmering Neighbourhood Plan 2014 POLICY HD9 Phasing of Residential Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPDG	National Design Guide

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant development plan policies in that it results in a development of an appropriate scale, layout and appearance which is not harmful to the character & appearance of the area, the amenities of existing or future residents or the existing road network.

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Section 38(5) 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". Therefore, the Arun Local Plan takes precedence over the Angmering Neighbourhood Plan should there be any conflict between the two.

The principle of development was established by A/122/19/OUT (as amended by A/207/21/PL) which granted permission for the erection of up to 160 dwellings with public open space, landscaping and SuDS, vehicular access from Arundel Road, together with up to 1,393sqm of B1/B2 units with associated parking provision and land made available for expansion of current sports pitch provision. That permission established the principle of development including flood risk, traffic generation, highway safety, archaeology, impact on wildlife, loss of agricultural land, impact on waste sites, countryside location, foul drainage (the principle of the new dwellings connecting to the network) and provision of affordable housing, public open space & children's play.

COMPLIANCE WITH THE OUTLINE:

It has been established by case law that applications for approval of reserved matters must be within the ambit of the outline planning permission and must be in accordance with the conditions annexed to the outline planning permission. Certain conditions imposed by the outline set parameters for the nature and form of the Reserved Matters submission and these are analysed below (with reference to the conditions on A/207/21/PL).

Condition 4 states that development shall be carried out in accordance with the approved plans which govern the access arrangements. The proposal is in accordance with these plans.

Condition 5 required that a Design Code Masterplan be approved prior to submission of the Reserved Matters and that the development then be prepared and carried out in accordance with the approved Design Code. This was approved by A/235/21/DOC before the submission of the reserved matters and the proposed development, in part accords with the Design Code as is discussed elsewhere.

Condition 6 requires that the reserved matters submission include details of the landscape treatment along the northern boundary of the site with Steyne Wood to deter unauthorised access by motorcycles and vehicles to the Wood. The application submission does not clearly respond to this requirement. However, the plans include land along the northern edge of the development, and it is indicated that this will feature an earthwork bund as well as new buffer planting. This will deter access into the adjacent land by motorised vehicles. As there are no details of the dimensions of this bund, a condition will be required to secure these.

Condition 19 requires that garages measure a minimum of 6 metres x 3 metres internally. The submitted garage and house floorplans demonstrate this has been achieved.

Condition 34 requires that a minimum of 10% of all dwellings on the entire site are designed and constructed to the Building Regulations M4(2) standard (so being suitable for older persons) and in addition, six (6) dwellings are designed and constructed to the M4(3) wheelchair accessible standard. No such dwellings are proposed on this part of the site, but this is acceptable as this provision can be secured on the larger reserved matters scheme.

LANDSCAPE IMPACT:

The site falls within the Angmering Upper Coastal Plain of the Landscape Character Assessment of West Sussex (2003) which is characterised by undulating farmland enclosed by woods with frequent hedgerows, criss-cross of rural tracks, byways and rights of way, strong network of hedgerows, hedgerow trees and medium to large blocks of woodlands. Some of the key sensitivities and issues within this area include loss of undeveloped rural character of the area, urban development pressures, closing open views between settlements, planting of non-native hedge and tree boundaries.

The Arun Landscape Study (2006) identifies the site lies within the Lyminster-Angmering Coastal Plan (ref LCA 40) which has a negligible/low landscape capacity. The Study states the area is "rural upper coastal plain adjacent to AONB, detached from existing settlement, relatively high ecological and heritage value. This area effectively separates Poling from Lyminster, Littlehampton and Angmering, and is also characterised as being rural and having little urban influence."

The South Downs National Park (SDNP) is approximately 350m from the northern boundary of the development site. The land slopes up gently towards the SDNP, with ground elevating significantly beyond the A27.

ALP policy LAN DM1 requires that development have special regard to the conservation of the setting of the South Downs National Park (SDNP), including views into and out of the Park. Development must also respect the particular characteristics and natural features of the relevant landscape character areas. ANDP policies EH2 and HD5 state development must not adversely impact upon the landscape setting or views into or out of the SDNP.

The submission makes no reference to potential impact on the SDNP however, views of the proposal from within the SDNP are restricted by landform, the enclosed nature of the site and intervening development/vegetation. The SDNPA were consulted on the application and raised no concerns. Therefore, the proposed development would not negatively impact on the special qualities of the National Park.

Views of the proposed development are largely confined to vantage points located to the south and west, with views from the north and east restricted by woodlands surrounding the site. There are views, filtered to varying degrees from the recreation ground and surrounding housing to the south, as well as public right of ways crossing farmland to the south-west.

The new boundary vegetation will include additional trees, thicket and hedgerow planting which will reinforce the existing woodlands along the site boundaries and create a landscaped edge to the development, which respects the mature woodland of Steyne Wood (to the north). The development would not result in harm to the established character of the site, and wider landscape due to the existing landforms, development, planting, and additional planting proposed within this submission.

The proposal accords with the requirements of ALP policy LAN DM1, and policies EH2 & HD5 of the ANDP.

LAYOUT, APPEARANCE AND SCALE:

ALP policies D DM1 and D SP1 are relevant in respect of design and character. Policies HD5, HD6 and HD7 of the ANDP are also relevant regarding built form, housing layout, design, and density. The National Design Guide (NDG) is a material consideration in the determination of this application, as well as the Arun Design Guide (ADG). The application for the 7 dwellings has been prepared in accordance with the approved Design Code, which itself has been prepared and assessed against the requirements of the NDG and ADG.

The site falls within the Gateway character area as identified within the approved Design Code, which is focussed on the primary vehicular access from Arundel Road. This area forms the threshold at the entrance into the main body of the site. The site layout has taken account of the wider site setting, with dwellings facing outwards to address public open space and surrounding landscape features. A key building sits at the front of the site, framing the road and the entrance to the development which provides a strong frontage. The proposed materials have been revised and now accord with the approved Design Code.

The surrounding area is characterised by 1 and 2 storey dwellings. The dwellings are proposed to be 2 storeys, with garages at single storey. The scale of the development accords with the requirements of the Design Code, and respects that of the surrounding built environment. The proposal demonstrates high quality design, reflects local distinctiveness, and incorporates local design features evident in buildings in the surrounding area. The proposed layout and design accords with the principles established within the Design Code, as well as policies D DM1 & D SP1 of the ALP and HD4, HD5, HD6 and HD7 of the ANDP.

PUBLIC OPEN SPACE & LANDSCAPING:

ALP policies D DM1, LAN DM1 and D SP1 are relevant to the consideration of landscaping whilst OSR DM1 and HWB SP1 relate to open space provision. The Landscape Officer has raised no concerns with the landscaping elements proposed within the site area only commenting on the integration with the rest of the permitted site.

The concept masterplan within the approved Design Code details a larger Public Open a Space (POS) feature, with a green buffer onto Arundel Road and forming a green open gateway into the development. It also highlights green corridors along the main road into the site and bending around heading south. The green corridors provided within this application are not as prominent as the Design Code. However, the landscaping generally follows the principles within the approved Design Code, including the provision of a gateway meeting space, tree lined streets, additional trees, and hedgerow planting both on-plot and within the public realm.

The dwellings will be used as show homes in this first phase of the development. The proposal will be subject to an additional application for temporary variation of the approved landscaping to enable this use. The approved landscaping will then be implemented after the sale of the show home units.

Overall, the proposal deviates in part from the Design Code but on balance the proposed landscaping enhances the character of the site and the surrounding area. The proposal accords with policies D DM1, LAN DM1 and D SP1 of ALP. Taken on its own, this proposal provides sufficient POS but will be developed together with the wider site area and will therefore benefit from the open space provision in the main areas.

OTHER MATTERS:

(A) Housing Mix

ALP policy H DM1 provides for a mix of housing to meet local needs and requires all housing development to provide a mix of dwelling type and sizes to address this need and demand. The policy acknowledges that the final mix will be negotiated on a site-by-site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA). ANDP policy HD3 states proposals for more than six dwellings should demonstrate how the applicant has sought to meet local needs.

The development comprises a mix of 3- and 4-bedroom dwellings which is not in accordance with the suggested mix identified in the SHMA. There is also no response in the submission to the ANDP policy. However, the rest of the site within the outline application is to come forward for approval on a separate application and at this point an appropriate housing mix (including the required affordable housing) will be identified and secured. There is some conflict with policy ANDP policy HD3, but this is outweighed by ALP policy H DM1.

(B) Residential Amenity & Space Standards:

ALP policies D DM1, D DM2 and QE SP1 are relevant. 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 and site boundary to existing landscaping.

In addition, the gardens of residential houses should be at least 10.5m deep. The proposed layout and orientation of the 7 dwellings ensures that the proposal will not have adverse impact on the residential amenities of any existing or proposed dwellings by either loss of privacy or overlooking. An interface distances plan has been provided and this confirms compliance with the ADG requirements.

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 or NDSS) to determine if the buildings will be suitable for future residential occupiers. The floorplans of each house have been cross referenced with the NDSS and the minimum gross internal floor areas of the houses clearly meet the standards.

The proposal would not result in any adverse impact to residential amenity and ensures a decent standard of amenity for future occupiers. It therefore complies with ALP policies D DM1, D DM2 and QE SP1 of the ALP and the ADG.

(C) Parking, Roads, and Public Footpaths:

ALP policy T SP1 and NDP policy HD8 are relevant although the latter has been reduced weight due to the adoption of Arun Parking Standards SPD. The advice of WSCC Highways is summarised above and they raise no objection to the layout. The principle of 160 dwellings was deemed acceptable through the outline permission, with no concerns regarding highways safety and operation.

The Parking SPD would require a total of 17 allocated spaces plus 2 visitor spaces. The application proposes 15 allocated on-plot parking spaces, 7 spaces in garages, 4 standard sized visitor spaces and 1 disabled visitor space. The Parking SPD requires 5% of all parking spaces as disabled suitable and this equates to 1 space which has been met. Despite garages only being treated as providing half a space, the parking proposals represent an overprovision and therefore accord with the requirements of the SPD. Cycle parking is to be provided within garage spaces and this is acceptable.

Road widths in this application layout are in accordance with the Design Code whereby the principles of road hierarchy were established. The village street is 5.5m wide with 2m pavement on one side. The proposal is therefore appropriate and there is no conflict with ALP policy T SP1 and ANDP policy HD8.

(D) Waste Management:

ALP Policy WM DM1 is relevant but, there are no issues with refuse vehicles accessing the site from Arundel Road or moving around the internal roads of the site. The application allocates bin storage locations and collection points for bin days. Overall, the application achieves sufficient provision for the storage of waste and kerbside collection is possible for all dwellings such that there is no conflict with the requirements of policy WM DM1.

(H) Biodiversity Net Gain:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and

protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat, and bird boxes as well as landscape features minimising adverse impacts on existing habitat. In addition, condition 4 of A/207/21/PL requires that the development be in accordance with the 'Ecological Mitigation and Enhancement Strategy' prepared by CSA Environmental (Ref. CSA/3467/09), dated July 2019.

Biodiversity was assessed at the outline stage and the council's ecologist raised no objections at that time. This application is also accompanied by an Ecology Survey Report, and this includes further details of biodiversity enhancements, some but not all of which reflect the approved enhancement strategy. Where the enhancements are different, these will be secured by conditions. The application demonstrates biodiversity enhancement and there is no conflict with ALP policy ENV DM5.

(l) Climate Change:

Condition 21 on the outline permission (as amended) requires the approval of measures to reduce energy conservation and achieve 10% annual energy reduction. As these details are required to be approved through the discharge of this condition, it is not reasonable to require compliance at the reserved matters stage. With the condition in place and subject to the proposed plans the proposal would likely accord with ALP policy ECC SP2. In addition, condition 24 requires the approval of details of electric vehicle charge points, and this satisfies the requirements of ALP policy QE DM3(c).

SUMMARY:

Whilst there are some deviations from the approved Design Code, the scheme generally accords with the principles of the code providing a well-designed and high-quality development. The site relates to 1 phase of the wider development, whereby details of housing mix, affordable housing, further landscaping and play provision will be identified and secured. The details contained within this application in relation to appearance, layout, scale, and landscaping are acceptable and are in accordance with the Design Code Document, the policies in the Development Plan and the NPPF. It is therefore recommended that this application for Reserved Matters is approved.

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 approved shall be carried out in accordance with the following approved plans and documents:

- Drawing No. S401 Site Location Plan.
- Drawing No. 20232 C401 Rev E Coloured Site Layout.
- Drawing No. 20232 C402 Rev B Coloured Street Elevation.
- Drawing No. 20232 P401 Rev E Proposed Site Layout.
- Drawing No. 20232 P402 Rev E Building Materials.
- Drawing No. 20232 P403 Rev E Boundary Materials.
- Drawing No. 20232 P404 Rev E Surface Materials Layout.
- Drawing No. 20232 P405 Rev E Refuse Strategy Layout.
- Drawing No. 20232 P406 Rev E Car Parking Layout.
- Drawing No. 20232 P407 Rev E Storey Heights Plan.
- Drawing No. 20232 P408 Rev B Harrogate Plans and Elevations BRICK.
- Drawing No. 20232 P412 Richmond Floor Plans.
- Drawing No. 20232 P413 Richmond Elevations BRICK.
- Drawing No. 20232 P414 Rev A Shaftesbury Plans and Elevations BRICK.
- Drawing No. 20232 P415 Rev B Stratford Lifestyle Plans and Elevations BRICK.
- Drawing No. 20232 P416 Single Garage Plans and Elevations.
- Drawing No. 20232 P417 Rev A Oxford Lifestyle Plans and Elevations BRICK.
- Drawing No. 20232 P418 Rev A Harrogate Lifestyle Plans and Elevations BRICK.
- Drawing No. 20232 P420 Wider Site Layout.
- Drawing No. 1969-14672-004 Pumping Station Site Plan.
- Drawing No. 20232 P421 Pumping Station Plans.
- Drawing No. 20232 P422 Pumping Stations Elevations.
- Drawing No. 20232 P423 Rev B Interface Distances.
- Drawing No. 120 Rev E Landscape Strategy S401.
- Drawing No. 520 Rev D Planting Plan S401 1 of 4.
- Drawing No. 521 Rev C Planting Plan S401 2 of 4.
- Drawing No. 522 Rev C Planting Plan S401 3 of 4.
- Drawing No. 523 Rev D Planting Plan S401 4 of 4.
- Drawing No. JSL3924_500-506 Rev B Tree and Shrub Palette.
- Figure 2.4 Rev 01 Ecological Mitigation for Reserved Matters Application (within the Ecology Survey Report);
- Schedule of Accommodation Phase 1 (01/07/22); and
- Design Code Compliance Document (June 2022 Rev B).

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

2 No development above damp-proof course (DPC) level shall take place until a statement of architectural detail has been submitted to and approved in writing by the Local Planning Authority. The 'statement of detail' shall set 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 'statement of details' so approved shall then be used

in the construction of the buildings.

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

- 3 No development above damp-proof course (DPC) level shall take place until full details of the proposed screen walls and fences shown on drawing 20232 P403 Rev E Boundary Materials (including appearance, materials) have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and/or fences associated with them have been erected. The details to be provided shall also ensure that gaps are provided at the bottom of all boundary treatments to ensure that hedgehogs and other small mammals are able to move into/out of and around the development.

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

- 4 No development above damp-proof course (DPC) level shall take place until full details (including dimensions, cross sections) of the proposed earthworks along the northern and part western edge of the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the earthworks have been implemented and these shall thereafter be permanently retained.

Reason: In accordance with condition 6 of the outline permission and in the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan

- 5 No dwelling shall be first occupied until the car parking spaces, garage spaces, roads, footways and turning facilities serving the respective dwellings have been constructed in accordance with the approved site plan. Once provided, the parking spaces shall not be used for any purpose other than for the parking of vehicles and the garages shall not be used for any purpose other than the parking of vehicles and for domestic storage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of ensuring sufficient vehicle parking and highway safety within the development in accordance with policy T SP1 of the Arun Local Plan.

- 6 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.

- 7 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.

- 8 INFORMATIVE: The applicant is advised that any proposed structures on, under, above or

adjacent to any roads, watercourses etc, are required to be subject to the Technical Approval process as specified within BD 2/12 of the Design Manual for Roads and Bridges. The applicant should contact the WSCC Structures Team to commence this process. The applicant should note that the failure to obtain technical approval may prevent the future adoption of the structure as part of the public highway or otherwise and as a consequence may incur additional works to bring the works up to a suitable standard.

- 9 INFORMATIVE: The submitted plans show tree planting close to water distribution mains. Southern Water has restrictions on proposed tree planting adjacent to sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water mains and sewers" and the Sewerage Sector Guidance with regards to any landscaping proposals and Southern Water restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.
- 10 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.
- 11 INFORMATIVE: The applicant is required to enter into a Section 59 Agreement under the 1980 Highways Act to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process. Note this is only required if HGV traffic exceeds 20 movements per working day.
- 12 INFORMATIVE: The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works if they affect the existing public highway. The applicant should contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 13 INFORMATIVE: The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant should to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
- 14 INFORMATIVE: This permission does not formally discharge any of the conditions that require the submission of details for approval in writing as imposed on the outline planning permission and separate applications will be required. Please also note that this layout has been approved without agreement of the council's drainage engineers and therefore if it subsequently becomes clear that the drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage then a new reserved matters application will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non-Material Amendment process. Please also note that any future submission to seek a discharge of the drainage conditions must be accompanied by full details in accordance with the guidance and checklist here <https://www.arun.gov.uk/surfacewater>.

BACKGROUND PAPERS

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

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



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PLANNING APPLICATION REPORT

REF NO: BE/143/22/PL

LOCATION: 1 Finch Gardens
Bersted
PO22 9EQ

PROPOSAL: Variation of conditions 2, 3 and 4 imposed under BE/74/18/PL relating to plans condition, materials and omission of parking spaces at rear of property. These changes relate to the dwelling now addressed as 1A Finch Gardens.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The purpose of this application is to agree revisions to the approved development, namely:</p> <ul style="list-style-type: none">- To omit the approved parking space that was to be located at the end of the rear garden (accessed from Woodland Rd).- To provide the front first floor elevation with cladding to match the existing rear dormer; and- To erect a 1.8m high fence on the side boundary (with Woodlands Road) to replace the previous wall.
SITE AREA	0.1 hectares.
TOPOGRAPHY	Predominantly flat but there is a slight slope up from Finch Gardens.
TREES	None affected by the development.
BOUNDARY TREATMENT	Open plan to the front. There was previously a 1.8m high wall to Woodlands Road but according to the applicant, this was unstable/crumbling and so was taken down for safety reasons. The boundary is secured by metal Heras fencing. It is proposed to replace this with a 1.8m high fence.
SITE CHARACTERISTICS	The two-storey end terrace dwelling approved by BE/74/18/PL has been commenced and is almost complete.
CHARACTER OF LOCALITY	<p>Residential area - mix of semi-detached, link detached and terraced two-storey dwellings. Some bungalows on Woodlands Road. Neighbouring properties consist of:</p> <ul style="list-style-type: none">- 27 Finch Gardens (opposite) - two storey semi-detached dwelling in a matching design to 1 Finch Gardens;- 71 Woodlands Road (to the west) - semi-detached bungalow; and- 88 Woodlands Road (behind the site) - two storey end terrace dwelling with a first floor flank obscure glazed bathroom window facing the site.

RELEVANT SITE HISTORY

BE/8/20/NMA	Non-material amendment following grant of reference BE/74/18/PL for various external and internal amendments (1 - 8)	Approve 07-02-20
BE/74/18/PL	Erection of 1 No. attached dwelling	Refused 15-11-18 Appeal: Allowed+Conditions 11-07-19

The dwelling was allowed on appeal in July 2019 (BE/74/18/PL). The application had been refused by the planning committee and one of the refusal reasons referred to the proposed parking/access arrangements and harm to highway safety. The permission was amended by BE/8/20/NMA in February 2020 which allowed the following changes:

- (a) Front door moved to side of house and new porch roof canopy supported on gallows brackets and new path provided.
- (b) Windows on front elevation decreased slightly in width and centred.
- (c) First floor window on side elevation centred.
- (d) First floor window on rear elevation to be made slightly wider.
- (e) Ground floor door and window on rear elevation to be replaced with sliding doors within a wider opening.
- (f) Short side wall to rear projection to be moved away from existing house by approx. 20mm, so that its foundation can be 500mm clear of a public sewer utility access hole.
- (g) The ground floor rear wall has been moved out by 25mm, so that the long side wall of the house works to brick dimensions; and
- (h) Internal layout altered.

In addition, a rear dormer has been added under permitted development rights.

REPRESENTATIONS

Bersted Parish Council object as the proposal reduces parking to one space contrary to Bersted Neighbourhood Development Plan policy HDQ8 and Arun DC's Parking Standards.

One objection from the owner of 1 Finch Gardens on the grounds that the application concerns her address, and she has not made the application. She requests that this be re-addressed as 1A Finch Gardens. However, states no objection to the proposals.

COMMENTS ON REPRESENTATIONS RECEIVED:

Parking is discussed in the conclusions.

The applicant was advised that the application should remain addressed as 1 Finch Gardens since that was how the original permission was addressed. The description has been amended to state the changes relate to the dwelling now addressed as 1A Finch Gardens. The applicant relayed this to the owner of 1 Finch Gardens and it is understood that she was happy with this amendment.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - no objection and state:

- The supporting information in the application form state the required WSCC Highways licence was not granted for the proposed dropped kerb to the rear, due to their policy.
- Five car parking spaces were expected to be provided in the original application, with three spaces approved to the frontage, one at the rear and one to be provided on-street.
- The three frontage spaces are retained but the remaining two spaces will need to be accommodated on-street.
- This would not be detrimental to highway safety and key locations in the public highway are subject to enforceable parking restrictions; and
- The revised plan demonstrates that this area is to be reinstated as fenced off curtilage area and the fence does not appear to encroach on land considered as highway.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary.

Pagham Harbour Zone B

Class D Roads.

Current Flood Zone 1.

The rear garden is indicated to be Flood Zone 3 by 2111; and

CIL Zone 4.

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)
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

[Bersted Neighbourhood Plan 2014 Policy ES1](#) Design of new development

Bersted Neighbourhood Plan 2014 Policy HDQ2 Integration of new housing

Bersted Neighbourhood Plan 2014 Policy HDQ5 Design of new housing development

Bersted Neighbourhood Plan 2014 Policy HDQ8 Car parking

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal conflicts with relevant Development Plan policies in that the dwelling is only provided with one parking space whereas BNDP policy HDQ8 requires two per dwelling.

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 material that WSCC Highways refused the applicant's request for a dropped crossing to allow access to the approved second parking space in the rear garden. According to the applicant, this is because WSCC's rules changed so that they never allow two dropped kerbs to one property. WSCC Highways has since advised the local planning authority that:

"As a bit of background, this scenario can occur from time to time. This is because at planning stage we primarily look at it from a safety perspective and as you know we can only refuse if an unacceptable highway safety issue could occur. At the dropped kerb licensing stage, colleagues look at a broader set of issues and at times can object to something that has already got planning permission. This is why we include the informative to inform the applicant that planning permission no way guarantees other post planning consents that they may require."

It is material that the permission has been commenced and is complete save for the front first floor elevation and side boundary treatment. Should this application be refused then whilst the applicant could complete the permission that has been granted, the use of the rear parking space would require a vehicle to drive up/down a kerb. This would be an offence under the Highways Act 1980 and is likely to cause damage to the kerb. The alternative is that they cannot complete the permission that has been granted and occupation of the dwelling without the second parking space would be a breach of the

planning permission rendering them susceptible to enforcement action and potentially leading to a house lying empty.

CONCLUSIONS

PRINCIPLE:

The site lies in the built-up area boundary and benefits from an extant permission which has been lawfully commenced. This application seeks permission to reduce the on-street parking provision by one, to amend the first-floor front materials and erect a fence to replace a previous wall. Due to the nature of the changes, it is only necessary to re-assess the application in terms of impact on the character & appearance of the area/the streetscene and on the local highway network. This report will determine whether the changes now sought cause additional harm compared to the approved scheme, and if harm is considered to arise, is it sufficient to warrant refusal.

DESIGN & CHARACTER:

ALP policy D DM1 requires development to reflect or improve on the character of the site/surrounding area. D DM4 sets out criteria for which applications relating to alterations of existing buildings must be assessed against. These seek to minimise the impact of the proposal on the character of the host dwelling (in this case, no. 1 Finch Gardens), its neighbours, and the locality. In particular, extensions should visually integrate with the host building in terms of materials. The Arun Design Guide (ADG) is a material consideration and section J advises that designs should respond to the frontages of existing buildings in their immediate surroundings and exemplars in the wider context. BNDP policies ES1, HDQ2 and HDQ5 seek to ensure that new development is appropriately designed, reflects local character and are visually integrated with their surroundings.

It was initially envisaged that the development would ensure that the front elevation matched with the front of the adjoining dwelling, 1 Finch Gardens. It is understood that the applicant has been unable to source matching hanging tiles. The development dates back to the 1970's and so the same material may no longer be available. Instead the applicant wishes to place cladding on the front elevation (first floor). The cladding will be black fibre cement weatherboarding to match that on the rear dormer.

Whilst this will not match with the dwelling, it is material that there is a brick column at ground floor that visually separates the two houses, and this ensures that the materials on each do not directly adjoin. There is another example of such cladding used in the local area at 10 & 12 Woodlands Road to the south. There is a mix of first floor front materials in the streetscene with white painted plastic and two different colours of hanging tiles. The change to cladding will not result in any significant harm to the appearance of the building or the streetscene in which it sits.

In respect of the 1.8m high fence to the side, whilst the immediate Woodlands Road area is defined by brick walls, there are other examples of fencing in the local area. These include large sections of the northern side of Rowan Way only a short distance to the North and the side boundary of 18 Woodlands Road to the south (which fronts Woodlands Road). Whilst the change from brick wall to fencing will be in contrast to the character of the immediate surroundings, this will not generate significant harm to the locality.

Whilst there is some harm associated with the changes, this is not significant or adverse and there is no clear conflict with the relevant development plan policies.

PARKING PROVISION:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network and provide appropriate levels of parking. The council's Parking Standards SPD requires 2 parking spaces for a property of this size, and this is the same as that required by BNDP policy HDQ8. This reflects the approved situation with one space on the frontage and a second at the rear of the garden. As noted above, it is no longer possible to secure highway access to the second parking space at the rear and as such the property would only have one off-street space. This represents a conflict with policy HDQ8.

The side boundary of the site fronts Woodlands Road and the parking of a car in the short section of frontage between the Finch Gardens junction and the next property to the north (88 Woodlands Road) would not create conflict with existing residents (i.e., the conflict that is created when a car is parked outside someone else's house). WSCC Highways confirmed that on-street parking in this area would not adversely affect the safety of the local highway. the road is wide enough to allow cars to be parked solely on one side of the carriageway and not cause any obstruction.

The previous Inspector raised no concerns with the parking of vehicles on the road stating "The Council have raised concerns regarding limited on street parking, although this position is not substantiated. On my site visit I observed a number of on street spaces available in the short cul-de-sac of Finch Gardens." Despite the policy conflict, a refusal on the grounds of inadequate parking provision would not be sustainable and could result in a house lying empty.

CONDITIONS:

It has been established by the Supreme Court decision in Lambeth LBC v SSHCLG (2019) that whilst the conditions in the original permission cannot be taken to be implied in the new permission if they are omitted from it, they nevertheless continue to have effect (except to the extent that the section 73 permission has varied them). Nevertheless, it is still good practice, to repeat in the section 73 permission all the unamended conditions from the earlier permission, as well as those that have been amended.

The development has been implemented and so condition 1 (time limits) of BE/74/18/PL is not relevant. Conditions 2, 3, 4 & 5 are re-imposed (now numbered 1-4) but with alterations to 1-3 to reflect the changes approved by this application. No new conditions are proposed and it would not be reasonable to impose new requirements (such as electric vehicle charge points or renewable energy) on the applicant.

SUMMARY:

The scheme will not result in any demonstrable harm to local character or highway safety. As per the NPPF, para 11(c), development proposals that accord with an up-to-date development plan should be approved without delay. It is recommended that this section 73 planning application be granted subject to the following altered 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

As there is no increase in floorspace, the proposal does not generate any CIL requirements.

RECOMMENDATION

APPROVE CONDITIONALLY

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

- Block Plan of the Site (submitted 01/12/22).
- Site Plan (submitted 05/12/22).
- 0034-05 NMA Proposed Elevations (submitted (05/12/22); and
- 0034-04 Rev A NMA Proposed Plans.

Reason: As previously imposed by the appeal decision concerning application BE/74/18/PL (amended by this decision) and for the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D DM4, TSP1 of the Arun Local Plan.

2 Except as indicated on 0034-05 NMA Proposed Elevations as submitted with this application (the use of cladding matching the rear dormer to the front elevation), the materials to be used in the construction of the external surfaces of the approved dwelling hereby permitted shall match those used in the existing building (1 Finch Gardens).

Reason: As previously imposed by the appeal decision concerning application BE/74/18/PL (amended by this decision) and to enable the Local Planning Authority to control the development in detail in the interests of visual amenity in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

3 No part of the development shall be first occupied until the driveway access and vehicle parking has been provided in accordance with the approved Site and Block Plans as submitted with this application. These spaces shall thereafter be retained for parking.

Reason: As previously imposed by the appeal decision concerning application BE/74/18/PL (amended by this decision) and in the interests of road safety and to provide adequate on-site car parking space for the development in accordance with Arun Local Plan policy T SP1.

4 No part of the development shall be first occupied until details of the covered and secure cycle storage has been submitted to and approved by the Local Planning Authority, and thereafter

retained.

Reason: As previously imposed by the appeal decision concerning application BE/74/18/PL and in the interests of providing alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 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.
- 6 INFORMATIVE: It is noted that this permission will be granted pursuant to Section 73 of the Town and Country Planning Act 1990 and the original permission was granted before a Community Infrastructure Levy (CIL) Charging Schedule took effect. Therefore, in accordance with the CIL Regulations 2010 (as amended) there will be no CIL charge on this permission as there is no net increase in floorspace between the original permission and the Section 73 permission.

BACKGROUND PAPERS

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

BE/143/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: P/141/22/RES

LOCATION: Land north of Hook Lane
Paghham

PROPOSAL: Reserved matters application following P/30/19/OUT (providing details of layout, scale, appearance and landscaping) in relation to the provision of an 80-bed care home.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks approval for reserved matters, comprising appearance, scale, layout and landscaping, under outline application P/30/19/OUT. The proposal is a C2 residential Care Home use with 80 bed capacity, with associated landscaping and parking provision for up to 23 cars.
SITE AREA	The site is approximately 0.55ha in size.
TOPOGRAPHY	The Site is generally flat with a 1:140 cross fall, towards the north-west of the site.
TREES	There are no trees within the application site. There is a large mature hedgerow which partly lines the southern boundary of the site.
CHARACTER OF LOCALITY	The locality of the site is predominantly rural in character but on the edge of the existing built up area. However, development is present to the east of Paghham Road which is characterised predominantly by two storey dwellings and bungalows of various designs and styles which are set back from the highway. A cluster of two storey residential development is situated to the north-west of the application site. There are a number of listed buildings in proximity to the site.

RELEVANT SITE HISTORY

P/132/20/RES	Approval of reserved matters following P/30/19/OUT for 300 No. new homes, internal roads, footpaths & cycleways, car parking & landscaping. This application affects the setting of a listed building & falls within Strategic Site H SP2, CIL Zone 1 (Zero Rated).	ApproveConditionally 10-09-21
P/57/20/DOC	Approval of details reserved by condition imposed under ref P/30/19/OUT relating to Condition No 6 - design code	DOC Approved 09-10-20

masterplan.

P/30/19/OUT Outline application with some matters reserved for the App Cond with S106
 construction of up to 300 No. new homes, a care home of 02-09-19
 up to 80 beds, D1 uses of up to 4,000 sqm including a 2
 form entry primary school, the formation of new means of
 access onto Hook Lane & Pagham Road, new
 pedestrian & cycle links, laying out of open space, new
 strategic landscaping, habitat creation, drainage features
 & associated ground works & infrastructure. This
 application may affect the setting of a listed building
 (resubmission following P/6/17/OUT).

REPRESENTATIONS

Parish Council: Objection received for the following reasons:

- Proposed height of the building of 2.5 storeys is excessive and not in accordance with design code.
- Size and scale of the building is excessive.
- Corner plot on this site is considered as an entry point to the village and characterised by a rural feel, older style low building with countryside views and do not feel the design preserves this.
- Materials feel the finish should be softened to better integrate with surroundings.
- Examples of schemes they would like to see include the care home at Hawthorne Road.

2 no. representations were received, which objected to the application for the following reasons:

- Foul water discharge due to lack of capacity in Southern Water network
- The development should make provision for safe pedestrian and cycling travel on the roads
- Mitigation for health infrastructure and services
- Loss of agricultural land and future food supply
- Size of the building is overbearing
- Design of building out of character of the area
- Increased traffic
- Increased ambulances with blue lights at night due to nature of use
- Light pollution
- Drainage

These matters have been assessed within the conclusion of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

All consultation responses can be viewed in full online.

Drainage Engineers: Further information required to ensure that the below ground storage tanks ensure sufficient capacity, alongside concern over the closeness of one proposed tree. Drainage details are required to be submitted in order to discharge conditions under the outline consent.

Conservation Officer: No objection, and found the proposed development would not harm the setting of the designated heritage assets and therefore would not harm their significance.

Environmental Health: No objection, providing that the EMAQ Control of Odour and Noise from Commercial Kitchen Extract Systems 6/5/22 is adhered to.

Independent Water Network: No objection.

Archaeology: No objection.

Parks and Landscape: No objection. The proposals were seen to provide an attractive and well considered scheme for the proposed use. Requested future management proposals to be secured to ensure longevity.

Ecology: No objection subject to securing adequate Biodiversity Net Gain and mitigation for nutrient neutrality, as required by Natural England. They identified some discrepancy with the Biodiversity Metric submitted, however this did not significantly impact on the end result of providing Biodiversity Net Gain. Suggested a Landscape and Ecological Management Plan is submitted to secure the net gains long term, and this will be done through the existing Section 106 agreement.

WSSC Fire and Rescue - No objection, but suggested conditions to secure a fire hydrant prior to occupation.

Natural England: Advised that previous comments under P/30/19/OUT applied, and only if changes were proposed that would significantly change the impacts on the natural environment, then this would need further investigation. Their previous comment was no objection, subject to securing mitigation, which has already been secured through a Section 106 under the outline consent.

WSSC Highways: No Objection. Access arrangements for the site have already been established under P/132/20/RES, and a pedestrian and vehicular access to the care home has been provided for connectivity. Parking provision was seen to be adequate to satisfy forecasted needs.

National Highway: No Objection. The application would not materially affect the safety, reliability and/or operation of the Strategic Road Network (SRN).

Sussex Police: Advice provided on lighting, CCTV, defensible planting on ground floors and access into buildings.

NHS: Requested funds to be secured via S106 for Health Infrastructure. However, ADC have secured this already through a Section 106 under the Outline consent.

WSSC Adult Social Care: Comments were asked on what type of service the care home will provide. Additionally, comments were received on the principle of a Care Home, however, the principle has already established under the outline consent.

Southern Water: Confirmed that any details will need to be approved prior to commencement. A condition under the outline will require submission of further foul water drainage details, for which the foul water provider will be consulted with.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
HSP2	H SP2 Strategic Site Allocations
HWBSP1	HWB SP1 Health and Wellbeing
SDSP1A	SD SP1a Strategic Approach
TSP1	T SP1 Transport and Development
DSP1	D SP1 Design
ENVSP1	ENV SP1 Natural Environment
HDM2	H DM2 Independent living and care homes
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM4	HER DM4 Areas of Character
HERSP1	HER SP1 The Historic Environment
LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
SPD8	Areas of Special Character
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. On 25th February 2021 Arun District Council received an instruction from Pagham Parish Council to withdraw the Pagham Neighbourhood Plan, and therefore there is no relevant Neighbourhood Plan.

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.

The proposal is located within a strategic housing allocation inside the built-up area boundary in compliance with the Development Plan. The proposal is considered to comply with relevant Development Plan 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

PRINCIPLE OF DEVELOPMENT

The site forms part of the Strategic Allocation reference SD2. The site is subject to an approved outline planning permission (reference P/30/19/OUT) granted consent on 2 September 2019 and this establishes the principle of a care home, providing up to 80 beds.

The outline consent considered matters relating to ecology (Pagham Harbour SPA/RAMSAR), drainage, infrastructure, access and highways, and imposed planning conditions where relevant. This application therefore seeks to agree matters relating to layout, scale, appearance and landscaping only.

The application was presented to the Pagham and Aldwick Advisory Group meeting on 13th December 2022. Concern was raised about loss of views for existing residents and the material choices such as red brick. Discussions predominantly focused on the height of the building being 2.5 storeys and the preference would be for only 2 storeys.

Two conditions imposed on the outline approval were imposed on subsequent Reserved Matters application. Condition (6) required a Design Code for the residential part of the development. The Design Code in relation to the site was approved under reference P/57/20/DOC. This application is therefore not subject to the design code; however, the Care Home has been designed to complement the character areas within the code.

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

DESIGN

The site is positioned between the newly proposed main spine street to the north, and the proposed secondary street, as described in the residential reserved matters application P/132/20/RES.

The proposed building is designed with three wings stemming from a central point, which would be double gable ended. The form would allow for the development to be easily adapted for varying needs of users, as per Policy H DM2. Parking is located to the east of the entrance of the building.

The amenity space wraps around the site, allowing for the built form to be set back within its plot with defensible space. A larger central amenity space to the west of the building is proposed, which would accommodate orchard trees, garden lawn, and a combination of paths to allow for circular walking.

The developments layout provides good legibility and is appropriate to the residential care home use.

The proposed development is two and half storey. The Design Code for the residential scheme confirms that the character area supports built form of "typically 2 storey." Therefore, a two and a half storey building is considered acceptable given its location and its proposed use.

The developments ridge line at the highest point is approximately 2.5m taller than the proposed residential dwellings to the east, which have been permitted under the remainder of the outline consent. The ridgeline would be approximately 3.3m higher than the proposed dwelling to the north (plot 2), permitted under the residential reserved matters application, which sits north of the primary road through the allocation site. The development would be approximately 3.9m higher than the existing residential property at 18 Hook Lane (two storey dwelling).

However, the ridgeline lowers in parts throughout the building, including at the site boundary. The varied ridge line helps to soften the scale of the proposed care home which has been designed to appear as a cluster of dwellings as opposed to a single building. The care home occupies an important location in the strategic allocation, and a care home of this scale and size is not considered harmful to the character and appearance of the strategic allocation or immediate locality.

Additionally, the proposed building is formed with three prongs or "wings", ensuring that any bulk is set back into the centre of the development and not fronting the site boundary. The wings are also staggered double gable ended, with altering material types, which reduces any massing at the site's boundaries.

The proposals massing is further broken up by its choice of timber cladding and the provision of climbing shrubs, which will help to soften its appearance and scale. An open pergola framed terrace is proposed on the second floor of the west wing, which further reduces the development massing, and helps to positively address the open countryside to the west.

The care home due to its siting and position makes an important contribution to the character of the wider strategic allocation. The care home will be visible within the street scene and by virtue of its size, scale and design would not give rise to any unacceptable harm to the established character or appearance of the locality.

The proposed materials are largely red brick and timber cladding with a grey roof. A condition has been imposed on the outline consent which requires further samples of the proposed materials to be agreed to ensure a high-quality scheme. The indicative timber cladding treatment provides a softer palette and breaks up any large areas of brick to add interest and reduces the massing of the building. Red brick and grey roofs are featured as a design choice within the approved design code for this general area, and therefore its use will be complementary to the proposed and existing surroundings.

The various projections and recesses within the proposed elevations provide interest and mirror that of a residential cluster. Window lintels have been proposed which add further interest to the brick facades. The proposed elevational treatment on the gable ends would include windows, doors and a porch canopy in an arrangement akin to a dwelling, which would allow the development to provide a domestic appearance to positively address existing and proposed residential development around the site.

The gable end roof form is characteristic of the local area, and the palette of materials chosen ensure

that the appearance of the development is complementary to its surroundings. Therefore, owing to its layout, scale and appearance, the design of the development would comply with Arun Local Plan Policy D SP1, LAN DM1, the National Design Guide and the Arun Design Guide.

ACCESS PARKING AND CYCLING

As per Arun District Council's Parking SPD, parking for a C2 class is determined on a case-by-case basis with reference to demand for parking and viability of the site. A car parking appraisal has been submitted showing the level of parking demand for similar uses. The application proposes 23 parking spaces, including 2 no. disabled bays, and an ambulance drop off space. West Sussex County Highways have been consulted and are satisfied that the level of parking provision is sufficient to meet demand.

A travel plan has been submitted as part of the application; however, this will not form the approved documents at this stage as this is required to be assessed and discharged under Condition 25 of the outline consent.

The Arun Parking SPD requires 30% of the total parking provision (i.e. 7.5 spaces) to have active EV charging and the remainder passive EV. The proposed site plan (reference 4670-WRD-XX-ZZ-DR-A-0500 Revision P012) shows that the parking court can accommodate EV charging points to a maximum of 10 spaces using dual charging points. Condition 33 of the outline consent requires further details in relation to the specification and appearance of the units. Therefore, there is capacity within the parking area to accommodate a policy compliant scheme in relation to EV charging. Cycle parking has been provided as 4 Sheffield stands, accommodating up to 8 bikes, which is considered appropriate for the proposed use.

Therefore, the proposals accord with the Arun Design Guide, Arun Parking SPD, and Arun local Plan Policies T SP1.

BINS, STORES AND SUBSTATION

Bin storage would be located within the building to the southern wing, and a maintenance store would be provided as a small additional building to the east of the eastern wing. The proposed building would be timber clad, with a grey pitched roof. The roof form and the materials are the same as the proposed main building, which would allow for the building to be visually integrated.

Details of the substation have not been provided, and so a suitable worded planning condition has been imposed to secure details of this.

Overall, the bins and stores have been designed to be complementary to the proposed main building and accord with Policy D DM1.

SOFT LANDSCAPING

The proposed soft landscaping provides numerous and varied plant species, which contributes to continuous interest throughout the year. The landscaping provides for adequate shading, privacy and allows for a pleasant shared external space. The feature tree to the entrance of the site provides for positive identification of the entrance and general amenity for users. The hedgerow to the south of the site will be retained and extended with native hedges along the southern boundary. All planting is proposed to be planted prior to occupation.

The planting information meets the requirements of Condition 7 of the outline consent, and is considered to accord with Local Plan Policies LAN DM1, the Arun Design Guide.

Pagham Harbour

Policy H SP2a (a) (SD1 and SD2) identifies that proposals will need to ensure no detrimental impact to Pagham Harbour SPA through compliance with policy ENV DM1 and ENV DM2 and its supporting text.

This has been addressed as part of the outline consent. This site will require further drainage details through discharging conditions which will address an impact identified within the Appropriate Assessment.

HARD LANDSCAPING

Proposed hard landscaping details have been submitted, which provide for seating areas, private patios and a number of sensory enhancements for residents such as water features, bird baths, raised timber planters, summer house. These provide valuable interest and amenity for residents and the materials proposed.

Boundary treatments to the outer part of the site and car parking areas are proposed as ornamental black railings and/or with a brick wall. Green weld mesh fencing is proposed to rear of the external space. These are considered complementary in palette to the proposed scheme and would strengthen the developments sense of place on the main spine road.

There is a mixture of proposed surfacing, including herringbone laid permeable block paving for the parking areas; resin bound surfacing for the circular amenity footpath and feature paving for ground floor terrace areas. In combination with several edging types, these provide suitable, accessible surfacing for all visitors and are of a colour and textures suitable in this location.

Therefore, the hard landscaping proposals comply with Arun Local Plan policy D SP1 and D DM1.

HERITAGE

The impact of development on heritage assets was assessed at outline stage, where it was concluded that the proposed development would not result in any harm to the setting or significance of any designated or non-designated heritage assets.

A further heritage statement has been provided with this application. The Conservation Officer has been consulted and confirmed that the proposed development would not impact upon the setting or significance of any designated or non-designated heritage assets. Therefore, the development accords with section 16 of the NPPF, Arun Local Plan policies HER SP1, HER DM1, HER DM2, HER DM4 of the Arun Local Plan and does not result in any harm to the significance of any designated or locally designated heritage assets

EXTERNAL LIGHTING

An external lighting plan has been submitted; however this is required to be agreed through the discharge of condition 15 of the outline consent and so will be secured and considered further during this process. Space for timber lighting bollards have been shown throughout the scheme in the amenity and parking areas, ensuring lighting is facing down in a low level setting so as not to increase light spill. In addition, one upward light is proposed within the base of the proposed entrance feature tree. This light is proposed on a new tree which will not interrupt wildlife using nearby boundary vegetation.

CLIMATE CHANGE

The proposal provides for several climate change adaptation/mitigation measures, including provision for solar panels, water butts, and shading through design and planting features. Details relating to renewable energy will be secured through the discharge of condition 26 imposed on the outline approval.

The layout also lends well to efficient solar gain, and the massing proposed is of a simple block which is more efficient to heat and cool.

Therefore the proposal will accord with Arun Local Plan policies ECC SP1, ECC SP2 and W DM3.

DRAINAGE AND FLOOD RISK

Drainage was considered as part of the outline planning approval and several conditions (Condition 10, 11, 12, 13, 14) were imposed to secure details of surface water, discharging water to a watercourse, maintenance and management, and foul water. These conditions will need to be agreed and discharged in consultation with the Councils drainage engineer, and therefore drainage is not part of.

However, some detail has been submitted, and ADC Engineers are satisfied that the principle of the drainage is acceptable subject to further detail through the discharge of condition process.

RESIDENTIAL AMENITY

Concern has been raised over the overbearing feeling of the care home on dwellings south of the application site. The care homes southern gable end is located approximately 38metres away from the nearest residential dwellings to the south, which is separated by an existing hedgerow and Hook Lane. Given the distance between the dwellings and the proposed development, it would not give rise to any unacceptably adverse overbearing or overshadowing.

Similarly, the east wings gable end is sited approximately 20metres from dwellings to the north, and approximately 18metres from properties to the east. Front to front separation distances are required to be a minimum of 16m, in line with the design guide. The layout of the care home allows for suitable privacy in this regard.

The development proposes a mixture of private patios, seating areas, and open terraces which provide suitable external amenity for residents. A kitchen is located within the building, and Environmental Health have provided guidance on best practice in regards to commercial kitchens and odour/noise.

The proposal secures amenity space for the proposed users, and does not result in unacceptably adverse impacts on the amenity of occupiers for existing dwellings. The development therefore accord with Arun Local Plan Policy D DM1 and the Arun Design Guide.

RECOMMENDATION

It is therefore recommended that the application is approved subject to the below 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 approved shall be carried out in accordance with the following approved plans:

- Location Plan 4670-WRD-XX-ZZ-DR-A-0080 Rev P03
- Proposed Ground Floor Plan 4670-WRD-XX-00-DR-A-0200 Rev P06
- Proposed First Floor Plan 4670-WRD-XX-00-DR-A-0201 Rev P05
- Proposed Second Floor Plan 4670-WRD-XX-00-DR-A-0202 Rev P06
- Proposed GA Roof Plan 4670-WRD-XX-00-DR-A-0203 Rev P05
- Proposed GA Elevations Sheet 1 of 2 4670-WRD-XX-00-DR-A-0300 Rev P06
- Proposed GA Elevations Sheet 2 of 2 4670-WRD-XX-00-DR-A-0301 Rev P06
- Proposed GA Sections 4670-WRD-XX-00-DR-A-0400 Rev P01
- Proposed Site Plan 4670-WRD-XX-00-DR-A-0500 Rev P012
- Landscape proposals B22062-102B
- External Works Plan B22062-201B
- Boundary Treatments B22062-202B
- External Lighting B22062-203B
- Garden Furniture Plan B22062-204B
- Detailed Planting Plan Sheet 1 of 4 B22062-401B
- Detailed Planting Plan Sheet 2 of 4 B22062-402B
- Detailed Planting Plan Sheet 3 of 4 B22062-403B
- Detailed Planting Plan Sheet 4 of 4 B22062-404B

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 Prior to the commencement of the development, details relating to the proposed substation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to secure the design of the substation in line with policy D DM1.

- 3 The development shall provide external lighting strictly in accordance with the lighting shown on plan reference B22062-203B Rev B.

Reason: To control the residential amenities of the local environment in accordance with Policies D DM1 and QE DM2 of the Arun Local Plan and protection of bats.

BACKGROUND PAPERS

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

P/141/22/RES - Indicative Location Plan (Do not Scale or Copy)
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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

A/253/21/OUT

Original Decision = Refused

Received: 11-01-23

Land between 32 Downs Way and 2 Ambersham Crescent Angmering

Decision Level = Delegated

Outline planning application with all matters reserved for the erection of 1 No bungalow dwelling with off street parking and private amenity space.

**Written
Representations**

PINS Ref: APP/C3810/W/22/3302673

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 single storey one bed dwelling house with private amenity space, car parking space and refuse / recycling store

**Written
Representations**

PINS Ref: APP/C3810/W/21/3287276

EP/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

LU/167/22/PL
Original Decision = Refused
Received: 18-01-23

17 Cherry Croft Littlehampton
Decision Level = Delegated
Erection of new self-contained dwelling at side of existing terrace house. This application is in CIL Zone 4 and CIL Liable as a new dwelling.

*Written
Representations*

PINS Ref: APP/C3810/W/22/3310478

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 **28-02-23**

PINS Ref: APP/C3810/W/22/3309365

WA/42/22/PL
Original Decision = Refused
Received: 11-01-23

Morelands Arundel Road Fontwell Arundel
Decision Level = Delegated
Demolition of existing dwelling and erection of 5 No. residential dwellings, associated car parking and access. (Resubmission of WA/5/22/PL). This application is in CIL Zone 2 and is CIL Liable as new dwellings.

*Written
Representations*

PINS Ref: APP/C3810/W/22/3306960

WA/80/21/OUT
Original Decision = Refused

Land East of Yapton Lane Walberton
Decision Level = Delegated

Received: 07-10-22

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/176/21/PL

Original Decision = Refused

Received: 11-01-23

Bonhams Field Main Road Yapton

Decision Level = Delegated

Variation of condition following grant of Y/63/19/RES relating to Condition 1 - approved plans (replacement of a proposed brick wall with Iron Parkland boundary railings to match the existing railings along the site boundary). This application may affect the character & appearance of the Yapton (Main Rd) Conservation Area & may affect the setting of Listed Buildings.

**Written
Representations**

PINS Ref: APP/C3810/W/22/3305678

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

Maidenhead Aquatics (inc The Arundel Gardener) Former Bairds Farm shop
Crookthorne Lane A259 Climping

Received:

Written Representations

PINS Ref: APP/C3810/C/21/3287807

ENF/248/21

Maidenhead Aquatics (inc The Arundel Gardener) Former Bairds Farm shop
Crookthorne Lane A259 Climping

Received:

Written Representations

PINS Ref: APP/C3810/C/22/3296912

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Arun District Council

REPORT TO:	Planning Committee – 8 February 2023
SUBJECT:	Key Performance Indicators 2022-2026 – Quarter 3 performance report for the period 1 April 2022 to 31 December 2022.
LEAD OFFICER:	Jackie Follis, Group Head of Organisational Excellence
LEAD MEMBER:	Councillor Terence Chapman
WARDS:	N/A
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
The Key Performance Indicators support the Council's Vision and allows the Council to identify how well we are delivering across a full range of services.	
DIRECTORATE POLICY CONTEXT:	
This report is produced by the Group Head of Organisational Excellence to give an update on the Q3 Performance outturn of the Key Performance Indicators.	
FINANCIAL SUMMARY:	
Not required.	

1. PURPOSE OF REPORT

- 1.1. This report is to update the Committee on the Q3 Performance Outturn for the Key Performance Indicators (KPIs) which make up the Corporate Plan, for the period 1 April 2022 to 31 December 2022. The process is described in section 4. of this report.

2. RECOMMENDATIONS

- 1.2. As this report is an information paper, there are no recommendations for the Committee to consider. This report is to be taken as read only with Members having the opportunity to ask questions at the meeting on service performance. Members can also submit questions or comments on the indicators relevant to their Committee and these will be considered by the Policy and Finance Committee on 7 March 2023.

2. EXECUTIVE SUMMARY

- 2.1. This report sets out the performance of the Key Performance indicators at Quarter 3 for the period 1 April 2022 to 31 December 2022.

3. DETAIL

- 3.1. The Council Vision 2022-2026 was approved at Full Council in March 2022. To support the Vision we need a comprehensive and meaningful set of performance measures which allow us to identify how well we are delivering across a full range of services. Two kinds of indicators were agreed at the Policy and

Finance Committee on 17 March 2022. The first of these are annual indicators and will primarily update the progress against strategic milestones. In addition to this 'key performance indicators' (KPIs) will be reported to committees every quarter. These KPIs are known as our Corporate Plan.

- 3.2. A short report and appendix will go to each of the other Committees in the cycle of meetings after each quarter has ended. This appendix will only contain the indicators which are relevant to each Committee.
- 3.3. A full report showing quarterly performance against all indicators (which are measured at that quarter) will go to the relevant Policy and Finance Committee meeting at the end of the cycle of the other Committee meetings. Members of the other Committees will be able to give comments or ask questions of officers about the KPI indicators that are relevant to their Committee and these can be referred to the Policy and Finance Committee for consideration if deemed necessary.
- 3.4. The Committee meetings that will receive Q3 KPI reports are as follows:

Committee meeting dates	Indicators to receive report on
Corporate Support Committee - 19 January 2023	9 (CP1, CP2, CP3, CP4, CP5, CP6, CP7, CP8, CP9)
Housing & Wellbeing Committee - 25 January 2023	8 (CP11, CP15, CP16, CP17, CP18, CP19, CP20, CP21)
Planning Policy Committee - 26 January 2023	1 (CP36)
Environment Committee - 31 January 2023	10 (CP12, CP13, CP37, CP38, CP39, CP40, CP22, CP23, CP24, CP25)
Economy Committee - 2 February 2023	0
Planning Committee – 8 February 2023	10 (CP26, CP27, CP28, CP29, CP30, CP31, CP32, CP33, CP34, CP35)
Licensing Committee – 3 March 2023	1 (CP14)
Policy & Finance Committee – 7 March 2023	39 indicators - not CP41, CP42 (only at Q2 and Q4) and CP10 (only at Q4)

- 3.5. This is the third quarterly report covering performance from 1 April 2022 to 31 December 2023 and will cover only those indicators that are due to be measured at this point.
- 3.6. Thresholds are used to establish which category of performance each indicator is within.

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

- 3.7. There are 42 Key Performance indicators. 10 of these indicators are reportable to the Planning Committee.
- 3.8. This report gives the status of all indicators at Q3. Appendix A gives full commentary for each indicator. This appendix shows the figures Q2 and the

figures and commentary for Q3. The end column which shows the direction of travel of the status for each indicator.

Status	Number of Key Performance indicators in this category
Achieved target	1
Didn't achieve but within 15% range	3
Didn't achieve target by more than 15%	6
TOTAL	10

- 3.9. The table at 4.4 sets out the reporting structure for Q3 KPIs. Members will see that relevant indicators have been presented to the listed committees prior to this meeting. A separate appendix will be presented to the Policy and Finance Committee, should any items be forwarded on from the other Committees.

4. CONSULTATION

- 4.1. No consultation has taken place.

5. OPTIONS / ALTERNATIVES CONSIDERED

- 5.1. To review the report
 5.2. To request further information and/or remedial actions be undertaken

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

- 6.1. None required.

7. RISK ASSESSMENT CONSIDERATIONS

- 7.1. None required

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

- 8.1. None required

9. HUMAN RESOURCES IMPACT

- 9.1. Not applicable.

10. HEALTH & SAFETY IMPACT

- 10.1. Not applicable.

11. PROPERTY & ESTATES IMPACT

- 11.1. Not applicable.

12. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

12.1. Not applicable.

13. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

13.1. Not applicable.

14. CRIME AND DISORDER REDUCTION IMPACT

14.1. Not applicable.

15. HUMAN RIGHTS IMPACT

15.1. Not applicable.

16. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

16.1. Not applicable.

CONTACT OFFICER:

Name: Jackie Follis

Job Title: Group Head of Organisational Excellence

Contact Number: 01903 737580

BACKGROUND DOCUMENTS: *None*

No.	Indicator	Council Vision Theme	Service Committee	CMT Member	Frequency data collected	Assess by	Target 2022-2026	September 22 Outturn - Q2 (April-Sept)	Q2 status	December 22 Outturn	December 22 Outturn - Q3 (April-Dec)	Q3 Commentary	December 22 Status	Q3 status	Better or worse since Q2 figure (Q3 compared to Q2)
CP26	Major applications determined in 13 weeks or agreed extension of time	Fulfilling Arun's economic potential	Planning	Karl Roberts	Monthly	Higher is better	80%	0% (59%)	Not achieving	29% (43%)	33% (53%)	5 out of 15 major apps were determined within time. Of the other 10, 2 were non-determination appeals and 5 were applications that needed to go to Committee or had a legal agreement. 3 applications were delegated decisions that were not determined within time.	Not achieving	Not achieving	Up by 33% (better) ↑
CP27	Minor applications determined in 8 weeks or agreed extension of time	Fulfilling Arun's economic potential	Planning	Karl Roberts	Monthly	Higher is better	90%	58% (70%)	Not achieving	73% (77%)	56% (76%)	Performance has remained consistent during Q3 but is still below target.	Not achieving	Not achieving	Down by 2% (worse) ↓
CP28	% of other applications determined in 8 weeks or agreed extension of time	Fulfilling Arun's economic potential	Planning	Karl Roberts	Monthly	Higher is better	90%	89%	Not achieving but within 15% range	88% (92%)	88% (91%)	Performance in this area remains good with the target only just not met (by only 2%)	Not achieving but within 15% range	Not achieving but within 15% range	Down by 1% (worse) ↓
CP29	Average number of days to determine householder application	Fulfilling Arun's economic potential	Planning	Karl Roberts	Monthly	Lower is better	55 days	55 days	Achieving	53 days	55 days	Target achieved	Achieving	Achieving	Same →
CP30	Average number of days to determine other applications	Fulfilling Arun's economic potential	Planning	Karl Roberts	Monthly	Lower is better	55 days	67 days	Not achieving	65 days	63 days	Slightly improved performance from Q2	Not achieving	Not achieving but within 15% range	Down by 4 days (better) ↑
CP31	Average number of days to determine applications - Trees	Fulfilling Arun's economic potential	Planning	Karl Roberts	Monthly	Lower is better	40 days	42 days	Not achieving but within 15% range	44 days	44 days	Time needs to be found to fully review what internal consultees are being consulted on to ensure that they are spending time providing advice where it is most needed whilst balancing performance times.	Not achieving but within 15% range	Not achieving but within 15% range	Up by 2 days (worse) ↓
CP32	Average number of days to determine application Discharge of Condition	Fulfilling Arun's economic potential	Planning	Karl Roberts	Monthly	Lower is better	40 days	53 days	Not achieving	71 days	65 days	We are still trying to resolve a significant backlog that built up over the summer for some internal consultation responses.	Not achieving	Not achieving	Up by 12 days (worse) ↓
CP33	Average number of days to determine major planning applications	Fulfilling Arun's economic potential	Planning	Karl Roberts	Monthly	Lower is better	120 days	239 days	Not achieving	158 days	161 days	No additional commentary.	Not achieving	Not achieving	Down by 78 days (better) ↑
CP34	Average number of days to determine minor planning applications	Fulfilling Arun's economic potential	Planning	Karl Roberts	Monthly	Lower is better	55 days	77 days	Not achieving	59 days	85 days	No additional commentary.	Not achieving but within 15% range	Not achieving	Up by 8 days (worse) ↓
CP35	% of planning applications registered within 5 days	Fulfilling Arun's economic potential	Planning	Karl Roberts	Monthly	Higher is better	70%	55%	Not achieving	95%	59%	Issues around staff sickness have been resolved and performance in December reflects this increased capacity.	Achieving	Not achieving	Up by 4% (better) ↑

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Arun District Council

REPORT TO:	Planning Committee - 8 February 2023
SUBJECT:	Fitzalan Link Road Acoustic Barrier
LEAD OFFICER:	Neil Crowther, Group Head of Planning
LEAD MEMBER:	Councillor Terence Chapman
WARDS:	Wick & Brookfield
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
Use regeneration opportunities to attract new and relocating businesses to the district.	
DIRECTORATE POLICY CONTEXT:	
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.	
FINANCIAL SUMMARY:	
The decision of the Committee in respect of the Fitzalan Link Road acoustic barrier potentially has substantial financial implications for the Council.	

1. PURPOSE OF REPORT

- 1.1. For the Committee to determine whether it wishes to continue to pursue the resolution of the Committee in May 2022 as a result of increased certainty around the scale of likely costs.

2. RECOMMENDATIONS

That the Committee resolve to cease exploring options to secure the reduction in height of the acoustic barrier due to the prohibitive high costs involved that the Council would expose itself to, should it proceed.

2. EXECUTIVE SUMMARY

- 2.1. This report follows on from previous reports to Planning Committee in May 2021, December 2021 and May 2022. The outcome of these reports was that the Committee stated a preference to secure the reduction in height of the acoustic barrier to 2.5m. The Committee had resolved to seek expert advice (to be reported back to Committee) on the likely costs associated with this. A brief for this work was prepared and issued but no fee proposals were received.
- 2.2. During this time, further discussions have taken place with West Sussex County Council as they have extensive experience of the project and many of the issues associated with the potential reduction in height of the barrier. From these discussions, it is clear that the overall costs and potential compensations costs would be significant and would be likely to far exceed £2mil. The Committee will

consider whether the exposure to this level of costs is something that the Council should pursue or not.

3. DETAIL

3.1. In May 2022, following a targeted consultation, Planning Committee resolved the following

- i. Support the principle of reducing the height of the acoustic barrier to 2.5m subject to further work being undertaken regarding the quantification of the costs that the Council would be liable for the physical works, potential scale of any future compensation claims, and the likely costs associated with pursuing a formal modification of the planning permission through Section 102 & 103.
- ii. Confirm that discussions continue with West Sussex County Council and Persimmon Homes to seek an agreed solution seeking to negate the need for any formal legal process.
- iii. Require a further report to be provided to the committee on progress on these matters.

3.2. A brief was prepared seeking to instruct a suitably qualified professional to complete this work but no fee proposals were received.

3.3. At the same time, further discussions took place with West Sussex County Council because they have extensive experience on road building issues and, whilst they are not able to provide definitive cost estimates, they were able to provide some guidance on some of the matters that the Council were seeking some expert advice on.

3.4. The overall costs involved in reducing the height of the acoustic barrier would be made up of the following elements.

- Submission of planning application
- Part One compensation
- Physical costs of the work involved in reducing the height of the barrier
- S278 and traffic management costs for the time period where traffic management will be required during the physical works
- Replacement landscaping and repair any highways damage

4.5 Whilst it has not been possible to get a detailed breakdown of the above costs, it is apparent that the addition of the above would amount to a very substantial figure; one which the Council is very unlikely to want to expose itself to. Some of the costs referred to below will not be referred to as exact figures or highlight the source of these because of commercial confidentiality and the desire for this report to be in the public realm.

4.6 Officers estimate that the preparation of a planning application with the required technical assessment reports would cost a minimum of £150,000.

4.7 Budgets required for potential Part One Compensation claims would need to be upwards of £1mil. As stated in previous reports, if the Council were to carry out any changes to the barrier, they would become liable for these claims (the County

Council have the current liabilities, but these have been negotiated with Persimmon through the adoption process).

- 4.8 The costs of the physical works involved in removing the top two panels to reduce the height to 2.5m and then cutting the supports down to this height would be significant. It is estimated that this is likely to be far more than £1mil.
- 4.9 Estimating a 6-month period for the works to be carried out and that traffic management would be required during this period, then a section 278 agreement would need to be entered into with the County Council (as highway authority). The costs of traffic management over this period would exceed £500k.
- 4.10 Whilst it has not been possible to obtain a detailed breakdown of these costs, there is a high degree of certainty around the elements that will need to be included within any overall costs. It is also clear that the final costs that the Council will expose itself to will very likely be upwards of £2.5mil.
- 4.11 If the decision of the Committee is to not agree with the recommendation in this report, then the May 2022 resolution would stand, and Officers would seek to get these recommendations dealt with and presented back to Committee. As set out in paragraph 4.2, there may be practical issues involved in seeking expert cost estimates but these will be re-visited.

4. CONSULTATION

- 4.1. Nothing specific at this stage.

5. OPTIONS / ALTERNATIVES CONSIDERED

- 5.1. The Committee must determine if they wish to pursue the resolution made in May 2022 or to agree to cease this and do nothing as a result of the likely scale of costs.

6. COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER

- 6.1. I endorse the recommendation contained in the report to “cease exploring options to reduce the height of the acoustic barrier”. As stated in the report the cost of such action is prohibitive (excess of £2.5m). This would form significant discretionary expenditure at a time that the Council is facing significant financial pressures.

7. RISK ASSESSMENT CONSIDERATIONS

- 7.1. None at this stage.

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

- 8.1. The democratic and governance implications are set out within paragraph 4.11 of the report.

9. HUMAN RESOURCES IMPACT

10.1 None

10. HEALTH & SAFETY IMPACT

10.1. None

11. PROPERTY & ESTATES IMPACT

11.1. None

12. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

12.1. None

13. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

13.1. Carrying out the works would result in additional carbon emissions over the course of the physical works on site.

14. CRIME AND DISORDER REDUCTION IMPACT

14.1. None

15. HUMAN RIGHTS IMPACT

15.1. None

16. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

16.1. n/a

CONTACT OFFICER:

Name: Neil Crowther
Job Title: Group Head of Planning
Contact Number: 01903 737839

BACKGROUND DOCUMENTS:

Planning Committee agenda May 2021, December 2021 and May 2022.