



Public Document Pack

Arun District Council
Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Tel: (01903 737500)
Fax: (01903) 730442
DX: 57406 Littlehampton
Minicom: 01903 732765

e-mail: committees@arun.gov.uk

Committee Manager Andrew Bishop (Ext. 37984)

6 April 2023

PLANNING COMMITTEE

A meeting of the Planning Committee will be held in **Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF** on **Wednesday 19 April 2023 at 1.00 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 ONLINE 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 8 March 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. **DEFERRED ITEM: A/257/22/RES- LAND JUNCTION WITH HEATHFIELD/DOWNS WAY, EAST PRESTON, BN16 1AB**

(Pages 9 - 20)

TREE APPLICATIONS

PLANNING APPLICATIONS

7. **A/282/22/RES: LAND OFF ARUNDEL ROAD, ANGMERING, BN16 4ET** (Pages 21 - 44)
8. **A/14/23/RES: LAND SOUTH OF DOWNS WAY, ANGMERING, BN16 1AA** (Pages 45 - 56)
9. **A/20/23/PL: LAND TO THE REAR OF 36-40 MEADOWSIDE, ANGMERING** (Pages 57 - 66)
10. **BE/8/23/PL: COLWORTH MANOR FARM, COLWORTH LANE, COLWORTH, PO20 2DU** (Pages 67 - 90)
11. **BR/12/23/PL: CORDELL HOUSE REST HOME, 120 VICTORIA DRIVE, BOGNOR REGIS, PO21 2EJ** (Pages 91 - 102)
12. **EP/7/23/PL: LAND NORTH OF 9 LASHMAR ROAD, EAST PRESTON, BN16 1ES** (Pages 103 - 114)
13. **LU/263/22/RES: LAND WEST OF HOLLY DRIVE, LITTLEHAMPTON** (Pages 115 - 122)
14. **LU/3/23/PL: 37 GRIFFIN CRESCENT, LITTLEHAMPTON, BN17 7LH** (Pages 123 - 132)
15. **WA/125/22/PL: SPINDLEWOOD, YAPTON LANE, WALBERTON, BN18 0AS** (Pages 133 - 144)
16. **WA/6/23/PL: LAND WEST OF TYE LANE, WALBERTON** (Pages 145 - 158)

PLANNING APPEALS

17. **APPEALS LIST** (Pages 159 - 162)
18. **CONSULTATION ON PROPOSED INCREASE IN PLANNING FEES** (Pages 163 - 176)

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 :

Neil Crowther (Ext 37839) email neil.crowther@arun.gov.uk

Daniel Vick (Ext 37771) email Daniel.Vick@arun.gov.uk

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.

To watch recorded webcasts use the following link – Planning Committee [Webcast Page](#)

PLANNING COMMITTEE

8 March 2023 at 2.00 pm

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

Councillor Elkins was also in attendance for all or part of the meeting.

Apologies: Councillors Edwards and Warr

759. ELECTION OF THE VICE-CHAIR

The Chair opened the meeting and explained that the Vice-Chair had given his apologies for the meeting. He then proposed Councillor Lury as Acting Vice-Chair for this meeting. This was seconded by Councillor Kelly.

The Committee

RESOLVED

That Councillor Lury be Vice-Chair of this meeting.

760. DECLARATIONS OF INTEREST

No declarations of interest were made.

761. MINUTES

The Minutes of the previous meeting held on 8 February 2023 were approved by the Committee and signed by the Chair.

762. 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.

763. P/141/22/RES, LAND NORTH OF HOOK LANE PAGHAM

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.

This application was deferred by Committee on 8 February 2023 [Minute 666] for further discussion on an even re-distribution of the 80 beds on the plot resulting in a building comparable in height to the existing buildings in this part of Pagham. The Principal Planning Officer presented the report with updates which outlined revisions to

Planning Committee - 8.03.23

the scheme following discussion with the applicants. The main changes included a reduction in height of the ridgeline and eaves, a hipped roof form instead of a double gable ended roof, the introduction of larger sections of continuous ridgeline, the removal of several dormer windows, the removal of chimneys, an increased footprint to the western wing, the building repositioned slightly to the north, minor landscaping changes, and the removal of an outside terraced seating area.

Members that spoke believed that the revised plans had gone a long way to addressing their concerns and that the new design was more in keeping with neighbouring properties and therefore more acceptable. 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 and report update to the conditions as detailed.

764. WA/126/22/RES, LAND WEST OF TYE LANE AND NORTH OF FIELD CLOSE & NORTH ROAD WALBERTON

2 Public Speakers

James Cross – Applicant

Peter Cleveland – Agent

Approval of reserved matters following WA/68/20/OUT for construction of 131 No homes (30% affordable homes) and associated works. This application is a Departure from the Development Plan, may affect the setting of listed buildings, may affect the character and appearance of the Walberton Village Conservation Area and is in CIL Zone 3 and is CIL Liable as new dwellings.

The Planning Area Team Leader presented the report with updates. He explained that a previous reserved matters application [WA/86/22/RES] had been refused at Committee in November 2022 [Minute 484] due to the lack of bungalows on the southern boundary and the material finishes of several of the proposed dwellings, and confirmed that this new application had did include single storey bungalows to the southern boundary and provided an updated schedule of materials. This was followed by 2 Public Speakers.

One Member repeated their concern about the appropriateness of the LAP (Local Area for Play) being in front of the bungalows and out of sight of the affordable housing. Another Member sought clarification on the wording of condition 8 (in the Conditions Update on page 11 of the Supplement Pack) to prevent additions to the roofs of the bungalows on the southern boundary. The recommendation was then proposed by Councillor Chapman and seconded by Councillor Lury.

The Committee

RESOLVED

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

765. LU/403/22/PL, RESIDENTIAL ACCOMMODATION, 34 NEW ROAD, LITTLEHAMPTON, BN17 5AT

Change of use from C3 Dwelling house to E(c) Commercial. This site is in CIL Zone 4 (Zero Rated) as other development.

The Planning Area Team Leader presented the report with updates. The recommendation was then proposed by Councillor Bower and seconded by Councillor Chace.

The Committee

RESOLVED

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

766. LU/409/22/PL, 34 NEW ROAD, LITTLEHAMPTON, BN17 5AT

Change of use from C3 Residential to part E(c) Business and part 2 bed C4 Residential, alteration to attic window to act as escape. This site is in CIL Zone 4 and is CIL Liable.

The Chair confirmed that this item had been withdrawn ahead of the meeting.

767. LU/404/22/PL, THE PROMENADE, SOUTH OF THE PUTTING GREEN, LITTLEHAMPTON

2 Public Speakers

David Warne – Objector

Shuna Le Moine – Objector

Application under Regulation 3 for 13no. proposed new beach huts and associated access arrangements. This application is in CIL Zone 5 (zero rated) as other development.

The Planning Area Team Leader presented the report with updates. He explained that a previous application [LU/50/21/PL] had been refused at Committee in April 2021 [Minute 544] due to the number and position of the proposed beach huts and the lack of accessibility detail, and confirmed that this new application aimed to

Planning Committee - 8.03.23

overcome these reasons by decreasing the overall number of huts from 20 to 13 and including three wheelchair accessible ones. This was followed by 2 Public Speakers.

Members spoke in support of the increased accessibility but questioned whether there was an overall increase in space being allocated despite the reduction in the number of huts due to the width measurements given in the report. The Group Head of Planning clarified that the right to a view was not a material planning consideration but consideration of the impact of the proposals on the character of the area was. Members did have some concerns about the impact of the new beach huts both on the view from Norfolk Road and on the character of the area and several Members questioned whether they could be moved elsewhere to mitigate these concerns.

Councillor Blanchard-Cooper proposed a deferral on the grounds of the impact on the character of the area, in particular those at the Norfolk Road end and whether, given the overall increase in quantity, a reduction in the number of huts should be sought. The Legal Services Manager, by reference to the Constitution at Part 8 – Codes and Protocols, Section 3 – Planning Protocol, 15 - Deferral, explained the circumstances when it was procedural to defer. This motion to defer was not seconded and therefore not moved. Returning to the substantive Officer recommendation to approve conditionally, this was proposed by Councillor Chapman and seconded by Councillor Chace.

The Committee

RESOLVED

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

768. FG/170/22/PL, 158 LITTLEHAMPTON ROAD, FERRING, BN12 6PH

4 Public Speakers

Councillor Stephen Abbott – Ferring Parish Council

Ed Miller – Objector

Tim Rodway – Agent

Councillor Roger Elkins – Arun District Council Ward Member

Erection of a new single storey building to the front of existing dwelling to be used as guest/visitor accommodation, with car parking and front boundary changes to include acoustic fencing and entrance gates. This site is in CIL Zone (Zero Rated) as other development.

The Planning Area Team Leader presented the report with updates. Members' attention was drawn to the revised recommendation (in the Report Update on page 17 of the Supplement Pack) that had changed due to an ongoing new round of consultation from granting conditional approval to delegating to the Group Head of Planning in consultation with the Chair the authority to grant approval subject to

conditions once the consultation period had expired. This was followed by 4 Public Speakers.

Several Members felt very strongly that this was overdevelopment and had concerns about setting a precedent. Specific points noted were that the proposed building was beyond anything in neighbouring properties and that a commercial building could not be compared to a garage, that it was forward of the building line, that it was inappropriate in its setting and that a 3-metre high fence would blight the street scene.

The Legal Services Manager advised that, now the Council was in a Committee system of governance, what should be a Committee decision could not be delegated to the Chair and, as the consultation process was still ongoing, it would not be proper for the Committee to make a decision without seeing the results of the consultation. Following this advice, a motion to defer was moved but this was not considered an appropriate action and instead the application was holdover to a future meeting of the Committee once the consultation had been completed and the responses evaluated.

769. BN/176/22/RES, LAND WEST OF FONTWELL AVENUE, EASTERGATE

1 Public Speaker

Sarah Hockin – Agent

Approval of reserved matters following outline consent BN/147/21/OUT for 7 No dwellings with associated landscaping and infrastructure. This application also lies within the parish of Aldingbourne 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. One Member sought clarification on the retention of any of the hedging along Fontwell Avenue. The Planning Area Team Leader confirmed that the removal of any areas of hedge would be compensated via the provision of new trees and native shrubs. 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.

Planning Committee - 8.03.23

770. BE/152/22/PL, 40-54 MAPLE GARDENS AND 1-9 SYCAMORE ROAD, BERSTED, PO22 9LB

Application under Regulation 3 of the Town and Country Planning (General Regulations) 1992 for the removal of existing timber cladding and installation of new Hardie Plank cement board product to match existing in appearance, windows currently set into the clad areas will also be replaced with new windows on a like for like basis and existing rainwater goods will also be replaced on a like for like basis. This site is in CIL Zone 4 (Zero Rated) as other development.

The Planning Area Team Leader presented the report. One Member raised sustainability issues with the use of cement-based cladding in light of the Council's own zero carbon-based procurement intentions. Another Member spoke in support of the cladding and believed that it would enhance the area. The recommendation was then proposed by Councillor Chace and seconded by Councillor Kelly.

The Committee

RESOLVED

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

771. A/257/22/RES, LAND JUNCTION WITH HEATHFIELD/DOWNS WAY, EAST PRESTON, BN16 1AB

1 Public Speaker

Councillor Nikki Hamilton-Street – Angmering Parish Council

Approval of reserved matters following outline consent A/46/21/OUT for 2 No dwellings including details of the access, appearance, landscaping, layout, and scale. This application is in CIL Zone 4 and is CIL Liable as new dwellings.

The Planning Area Team Leader presented the report. This was followed by 1 Public Speaker. One Member spoke of the regrettable loss of green space and whether the design could have been more sympathetic given the level of local opposition to it. The Officer recommendation to approve conditionally was then proposed by Councillor Chapman and seconded by Councillor Chace. After the vote, this was declared NOT CARRIED. Following advice from the Legal Services Manager, reasons for refusal were then discussed. Members were of the view that the design of the scheme had an adverse impact on the character of the area. A recommendation to defer refusal pending a site visit was proposed by Councillor Bower and seconded by Chace.

The Committee

RESOLVED

That the application be DEFERRED for a site visit.

After the vote, the Group Head of Planning clarified that Committee had already voted against the Officer recommendation to approve conditionally and so when this application came back it would be for the Committee to decide whether and on what grounds to refuse or defer the application.

772. APPEALS LIST

The Committee noted the Appeals list.

773. APPEALS PERFORMANCE & COST 2022

Upon the invitation of the Chair, the Group Head of Planning presented the report which outlined the Council's performance at appeal during 2022 and the costs associated with those appeals. It was highlighted that, compared against the previous year, there was a decrease in the number of appeals determined (41 down from 50) but a 15% increase in the success rate of appeals dismissed (with 27 appeals or 63% dismissed), and of all planning appeal decisions 76% were made in accordance with the recommendation of Officers. The Chair thanked the Planning department for their efforts and the Committee noted the Appeals list.

774. LAND AT SANDFIELD NURSERY - POSSIBLE SERVICE OF A SECTION 215 NOTICE (IMPACT UPON LOCAL AMENITY)

Upon the invitation of the Chair, the Director of Growth presented the report which sought the Committee to determine whether the Council wished to serve a section 215 notice of the Town & Country Planning Act 1990 (as amended) in respect of the condition of land at the former Sandfield Nursery, Littlehampton and, if so, consider any consequential actions. Two short videos were played to the Committee to show the state of the land in both winter and summer.

Members spoke in support of taking this action but raised concerns about what the rubble consisted of and how it got there, and liability and cost recovery if the landowner did not remove the material themselves. The Director of Growth explained that should the Council need to take clean-up action, a charge could be placed on the land which could force the land's sale and make any action taken cost neutral.

With Members beginning to ask questions around potential commercial aspects of the businesses on the site, the Legal Services Manager advised that if Members wanted to continue such lines of discussion then the meeting would have to move into exempt business. The Committee agreed that this was not necessary for what the report was asking them to decide. The recommendation was then proposed by Councillor Chace and seconded by Councillor Bower.

Planning Committee - 8.03.23

The Committee

RESOLVED

That the Director of Growth be authorised to arrange the service of a section 215 notice of the Town & Country Planning Act 1990 in respect of land at Sandfield Nursery, Littlehampton and to take any consequential actions under sections 216 to 219 of the same Act and other legislation as appropriate to secure compliance and the recovery of any funds so used in securing compliance.

(The meeting concluded at 4.13 pm)

REF NO: A/257/22/RES
LOCATION: Land junction with Heathfield/Downs Way
East Preston
PROPOSAL: Approval of reserved matters following outline consent A/46/21/OUT for 2 No dwellings including details of the access, appearance, landscaping, layout, and scale. This application is in CIL Zone 4 and is CIL Liable as new dwellings.

This application was deferred to allow Members to undertake a site visit to further consider the application.

The site visit was undertaken on the 21st of March and was attended by 4 Members:

- Cllr Chapman
- Cllr Bower
- Cllr Lury
- Cllr Chace

Members inspected the site and its surroundings which includes a footpath running to the north of the site. They were made aware of the approximate positioning of the dwelling on the site and it was clarified, with reference to the landscaping plan, which trees were proposed to be felled and retained. The to be retained Lime tree was identified on site.

Councillors noted that the scale, form, design and materials for the new dwelling were similar to existing houses opposite the site.

PLANNING APPLICATION REPORT

REF NO: A/257/22/RES
LOCATION: Land junction with Heathfield/Downs Way
East Preston
BN16 1AB
PROPOSAL: Approval of reserved matters following outline consent A/46/21/OUT for 2 No dwellings including details of the access, appearance, landscaping, layout, and scale. This application is in CIL Zone 4 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Permission is sought for the approval of the reserved matters (layout, scale, appearance, access and landscaping) for the erection of 2 semi-detached dwellings. Outline permission was granted on appeal on A/46/21/OUT for a set of semi-detached 1.5 storey properties with all matters reserved. Indicative plans were submitted as part of the outline application.

The dwellings are to be orientated at right-angle to each other with Plot 1 fronting Heathfield and Plot 2 fronting Downs Way. Although one of the properties is 300mm longer than the

other, they are of a similar design. They measure 10m by 6.5m and consist of a kitchen/dining area and lounge to the ground floor and 3 bedroom to the first floor.

The choice of material reflects the local vernacular, consisting of brick finish to the ground and render/tile hanging to the first floor with a low pitched, tiled roof.

SITE AREA	1353 sqm.
RESIDENTIAL DEVELOPMENT DENSITY	15 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Some trees are to be felled and some will be retained. Those to be felled are of low amenity value.
BOUNDARY TREATMENT	Open boundaries to the site.
SITE CHARACTERISTICS	An open grassed area of informal open space.
CHARACTER OF LOCALITY	A residential area comprising mainly detached and semi detached bungalows.

RELEVANT SITE HISTORY

A/46/21/OUT	Outline application with all matters reserved for the erection of a pair of one and a half storey semi-detached dwellings with vehicular access, private amenity space & landscaping.	Refused 05-05-21 Appeal: Allowed+Conditions 21-04-22
-------------	---	---

Application A/46/21/OUT was granted on appeal. The Inspector raised three main issues, those being effect on the character and appearance of the area, health and wellbeing of local residents and biodiversity.

The outline provided indicative plans showing 2 x 1.5 storey semi-detached dwellings. The Inspector noted that the indicative plans (due to the inclusion of half-hipped roofs and front dormers) were not reflective of the area, although the provision of housing on the plot did not harm the character and appearance of the estate. He saw that 'The estate is comprised of semi-detached bungalows, a small number of detached bungalows built in a similar style and terraces of homogeneous two storey houses.'

The Inspector also gave very little weight to the loss of the green space, as it is not included as an open green space in the neighbourhood plan and there are other much larger and more appropriate recreation grounds to be found nearby. Furthermore, as a result of the ecological appraisal indicating its low value and Local Plan policy requiring a net gain to be achieved, no objection in terms of loss of biodiversity on site was made.

Issues surrounding character and appearance, layout, scale, landscaping and access to the proposed development are considered within the conclusions of the report.

REPRESENTATIONS

Angmering Parish Council - Objection on the following grounds:

- Unacceptable loss of trees/green space amenity to the detriment of residents and street scene.
- Green area is an integral design feature of Downs Way when originally constructed.
- Conflicts with the Angmering Neighbourhood Plan Policies HD5 and HD6.

7 Objections:

- There is already too much traffic using Downs Way.
- Detrimental to pedestrians and cyclists as it will reduce sight lines.
- Loss of mature trees.
- It is taking away a piece of green land that children play on.
- Will not conserve natural resources and biodiversity.
- Removal of one of the very limited numbers of green spaces available to estate is contrary to objective of providing accessible community facilities particularly to growing number of elderly local residents.
- Green spaces are beneficial to mental/physical well-being. Angmering has grown significantly in recent years.
- Adverse impact on view and outlook.
- Sets precedent for development on larger green spaces on the estate.

COMMENTS ON REPRESENTATIONS RECEIVED:

The planning issues raised will be addressed in the conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection.

Conditions suggested relating to noise, contamination and Construction Management Plan (CMP).

WSCC Highways - No Objection.

- Stopping Up Order would be required subject to approval of the application.
- Car parking for 4 spaces (2 per dwelling) in sufficient and in line with recommended levels.
- No turning provided on site however it is not anticipated to cause issues.
- Secure cycle stores provided in line with guidance.
- Site sustainable located.
- EV (electric vehicle) charging controlled by Building Regulations.
- This proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 111).

ADC Engineers - No objection.

Conditions requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The matters concerning noise, land contamination and drainage raised by Environmental Health/Engineers are not matters relevant to this reserved matters application. A CMP condition for only 2 dwellings is not necessary.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary.

WSSC Mineral Consultation Area.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
QESP1	QE SP1 Quality of the Environment
DDM2	D DM2 Internal space standards
ENVDM5	ENV DM5 Development and biodiversity
ENVDM4	ENV DM4 Protection of trees

[Angmering Neighbourhood Plan 2014 POLICY HD1](#) Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

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

The relevant policies of the Angmering NP have been taken into account in the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that the development of the site

provides for two new homes which reflect the character of the area and will not significantly impact neighbouring occupiers.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The principle of development was accepted and agreed on appeal. This application is for the reserved matters which include layout, scale, appearance, access and landscaping. These issues will be discussed in the report conclusion below.

In this case, the key policies are D SP1, D DM1, D DM2, QE SP1, ENV DM4 and T SP1 of the Arun Local Plan (ALP) and HD 4, HD 5, HD 6, and HD 8 of the Angmering Neighbourhood Plan (ANP)

The Arun Design Guidance (Part P) has regard to infill development. It requires development to be reflective of existing building lines, existing building spacing and existing height, massing and scale of the locality.

Policy D DM1 of the ALP requires development to be of high-quality design, using appropriate materials and design features reflecting the local vernacular. This is supported by Policy HD4, HD5 and HD6 of the ANP which supports the use of materials harmonious to their immediate surroundings and requires housing layout and design to reflect high-quality design and incorporation of local design features.

APPEARANCE

The character of the area is a mixture of rows of 2 storey terraced properties (of 3 to 4 dwelling per block) and semi-detached bungalows. The proposal is for a pair of two-storey semi-detached properties, which have been designed to reflect the appearance of other semi-detached properties in the immediate area and includes brick finish to the ground floors with render to the first floors, with vertical (ground to underside of roof) tile hung detailing. The pattern and type of fenestration matches neighbouring properties.

The properties unlike their indicative version, are not 1.5 storey and do not contain front dormers nor half hipped roofs both of which the Inspector identified as not being suited to the area. However, opposite the site and further south in close proximity are sets of terraced two storey properties which the Inspector noted as forming part of the character of the area. As such the two storey properties proposed here, with simple low pitched gable roofs, are more appropriate to their location than the indicative dwellings shown at outline stage.

Solar panels are included to the southern and western roof planes, although not part of the estates original design (given their age) retrofitted solar panels can be seen in this location.

The proposed dwellings will be built with materials and design features reflective of the local vernacular. For the reasons given above the proposed dwellings reflect the established character and appearance of the area and accords with policies D DM1, D SP1 of the ALP, policies HD4, HD5 and HD6 of the ANP and Part P of the Arun Design Guide (ADG).

LAYOUT

The dwellings will be on a plot of amenity grass/scrub land separated from other parts of the estate by

Heathfield and Downs Way. Separation gaps between elevations range between approx. 25m (to the nearest property in Heathfield) and 24m (to the nearest property in Downs Way). This is in line with Design guidance (Part H) which recommends a minimum of 21m between private habitable windows.

The dwellings take a simple rectangular form and are orientated at right-angles to each other making Plot 1 front Heathfield and Plot 2 front Downs Way. The side elevations of both properties are formed of gable-ends. Gable-ends and pitched roofs which front the highway are features of the area. The orientation of the dwellings provides for good surveillance to both street scenes as sought in Part J of the ADG.

Although an irregular, standalone piece of land, both properties have been afforded good space about them, more so than most of the other two-storey terrace dwellings in the location. Existing properties are formed of regular size/shaped plots of land, with gardens to the front and back of the properties. No significant harm arises from this as the frontages are of a similar depth to the other two-storey dwellings on the estate. As such the pattern of development when viewed from the street will retain its uniformity.

A landscape plan (No. 223149/10) has been submitted proposing a 1.8m high fence back from the edge of Downs Way to provide a more open appearance to the development as it abuts the road. The proposed fence line for Plot 2 now runs flush with the front elevation. This provides an open grass area, 6m in width to the front of the building and protects the open spacious character of the area.

As per ALP policy D DM2, it is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if buildings will be suitable for residential use. Section J.08 of the ADC Design SPD re-iterates this requirement. The proposed 3-bed, 5-person dwelling would have an internal space of 113m², with the minimum requirement being 93m². As such the proposed dwellings exceed the minimum standards.

Section H.04 of the ADG sets out standards for garden sizes and requires rear gardens to be a minimum of 10.5m deep and front gardens at least 2m. Plot 1 provides a rear garden with a depth of between 12m & 7.4m (due to the staggered building line and plot shape) plus a front space of 6.20m. Plot 2 provides a maximum depth of rear garden of 8.8m but supplemented with a side return of 15m and a front garden of 6.2m. There is no conflict with the ADG in this regard.

SCALE

Policy D DM1 and QE SP1 of the ALP requires new development to have minimal impact on users and occupiers of nearby properties and requires development to contribute positively to its surroundings. The dwellings would be on a plot of land separated by the highways network from the other housing on the estate. As such there will be no loss of light, unacceptable overbearing impacts or loss of privacy.

Unlike the outline approval indicative plans, the proposed dwellings will be a full two storeys in height. However, as their overall height, roof pitch and eaves line match the two-storey properties directly opposite and elsewhere in the immediate locality, no significant harm on the character and appearance of the area justifying refusal of the application, will arise from this difference.

The scale of the proposed dwellings reflects other two-storey dwellings in this location and the scale of the proposal therefore accords with policies D DM1 and QE SP1 of the ALP.

TREES/LANDSCAPING

Policy ENV DM4 requires that where there are trees on a development site, the developer shall provide a tree survey, a tree constraints plan and an arboricultural impact assessment. A tree survey has been provided, trees to be removed and retained are clearly shown on the accompanying Landscaping Plan 223149/10. The Ecological Impact assessment has indicated the tree species. The trees on site are of

low amenity/ecological value and not protected by a Tree Protection Order. 8 trees will be removed prior to development. No impact assessment is necessary as they are not protected. One larger lime tree, T9, will be retained. It is proposed to replant and replace lost trees amounting to 13 in total of a native type. Therefore, a net gain in the number of trees will be made.

Wildflower planting is included to the front of the site, which will make both a gain in terms of biodiversity and improve the visual interest of the site. The remaining gardens will be laid to lawn.

The proposal therefore accords with Policy ENV DM4 of the ALP.

ACCESS

WSCC Highways raise no objection on highway safety grounds. The proposal is compliant with policy T SP1 which requires safe access to the highway network for any development, appropriate visibility splays have been demonstrated. Parking provision should be provided in accordance with Arun Parking Standards. A development of this size requires four parking spaces. Parking bays must meet the minimum specifications for single car bays of 2.4m x 4.8m, 2 spaces per plot. These spaces have been provided and the requirements are met.

Secure cycle parking provision, in the form of sheds is proposed. This accords with Arun Parking Standards advice which requires the provision of at least one cycle for a two-bedroom house.

Plans also indicate that electric vehicle charging will be provided, this accords with Part I of the Arun Design Guide.

The proposal therefore accords with Policy T SP1 of the ALP and Policy HD8 of the ANP.

SUMMARY

The proposed development has satisfactorily provided details in relation to the reserved matters including layout, scale, appearance, access and landscaping. As such the proposal is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the

following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

CIL DETAILS

This application is CIL Liabe therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply) (CIL Zone 4)

RECOMMENDATION

APPROVE CONDITIONALLY

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

- Location Plan 223149/07
- Proposed Block Plan 223149/08A
- Proposed Elevations 223149/04
- Proposed Floor Plans 223149/02
- Proposed North East/South East Street Scene 223149/05
- Proposed South West/North West Street Scene 223149/06
- Landscape Plan 223149/10

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

2 Landscaping (hard and soft) shall be carried out in accordance with the details shown on plans (223149/08A & 223149/10). All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 and ENV DM4 of the Arun Local Plan.

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

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

4 No part of the development shall be first occupied until the car parking have been constructed in accordance with the approved site plan 223149/08A. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policies D DM1 and T SP1 of the Arun Local Plan.

5 No part of the development shall be first occupied until covered and secure cycle parking

spaces have been provided in accordance with drawing number 223149/08A. These spaces shall be retained for their designed purpose in perpetuity.

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

- 6 No development above damp-proof course (DPC) level shall take place unless and until the applicant has provided details for approval in writing by the Local Planning Authority to demonstrate that a proportion of the energy supply of the development will be secured from decentralised & renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) or if not it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. The development shall then be implemented in accordance with the approved details and retained as operational thereafter.

Should any air source heat pumps be proposed then technical specifications from the manufacturer should be submitted along with the proposed position of any potential heat pump to demonstrate that the sound pressure level from the heat pump will not be greater than 42dBA at the facade of the nearest noise sensitive receptor.

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

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

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

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

National Transport Casework Team

Tyneside House

Skinnerburn Road

Newcastle Business Park

Newcastle upon Tyne

NE4 7AR

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

- 10 Please Note: This application seeks the approval of the Reserved Matters only (appearance, layout, scale, landscaping and access). Details also included in this application submission relating to a biodiversity net gain and EV charging point as required by the Planning Inspector (Conditions 4 and 5 of A/46/21/OUT) are still required to be discharged under a separate application.

BACKGROUND PAPERS

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

A/257/22/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

This page is intentionally left blank

PLANNING APPLICATION REPORT

REF NO: A/282/22/RES

LOCATION: Land off Arundel Road
Angmering
BN16 4ET

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks reserved matters for 160 dwellings with associated public space, landscaping, parking, ecological mitigation, and infrastructure. Approval of scale, layout, external appearance, and landscaping are sought. The access arrangements were approved by A/122/19/OUT (as amended by A/207/21/PL). The scheme excludes the replacement commercial area in the south-eastern corner so this aspect would require a separate reserved matters approval.

Of the 160 total, 48 are affordable units (36 affordable rented dwellings & 12 shared ownership). In addition, 29 homes will be built to the M4(2) Building Regulations standard and 6 to the M4(3) disabled suitable standard. These homes are mixed between the tenures with 17 M4(2) homes in the private tenure, 11 affordable and all 6 M4(3) as affordable.

The scheme includes 358 allocated parking spaces plus an additional 49 garage spaces and 34 visitor spaces. Six allocated spaces are designated for M4(3) parking whilst 4 of the visitor spaces will also be accessible spaces. Cycle parking is indicated to either be within cycle storage sheds in rear gardens or in garages. All gardens will have bin storage spaces and there will be bin collection points on the frontages. Plans of the garages are included but not the cycle sheds.

With the exception of the flatted buildings (2.5 storeys with rooms in the roof), all houses will have two storeys with no roof accommodation shown. The flatted buildings provide a mix of 8 and 9 dwellings. They have integrated communal cycle stores and bin stores. The building designs are mixed with several different house types including detached, semi-detached, and terraced.

As per the outline permission, the site will have a main vehicular access onto Arundel Road in the north-eastern corner. The existing access close to the commercial area in the south-eastern corner of the site is to be used as a secondary access and will feature a 2m footway on the northern side and a 0.5m service margin on the southern side. Along the northern boundary is a strip of landscaping and earth bunding. There is then an attenuation pond & foul pumping station in the north-western corner.

The layout includes three areas of public open space (POS). Firstly, a large 2.1-hectare sports pitch in the south-western corner which will be given to the District Council. To the immediate north of this is a Locally Equipped Play Area (LEAP). The second area of POS is towards the eastern side and is an island surrounded by four roads. It includes a Local Play Area (LAP). The final area is in the north-eastern corner at the site entrance and forms a gateway into the site. It also includes an electric substation. The total POS provision is not indicated by the application documents as the stated green infrastructure figure of 4ha also includes the attenuation basin and the strategic boundary landscaping.

SITE AREA	8.58 hectares (of which approximately 2.1 ha are the sports pitches).
RESIDENTIAL DEVELOPMENT DENSITY	24.7 dwellings per hectare excluding the area of the sports pitches.
TOPOGRAPHY	Predominantly flat, with land rising to the north.
TREES	Two oak trees (T8 and T9) situated on the western boundary of the site are subject to a Tree Preservation Order (TPO/A/2/19) but they are not affected as they are shown to border the sports pitch. There are number of 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 14 trees (8 x T3 Common Ash/Crack Willow, T16 Common Ash, T17 Common Ash, 3 x T18 Common Ash, T19 Apple & T20 Western Red Cedar) and 5 tree groups (G5 Common Ash/Common Hawthorn, G6 Sycamore/Common Hawthorn/Common Dogwood, G11 Common Hawthorn/Common Ash, G12 Common Ash/Goat Willow/Butterfly Bush & G13 Elm/Common Ash).
BOUNDARY TREATMENT	The boundary treatment for the site varies and includes post and rail fencing, hedgerows and trees of various heights.
SITE CHARACTERISTICS	The site is a mix of a large agricultural field, existing commercial development at New Farm Nursery, a residential dwelling (New Place Bungalow) and a small area of scrub woodland.
CHARACTER OF LOCALITY	The site lies in predominantly rural area which is characterised by a linear form of existing and approved residential development along the road frontage with Arundel Road however to the south, beyond the sports pitches, the character

is different with residential development extending westwards away from the road.

The 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 Furzefields.

The site adjoins residential dwellings to the North and East. Wilmington on the north side is two storeys and side on to the site. On the eastern side lies 1-9 Starling View, including one and two storey dwellings which back onto the site; and 68/68b Arundel Road, all two storeys and again backing onto the site.

RELEVANT SITE HISTORY

A/58/23/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 a commercial building of 1,500 sqft (1,393 sqm) that can be used for either Class E(g)(i) (formerly Class B1) and or Class B2, with associated landscaping and parking.

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/46/22/RES 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 CIL liable as new dwellings.

A/270/21/OUT Hybrid application comprising:
a)Demolition of existing buildings;
b)Full planning application for the development of 160

Refused Hybrid
09-02-23

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 access 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.

Application A/46/22/RES concerns a small (phase 1) part of the site for 7 dwellings but also a landscaped bund along the northern boundary, a foul pumping station and a large drainage attenuation basin. Application A/48/22/RES related to the wider site area and has been refused. The current application is a resubmission of this. A/270/21/OUT was a new hybrid application consisting of an outline application for the commercial site and sports pitch with a full application for 160 dwellings. It has also been refused.

A/58/23/RES concerns the reserved matters for the commercial part of the site. It has only recently been

submitted. The site layout plan also includes a proposed location to the adjacent Sports Hub.

REPRESENTATIONS

Angmering Parish Council stated no objection with the comment "APC agrees with the Tree Officer regarding the pre-commencement condition regarding a tree plan has not been complied with."

Two objections from residents on the following grounds:

- Lack of available local GP services.
- Increased highway congestion.
- Will exacerbate highway safety issues at the A27 junction.
- Impact on the climate emergency.
- Inadequate local school provision
- Increase in local flooding; and
- Light pollution to the South Downs National Park.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish council's comments have not been understood as the tree officer has not commented however it is clear that they raise no objection. With the exception of the impact of lighting, all of the resident concerns relate to the principle of the development/the access arrangements which were approved by the outline permission. There is already a lighting condition on the outline permission.

On the 15th of March, the Parish Council were notified of changes to the scheme and invited to make further comment. These will be reported to the planning committee by way of an update.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATIONAL HIGHWAYS - no objection.

SPORT ENGLAND - no objection.

SOUTHERN WATER - no objection.

SOUTH DOWNS NATIONAL PARK AUTHORITY - 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.

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

WSCC HIGHWAYS - no objection and recommend no conditions.

WSCC WASTE & MINERALS - make no comment.

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

WSCC LEAD LOCAL FLOOD AUTHORITY - object because the Flood Risk Assessment (FRA) is not in

accordance with the NPPF, Planning Practice Guidance (Flood risk and coastal change) or local policies. This means that flood risk could increase elsewhere.

ADC ENVIRONMENTAL HEALTH - no objection and advise that the Noise Impact Assessment as required by condition 37 of A/207/21/PL can be partially discharged.

ADC LANDSCAPE OFFICER - object with the following issues:

- There is no detail of the play areas.
- There is no details of the sports pitches and how they relate to proposed landscaping.
- There is no detail of the access to the Sports Hub land.
- Much of the proposed tree planting is in private gardens therefore such trees may not be retained, and this will weaken Biodiversity Net Gain aspirations.
- There is no detail of the landscaped northern bund proposal.
- There is no detail of the link path to the Public Right of Way (PRoW) adjacent to the western boundary and how this crosses the ditch in this location.
- The depletion of the POS 'Gateway space' (against the outline application) could be seen as negative in the creation of the entrance setting.

However, also state that the landscaping scheme is suitable.

ADC CONSERVATION OFFICER - no objection and states the proposed development would not harm the significance of nearby heritage assets due to their location and the lack of indivisibility between them and the development site.

COUNCIL's ECOLOGIST - no objection subject to the scheme securing biodiversity mitigation & enhancement measures. Conditions are requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be addressed in conclusions section except as discussed below.

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

WSCC LEAD LOCAL FLOOD AUTHORITY - the applicant submitted a revised FRA in March 2023 and WSCC have been invited to make further comments. Any response will be reported by way of an update however it is material that the drainage scheme will be subject to a separate agreement through the discharge of planning conditions. Should there be a situation where the drainage conditions cannot be agreed due to the layout not providing sufficient space then a new reserved matters application would need to be submitted to account for the necessary drainage changes.

ADC ENVIRONMENTAL HEALTH - previously imposed planning conditions that require approval in writing cannot be discharged through a reserved matters application. However, the response does give the applicant some comfort that the condition may be discharged in due course.

ADC LANDSCAPE OFFICER - the applicant has responded to these concerns with revised plans to which Landscape have been invited to comment. The Landscape Officer has responded to state that the comments of the 08/03/23 still remain valid and unaddressed. The only exception is that the details of the northern landscaped bunds have been supplied and are acceptable. These details also reflect the details already approved by A/46/22/RES. The following is a response to the concerns:

- A planning condition could be imposed to secure the play area details and this approach has been used

elsewhere.

- The sports pitch land is to be transferred to the District Council and it would then be up to the new owner to determine which pitches to provide. As such, the developer cannot currently be clear on the pitch layout or dimensions.
- The access to the Sports Hub land is instead shown on application A/58/23/RES.
- Whilst trees are still shown in some of the front/rear gardens, this submission does represent an improvement compared to the schemes proposed by A/48/22/RES and A/270/21/OUT (which were refused) and there is less a reliance on trees in such locations. Out of the total number of new trees shown on the landscaping drawing, only roughly 60 trees are shown in private gardens.
- The developer has now removed the link to the PRoW adjacent to the western boundary. There is a ditch outside of the boundary which is not in their ownership and so they cannot make any provisions for a bridge to cross it. This is unfortunate but is accepted on the basis that a crossing cannot be secured through a reserved matters permission.
- Whilst the frontage planted area has been diminished from that shown at outline, it is material that this has already been accepted through the recent approval of A/46/22/RES.

ADC CONSERVATION OFFICER - The comments relate to the following heritage assets (with the distance from the site in brackets):

- New Place Farmhouse, a Grade II* listed building (approx. 145m to the north-west).
- Decoy Cottage, a Grade II Listed Building (approx. 500m to the west); and
- Angmering Conservation Area (approx. 500m to the South).

Heritage was considered at length on the outline application and it was determined that the proposed development complied with the relevant development plan policies and the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

COUNCIL's ECOLOGIST - two of the requested conditions (construction management & lighting) have already been imposed on the outline permission (as amended) and should not be imposed again.

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.
 Adjacent to PRoW 2176.
 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
HDM1	H DM1 Housing mix

LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM3	W DM3 Sustainable Urban Drainage Systems

[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 EH3 Flood Prevention

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
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."

Whilst there are some minor policy conflicts in respect of housing mix and the design of the affordable housing, overall, the proposal is in accordance 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/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 the 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).

When determining whether reserved matters fall within the ambit of an outline planning permission the courts have allowed a little freedom of interpretation with the usual test being whether any changes make a material difference to the essence of what was approved.

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 application ref A/235/21/DOC prior to 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 now responds to this requirement with plans showing an earthwork bund and new buffer planting along the northern edge. These are the same plans as were recently approved by A/46/22/RES. This will deter access into the adjacent land by motorised vehicles.

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 (so 16) are designed and constructed to the Building Regulations M4(2) standard (suitable for older persons) and in addition, six dwellings are designed and constructed to the M4(3) wheelchair accessible standard. This is discussed elsewhere in this report but has been achieved.

LANDSCAPING:

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 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.

ALP policies D DM1 and ENV DM4 are all relevant. The scheme proposes to enhance the western and northern boundary buffers, by reinforcing the rural edge of the development with new tree, hedgerow, and woodland planting. This will reinforce and enclose the new housing development, as well as provide ecological and wildlife benefits.

The previously refused schemes made little attempt to provide green infrastructure to break up the street scene and this new scheme is significantly improved in this respect. Whilst frontage parking remains, these are now broken up with street trees and landscaping (for example the eastern street comprising plots 8-23). Whilst there remain some instances of tree planting in private gardens, this aspect of the scheme has been reduced and these changes are positive for the character of the development and future biodiversity. The layout now better reflects the character of Angmering and its attractive spacious street scenes. The proposed landscaping scheme is acceptable and includes a suitable mix of ornamental and native trees/shrubs. The Landscape Officer raises no objection to this aspect of the

development.

Two oak trees (T8 and T9) situated on the western boundary of the site are subject to TPO/A/2/19, but they are not affected as they are shown to border the sports pitch. There are a number of other existing trees in the area of this application which will be removed but these have previously not been determined as being worthy of protection so despite the lack of any comment from the council's Tree Officer, there is no clear conflict with policy ENV DM4. Replacement and additional tree planting will be provided, and this will help to achieve biodiversity net gain.

The proposal is now in accordance with the relevant policies as set out above.

LAYOUT, APPEARANCE AND SCALE:

ALP policies D DM1 and D SP1 are relevant in respect of design and character. In addition, policy AH SP2 seeks to ensure that affordable housing is visually indistinguishable from market housing and that layouts avoid large clusters. 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 has been prepared in accordance with the approved Design Code, which itself has been prepared and assessed against the requirements of the NDG and the ADG.

For the most part, the site layout has taken account of the wider setting of the site, with dwellings facing outwards to address the public open spaces and surrounding landscape features. The gifted land for the Palmer Road Recreation Ground extension (sports pitches) is an important green infrastructure feature and general asset to the wider site. However, the scheme does not respond in the same way to the proposed sports pitch with only six of the 14 adjacent homes fronting into this space. A further four are side on and the remainder being rear on. This misses an opportunity to maximise natural surveillance to the sports pitches however it is an improvement on the previous scheme which had only 3 houses facing the sports pitch land. Furthermore, side, and rear windows will still overlook the pitches.

The previous layout (A/48/22/RES) was noted as being dominated by car parking, with the majority of estate roads being characterised by parking forward of the primary elevation of dwelling's. This has now been improved with shorter runs of parking and more street trees/landscaping which further reduces the presence of cars within the street scene. This has partially been achieved through the provision of the three flatted buildings into the mix as this results in less small/terraced housing and a reduction in the overall density. As such the scheme now better accords with the ADG which seeks to ensure that car parking does not dominate frontages or detract from the character and quality of the street scene.

The approved Design Code indicates the areas of low-density development as being adjacent to the northern woodland, and the proposed SuDs feature at the west of the site with the highest density being near the central POS and the medium density areas on the eastern and southern sides of the site surrounding the high-density area. Unlike with the previous refused applications, this scheme now reflects these density requirements.

The approved Design Code specifies that buildings should be predominantly two storeys with the occasional use of 2.5 storeys to add visual interest. The maximum ridge heights should be 9.5m for two storeys and 11.5m for 2.5 storeys. This is in place to respect the surrounding area which is predominantly characterised by 1 and 2 storey dwellings and with only a few instances of 2.5 storey. With the exception of the flatted buildings (2.5 storeys with rooms in the roof), all houses will have two storeys with no roof accommodation shown. The two storey buildings have a ridge no higher than 9.5m but the flatter buildings are approximately 11.9m high and so slightly deviate from the Design Code. However, the flatted buildings are set within the core of the site and so have little visibility from outside

the site or the site edges. The scale of the development does not quite accord with the requirements of the Design Code but does respects the character of the surrounding area.

On the previously refused schemes, the affordable housing was clustered in the high-density southern parts of the layout bordering the sports pitch or the commercial area. This scheme has now improved in that respect. Whilst there is no affordable housing shown north of the main street or at the very western end of the site, the provision is now better spread out and is more interspersed with market housing. Although two of the three flatted buildings are to be comprised solely of affordable dwellings, the applicant has justified this in their letter dated 08/03/23 with reference to the specific requirements of affordable housing registered providers (RPs). Mixing affordable and market tenures within a communal building would create issues with management & ground rents/service charges and could lead to the RP not being interested in taking the building on. This justification has been accepted.

The applicant has also evidenced with street scene and elevation drawings that there will be no difference in design quality between the market and affordable house types. However, the fact remains that the only instances of terraced housing will be in the affordable tenure. As such, it will become obvious to future residents where the majority of the affordable tenants are living (excepting those living in 2 of the 3 flatted buildings or the semi-detached dwellings at plots 75/76 & 91/92). Therefore, the instances of affordable housing will not be completely hidden amongst the proposed house types. ALP policy AH SP2 is clear that affordable housing must be visually indistinguishable from market housing. The proposal therefore does not fully accord with the policy, and it is disappointing that the developer has not taken steps to mix the occupation of the terraced housing given previous comments on this matter.

The character areas and materials accord with the related Design Code with the exception of white cladding which has been incorporated into the design of some house types and garages. This material choice deviates from that suggested by the Design Code but the applicant has now advised that it is found locally in Angmering (Greenwood Drive, east of Station Road) and this has been checked. Whilst this is a deviation from the Code, it is an acceptable material choice.

Although there remain some conflicts with policy, the Design Code and the ADG, the proposal does represent a significant improvement in quality compared to the previous applications. It should also be noted that although a small part of the scheme, the layout comprising plots 1-7 matches the details as previously approved by A/46/22/RES.

PUBLIC OPEN SPACE & PLAY:

ALP policies OSR DM1 and HWB SP1 are relevant to the consideration of public open space and play provision but there are no applicable policies contained within the ANDP. The Council's supplementary planning document (SPD) for 'Open Space, Playing Pitches, Indoor and Built Sports Facilities' (January 2020) sets out specific requirements for on-site public open space (POS) and play provision.

The SPD sets out an overall requirement of 13,200m² of POS to include 1,936m² of play space. The play provision should comprise a Neighbourhood Equipped Area of Play (NEAP) and mix of Local Equipped Area of Play (LEAP) and informal Local Areas of Play (LAP).

The proposals include a parcel of land to the north-east corner of the site which will incorporate a LAP, alongside an area of land to the west which will include a LEAP. In addition, 2.1 hectares of land is to be gifted to the district council as sports pitches. The total provision exceeds the requirements, and the Landscape Officer raises no objections to these aspects except that there is not sufficient detail of the play area provision. This point can be covered by a planning condition and on this basis, there is no conflict with the relevant policies.

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 types 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).

Paragraph 63 of the "Updated Housing Needs Evidence" (September 2016) stated the evidence highlights a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. Table 29 identifies a suggested broad mix of market housing by size for the District:

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

Separate ratios are given for affordable rented and intermediate/starter homes however this element of the mix is governed by the s106 legal agreement. The following mix is proposed for the market dwellings on the site:

1 Bed:	0 (0%)
2 Bed:	33 (29.5%)
3 Bed:	37 (33%)
4 & 5 Bed:	42 (37.5%)
(total:	112)

This does not accord with the above suggested mix as there is an under provision of one bed houses, an under provision of two bed houses by 10% and an overprovision of four- and five-bedroom houses by more than 20%. ANDP policy HD3 requires that proposals should demonstrate how the applicant has sought to meet local needs and proposals should provide for a mix of housing sizes and the delivery of more small and fewer large dwellings is encouraged. There is clearly conflict with both of the relevant policies.

However, it is material that H DM1 allows for the mix to be negotiated on a site-by-site basis and this does not need to be in complete accordance with the latest SHMA. Furthermore, as H DM1 is the more recent policy, where there is conflict with the ANDP, this can be resolved in favour of compliance with the ALP. The applicant has provided a Housing Mix Assessment which assesses local needs and trends. It concludes that:

- The combination of demographic, market trend, and Mosaic consumer data analysis supports a development formed primarily of 3 and 4-bedroom houses to support younger working families with school age children.
- A much smaller proportion of 2 and 5-bed would also be justified.
- None of the evidence points to a need for flats or 1-bed properties.
- The delivery of predominantly 3 and 4-bed properties will help to reverse demographic trends which have led to the area being heavily weighted towards the 45+ age group; and
- This will only become more polarised towards the older population without delivery of the right types of housing to attract people in the 25-44 age group primarily.

It is also important to note that the increased use of larger homes results in a reduction in overall site

density in an edge of settlement location which is in itself in accordance with the ADG. The proposal can therefore be judged to be in accordance with ALP policy H DM1.

(B) Housing for Older People

ANDP policy HD3 requires that at least 25% of all dwellings should meet Lifetime Home Standards or its equivalent. Lifetime Homes no longer exist and have been replaced by parts M4(2) and M4(3) of the Building Regulations. The policy requirement for this scheme would be 40 homes.

Arun has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration and is supported by references in ALP policies D DM1 & D DM2. This sets out a requirement for 80 homes meeting Building Regulations standard M4(2), 6 homes meeting the disabled suitable M4(3) standard and also provision of some bungalows.

The scheme proposes that 29 homes will be built to the M4(2) Building Regulations standard and 6 to the M4(3) disabled suitable standard. This is in conflict with the policies set out above. However, it is material that a condition was imposed on the outline permission which set a requirement that a minimum of 10% of all of the dwellings on the entire site (so 16) be designed and constructed to the Building Regulations M4(2) standard (suitable for older persons) and in addition, six dwellings are designed and constructed to the M4(3) wheelchair accessible standard. The proposal exceeds the minimum requested by the condition and this weighs in favour of the scheme despite the policy conflicts.

On the previous refused schemes, it was highlighted that the M4(2) and M4(3) provision was entirely within the affordable housing tenure. This would mean that those persons needing such accommodation but not being eligible for affordable housing would not be able to live on the site. This weighed against the previous submissions. The developer has now amended the provision so that 9 of the M4(2) plots are houses in the market tenure and that a further 9 are flats in the market tenure. The remaining 11 M4(2) homes are thus flats in the affordable tenure whilst all of the M4(3) are affordable flats. This is an appropriate response to the previous concerns.

(C) 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.
- Front to front: min. 16m between habitable rooms and site boundary to existing landscaping; and
- The rear gardens of residential houses should be at least 10.5m deep.

There is no impact on any existing residential properties outside of the site with around 30m between plot 3 and the corner of Wilmington in the north-eastern corner. There is at least 22m between the plots on the eastern side and the approved new homes on Arundel Road. This rises to 33m at the northern end (east of plot 8).

With the previously refused schemes, there were many instances of interfaces within the layout where the interface standards had not been met. The new scheme has a few instances of a back to side interface being 13.5m and one instance where it is only 13m (73 to 74), but this is acceptable given that the ADG is guidance not policy. There is one instance of a front-to-front interface being only 13m (23 to 24), but this is not a direct arrangement (it is offset) and so is acceptable.

There are also now only a few instances of an inadequate rear garden depth. Whereas previously on A/48/22/RES, there were six such instances, now there are only two (plot 24 at 10.4m and plot 26 at 10m). This is acceptable due to the ADG being guidance and with these plots having no dwellings behind them.

The ADG also states that front gardens should be 2m deep to provide houses with a defensible front space. Not all of the plots achieve this requirement however this aspect of the scheme is also a vast improvement on the previous and it is mainly those with frontage parking where this has not been met (thus there is still an element of defensive space between the road and the dwelling). Whilst there remains some deficiencies versus the standards, this is no longer the norm, and the scheme is a significant improvement on the previous application and the proposals can now be supported.

This application now includes flatted buildings (and a single maisonette dwelling) and the ADG sets out that flats require (1) private amenity spaces such as balconies or terraces of at least 3sqm of useable space; and (2) communal shared spaces - a minimum of 40sqm plus 10sqm for each unit if not provided as balcony space. The maisonette provision is appropriate with each of the two dwellings having a private ground floor space of 5m by 6m.

The scheme does not provide sufficient communal amenity space to meet the ADG requirements for all of the flatted buildings:

- 135-142 (8 flats) appear to have circa 120m² of grassed space to the front (need: 120m²).
- 143-151 (9 flats) appear to have circa 27m² of grassed space on one end (need: 130m²); and
- 152-160 (9 flats) appear to have circa 50m² of grassed space on one end (need: 130m²).

However, the developer has now included balconies to those elevations of the flatted buildings that overlook the adjacent open space or the parking areas. Orientation over these areas prevents any loss of privacy to facing/nearby windows. All of the flats in blocks A & C have a balcony/private patio and 6 of the 9 in block B have the same. The addition of these private spaces is positive. It is also material that all three flatted buildings are adjacent to an area of open space and that overall, the scheme overprovides on public open space. These factors serve to outweigh any conflict with the ADG in terms of amenity space for the flats.

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.

(D) Parking, Roads, and Public Footpaths:

ALP policy T SP1 and ANDP policy HD8 are relevant although the latter has been reduced weight due to the adoption of Arun Parking Standards SPD. WSCC Highways have raised no objections to the layout or the parking provision. The principle of up to 160 dwellings was deemed acceptable through the outline permission, with no concerns regarding highway safety or operation.

The application proposes a total of 362.5 private car parking spaces which includes on and off plot spaces, and half of the proposed 49 garage spaces (to allow for the SPD rule that garages are treated as providing 0.5 spaces). In addition, there are 34 visitor spaces. As per the parking standards SPD, the proposal generates a requirement for 364 allocated spaces and 32 visitor spaces. Overall, there is a very slight overprovision of parking (by 0.5 spaces).

It is also positive that the developer has now included disabled and accessible parking spaces. The ADG refers to the Manual for Streets (MfS) requirement to show a proportion (5%) of all parking spaces as suitable for the disabled. This was an issue on the previous applications and on the original drawings the subject of this application. The application has been amended and now proposes a disabled space for each of the M4(3) plots (6 in total) and 4 other accessible spaces spread through the site. This represents 2.5% of all spaces which does not meet the MfS requirement but as this is only guidance, it is acceptable.

Cycle parking is to be provided in stores within the rear gardens of dwellings, in garages or in communal stores (for the flats). This is acceptable but there are no details of the cycle sheds. However, a condition was imposed on the outline permission to ensure no dwelling shall be occupied until the cycle parking serving that dwelling have been constructed and are available to use. The existing Public Right of Way (PRoW 2176) footpath running north to south adjacent to the western boundary of the site will not be affected by the proposal.

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.

The proposal regarding roads, public footpaths and parking is in accordance with policies T DM1 and T SP1 of the ALP and HD8 of the ANDP.

(E) Waste Management:

ALP policy WM DM1 is relevant but, in this case, there are no issues with refuse vehicles accessing the site from Arundel Road, and the application is supported by refuse vehicle tracking (to which WSCC raise no concerns) as well as details of individual bin storage and communal bin stores. The application achieves sufficient provision for the storage of waste and kerbside collection is possible for all of the houses. The flats will have integrated bin stores on the ground floor which will be accessible to refuse vehicles. Overall, the development accords with policy WM DM1 of the ALP.

(F) Surface Water Drainage

This is a separate matter as drainage is covered by conditions 25, 26, 28 on the outline planning permission and will be agreed through the discharge of such conditions. In addition, condition 31 seeks to control proposed site levels. This application has not attracted any consultation advice from the council's own drainage engineers.

ALP Policy W DM3 and ANDP policy EH3 are both relevant. The applicant has indicated the siting of a large attenuation basin in the north-western corner of the site which along with a new ditch to the southern boundary (connecting to the existing western ditch) will deal with surface water runoff.

Whilst there is an objection from WSCC Drainage, the applicant has revised the submitted Flood Risk Assessment to respond to the concerns and it may well be that the objection can be withdrawn. Should there be a situation where the drainage conditions cannot be agreed in the future due to the layout not providing sufficient space then a new reserved matters application would need to be submitted to account for the necessary drainage changes. On this basis, this reserved matter application can be determined without the support of drainage engineers and therefore it is not necessary to demonstrate compliance with the relevant policies at this time.

(G) Biodiversity Net Gain:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. 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 Ecological Mitigation and Enhancement Plan. The council's ecologist has assessed the details and raises no concerns subject to conditions plus future compliance with condition 23 on the outline. It is noted that 14 trees and 5 tree groups are to be felled across the site area (no hedges are proposed for removal). The proposed landscaping scheme shows the planting of a significantly greater number of new trees than the number to be lost (predominantly native species) so the proposals will also achieve an initial net gain in tree units on the site. The application demonstrates biodiversity enhancement and there is no conflict with ALP policy ENV DM5.

(H) Climate Change:

Condition 21 on the outline permission (as amended) requires the approval of measures to provide 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources. 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 separate 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 ADG and development plan policies, overall, this new scheme is a significant improvement upon the previously refused applications. The policy and other conflicts are relatively minor and are outweighed by the benefits that the scheme will bring including the new sports pitches, affordable housing and the other obligations secured by the s106 legal agreement on the outline application. 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:

- 30598A_ 01 Site Location Plan P1.
- 30598A_ 02 Existing Site Layout Plan P1.
- 30598A_ 03 Existing Site Section AA - CC P1.
- 30598A_ 04 Existing Site Section DD - FF P1.
- 30598A_ 10 Proposed Site Layout Plan P5.
- 30598A_ 11 Proposed Coloured Site Layout Plan P3.
- 30598A_ 12 Proposed Parking Strategy Plan P4.
- 30598A_ 13 Proposed Tenure Plan P4.
- 30598A_ 14 Proposed Refuse Strategy Plan P4.
- 30598A_ 15 Proposed Fire Strategy Plan P4.
- 30598A_ 16 Proposed Primary Material Plan P4.
- 30598A_ 17 Proposed Boundary Treatment Plan P4.
- 30598A_ 18 Proposed Heights Plan P4.
- 30598A_ 19 Proposed Interface Distance Plan P5.
- 30598A_ 20 Proposed Distribution Plan P2.
- 30598A_ 50 Proposed Street Elevations AA P1.
- 30598A_ 51 Proposed Street Elevations BB P1.
- 30598A_ 52 Proposed Street Elevations CC P1.
- 30598A_ 53 Proposed Street Elevations DD & EE P2.
- 30598A_ 54 Proposed Street Elevations FF P2.
- 30598A_ 300 Amberley P1.
- 30598A_ 305 Hampstead P1.
- 30598A_ 310 Harrogate Lifestyle P2.
- 30598A_ 311 Harrogate I P1.
- 30598A_ 312 Harrogate II P1.
- 30598A_ 315 Henley P1.
- 30598A_ 320 Leamington Lifestyle I P2.
- 30598A_ 321 Leamington Lifestyle II P2.
- 30598A_ 325 Leadsham P1.
- 30598A_ 330 Letchworth P1.
- 30598A_ 335 Marlow P1.
- 30598A_ 340 Overton Lifestyle P1.
- 30598A_ 345 Oxford Lifestyle P1.
- 30598A_ 350 Richmond P1.
- 30598A_ 355 Shaftesbury I P1.
- 30598A_ 356 Shaftesbury II P1.
- 30598A_ 360 Stratford Lifestyle I P2.

- 30598A_ 361 Stratford Lifestyle II P2.
- 30598A_ 365 Warwick I P1.
- 30598A_ 366 Warwick II P1.
- 30598A_ 400 Maisonette + Dart P2.
- 30598A_ 405 Tavy Terrace of 3 P1.
- 30598A_ 406 Tavy Terrace of 4 P1.
- 30598A_ 407 Tavy + Dart Terrace P2.
- 30598A_ 410 Dart Semi P2.
- 30598A_ 411 Dart Terrace of 3 P2.
- 30598A_ 412 Dart Terrace of 4 P2.
- 30598A_ 415 Tweed Semi P1.
- 30598A_ 500 Apartment Block A Plans P2.
- 30598A_ 501 Apartment Block A Elevations P2.
- 30598A_ 510 Apartment Block B Plans P4.
- 30598A_ 511 Apartment Block B Elevations P4.
- 30598A_ 520 Apartment Block C Plans P3.
- 30598A_ 521 Apartment Block C Elevations P3.
- 30598A_ 530 Proposed Garage Variations P1.
- Design & Access Statement Part 1 30598.
- Design & Access Statement Part 2 30598.
- Design & Access Statement Part 3 30598.
- Schedule of Accommodation 30598 A.
- Landscape Strategy - S401 120 H.
- Landscape Strategy 130 E.
- Hard Landscape 230 D (but not in respect of the play provision shown).
- Planting Plan Public Open Space 530 B.
- Planting Plan 1 of 6 531 B.
- Planting Plan 2 of 6 532 B.
- Planting Plan 3 of 6 533 B.
- Planting Plan 4 of 6 534 B.
- Planting Plan 5 of 6 535 B.
- Planting Plan 6 of 6 536 B.
- Tree Removal & Protection Plan 715 B.
- Highway Geometry and Visibility Splays C86473 JNP 66 XX DR T 7109 P06.
- Refuse Vehicle Swept Path Analysis C86473 JNP 66 XX DR T 7110 P06.
- Fire Tender Swept Path Analysis C86473 JNP 66 XX DR T 7111 P06.
- Refuse Vehicle Swept Path Analysis C86473 JNP 66 XX DR T 7112 P04.
- Phase 2 Ecology Survey Report ECO01659 (March 2023); and
- Ecology Mitigation and Enhancement Strategy ECO01659 A (March 2023).

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 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Phase 2 Survey Report (RPS, March 2023, Ecological Mitigation and Enhancement Strategy (RPS, Rev A, March 2023), the "Ecology Constraints Plan and Report" (RPS, 02 Rev 05), and in particular the Figure 1 Ecological Mitigation and Enhancement Plan (within the March 23 Strategy); as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the

approved details.

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

- 3 Any works which will impact the breeding / resting place of Hazel Dormice, shall not in in any circumstances commence unless the local planning authority has been provided with either:

(a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

(b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species, in accordance with Arun Local Plan policy ENV DM5 and to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998. This is required to be a pre-commencement condition as otherwise there would be a risk of harm to protected species and their habitat.

- 4 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.

- 5 Notwithstanding that the details of soft landscaping are approved through this decision; no development above damp-proof course (DPC) level shall take place unless and until full precise details of the proposed public play provision have been submitted to and approved in writing by the Local Planning Authority. The drawings shall be at an appropriate scale to allow the layout to be properly understood and shall include both play details, seating, landscaping, surface treatments and boundary treatments. The public play provision shall be implemented in accordance with the approved details prior to occupation of the 80th dwelling and permanently retained thereafter.

Reason: To ensure that play provision is in place for future residents in accordance with policies OSR DM1 and HWB SP1 of the Arun Local Plan.

- 6 No development above damp-proof course (DPC) level shall take place until full details of the proposed screen walls and fences shown on drawing 30598A/17 P4 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 or the wider site have been erected. As per the proposals in the Ecological Mitigation and Enhancement Strategy (RPS, Rev A, March 2023), the details to be provided shall also ensure that small gaps are provided at the bottom of all solid fenced 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.

- 7 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.

- 8 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

- 9 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.

- 10 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,

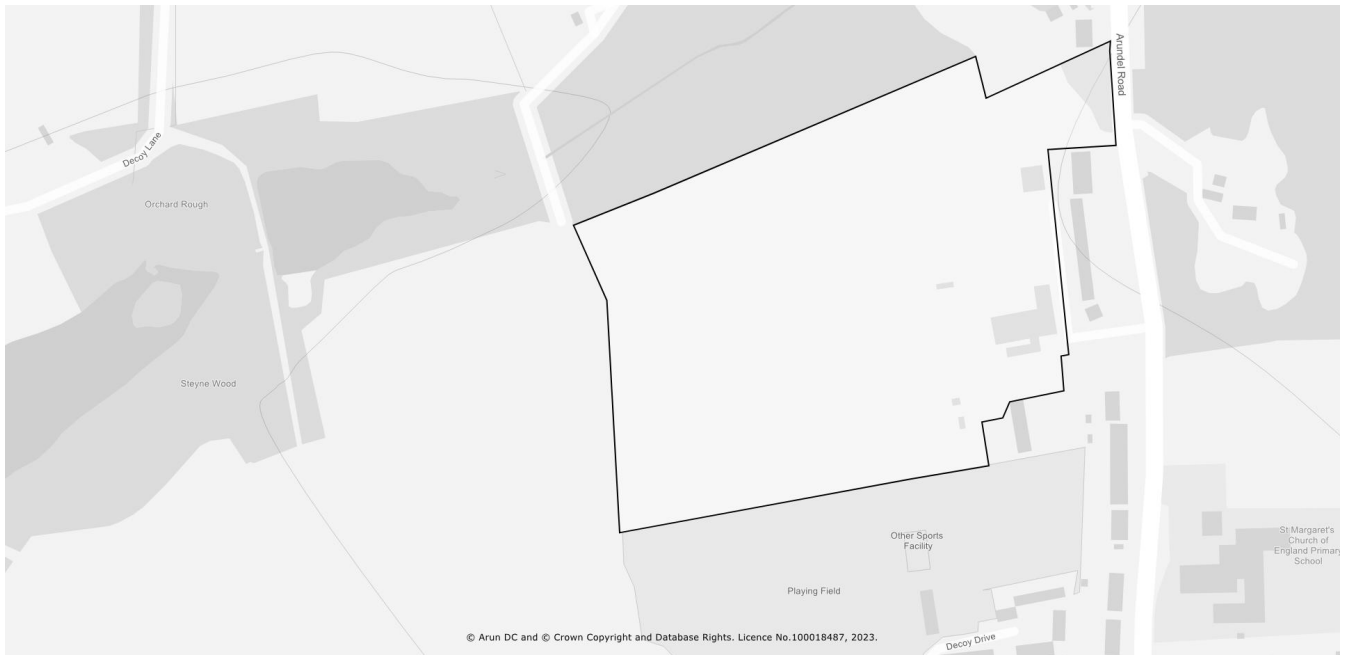
the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

- 11 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.
- 12 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.
- 13 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.
- 14 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.
- 15 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.
- 16 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.
- 17 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 23/01/23) as available on the Councils website.
- 18 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](https://www.arun.gov.uk/weekly-lists) and entering the application reference or directly by clicking on [this link](#).

A/282/22/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: A/14/23/RES

LOCATION: Land South of Downs Way
Angmering
BN16 1AA

PROPOSAL: Approval of reserved matters (access, appearance, landscaping, layout and scale) following APP/C3810/W/21/3268934 (A/151/20/OUT) for the erection of 1 No. dwelling and associated works (resubmission following A/218/22/RES). This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks the approval of reserved matters (access, appearance, landscaping, layout and scale) following the approval of A/151/20/OUT for 1 dwelling on land at Downs Way.

The proposed dwelling is a 3 bedroom, 2-storey detached house with space for the parking of two cars with vehicle access from Downs Way.

This is a resubmission of A/218/22/RES refused on the grounds of harm to visual and residential amenity.

TOPOGRAPHY Irregular shaped land, predominantly flat.

TREES None of any significance affected by the proposed development.

BOUNDARY TREATMENT Open amenity grassland.

SITE CHARACTERISTICS The site is a parcel of open land set to the south side of Downs Way.

CHARACTER OF LOCALITY The estate is mainly characterised by similar pairs of pitched roofed bungalows set well back from the roads, a few detached bungalows of similar style and siting, and linear terraces of broadly uniform 2-storey dwellings set well apart from one another, in a spacious network of grass verged roads, footpaths, and courts.

RELEVANT SITE HISTORY

A/151/20/OUT	Outline application for all matters reserved for the erection of 1 No. detached dwelling with associated landscaping and parking.	Refused 11-11-20
		Appeal: Allowed+Conditions 24-09-21

A/218/22/RES Approval of reserved matters (access, appearance, landscaping, layout and scale) following APP/C3810/W/21/3268934 (A/151/20/OUT) for the erection of 1 No. dwelling and associated works. This application is in CIL Zone 4 and is CIL liable as new dwelling.

Refused
28-11-22

Application A/218/22/RES was refused on two grounds, the proposed development would negatively impact the spacious character of the area through the excessive enclosure of the existing open amenity space and, the proposal would be detrimental to the amenities of the occupiers of no.15 Ambersham Crescent, as the proposed dwelling would overshadow and restrict the outlook from the habitable accommodation of the property. This application has sought to rectify these reasons for refusal in this submission, by repositioning the proposed dwelling and amending the proposed dwelling's boundaries.

REPRESENTATIONS

Angmering Parish Council - Objection. Significant reduction of the quality of the area for local residents.

7 letters of objection from neighbouring residents.

- Loss of open space used for childrens play.
- Access will result in the loss of on street parking which is already problematic due to proximity of station.
- This section of land is valued by residents for its visual 'green' qualities.
- Inadequate number of doctors and dentists in area.
- Loss of light to 36 and 13 Ambersham Crescent.
- Prevents access for emergency vehicles to access residents of Ambersham Crescent.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Planning related issues will be discussed below in Conclusions section of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC - Advice.

- WSCC Highways 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.
- Conditions requested.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Built up area boundary.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
ENVDM4	ENV DM4 Protection of trees
DSP1	D SP1 Design
DDM2	D DM2 Internal space standards
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

[Angmering Neighbourhood Plan 2014 POLICY HD6](#) Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

The relevant policies of the Angmering Neighbourhood Plan have been taken into account in the determination of this application

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to accord with relevant Development Plan policies in that it provides a home which reflects the character of the area and will not significantly impact on the occupiers of neighbouring properties.

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

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

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The principle of development was established under the outline permission (A/151/20/OUT), allowed on appeal.

In this case, the key policies are D SP1, D DM1, D DM2, QE SP1, ENV DM4 and T SP1 of the Arun Local Plan (ALP) and HD 4, HD 5, HD 6 and HD 8 of the Angmering Neighbourhood Plan (ANP).

Many representations have been received revolving around the loss of the open green space, potentially causing a negative impact to those who use the space for play. As a private parcel of land, its occasional informal use by members of the public could be stopped at any time and there is no evidence that users have ever sought to establish rights of use by way of the Assets of Community Value regime. Moreover, the principle of the loss of this open space has been established by virtue of the outline planning permission A/151/20/OUT. As such, the negative impact from loss of the open space in connection with the proposed development, whilst contrary to policy OSR DM1, does not warrant refusal of the application.

LAYOUT/APPEARANCE

Policy D DM1 of the ALP requires development to be of high-quality design, using appropriate materials and design features commensurate with the local vernacular. This is supported by Policy HD4, HD5 and HD6 of the ANP which supports the use of materials harmonious to their immediate surroundings and requires housing layout and design to reflect high-quality design and incorporation of local design features.

The proposed dwelling takes a simple rectangular form. It utilises a simple palette of materials and one which is in keeping with the location. The dwelling has been positioned approx. 2.2m further to the west, over that of the previous application, so it no longer lines up with the building lines (front/rear) established by nos. 7-15 Ambersham Crescent.

However, it is sited a comparable distance from the back edge of the footpath in Downs Way, as per No.36 Downs Way. Like No 36 Downs Way, the proposed dwelling is laid out to front Downs Way, which is different to the terrace of properties directly to the south, which front on to a pedestrian courtyard running north south between Ambersham Crescent and Downs Way. It is noted that no 36 Downs Way, which forms the end of its respective terrace also fronts Downs Way, as such the difference in layout and position to the terrace is not out of character.

Design Guidance (Part P- Infill Development) has regard to infill development such as this. It requires development to be reflective of existing building lines, existing building spacing and existing height, massing and scale. Despite the proposed dwelling being a detached building rather than a terraced property and an adjustment being made to its position in relation to nos. 7-15 Ambersham Crescent, in all other respects it matches existing site conditions.

The proposed dwelling will be built with materials and design features reflective of the local vernacular,

and accords with policies D DM1, D SP1 of the ALP, policies HD4, HD5 and HD6 of the ANP and Part P of the Design Guide.

SCALE

The amount of development on site not an overdevelopment of the site and is appropriate. Two-storey, 3-bedroom dwellings are a feature of the area, and it has an eaves and ridge line to match the neighbouring properties no. 36 Downs Way and no. 15 Ambersham Crescent.

The submission is for a single detached dwelling, which although uncharacteristic of this location which is predominantly one of small terraces of dwellings, will not significantly harm the character of the area. The principle of a single dwelling on this site has already been established as acceptable under the outline planning permission.

Plans also indicate the proposal has included space for bin storage and cycle storage, which are of an appropriate size and scale.

Policy D DM2 of the Local Plan requires adherence to the Nationally Described Space Standards. The proposal has a gross internal floor area of 122 sqm. According to these standards the minimum gross internal floor area for a 3-bedroom, 5-person 2 storey dwelling is of 93 m². The proposal would comply with this standard and policy D DM2 of the Arun Local Plan.

Part H of the ADG states that private amenity spaces should be a minimum of 10.5m in length, in this case the private amenity space to the western side of the building is 12.1m. A small side garden to the eastern elevation has also been included measuring over 6m. Although this garden acts as a 'frontage' as such it is not private, but it is still a defensible space.

In terms of size and scale it is comparable to other properties in the area and is therefore in accordance with policies D DM1 and D DM2 of the ALP and parts H and P of the ADG.

RESIDENTIAL AMENITIES

Policy D DM1 of the ALP requires the layout of new developments to have minimal impact on users and occupiers of nearby properties.

The proposed dwelling is to be located to the northern end of a terrace of 4 other properties, detached only by a 1.5m gap, albeit the property has now been moved 2.2m to the west when compared to the previous application. Unlike the row of terraces immediately to the south, the proposed dwelling fronts Downs Way to the north. It has two side gardens, the one to the west, which is the private amenity space, with the western elevation acting as the 'rear' elevation. The other to the east acting as a 'front' garden, thus maintaining the character of the layout of the terraces to the south. The alteration in the positioning of the proposed dwelling creates a slight staggered effect between the existing terrace and the proposed dwelling, with its rear elevation extending past the rear elevation of no.15. The encroachment past the rear elevation of no 15. Ambersham Crescent, will not create overshadowing or be overbearing given the proposed dwellings orientation to a more northerly position. When considering the back (of no 15) to side relationship (of the proposed dwelling) Part G of the ADG recommends utilising the 45-degree rule, where a horizontal line emanating from the centre of no 15's closest rear window at a 45-degree angle should not be breached by the new building. The proposed dwelling accords with this guidance.

No 15 has two first floor windows to this elevation directly facing the application site. One of the existing windows to no. 15 is to be to a non-habitable space i.e., the staircase. However, the second window is the only source of light/ventilation to a bedroom. The amendments to this application now position the front elevation of the proposed dwelling behind the entirety of the window, as such it is unobstructed

facing directly north with unobstructed views ranging around to the east.

Views to the west will be obstructed by the proposal but not to such a degree that would warrant refusal of planning permission. In terms of loss of sunlight, it is acknowledged that there will be some impact. There is no direct guidance in the ADG for this relationship, however if the 45-degree rule was also to be utilised in this instance the proposed dwelling would fail. This is not seen as a reason to refuse an application, as at appeal the Inspector granted approval for an indicatively proposed two-storey dwelling, which due to the small scale of the site, would have always lowered light levels into the neighbour's bedroom.

Part H of the ADG (residential amenity) states that the relationship between side elevation, to back/front elevations separation gaps to neighbouring properties, should be a minimum of 14m. In this instance, although technically the relationship is side (No 15) to rear (proposed) the proposed dwelling has been designed for its 'rear' elevation to face west, as such there is a suitable amount of light entering the western elevation of the proposed dwelling through appropriate openings.

In the Inspector's report for application A/151/20/OUT it is noted that 'Due to the lack of green space between the end of its private garden and the back edge of the pavement by the parking bay in Downs Way, the dwelling shown on the illustrative plans would look harmfully squeezed in. However, with careful siting of the dwelling and its grounds to maintain the spaciousness in the Downs Way street scene, there would be ample room for a dwelling that would respect the ordered character and spacious layout of the estate.' As such the impact on the street scene represents a key matter for consideration.

The indicative site layout submitted for A/151/20/OUT details a dwelling with a similar footprint, in the same position as the reserved matters submission. The indicative layout detailed a site boundary running from the eastern edge of the footpath to the back of no.15 Ambersham Crescent, running north meeting the back edge of the highway footpath, then turning and heading east, meeting the rear corner of the indicative property approx. 6m south of the edge of the highway footpath. As a result of this only the most north-western point of the fence met with the highways edge, the rest of the boundary had been set (at various distances) away from the highways edge.

The previous submission's boundary line followed the edge of the highway far more closely, this was unacceptable. Now the fence line follows the outline permission's boundary line far more closely, improving on the situation given the linear nature of the boundary treatment. A 1.8m fence is now proposed running in line with the rear fence lines of 7-15 Ambersham Crescent, then at the point it meets the back of the highways edge it returns to the western elevation of the property. The additional 'second garden', once fenced in, to the west of the main private amenity space is left as open grass land.

A picket fence, 1m high surrounds the front/side eastern garden area, this fence also extends to the back of the highways edge separating the open grass area to the east of the property from the parking area. Other low picket fences can be found in this location, including those which spring at right angles from the highways edge. This is in character with the area.

Part P of the Arun Design Guide states that consideration must be given to effects on the existing character and appearance of the streetscape, and how this may be enhanced or preserved. For the reasons given above the layout of this proposal improves on the previous submission, and although given the nature of the development it will impact the street scene, this impact is acceptable and will not cause significant harm.

Due to the unusual shape of the plot and the potential for future pressure to enclose the site with inappropriate fencing, and the potential negative impact arising from this enclosure, a condition will be added to restrict permitted development for the erection of fences, wall and other means of enclosure. A

similar condition will also be added preventing the erection of outbuildings to the open space, as this too could have a negative impact on the character of the area.

The layout of the proposal does not have significant negative on neighbouring properties or impact on the character of the area and accords with policies D DM1 and QE SP1 of the ALP.

ACCESS

Further to WSCC Highways comments seeking additional details in respect to the access arrangement from Downs Way onto site, the Applicant has supplied the required details.

No significant impacts relating to the access onto site remain and the proposal will be required to obtain a separate Vehicle Cross Over license to legally cross the highway footpath.

The proposed access onto the site accords with Policy T SP1 of the ALP.

2 parking spaces have been provided for onsite parking. A property in this location consisting of 3 bedrooms would be required to have 2 spaces on site as per the Arun Parking Standards. An electric vehicle (EV) charging point has also been included within the scheme, which accords with the Arun District Parking SPD.

Provision for 2 secure cycle spaces has been made as part of the application. A simple timber storage shed positioned adjacent to the northern boundary on site is acceptable.

The proposed car and cycle spaces on site and the provision of an EV charging point accord with Policy T SP1 of the ALP.

LANDSCAPING/TREES

A landscaping plan has been submitted as part of this application. 5 native trees and wildflower planting are proposed to the grass area outside of the formal boundary treatments of the property, which will improve the aesthetics and biodiversity of the area. No trees will be removed as part of the development; however, a small scrub bush will be removed in site clearance.

Further formal tree planting (pleached trees, no species given) within the dwellings boundaries is also proposed. This will act to re-green the area. The remaining area is laid to lawn or driveway. The proposal therefore accords with policy ENV DM4 of the ALP.

SUMMARY

This application has sought to address the previous reasons for refusal, namely the proposed dwellings impact on the character of the open spacious nature of the estate and negative impact to its immediate neighbours at No15 Ambersham Crescent.

Improvements have been made to the amount of boundary enclosure and its positioning, as such, no significant negative impact on the character of the area will arise. Furthermore, in repositioning the property, 2.1m from its previous location mean that the negative impact on No 15 Ambersham Crescent has been reduced. All these changes also accord with the comments made by the Inspector when approving A/151/20/OUT. 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

- Location and Block Plan 223114/05 Rev C
- Site Plan 223141/06 Rev C
- Proposed Floor Plan 233141/02
- North and East Elevations 223141/03 Rev A
- South and West Elevations 223141/04 Rev A
- Site Sections 223141/07 Rev A
- Cycle Store 223114/08
- Landscaping Plan 223141/09

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

2 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the the approved Site Plan 223141/06 Rev C and Location and Block Plan 223114/05 Rev C.

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

3 Landscaping shall be carried out in accordance with the approved landscaping drawings and details as shown on plan number 223141/09. All planting, seeding or turfing comprised in the

approved details shall be carried out in the first planting and seeding seasons following the first occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 and ENV DM4 of the Arun Local Plan.

- 4 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with DWG 223114/08 and the Proposed Site Plan 223141/06 Rev C. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

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

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

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

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) the erection or construction of any gate, fence, wall or other means of enclosure (other than those shown on the plans hereby approved) shall be formed other than those approved under dwg. Site Plan 223141/06 Rev C without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the character and appearance of the area in accordance with policies D DM1 of the Arun Local Plan.

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

- 8 INFORMATIVE: The Local Highways Authority (LHA) advises the applicant that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee the permission of a Vehicle Crossover (VCO) licence. Please call 01243 642105.

BACKGROUND PAPERS

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

A/14/23/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council
100018487. 2015

This page is intentionally left blank

PLANNING APPLICATION REPORT

REF NO: A/20/23/PL

LOCATION: Land to Rear of 36-40 Meadowside
Angmering

PROPOSAL: Erection of 8no. Garages for non-commercial, domestic use (Use Class B8) to the rear of 36-40 Meadowside. This application is in CIL Zone 2 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Amended description: This application seeks to erect 8 No. garages for non-commercial, domestic use. Further details set out in conclusions section below. The applicant originally sought permission for the erection of 9 No. garages but the southernmost unit of the block has now been removed from the scheme bringing the total number of garages that would be built down to 8.

SITE AREA ~540 sqm.

TOPOGRAPHY Predominantly flat.

TREES There are 2 No. small trees affected by this proposal within the rear garden of No. 8 Brambletyne Close.

BOUNDARY TREATMENT 2.1m tall wooden boundary fence to the East boundary of the site.
2m tall brick wall to the North of the site.
2m tall wooden fence and ~2.4m tall garages to the South of the site.
2m tall wooden fence and ~2.4m tall garages to the West of the site.

SITE CHARACTERISTICS Backland hardstanding with 2 No. rows of garages that run along the vehicular access point to the site. This area of hardstanding is surrounded by rear residential gardens and once served as an informal parking area for local residents. Currently, the land on which the proposed garages would be sited has been fenced off. The forecourt area of the proposed garages is not fenced off, but remains part of the land which is privately owned.

CHARACTER OF LOCALITY Residential area predominantly consisting of two-storey terraced dwellings with limited off-street parking. Some of the terraces within the area feature shared open green spaces to the front and similar backland hardstanding with garages. St Margaret's C of E Primary School is 350m to the North West.

RELEVANT SITE HISTORY

A/80/22/CLP	Lawful development certificate for the proposed erection of 11 No garages that was granted under A/32/64.	PP Required 23-08-22
A/32/64	65 Terrace Houses And 65 Garages	ApproveConditionally 09-07-64

This site is part of a larger residential site that was originally granted permission in 1964 under application ref: A/32/64. This development included approval for 11 No. garages for the use of residential occupiers on the site the subject of this application. However, these were never built.

The applicant sought to confirm whether planning permission would be required to build 11 No. garages (Use Class B8 - Storage and distribution) in this location through the submission of a Lawful Development Certificate (application ref: A/80/22/CLP). It was concluded that this would be a change of use and require planning permission, therefore, this application has been submitted.

REPRESENTATIONS

Angmering Parish Council - Objection. The proposal would be detrimental to the amenity of local residents contrary to policy QE SP1 of the Arun Local Plan.

17 No. Objections from nearby occupiers (Some individuals have submitted multiple objections):

- Concerns regarding ownership of the land.
- Concerns of increased traffic and lack of off-street parking.
- Safety concerns for pedestrian users.
- The land was used as informal parking for a long time which is no longer possible due to fencing and penalties.
- Adverse impacts to congestion due to too much on-street parking following loss of informal parking area.
- Removal of vegetation and hedgehog habitats that have developed naturally in this area.
- Concerns regarding commercial use of the garages and what constitutes Use Class B8.
- Concerns that no-one will police the use of the garages.
- Potential for increased criminal activity by residents due to unrest brought on by this proposal.
- Concerns of noise and air pollution from work vans.
- Concerns over rights of access into the land.
- Concerns of overshadowing.
- Concern of vehicle turning touching fences on the plans.
- Noting the amended garages are lower in height.

COMMENTS ON REPRESENTATIONS RECEIVED:

As a hardstanding piece of land used for parking, its value as a natural habitat is negligible. All other relevant planning comments made will be addressed in the conclusions section. Land ownership is not a material planning consideration.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

West Sussex County Council - Highways - No objection:

- The proposal does not significantly change or intensify the use of the site, and the number of garages proposed has reduced from 11 to 9 from the previously approved planning application. As such, the change of use of the land from C3 to B8 is acceptable.
- The LPA should include a suitably worded condition to ensure the use of these garages is for domestic purposes only, to provide storage solutions for people living in the local area.
- The swept path diagrams (WLD-023-22-03) demonstrate a private car entering the site and turning at the end to exit in forward gear. Therefore, WSCC are satisfied the new garages would still allow for cars to park and turn on the site and to exit in forward gear.
- Condition requiring a construction management plan requested.

Environmental Health- No objection:

Conditions regarding the matters below have been requested.

- Domestic Use Only.
- Submission of a Construction Management Plan.
- Construction Hours limitation.

Informatives regarding the construction of minor developments and EV charging points have also been requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. A condition regarding domestic use only, construction hours, and an informative regarding minor developments have been applied. The scale of the development is not sufficient to warrant the production of a construction management plan and the provision of EV charging points is not relevant or necessary in this case.

It is also noted that the reference to 9 No. garages made by WSCC Highways has since been reduced to 8 No. garages.

POLICY CONTEXT

Designation applicable to site:
Built-up Area Boundary.

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development
QESP1	QE SP1 Quality of the Environment
ENVDM4	ENV DM4 Protection of trees

[Angmering Neighbourhood Plan 2014 POLICY HD1](#) Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

The relevant Angmering Neighbourhood Plan policies have been taken in to account.

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 is in keeping with the character of the locality. The proposal would also not give rise to significantly adverse impact on residential amenity or the highway.

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site lies in the Built-up Area Boundary (BUAB) where development is acceptable provided it accords with other relevant policies of the development plan covering such issues as highway safety/parking, design/character, and residential amenity.

The NPPF seeks to promote the effective use of all land (para 119) and gives weight to proposals that develop under-utilised land (para. 120d).

DESIGN AND VISUAL AMENITY

ALP policies D DM1 and D SP1 seek to ensure that developments make an efficient use of land whilst preserving or improving upon local character. The Arun Design Guide states density should be appropriate to location, balancing the need for efficient use of land with a design that responds to and enhances the existing character of the site or wider locality.

Policy HD4 of the ANDP states that materials used should be harmonious with the immediate area, and policy HD5 requires new developments must properly demonstrate how they have considered the impact of the proposed built form on their surroundings.

The proposal is for a row of 8 No. garages that are 2.5m in width, 2.4m in height, and 5.56m in depth. These garages would feature a flat roof design, brickwork walls, and standard 'up and over' garage doors. The design and form of these garages would be in line with the existing two rows of garages that run alongside the vehicular accessway into this site.

The 8 No. garages would be sited against the East site boundary that abuts the rear gardens of Nos. 8 & 9 Brambletyne Close. Owing to their scale and siting, the garages would feature a minimum forecourt depth of ~5.77m with the predominant forecourt depth being greater than 6m.

Given the presence of 2 No. rows of garages of similar design within this site and that the design, scale, and siting of these garages are reflective of the existing character of the site, the proposal is in accordance with policies D SP1 & D DM1 of the ALP, policy HD4 of the ANDP, and Section J of the Arun Design Guide.

NEIGHBOURING RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land.

Policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity or the natural environment.

In terms of overbearing and overshadowing, the dwellings of particular concern are Nos. 8 & 9 Brambletyne Close. The shared boundary between the site and these dwellings, is treated by a wooden fence that is approx. 2.1m from ground level. Owing to their orientation, Nos. 8 & 9 Brambletyne Close would have no direct viewpoints from openings toward the garages. Additionally, their rear amenity spaces boast a substantial footprint and possess adequate access to natural light. The proposed garages would sit approx. 0.3m higher and extend across most of the length of the boundary fence that serves the rear amenity spaces of these dwellings. Whilst they would extend along most of the length of these fences, cresting them by approx. 0.3m would not give rise to significantly adverse impacts by way of overbearing or overshadowing on these properties. There are no other properties which would be subject to any significant impacts of overbearing or overshadowing.

The proposed garages are to be conditioned for the storage of domestic vehicles, goods or items that are related to the use of a dwellinghouse only. The garages would not be allowed to be used for the storage of commercial vehicles, goods or items connected to the running of a business or for any other use under Use Class B8.

Historically, this site has been used as informal parking by local residents. The proposal has the potential to have some increase in activity on the site that will result in additional noise and disturbance. However, given the historical use of the site this will not be significantly greater than what was experienced in the past.

The proposal is in accordance with policy QE SP1 & D DM1 of the Arun Local Plan.

TRANSPORT AND PARKING

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport.

Policy TM1 of the ANDP requires development to demonstrate that adequate and satisfactory provision has been made to mitigate the impact of the traffic generated both during development and on completion.

The land in respect to this development was once used as informal parking that served the residents of the local area. This site is now privately owned, with the exception of the vehicular accessway that leads into this backland site. As the land is privately owned, the land in which the garages are to be built has been fenced off since November 2021, as noted within the planning statement, and remains unable to be used as informal parking by residents. This would have had some adverse impact on off-street parking within the locality, but this impact is not a result of this application.

As noted within the planning statement, the proposed 8 No. garages would likely be rented out to local residents for storage of domestic, residential goods/items. The specific storage of residential/domestic items will be ensured by way of condition attached to this decision. It is clear that it is intended for the garages to provide the option of vehicle storage, indicated by the tracking plan submitted alongside this application that demonstrates a car being able to manoeuvre in and out of the garages and site. The Highways Authority have confirmed this would be possible and have raised no concerns on this point. However, the internal dimensions of the garages do not conform to the required 3m by 6m internal dimensions for garages intended for parking set out within Section I of the Arun Design Guide and the Arun Parking Standards. Whilst contradictory to this standard, the intended use for the garages is for the storage of domestic/residential goods, and storage of smaller vehicles would still be achievable despite not complying with these standards.

The introduction of these garages would not significantly alter the intensity of traffic in and out of the site relative to its previous use as informal parking, nor its current use, given the primary intended use is for the storage of domestic goods, not necessarily vehicles. Whilst there have been concerns raised by residents regarding the displacement of parking to the street, this application would not give rise to additional displacement of vehicles as the land in question is privately owned, already fenced-off and it is clear that any current parking on this land is not desired by the owner and potentially unlawful. Therefore, the proposal would have no adverse impact on the existing parking situation.

Highway access in and out of the site would not alter. Whilst it is noted there is a small footpath into the site between one of the existing rows of garages, given there would be no significant increase in vehicular traffic to this site, it will not have a significant impact on pedestrian safety.

It is accepted there may be some impact on traffic during the development, but this is temporary and not sufficient to require warrant the requirement of a construction management plan. To address any potential impacts on neighbouring amenities during the construction phase, a condition restricting the construction hours of the development has been applied and an informative has been attached that provides guidance as to how small development should be undertaken to mitigate impacts on the

amenities of nearby residents.

The proposal is in accordance with Development Plan policies T SP1 of the ALP and TM1 of the ANDP.

TREES

Policy ENV DM4 of the Arun Local Plan requires consideration of trees adjacent to a development site.

There are 2 No. small trees within the rear garden of No. 8 Brambletyne Close. These trees are within close proximity to the East site boundary and appear to have main stem diameters of approx. 0.2m. This would indicate a RPA radius of roughly 2.4m, and so there is potential that some roots may extend underneath the proposed garages. They are not owned by the applicant and no arboricultural information was submitted in support of this application. Nevertheless, it has been confirmed by the agent that no excavations are to take place in service of this development and as such, no roots would be damaged during or after the development. Therefore, there would be no unacceptable adverse impact on these trees.

The proposal is in accordance with Policy ENV DM4 of the Arun Local Plan.

SUMMARY

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

Following a reduction of garages from 9 to 8 No. this application has required a new round of advertisement. As such, the consultation period will not end until after this committee. The recommendation is therefore, that the committee give the Chairman and Group Head of Planning delegated authority to issue a decision once the consultation period ends.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

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

CIL DETAILS

This application is not CIL Liable.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Proposed elevations & Sections WLD-023-22-04 REV_A.
- Proposed location and site plan WLD-023-22-02 REV_A.
- Floor plan and CIL sheet WLD-023-22-05 REV_A.

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

3 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no works on Sunday or Bank/Public Holidays. In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

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

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the garages hereby approved shall be used for the storage of domestic vehicles, domestic goods, and/or other items that are related to the use of a residential dwelling, and shall at no times be used for the storage of any commercial vehicles, goods or items or for any other commercial purpose, including any other purpose within B8 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order).

Reason: In order to protect the residential amenities of nearby residents in accordance with policy QE SP1 of the Arun Local Plan.

5 **INFORMATIVE:** To prevent impacts to the amenities of future occupiers of the proposed dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', as available from:

<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n12193.pdf&ver=12201>.

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 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)

A/20/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: BE/8/23/PL

LOCATION: Colworth Manor Farm
Colworth Lane
Colworth
Chichester
PO20 2DU

PROPOSAL: Polytunnels for soft fruit production (resubmission following BE/106/22/PL). This site is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to place 10 hectares of polytunnels across the site. These will be 8.2m wide and a maximum of 3.65m high. The polytunnels will facilitate growing of soft fruit including strawberries, blackberries, raspberries, and blueberries. They will be in place for 10 months each year and will be removed in November & December. They are at least 50m from residential properties. It is proposed to landscape unused parts and edges of the site with hedging, trees, and wildflower meadows.

The site will be accessed by field tracks at the northern end of the site which will be connected to Colworth Manor Farm (inside the Chichester district) and then via Colworth Lane to the A259. This requires a new section of access track and a bridge over an existing watercourse. There is a secondary access to the south from Horse Croft Field which is accessed from Babsham Lane, but the applicant has agreed a condition to prevent this from being used other than in emergencies.

SITE AREA

16.4 hectares.

TOPOGRAPHY

The site rises gradually from the east & north-east to the west.

TREES

Existing tree and hedge planting along parts of the western edge but no trees are affected by the proposed development.

BOUNDARY TREATMENT

Mix of hedging/trees and fencing (either low level or 1.8/2m). Some properties are open to the field.

SITE CHARACTERISTICS

A large arable field. The supporting documents state it was previously used for intensive salad crop production and then more recently for cereal crops. There are drainage ditches to the south-eastern boundary. On the north-eastern boundary lies a watercourse which is part of the Elbridge Rife, which is classed as a main river.

CHARACTER OF LOCALITY

Part of a rural landscape. The character of the local landscape is a broad, low lying, fertile alluvial plain that stretches from the

South Downs to the coast. This has produced prime agricultural land, ideally suited to traditional mixed arable/pastoral farming. The countryside is, dominated by large fields bounded by sporadic and broken hedgerows, with sparse groups of trees, but very little woodland. There are dwellings to the west either fronting the A259 or Babsham Lane. There are commercial sites bordering the field on the western side including Elbridge Farm and Babsham Farm which are both used for waste transfer/recycling.

RELEVANT SITE HISTORY

BE/106/22/PL	Polytunnels for soft fruit production. This application is in CIL Zone 3 (zero rated) as other development.	Refused 01-12-22
--------------	---	---------------------

The previous application was refused in December 2022 due to insufficient information concerning impacts on protected wildlife species. The previous application was for a larger area of polytunnels (11.2 hectares) and the polytunnels were slightly narrower (6.9m).

Chichester DC are currently determining a similar application (22/02324/FUL). That site (Upton's Field) also forms part of Colworth Manor Farm, and the proposal is for 8.77 hectares of polytunnels for soft fruit production. This currently has an objection from the Environment Agency (EA) concerning pollution to an existing aquifer. There is no aquifer within the site area of ADC's application and the EA have not objected to ADC's application.

REPRESENTATIONS

Bersted Parish Council object for the following reasons:

- The scheme will create noise, nuisance, and disturbance to the residents nearby.
- No application has yet been made to develop the strategic SD3 allocation; and
- Had the following questions regarding the scheme:
 - a. Between what hours would the polytunnels be accessed.
 - b. Operating times during the winter.
 - c. Confirm that Babsham Lane would not be used to access the field.
- Request that the conditions previously requested by Environmental Health should be imposed if the application is approved.

As at 24/03/23, there were 17 letters of objection, raising the following issues:

- Harm to the integrity of the strategic gap.
- Conflict with Green Belt policy.
- No application has yet been made to develop the strategic SD3 allocation and construction is to be completed by 2035, so this application represents a commercial expansion not a replacement.
- No existing access from the north so the applicant will use Babsham Lane in contravention of any condition.
- The new access needs a separate permission.
- WSCC state the access arrangements are existing which is wrong.
- The new access will destroy hedging, reed beds and trees.

- Tree screening will take 10 years to mature.
- Harm to landscape character.
- Impact on public long-distance views.
- Loss of amenity to users of the footpath/cycle route along Babsham Lane and the A259.
- Chichester DC state harm to a wildlife corridor.
- Harm to wildlife and no farmland bird mitigation strategy.
- Use of unrecyclable plastic is a crime.
- Water pollution.
- Crop spraying will be harmful to residents.
- Ground pollution from buried plastic sheets.
- No details of working hours.
- Hours of use must be restricted to between 8am and 6pm Mon-Fri and 8.30am to 1pm on Saturdays with no working on Sundays or bank holidays.
- Noise disturbance to residents.
- No noise assessment.
- Noise disturbance from workers/tractors and polytunnels during periods of high wind and rain.
- Need to consider dust and noise from existing businesses nearby.
- Lighting during the night.
- The residential buffer is unequal with some residents having 50m and some 75m. The applicant previously agreed to a buffer of 150-200m on a different site (Gibbons Field).
- Loss of private residential outlook/amenity from houses/gardens.
- Loss of privacy to windows from high vehicles accessing the site from Babsham Lane.
- Request that no polytunnels be sited closer than 150m/250m to residential properties.
- Crime risk as many of the residential properties bordering the field have little to no boundary treatments.
- Conflict with Human Rights Act.
- The application is misleading as the site has previously been used for cereal crops on a low intensity basis.
- Soft fruit is a luxury food, cereal crops are a necessity.
- Where will the workers come from as there is a current shortage.
- The previous application was refused so how can the new one be considered.
- Potential for future applications on the field to the south.
- Need full archaeological survey.
- Impact on attractiveness of the area for tourism.
- No community benefit or to the local economy.
- Permission for the new access must be gained before this application is granted.
- Contrary to the applicant, there is no existing access from the site to Colworth Farm.
- The access will not be agricultural unless used by heavy machinery which are stated to not be used.
- The application form is incorrect - tractors are heavy machinery and pesticides/fertilisers will be used.
- Despite the non-objection from West Sussex Fire, there was a previous fire which fire engines struggled to reach; and
- Need to see the detailed plans including drainage for full visibility of the proposal.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following responses were provided during the determination of the last application to the questions raised by the Parish Council (which remain the same):

a. The applicant states the polytunnels will need to be accessed at various times during daylight hours for crop husbandry, spraying, maintenance of water infrastructure and seeding/picking. A condition restricting hours that only allowed works between 8am and 6pm would not be reasonable or appropriate particularly as there are no current restrictions on the agricultural land. The applicant states there will be

no operations at night (and no lighting installed). Therefore, a condition will be imposed to allow use only between dawn and dusk (except for security & maintenance purposes).

b. The polytunnels will be removed during November and December. Use during other winter months will be as per the rest of the year; and

c. The site will be accessed from the north and a condition will be imposed to enforce this.

The majority of the objections are considered elsewhere in this report, but the following comments are made in respect of some of the concerns:

- Arun DC does not have any areas of Green Belt therefore such policies do not apply.

- A planning condition restricting access from Babsham Lane is an appropriate form of control and will allow for enforcement against the applicant should there be a breach.

- There are permitted development rights (Class A Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) that allow for the creation of private access tracks on land used for agriculture (which includes horticulture). A prior approval application would need to be submitted but this only allows for the local authority (Chichester) to consider the siting and means of construction of the track. It does not allow for the consideration of natural habitat that may need to be removed as part of the works. Such permitted development access tracks often include bridges over ditches and watercourses. As the watercourse is a main river, an environmental permit from the Environment Agency will be required. This is a process separate to planning permission.

- WSCC only consider the access from the existing farm to the highway network. The existing access from Colworth Farm to the A259 via Colworth Lane will not change.

- There are no policies to prevent the use of plastic to cover polytunnels.

- The land is already farmed, and the owner/operator is already able to spray the land with chemicals.

- There is no evidence to indicate a contamination risk to soils from plastic or other materials used to cover the tunnels. It would not be in the owner/operator's interest to pollute their land. The applicant states that waste polythene will be recycled.

- There is no evidence to suggest that the polytunnels will be sufficiently noisy in periods of heavy wind or rain so as to cause harm to residential amenity. At such times residential windows are likely to be closed and the tunnels are sited at least 50m away from homes.

- It is unclear from the objection, in what capacity there should be consideration of dust/noise from existing nearby businesses.

- The applicant states that no lighting will be installed, and a condition will be imposed to reinforce this.

- It is acknowledged that the residential buffer zone is not consistent in depth however, it is at least 50m deep. This distance has been proposed to take account of the guidance in the Herefordshire Council "Polytunnels Planning Guide" which sets this distance to protect the amenity of residents. There is no other planning guidance to require a buffer zone of a greater depth.

- As there will be no access from Babsham Lane, other than in an emergency, there will be no associated harm from people looking out of buses or coaches into residential properties.

- There is no right in planning to a private view and ALP policy HOR DM1 only refers to views from public

land.

- The fact that residents have chosen to have low rear boundaries is not a matter that weighs against the determination of this application. Residents have the ability to erect new boundaries up to 2m in height to increase security or to install CCTV or other security measures.

- The nature of the former crop is immaterial. The land is agricultural, and a more intensive crop use could be commenced without the need for planning permission. There are no planning policies to govern what can or cannot be grown on agricultural land.

- The previous application was refused solely on grounds of potential for harm to protected species and this issue has now been satisfactorily resolved.

- It is not possible to refuse an application on the basis of the potential for future applications on adjacent land.

- In accordance with the advice of the council's archaeologist a survey will be required prior to commencement.

- It is unlikely people will stop visiting the Arun district just because polytunnels are erected in this field.

- Whilst it would have been helpful to establish permission for the northern access prior to submission of this application, there is no requirement to do so. The existing access tracks on Colworth Farm to the north is shown on Google aerial photography. A rough approximation of the likely new route is included in the committee presentation.

- Agriculture is defined by the Town and Country Planning Act 1990 as "includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes". Therefore, it is not necessary to operate heavy machinery for an access track to be agricultural.

- The sections of the application form concerning "Industrial or Commercial Processes and Machinery" and "Hazardous Substances" cover industrial substances and machinery not the use of tractors or pesticides/fertilisers. The latter can already be used on the land and no planning permission is required to do so. The applicant confirms the use of small tractors in other parts of the submission.

- The full drainage scheme will be secured by a condition and therefore residents can view these plans through the future discharge of conditions application.

In addition, the applicant has made the following comments:

- There will be no access from Babsham Lane, and the applicant is happy to accept a condition to prevent this. Additionally, all construction access will be from the North.

- The plastic used for the polytunnels has a lifespan of 5-10 years and is then recycled. Occasionally the plastic may be temporarily stored in a roll on the site before the tunnel structures are erected or may be rolled up on the tunnel structure to allow ventilation to the plants during hot weather.

- The application is not premature as it is necessary for the applicant to plan ahead for when they will lose their current polytunnels due to residential development.

- The loss of polytunnel land arising from the future housing developments represents 17% of the existing protected crops and would have a significant impact on the business; and

- Polytunnels are an appropriate form of development in the countryside being a form of agriculture and are also appropriate in Strategic Gaps.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - No objection subject to informatives.

HEALTH & SAFETY EXECUTIVE - On the previous application, state they do not advise on safety grounds, against the granting of planning permission. Requested that the gas pipeline operator be consulted.

WSSC WASTE & MINERALS - No impact on mineral deposits but 10 hectares of the site falls within the 250m consultation buffer zone for existing waste infrastructure. The proposed development (for polytunnels) would not in the County Council's view introduce a sensitive neighbouring land use to the waste site, and accordingly it would not prevent or prejudice the continued efficient operation of the existing waste site by way of indirect sterilisation. Therefore, no objection.

WSSC HIGHWAYS - No objection. There is no change to the access to the A259. There is no reason to suggest the proposal would give rise to a significant material intensification of movements to/from site.

WSSC FIRE & RESCUE - State there is insufficient information for comment to be made on firefighting and fire vehicle access.

CHICHESTER DC - No objection provided that the applicant demonstrates that the proposal will not adversely affect the potential or value of the adjacent wildlife corridor and that a suitable buffer area is put in place to ensure this area is protected. Require that the ecological survey addresses this and any potential impacts on the corridor.

ADC LANDSCAPE OFFICER - Request further landscape detail to demonstrate how negative impacts of these proposals could be minimised/mitigated for in the short and long term. Stated this application will inevitably compromise the integrity of the strategic gap and the planting detail is vague. The landscape effects of natural screening can work against the local landscape character, detracting from it, rather than enhancing it - such as by removing all trace of open views.

ADC ENVIRONMENTAL HEALTH - No objection subject to maintenance of the 50m buffer zone and a construction management condition.

ADC DRAINAGE ENGINEERS - On the previous application, requested standard pre-commencement conditions.

COUNCIL'S ARCHAEOLOGIST - No objection subject to pre-commencement condition. There is no material evidence that this site contains such archaeological interest that the development should not be permitted. It is a large site that lies on a part of the coastal plain that has frequently been demonstrated to contain evidence of past settlement and since it has never been investigated the possibility remains that it might contain hitherto unidentified deposits. If so, it is equally possible that these might survive to such a level that they could be affected by construction of the infiltration swales and other drainage-structures.

COUNCIL'S ECOLOGIST - No objection subject to securing biodiversity mitigation and enhancement

measures. This includes a farmland bird mitigation strategy, biodiversity construction management plan, a biodiversity enhancement strategy and a sensitive lighting scheme.

COMMENTS ON CONSULTATION RESPONSES:

HEALTH & SAFETY EXECUTIVE - The gas pipeline operator (SGN) has been consulted but no comments have been received. None were received on the previous application either.

WSCC HIGHWAYS - On the previous application they also separately advised that a condition to prevent access from the southern access except in emergencies would be reasonable.

WSCC FIRE & RESCUE - It is material that there will be emergency access from the Babsham Lane access and that there will be water supplies on site as the polytunnel design makes use of water captured from them in order to irrigate the crops.

POLICY CONTEXT

Designations applicable to site:

Outside the Built-Up Area Boundary (BUAB).

Flood Zone 3 only along the north-western boundary.

Adjacent to a Main River (Elbridge Rife).

Future Flood Zone 3 to a greater extent of the site by 2111 (NW boundary & SE corner).

Area of Advert Special Control.

Part Pagham Zone B.

Part Gas Pipeline buffer.

Within a safeguarded waste site buffer.

Archaeological Notification Area.

Grade 1/2 Agricultural Land; and

Settlement Gap.

The proposal does not affect any public footpaths or Tree Preservation Orders.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM5	ENV DM5 Development and biodiversity
HORDM1	HOR DM1 Horticulture
LANDM1	LAN DM1 Protection of landscape character
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP3	SD SP3 Gaps Between Settlements
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

West Sussex Waste Local Plan 2014:

	West Sussex Waste W2 Safeguarding Waste Management Sites
<u>Bersted Neighbourhood Plan 2014 Policy ES2</u>	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES3	Protecting the Strategic Gap/Green Infrastructure Corridor
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal largely complies with relevant Development Plan policies in respect of countryside development, strategic gap policy, horticultural development, highway safety, residential amenities and protected wildlife species but there are some minor conflicts due to the lack of a detailed landscape scheme, the lack of a sequential flood assessment and the likely adverse impact on the integrity of the strategic gap.

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 the applicant will lose 24.88 hectares of soft fruit production from polytunnels on sites known as Drewitts and Jack's Dyke (originally approved in 2010 & 2012) which are part of the Arun Local Plan strategic allocation SD3 (West Bersted) for 2,500 dwellings to be delivered by 2035. BE/8/23/PL alongside the similar application in the Chichester district would deliver 18.77 hectares of polytunnels for soft fruit production. No applications have been submitted for these parts of the SD3 allocation and in the

short to medium term, these new polytunnels could add to existing production.

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. However, 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". Should there be any conflict between the ALP and the BNDP then this would be resolved in favour of the former.

This is the case in respect of BNDP policies ES3 (strategic gap) and ES7 (countryside) which are much stricter than the ALP equivalents and do not enable criteria to be applied to proposals. In both cases, the policy conflicts are resolved in favour of the ALP as the newer plan document.

Countryside & Horticultural Policy

Policy C SP1 states development in the countryside will be permitted where it is for the operational needs of agriculture and horticulture such as this. Policy HOR DM1 specifically refers to glasshouses and polytunnel development and states these will be permitted subject to meeting 12 criteria. The following is a response to these criteria:

- a. The polytunnels are a standard height (3.65m high) and are not significantly bulky structures. They (and the proposed tree planting) will result in change to the character & appearance of the countryside east of the A259, but this change will not significantly damage the landscape. Some residents argue that there will be no local economic benefit as the applicant is an international company and the workers not from the UK. The policy does not require the benefit to be local.
- b. There will be no harm to any heritage assets and although an archaeological survey will be subject of a condition, since the polytunnels will not be permanently affixed to the ground (rather affixed like a tent), there will be no long-lasting harm to any archaeological deposits. The harm to the natural environment will be limited as this is an existing agricultural field and no trees will be lost.
- c. Crop spraying will be within regulated acceptable limits and take place in the polytunnels. The applicant states research suggests 60% less pesticide is used on fruit grown under polytunnels, due to drier conditions.
- d. There will be an impact on (and loss of) long public views across currently substantially open land towards the north-east and east. The policy states this is only an issue where the landscape value is defined as major or substantial for the corresponding Landscape Character Area in the Arun Landscape Study 2006 (ALS). The site forms part of the Seftor Bottom to Elbridge Coastal Plain area (LCA7) which is defined as having only a slight landscape value. The polytunnels are of an identical design to that used elsewhere at Colworth Manor Farm and are an existing feature of the wider landscape character area. Landscape impact is assessed in more detail elsewhere in this report.
- e. The polytunnels design will make use of water captured from them in order to irrigate the crops in a sustainable manner.
- f. The applicant has provided a drainage statement which states surface water will drain to the ground (infiltrate) via vegetated swales between polytunnel rows. Check-dams will be provided at regular

intervals (as a function of slope) along the swales to ensure the storage volume within the swale structures are optimised allowing infiltration through the base and sides. In the case of exceedance of the design event, a network of exceedance swales is proposed to carry excess flows to an existing watercourse. The council's drainage engineer has raised no objections subject to standard planning conditions. This will also agree any water discharge to the field boundary ditches. This also ensures no conflict with BNDP policy ES2 or ALP policy W DM3.

g. The site will be accessed from Colworth Manor Farm to the north, via existing agricultural tracks and a short new section of track which will cross an existing main river. Whilst there may be some associated increase in vehicle movements at Colworth Manor Farm and a corresponding increase on local roads (principally the A259), WSCC Highways raise no objections and advise no conflict with para 111 of the NPPF. There is also then no conflict with ALP policy T SP1. Colworth Manor Farm is in the Chichester district and Chichester DC have not raised objections to this aspect.

h. No lighting is proposed. The applicant states daytime use only. Conditions will be imposed to enforce these aspects.

i. Noise will be limited to during daylight hours and will consist of normal agricultural processes and machinery (i.e., tractors & manual workers). Some residents say the land is only occasionally farmed by tractors and so the difference in noise levels may be significant. As the land is agricultural there is nothing to prevent intensive farming with machinery, with or without polytunnels. Environmental Health recommend conditions designed to protect residents from noise impacts but does not object.

j. This criterion is not relevant as there are no redundant glasshouses, polytunnels or packhouses on the development site.

k. The layout plan indicates the location of new landscaping consisting of 460m of new hedgerows on the south & west boundaries of the field to connect existing hedgerows; 0.95ha of new wildflower meadow loosely planted with trees on the west side of the site, adjacent to the rear gardens; a 1.3ha area of flower rich meadow to the north-east side of the site; and a 5-10m wide way-leave of low maintenance grassland along the Northern site boundary. There is some conflict with this criterion as full landscaping details (such as species, size at time of planting, precise locations etc.) have not been provided but a condition can be imposed to secure these details.

l. This criterion seeks to protect important soils and so it also relevant to consider ALP policy SO DM1. This states unless land is allocated for development, then the use of Grades 1, 2 and 3a of the ALC for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term. The policy then makes it clear that in order to fully justify the loss of the agricultural land, the policy criteria (a) to (b) and (d) to (g) should be met. These require assessment of the land's economic status, the land's environmental & other benefits and mitigation measures.

The application is not accompanied by supporting reports concerning the impact on agricultural land. According to DEFRA's Post 1988 Agricultural Land Classification (England) mapping, the land is predominantly either grade 1 or 2 (best & most versatile). It is clear it has previously been used for salad and cereal production. There is no conflict with the policy as the proposed use is horticultural (which is a form of agriculture) and even though the plants may be grown above ground, the important soils will be preserved under the polytunnels and will be available in the future should they be required for ground-based crops.

In summary, the proposal complies with the policy except in respect of criterion (k), but this is only a minor conflict as full landscaping details can be controlled by way of a condition.

Strategic Gap

The site is in a strategic gap which covers a very small strip of land west of the A259 and then land on the eastern side of the A259 extending east to the Aldingbourne Rife (and bordered to the south by the North Bersted Bypass). Policy SD SP3 states development in such areas will only be permitted where it does not undermine the physical and/or visual separation of settlements, compromise the integrity of the gap (either individually or cumulatively with other existing or proposed development), it cannot be located elsewhere and maintains the character of the undeveloped coast.

The development will not undermine the physical or visual separation of settlements as the only settlement bordering the gap is North Bersted to the south. There is also no harm to the character of the coast. There is disagreement between the applicant and residents on whether the polytunnels can be located elsewhere. The applicant states they cannot as they operate as part of the overall growing system on the Groves Farm and Colworth Manor Farm holdings to the west & north. Residents say the applicant holds other land in the area where these polytunnels could be sited. It is clear from comparing the submitted ownership plan with Google Earth and the ALP's proposals map, that the immediate land they own to the north is either already intensively farmed or covered in polytunnels and that the land they own to the east and south is also in the strategic gap.

The only other developments within the gap in this area are Elbridge Farm Recycling Centre, the houses on Babsham Lane, the Yeomans Honda garage and the boarding kennels on the other side of the A259 plus a small sliver of development in the site 6 development south of the Bypass. The proposal will develop a large part of the open gap east of the A259. The council's landscape officer says the application will inevitably compromise the integrity of the gap. On this basis, there is some conflict with the policy, which is addressed in the following sections.

Cumulative Impact

Both C SP1 and SD SP3 refer to the need to consider cumulative impacts. It is acknowledged that this area of the district (and over into Chichester) is heavily characterised by polytunnel development. This is clearly apparent when looking at the site on Google Earth. However, on a recent appeal decision concerning a residential site in South Gloucestershire (DCS ref 200-011-632), an Inspector remarked that it is not appropriate to assess a site and its context from the air - this should instead be done from the ground.

Much of the existing polytunnels are on the west side of the A259 (which is screened by landscaping) or to the north at Colworth Manor Farm and as can be seen from photos provided with the submitted Landscape and Visual Appraisal (LVA), the existing polytunnels can only be glimpsed in the distance from nearby viewpoints. This would reduce over time as a result of the planting proposed to the northern, eastern, and southern boundaries of the site. Whilst residents may feel that the area is already characterised visually by polytunnels, this is only really apparent from viewing the landscape from above which is not the appropriate test.

LANDSCAPE IMPACT:

ALP policies LAN DM1 and HOR DM1 seek to protect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. LAN DM1 also requires that views in/out of the South Downs National Park not be subject to significant harm.

The site forms part of the Sefter Bottom to Elbridge Coastal Plain Landscape Character Area (LCA7). As

set out elsewhere, the ALS (2006) identifies the landscape value as slight and so whilst the polytunnels and new tree planting will change the character of this open agricultural landscape (as per the comments of the landscape officer), the harm cannot be said to be significant. It is also material that the applicant could plant trees without planning permission and so arguments that the trees themselves will change the landscape have limited weight. The applicant has submitted an LVA which advises that:

- The site lies in the open countryside of the Coastal Plain and generally reflects the large-scale working agricultural and horticultural landscape of the wider area.
- Neither the site nor the local area is designated in terms of their intrinsic landscape quality.
- The site lies close to the northern expansion of North Bersted and is locally exposed to detracting uses on Elbridge Farm to the north-west and the Babsham Business Centre to the south-west, each of which has open storage close to the site.
- The site is also flanked along part of its western boundary by a run of residential properties on Babsham Lane, the former alignment of the A259.
- The site is contained on its western boundary by the combination of adjacent built form and planting running parallel to the A259.
- From the north, containment is provided by several bands of vegetation just north of the site.
- To the south and east, the site is more open, although viewing locations are essentially limited to the A259 North Bersted Bypass from where other existing polytunnels can also be seen.
- The general location of the site can just be discerned in clear weather conditions in views from distant locations on the higher ground to the north within the South Downs National Park.

The LVA concludes the landscape sensitivity of the site and local landscape to the development, is ranked as medium landscape sensitivity at a local scale and that the character of the wider landscape setting of the South Downs National Park will not be harmed. The overall magnitude of landscape effect at day 1 would be 'low adverse' (equating to a deterioration in the landscape resource that would be just perceptible). As new planting matures and becomes more effective, the adverse effects would reduce.

Residents are concerned there will be a loss of amenity for users of the footpath/cycle route along Babsham Lane, the A259 and from Gladius Way (also the A259). The LVA states the proposal would give rise to slight to moderate adverse effects at day 1 from the Footpath/ Cycleway adjacent to part of the site's western boundary and similar effects might be experienced by at least some of the residential properties adjacent to the western side of the site where the polytunnels would be about 50m from rear garden boundaries. The effects would be mitigated to some degree by year 10 as landscaping matures.

Overall, the proposal accords with policy LAN DM1, and as demonstrated above, the relevant parts of HOR DM1.

RESIDENTIAL AMENITIES:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. Policy QE SP1 requires that development contribute positively to the quality of the environment and ensure it does not have a significantly negative impact on residential amenity. As already discussed, policy HOR DM1 seeks only to protect residential amenity in respect of noise & lighting, and it has been established elsewhere that the proposal will not harm residential amenity in this way.

The Arun Design Guide (ADG) does not refer to polytunnels and the ADC Horticultural Local Development Order (which in any case does not apply to this proposal) does not set any requirements for distances from dwellings. Herefordshire Council have a "Polytunnels Planning Guide" (June 2018) which recommends a minimum distance of 30m from the boundary of any residential curtilage or 50m from any dwelling whichever distance is the greater. The NFU and British Summer Fruits Ltd previously agreed a "Code of Practice for the Use of Polytunnels for the Production of Soft Fruit" which stated that

these must not be sited within 30 metres of the boundary of the nearest residential dwelling.

Whilst this is not ADC policy, and therefore not directly applicable, it does provide some helpful guidance for comparison. It is positive that the application layout demonstrates that the polytunnels will be no closer than 50m to the curtilages of existing houses. This is in excess of the guidance referred to above and so will minimise any privacy concerns and together with the limited height, will prevent the polytunnels from harming light to gardens or being overbearing.

In respect of the other objections raised, it should be noted that there is no right in planning law to a view, it is unlikely that dust will be created from the use of the polytunnels. Noise has been considered and there are no concerns from environmental health. The proposal will not result in any material harm to local residents and there is no conflict with the relevant ALP policies.

FLOODING:

The site is predominantly in Flood Zone 1 (FZ) which is low risk, but the part of the site along the north-western boundary (where the main river lies) is noted as being in FZ3 (high risk). Furthermore, climate change predictions indicate that by 2111, there will be a greater extent of FZ3 on the north-western boundary and the south-eastern corner.

ALP policy W DM2 refers to the sequential and exceptions tests, need for a Flood Risk Assessment (FRA) and mitigation. Policy ECC SP1 states development must be located & appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding. Agricultural development is defined by the NPPG as less vulnerable and is compatible with FZ3 locations.

Government guidance states a sequential site assessment is required where a site is at high risk of current or future flooding, and this would still apply to this proposal. The applicant has not provided such an assessment however it is material that the land is used for agriculture, the current FZ3 extent does not affect the siting of the polytunnels, the cause of future flooding is tidal (via the Aldingbourne Rife) and there are existing sea defences at Felpham which are likely to be maintained. Any workers on site would be able to 'escape' via the access to the south (which would be permitted for use in emergencies) should flooding prevent escape to the north.

There is a minor conflict with policy due to no sequential site assessment associated with future flooding however this is outweighed by material considerations.

ECOLOGICAL CONSIDERATIONS:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. The applicant has supplied an ecological impact assessment (EIA) which followed a site survey in February 2022 and then further species-specific surveys during May and June. The latter found a Badger Sett (4-5 holes) on separate land to the east of the site and also red-listed bird species nesting in the field crop but did not find any evidence of Water Voles or reptiles in the ditches. The EIA recommends several mitigation measures including:

- New hedgerow planting and the addition of trees to existing hedgerow lines that will be of benefit to a wide range of farmland bird species, including those recorded on site.
- A 5-10m wide wayleave of low maintenance grassland will be maintained along the northern site boundary to benefit water voles.
- New hedgerow planting proposed will extend the continuous network of wildlife corridors that cross the estate and will be of benefit to Badgers, small mammals, and farmland bird species.

- The landscape proposals include several new wildflower meadow areas.
- Existing hedgerows will be protected from construction activity with site traffic avoiding travel under tree canopies and toolbox talks provided to site operatives to avoid propping up polytunnel frames against hedges prior to construction.
- Provision of a Farmland Bird Mitigation Strategy.
- Badger Sett activity will be monitored leading up to polytunnel installation in case the badgers start digging a new entrance on the application site of the hedge and require avoidance measures during polytunnel installation; and
- An estate-wide litter strategy will be adopted to minimize diffuse and indirect impacts and prevent pollution from entering the ditch-network.

The EIA stated several ponds are located in close proximity to the site and that amphibians such as toads/newts may utilise the two ponds adjacent to the site. A Great Crested Newt (GCN) Assessment Report has been submitted but this found no evidence of GCN and noted the nearby ponds as having low suitability to support them. The council's ecologist has reviewed the surveys and raise no objection subject to conditions. These include the need for a Farmland Bird Mitigation Strategy.

The consultation comments of Chichester DC state the potential for harm to a wildlife corridor. This is a designation entirely within the Chichester District which is part of their emerging Local Plan Review. It is known as the "Proposed Westhampnett to Pagham Harbour Strategic Wildlife Corridor" and is situated the other side of the main river/district boundary.

The Chichester LP Review is currently at the Regulation 19 stage and so can be attributed some planning weight in decision making, albeit the weight to be attached to the policies in this emerging plan is a matter for the decision maker. The associated policy NE4 states that development proposals outside, but in close proximity to the strategic wildlife corridor will be acceptable where it can be demonstrated that: (a) the development will not have an adverse impact on the integrity and function of the wildlife corridor; and (b) the proposal will not undermine the connectivity and ecological value of the corridor. It also states all proposals for new development within or in close proximity to wildlife corridors should take opportunities available in order to extend and enhance those corridors.

The proposal includes new Wildflower Meadow with loosely planted trees adjacent to part of the north-eastern boundary which will extend and enhance the corridors. Whilst there is no response to this policy designation in the supporting documents, it is material that the polytunnels will be 10-15m from the district boundary at the closest point and that the council's ecologist raises no objections to the impact on his boundary.

The site is partly within the Pagham Harbour Zone B however ALP policy ENV DM2 only requires a financial contribution if residential development is proposed.

SUMMARY:

The development seeks to make provision now to compensate for the future loss of existing polytunnels on land west of the A259 which falls within the 'West of Bersted' strategic allocation for 2500 houses. The proposal is largely in accordance with the policies of the development plan, the exceptions being the lack of a detailed landscape scheme, the lack of a sequential flood assessment and the likely adverse impact on the integrity of the strategic gap. The landscape scheme and flooding conflicts are minor, and a landscaping scheme would be secured by condition. This leaves harm to the integrity of the gap and, in this regard, it is material that the landscape is already heavily characterised by polytunnels, that these structures are small scale and temporary and that there will be no significant adverse harm to the landscape character area. The proposal is in accordance with the development plan as a whole.

The presumption in favour of sustainable development (para 11c of the NPPF) states that development proposals that accord with an up-to-date development plan should be approved without delay. This proposal has been delayed once due to concerns with the adequacy of protected species surveys, but this issue has now been satisfactorily resolved. Therefore, it recommended that permission is now granted subject to conditions.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). The recommendation for approval of the grant of permission in this case does not interfere 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 4221-TB-010 Rev C.
Polytunnel Layout Plan 4221-TB-011 Rev F; and
Proposed Floor Plan and Elevations 4221-TB-012 Rev B.

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

- 3 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Great Crested Newt Assessment Report (GPM Ecology, January 2023) and the Ecological Impact Assessment (GPM Ecology, August 2022 as already

submitted with the planning application.

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

- 4 A buffer zone of at least 50 metres shall be maintained at all times between the polytunnels and the dwellings on Babsham Lane.

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

- 5 The polytunnels shall be dismantled and the covering & hoop structures removed from the site on or before the 1st of November in each calendar year. They may then be reassembled on or after the 1st of January in the following calendar year.

Reason: As the proposal is for seasonal polytunnels and in the interests of landscape and visual amenity in accordance with policies HOR DM1 and D DM1 of the Arun Local Plan.

- 6 As per the submitted "Planning, Sustainable Design and Access Statement" (January 2023), the site shall only be accessed from the north. The existing access to the south from Horse Croft Field (and from there onto Babsham Lane) shall only be used in emergencies when the northern access is blocked.

Reason: In the interests of residential amenity and because the applicant has not proposed to use the southern access, in accordance with policy QE SP1 of the Arun Local Plan.

- 7 The polytunnels shall only be accessed between the hours of dawn and dusk except to allow for night-time security or essential maintenance visits.

Reason: To safeguard the amenities of the neighbouring residential properties in accordance with Arun Local Plan policies HOR DM1 and QE SP1.

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

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

- 9 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the

site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values and in accordance with current policies. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

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

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

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

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

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because it is not possible to carry out such surveys once the polytunnels have been erected.

- 12 Prior to the first commencement of the development, a Construction Management Plan shall be submitted in writing to the local planning authority for approval. Thereafter, the approved Plan shall be implemented and adhered to throughout the construction period. The plan must include the following:

- a) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works.
- b) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).
- c) Measures to control the emission of dust and dirt during construction; and
- d) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted on site.

This condition is only required to be discharged prior to the initial construction stage but the approved management plan will continue to apply for all subsequent works on the site i.e. the yearly removal and erection of polytunnels.

Reason: To protect the amenity of local residents in accordance with policy QE DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because it is

necessary to have the construction site set-up agreed prior to access by construction staff.

- 13 No development shall commence until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. This shall include the following.

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

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

Reason: In the interests of wildlife protection, to allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species) and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because such measures must be in place prior to construction activity occurring.

- 14 No development shall commence until a Farmland Bird Mitigation Strategy has been submitted to and approved in writing by the local planning authority. This shall seek to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of offsite compensation measures to be secured by legal agreement, in nearby agricultural land, prior to commencement. The content of the Farmland Bird Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measure e.g., Skylark plots.
- b) Detailed methodology for the compensation measures e.g., Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots'.
- c) Locations of the compensation measures by appropriate maps and/or plans; and
- d) Persons responsible for implementing the compensation measure.

The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

Reason: To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species) and in accordance with Arun Local Plan policy ENV DM5. This is required to be a pre-commencement condition because such measures must be in place prior to construction activity occurring.

- 15 None of the polytunnels shall be first brought into use unless and until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding

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

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

16 A Biodiversity Enhancement Strategy for protected and priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority prior to first use of the polytunnels. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures.
- b) Detailed designs or product descriptions to achieve stated objectives.
- c) Locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans (where relevant).
- d) Persons responsible for implementing the enhancement measures; and
- e) Details of initial aftercare and long-term maintenance (where relevant).

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

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

17 No lighting shall be erected or installed on the site unless full details (including type of light appliance, the height and position of fitting, predicted illumination levels, and predicted light spillage) have been submitted to and approved in writing by the local planning authority. The scheme shall seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any nocturnal wildlife species by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. Particular care should be exercised in respect of lighting directed to the site boundaries. Any lighting that is approved shall be installed and maintained on accordance with the approved details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason: In the interests of the amenities of the area, the site biodiversity (particularly nocturnal species) and to minimise unnecessary light spillage outside the development site affecting residential properties in accordance with policies QE SP1, QE DM2 and ENV DM5 of the Arun Local Plan.

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

19 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The

infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

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

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

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

- 20 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens. The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.
- 21 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 22 INFORMATIVE: The development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a major hazard. The applicant/ agent/ developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/ confirmed by this notice. The address is:

Southern Gas Networks Plc
SGN Plant Location Team
Archibald Suite
Baird Avenue

Dryburgh Industrial Estate
Dundee
DD2 3TN

Search online at:

www.linesearchbeforeyoudig.co.uk

SGN personnel will contact you accordingly.

- 23 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 24 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 25 INFORMATIVE: The proposed access to the site from Colworth Farm will require the submission of a Prior Approval application in accordance with Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to Chichester District Council.

The access will also cross a main river and this itself will require an Environmental Permit from the Environment Agency. Further information can be found on the gov.uk website - <https://www.gov.uk/topic/environmental-management/environmental-permits>. The Applicant must ensure that the operations at the site are in accordance with the Environmental Permitting (England and Wales) Regulations 2016. The Applicant is advised to contact the National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk to obtain advice about environmental permitting matters.

Under the Environmental Permitting (England and Wales) Regulations 2016, the operator of a waste site will require an environmental permit for the importation, storage, and treatment of waste. Please note that the need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of an environmental permit.

- 26 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act, 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.
- 27 INFORMATIVE: The farming practices proposed in this application must comply with the requirements of the following legislation:

- Farming Rules for Water (FRfW), The Reduction and Prevention of Agriculture Diffuse Pollution (England) Regulations 2018,
- The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil)

(England) Regulations 2010 (SSAFO) where applicable (fuel stores).

- The Nitrate Pollution Prevention Regulation 2015 - Nitrate Vulnerable Zone rules do not apply to land inside greenhouses. Greenhouses include both glasshouses and polytunnels, in which crops are grown under cover in an enclosed space. However, if land is exposed to the open air at any time, the rules apply for the whole of that year. If the size of the holding changes, but the change only affects an area covered by greenhouses, there is not a need to update your map and records. However, rules on manure storage and recording the size of your holding and any rules applying to land outside the greenhouses will still apply.

- 28 **INFORMATIVE:** This proposal may involve taking/abstracting water from a surface source (e.g. river, stream, or canal) or from an underground source. If the plan is likely to take more than 20 cubic metres a day, then it is likely that an abstraction licence will be needed from the Environment Agency. Further information about abstraction licences can be found on the gov.uk website here: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-orimpoundment-licence>. To make an enquiry regarding an abstraction licence, please contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

BACKGROUND PAPERS

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

BE/8/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

This page is intentionally left blank

PLANNING APPLICATION REPORT

REF NO: BR/12/23/PL

LOCATION: Cordell House Rest Home
120 Victoria Drive
Bognor Regis
PO21 2EJ

PROPOSAL: Change of use of a C2 Residential care home into an 8 No bed C4 House in Multiple Occupation (resubmission following BR/37/22/PL). This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Permission is sought for the change of use from a residential care home for 8 elderly residents to an 8 bed House in Multiple Occupation (Sui Generis). The attached garage would be demolished, all existing chimney breasts would be removed.
SITE AREA	489.80 square metres.
BOUNDARY TREATMENT	Brick wall and hedgerow to the rear, brick wall with close boarded fencing on top along the southern boundary with gates (entrance to the site from Annandale Avenue), dwarf brick wall enclosing the front garden and brick wall along the northern boundary.
SITE CHARACTERISTICS	A detached 2-storey building on the corner of Victoria Drive and Annandale Avenue with a front garden of a good size and entrance to the garage from Victoria Drive to the north and rear garden with access from Annandale Avenue.
CHARACTER OF LOCALITY	The street scene (the north-eastern end of Victoria Drive entering Chichester Road) consists of Victorian style buildings. The local building heights differ but most properties are two storeys and most having a residential use.

RELEVANT SITE HISTORY

BR/37/22/PL	Change of use from residential care home (Use C2) to a 10 bed House in Multiple Occupation (Sui Generis). This application is in CIL Zone 4 and is Zero Rated as other development.	Refused 08-07-22
BR/888/84	Use Of Existing House To Accommoate 8 Elderly Paying Guests	ApproveConditionally 23-01-85

Reasons for refusal on BR/37/22/PL:

In the absence of a signed s106 agreement relating to the recreational impact of the development on Pagham Harbour the development would fail to appropriately address the impact caused contrary to ENV DM2 of the Arun Local Plan causing harm to the importance and habitat of the area.

The roof, by virtue of its design, height and form would be out of character and have a significantly harmful impact upon the host dwelling and character and appearance of the locality in conflict with policies D SP1, D DM1 (1), D DM4 (a), (b), & (e) of the Arun Local Plan, Section M of Arun Design Guide and paragraphs 129 and 134 of the NPPF.

A s106 agreement has been submitted and there is no proposed roof extension in the current application.

REPRESENTATIONS

Bognor Regis Town Council: Objection.

- Will result in an increase in pressure for on-street parking spaces which will be harmful to the amenity of residents in the area.
- It would involve anti-social blocking of driveways and overspill parking on roads.
- The change of use would result in an intensification of use, that adversely affects the character of the area, contrary to policies H SP4 and QE SP1 of the Arun Local Plan.
- Whilst it is noted that the Highway Authority consider there to be ample parking spaces within surrounding streets, this is not what residents of those streets are reporting to the Town Council.

2 letters of objection received:

- Parking is virtually impossible, another 10 residents with only half having vehicles would add to this horrendous problem.
- Victoria Drive is a dangerous two-way traffic road made difficult by street parking.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

- WSCC does not anticipate the change of use would result in a highway safety concern or give rise to a parking capacity issue.
- Other planning issues are addressed below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH: No objection. Request a condition relating to construction hours.

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

WSCC HIGHWAYS: The proposal would not have an unacceptable impact on highway safety or result in

'severe' cumulative impacts on the operation of the highway network.

PRIVATE HOUSING & PUBLIC HEALTH: Fire safety and Housing standards, including room sizes and facilities must be complied with.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

- Zone B Pagham Harbour Buffer (5km)
- 2km Buffer of Bognor Reef Site of Special Scientific Interest
- 2km Buffer of Felpham Site of Special Scientific Interest
- Built-up Area Boundary
- WSCC Mineral Consultation Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HSP4	H SP4 Houses in multiple occupation
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
-------	-----------------------------

POLICY COMMENTARY

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

There are no relevant Bognor Regis Neighbourhood Development plan policies.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The development is in the built-up area boundary (BUAB) where residential development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) provided it is in accordance with other development plan policies covering such issues as change of use, impact on the character/design, residential amenity, highway safety, biodiversity, climate change and impact on Pagham Harbour. The key policies of the Arun Local Plan are D SP1, D DM1, H SP4, T SP1, ENV DM5, ECC SP2 and ENV DM2 of the Arun Local Plan and relevant paragraphs of the NPPF.

Policy D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrated, and new development should have a minimal impact to users and occupiers of nearby properties and land. Policy H SP4 deals with Houses in Multiple Occupation.

Policy SD SP1 of the Arun Local Plan states "When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)." Para 120 (d) of the NPPF advises decisions should promote and support the development of under-utilised land, especially if this would help to meet

identified needs for housing. Paragraph 124(d) NPPF requires planning policies and decisions to support development that makes efficient use of land, considering the desirability of maintaining an area's prevailing character and setting.

The NPPF's para. 12 requires that up-to-date Development Plan policies are the starting point for decision-making. In this case the relevant policy is Local Plan policy H SP4 which deals with Houses in Multiple Occupation is up to date.

Policy H SP4 (ALP) states where applications for houses in multiple occupation are not covered by permitted development rights, they will be favourably considered where proposals contribute to the creation of sustainable, inclusive, and mixed communities and meeting the detailed criteria relating to character, loss of family housing, generation of excessive parking and open space.

A further HMO would result in an increase of population in an already densely populated area. The impact of that and compliance with H SP4 (a), character and balance between housing types, are discussed below.

The applicant in the Design and Access Statement refers to a vehicle parking survey which shows that there would be enough roadside parking to accommodate the needs for the 8 bed HMO. As assessed below, no wider adverse highways impacts would result, and no objection has been raised by WSCC Highways. The LPA is required to assess any impacts on amenity deriving from the parking demands created.

The development would not result in the generation of excessive parking demands resulting in demonstrable harm to the amenity of the locality; it would not be contrary to criterion (b) of Policy H SP4 of the Local Plan.

The development includes 176sqm of private amenity space to the rear (11m deep 16m wide). No layout showing provision of bin storage (as described in submitted DAS) has been provided. One small outbuilding (shed for bicycles) at the end of rear garden is shown on the Site Plan. The development can accommodate at least 16 people. Notwithstanding above, the property is an 8-minute walk to Hotham Park and other parks in the locality. The development would be in a general conformity with criterion (c) of Policy H SP4 of the Local Plan.

The development is in a general conformity with Policy H SP4 (criteria b and c) of the Local Plan.

CHARACTER OF THE AREA:

Policy D DM1 of the Arun Local Plan requires that the Council have regard to certain aspects like a reflection or improvement upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density and design features and maintaining character and local distinctiveness. Policy D SP1 requires all development proposals to make efficient use of land but reflect the characteristics of the site and local area.

Regarding criterion (a) of policy H SP4, there are existing HMOs in this area. Within a 50m radius of the site there are 5 HMOs and within 100m radius of the site there are 2 HMOs and further 2 within 130m: 73 Annandale Avenue, 114 Victoria Drive, 20-28 and 29-37 Carlingford Court, 1-9 and 123 Victoria Drive and 86 Annandale Avenue.

The use is incomparable to the C2 use and is materially different. Care Homes operate in a more controlled and holistic manner with single deliveries serving the whole building for food, a significantly reduced number of courier deliveries and visiting persons to residents being strictly controlled and they

provide employment. They do not contribute to the generation of excessive parking demands or traffic in an area. This is in significant contrast to the functional operation of buildings with multiple occupation. In principle, each HMO room functionally operates as its own self-contained residential unit of accommodation. It would generate its own waste requirements, own deliveries from couriers and own food deliveries.

An Article 4 Direction removing Permitted Development rights for smaller scale Houses in Multiple Occupation (i.e.C4 Use Class), has been recently implemented covering the three specific Wards of Marine and Hotham (Bognor Regis) and River (Littlehampton). The site is in Orchard Ward, outside of Article 4 area which also evidenced the large number of HMO's in those wards.

The character of the locality has an increased density derived from recent conversions of housing stock into smaller household types and conversions to HMO's. 20 Cordell House is already in use as an HMO. A condition will be imposed to limit the number of occupants up to maximum of 16.

The building is two storeys with a plain tile roof and textured render finish walls and vertical tiling between bay windows. The garage on the northern side would be removed and a new window would be inserted on north-western elevation. All existing openings on north-eastern elevation would be removed. A large window of the existing single storey rear extension would be bricked up and all chimney stacks would be removed.

The area is predominantly residential with a veterinary hospital opposite. There are 7 HMOs within a 100m radius and a larger number of residents in the dwelling would not be out of character in this location. The development would not result in an unacceptable increase of population in this area and would not affect its character.

The proposal complies with ALP policies D DM1 & H SP4 (a) and with the guidance on character within the NPPF. Criteria (c) and (d) of policy H SP4 will be analysed elsewhere in this report.

NOISE & RESIDENTIAL AMENITY:

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

Supporting text (para. 12.5.4) to HMO policy H SP4 indicates that many properties can accommodate a modest increase in occupancy which may well give rise to noise and disturbance.

The change of use from a home for 8 elderly people into an 8 bed HMO (capable of accommodating at least 16 people) gives rise to an increased occupancy and significant intensification of the use of the property. Whilst the HMO would result in an increase in external activity and thus, increase in noise levels, the use would be residential in character and have similar characteristics to residential properties in the locality.

There are no additional habitable windows at the first-floor level. Given the position of the property, an existing boundary treatment and the character of locality it is not considered the proposal would cause unacceptable loss of privacy to users and occupiers of nearby properties.

The proposal would have minimal impact to users and occupiers of nearby properties considered to

result in adverse harm on neighbouring amenity by way of overshadowing, overbearing or overlooking and as such accords with D DM1, QE SP1 of the Arun Local Plan and par 130(f) of the NPPF.

PARKING, TRAFFIC AND HIGHWAYS IMPACTS:

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

HMO policy H SP4 requires that HMOs (b) Do not contribute to the generation of excessive parking demands or traffic in an area.

The applicant proposes to provide cycle storage and 2 car parking spaces. A car parking survey conducted on the neighbouring residential streets reveals that out of the total 299 parking spaces, only 200 were occupied which gives a 66% occupancy rate.

WSCC do 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. The proposals would be in a general conformity with policies T SP1, T DM1 and H SP4(b) of the Arun Local Plan and ADC Parking Standards.

PROVISION OF INTERNAL SPACE FOR PROPOSED FLATS AND HMO OCCUPANTS:

Policy D DM2 of the Arun Local Plan states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards apply.

The Technical Housing Standards (Nationally Described Space Standard) does not provide relevant standards for Houses in Multiple Occupation. Regard should be had to Arun's Environmental Health Private Housing Standards.

The Council's Private Sector Housing Officer has not commented but if the use does not meet the HMO Standards, this is likely to be identified as a hazard under the Housing Health and Safety Rating System (HHSRS). The HMO Officer can provide general advice in respect of fire safety, ventilation, and legislation requirements.

The proposed development, in planning terms, offers sufficient internal and external space and therefore complies with H SP4.

WASTE STORAGE PROVISION:

Policy WM DM1 of the Arun Local Plan affirms new residential development, including conversion of one dwelling into multiple units, will be permitted provided that it is designed to ensure that kerbside collection is possible for municipal waste vehicles and communal recycling bins and safe bin storage areas are available to occupiers of property.

In the DAS the applicant states: ' Each unit will be provided with 75 litres for bin storage and the same amount of storage is to be provided for recycling. This will be achieved by providing 1no. 1100 litre bins for waste and 1no. 1100 litre bins for recycling'.

Details of the bin storage enclosure can be conditioned; the development could comply with policies WM DM1 and H SP4 (para. 12.5.5) subject to condition.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP Policy ENV DM2 requires new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £871 per new residential unit was agreed by the Councils Cabinet on 10th April 2017.

The site lies in designated Zone B and this application results in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. The application results in recreational disturbance only to Pagham Harbour. Having considered mitigation and avoidance measures to be provided in-perpetuity through the contribution to the Joint Pagham mitigation scheme, Arun District Council conclude that with mitigation the plan or project will not have an adverse effect on the Integrity of the European protected site(s).

Based on a net gain of 1 unit the £871 contribution should be paid. This will be secured by a Section 106 agreement and there is a compliance with policy ENV DM2 of the Arun Local Plan. At the time of writing, this has yet to be completed.

CLIMATE CHANGE/SUSTAINABLE CONTRUCTION:

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. QE DM3 requires electric vehicle charge points.

As there are no decentralised, renewable and low carbon energy supply systems proposed, a condition would be necessary to secure compliance with the policy. A condition is proposed to ensure an electric car charge point is provided at the property. Subject to the conditions being discharged, the proposal would comply with policies ECC SP1 and QE DM3.

BIODIVERSITY:

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

The proposal is for a change of use with small external changes only. Submission of further information demonstrating what will be included within the scheme and what level of net gain will be created is required.

The opportunity to increase biodiversity and mitigation measures will be secured via conditions and complies with ENV DM4.

SUMMARY:

The conversion of this property represents an efficient use of urban land without compromising the visual amenities or character of the area, highway safety or the amenities of nearby residential occupiers. The proposal represents sustainable development.

The policies most relevant to this application are not considered out of date and so an approval would be in accordance with paragraph 11c of the NPPF and it is recommended that permission is granted subject

to conditions and the legal agreement.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

The decision would be granted with a S106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

Dwg No 02, Location Plan;
Dwg No 02, Site Plan;

Dwg No 07: B, Proposed Elevations;
Dwg No 05: A, Proposed Ground and First Floor.

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

3 The use hereby approved shall be for the benefit of a maximum of 16 occupants only.

Reason: To protect the amenities of the locality and adjoining property in accordance with policies D DM1 and H SP4 of the Arun Local Plan.

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

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

5 Details for the storage of waste on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the HMO approved by this application,. The details so approved shall be made available within one month of the approval and be retained thereafter.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policy WM DM1.

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

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

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

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

8 Within one month of occupation of the HMO, covered and secure cycle parking spaces shall be provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The approved cycle parking shall be maintained in perpetuity.

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

9 Prior to the occupation of the HMO approved by this application, a scheme has been submitted for approval by the Local Planning Authority to demonstrate that the development will incorporate energy efficiency measures that reflect standards at the time of submission, together with decentralised, renewable and low carbon energy supply systems. The approved

scheme shall thereafter be implemented prior to occupation and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

- 10 Within 3 months of the date of commencement of this permission details of improvements to secure biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be completed on site within 6 months of the date of approval of the details and retained thereafter.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the NPPF.

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

- 12 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

BACKGROUND PAPERS

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

BR/12/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: EP/7/23/PL

LOCATION: Land North of 9 Lashmar Road
East Preston
BN16 1ES

PROPOSAL: Erection of 1 No. two storey dwelling house. This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION A two storey three-bedroom semi-detached house is proposed to a side garden to an existing property at the junction of 9 Lashmar Road and Cotswold Way.

The dwelling will consist of 1no. external parking space and 1no. space within existing garage. Cycle and refuse storage in rear garden shed. Its ridge, eaves height and materials will match the existing house. It will have first floor windows fronting the Lashmar (east), the rear (west) as per the existing terrace, but also to Cotswold Way (north).

All measurements are approximate.

SITE AREA 0.04Ha.

TOPOGRAPHY Predominantly flat.

BOUNDARY TREATMENT Low brick wall with trellis along the west and northern boundary.

SITE CHARACTERISTICS Side garden of existing terraced house. The site sits at the corner of Lashmar Road and Cotswold Way and consists of a semi-detached dwelling, 9 Lashmar Rd, to the south, and a single-storey garage.

9 Lashmar Rd is a two-storey residential building, on a corner plot accessed off Lashmar Road. Garden to rear and side. Additional access to the garden is from Cotswold Way adjacent to the garage. The existing dwelling has no north facing first floor windows.

The street scene along Lashmar Road consists of semi-detached dwellings in brick with a similar roof profile and symmetrical elevations comprising of chimneys and regular window arrangements.

Closest neighbours are:

- To the north 8 Lashmar Road, separated from the application site by Cotswold Way. The closest part of the proposed house

will be 17m from the closest part of 8 Lashmar Way.

- To the east 31 Cotswold Way, with single-storey garage buildings immediately to the east between the two properties. Back to side distance 16m. No. 31 is set back from the road and is to the rear of the existing house at No.9. (It is noted the Statements supporting the application appear to refer to this property as No. 25).

CHARACTER OF LOCALITY

To the north, east and south of the site are predominantly residential buildings.

To the west of the site is Lashmar Recreation Ground, housing a football field and children's playground.

Predominant local character is a mix of two storey detached, semi-detached houses, terraced houses and bungalows. Most of the houses are brick, with some to render.

The houses within Lashmar Road are relatively similar in appearance with a uniform street scene composed of semi-detached houses in brick with pitched roofs.

REPRESENTATIONS

East Preston Parish Council: Objection:

- Whilst the PC have praised the design of the proposed new property, it was concerned about the impact upon the existing property. A door and two windows will be lost from the northern elevation, and the property's external amenity space will be greatly reduced. Will the proposed garden of the existing property meet ADC's own minimum requirements?

- Recommend a Condition to ensure no high fencing or wall is erected around the proposed new property and that the open-plan feel of Lashmar Road and Cotswold Way is retained.

Four letters of objection which can be summarised as follows:

- Windows on the north side of the house will overlook garden and house.
- Loss of privacy.
- Enough houses in this location.
- Currently a dire situation in the immediate vicinity with regard to parking.
- Does not take into account the detriment to the host dwelling (9 Lashmar Road) should it be approved.
- Request a condition be imposed on the height of any fencing or wall on the boundary of Cotswold Way and Lashmar Road, to preserve open aspect.
- Concerns that the amenity of present and future residents of the existing house at 9 Lashmar Road will be severely compromised by having a structure attached to its north elevation, removing light from two windows and a glazed door on the ground floor, and resulting in a reduced back garden.
- Front of no.9 will be almost completely taken up by 2 cramped parking spaces which would presumably necessitate an application to the County Council for a dropped kerb.

Four letters of support which can be summarised as follows:

- Looks like a good design and more housing needed.
- Care and attention has been given to the design and this would provide further affordable housing.
- Should be supported good quality housing is difficult to find and should be encouraged.
- The design is sympathetic to the street scene and the proposed house will provide much needed

housing.

COMMENTS ON REPRESENTATIONS RECEIVED:

Planning related comments will be addressed in conclusions section below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - No objection. Conditions recommended.

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

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Environmental Health's request for a condition requiring a CMP is not necessary for such a small scale development such as this. Garden land is not expected to suffer from contamination and noise levels are no different in this case to what they are for neighbouring dwellings.

POLICY CONTEXT

Designations applicable to site:
Within the Built Up Area Boundary;
CIL Zone 4.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

[East Preston Neighbourhood Plan 2014 Policy 1](#) Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 5 Design in Character Area Four

PLANNING POLICY GUIDANCE:

NPPDG National Design Guide

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

EPDS	East Preston Village Design Statement
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. East Preston Neighbourhood Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that there would be no materially unacceptable effect on character, residential amenity, highway safety, biodiversity or climate change.

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**PRINCIPLE**

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

Policies 1 and 5 of the East Preston Neighbourhood Plan (EPNP) are also relevant in respect to housing design principles and issues within character area 4.

DESIGN AND CHARACTER

D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. The National Design Guide (NDG) requires achieving well-

designed places through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials, and their detailing.

The Arun Design Guide (ADG) in Section J refers to new building design and states new development must ensure the existing character and sense of place of an area is respected and enhanced. This can allow for contemporary design forms but only where these take cues from well-designed elements of the existing area. New development should generally reflect the scale of existing buildings and should avoid overshadowing of neighbouring properties.

This is an area of mixed house types and designs but primarily traditional bungalows or taller chalet bungalows, with few instances of traditional two storeys. The dwelling will be identical in scale and design to the existing house to the south and will be built from materials appropriate to the surroundings.

The host dwelling is one of three semi-detached pairs of properties to this section of Lashmar Road. The external pairs of properties, that is the host dwelling and no. 14 Lashmar Road, are set equidistant to their respective side roads. Both side gardens to No.9 and No.14 abut the footpath. From number 9 to the highway's edge of Cotswold Road is approx. 12m as is the case for No. 14 Lashmar Road from the edge of Orchard Road. This creates a sense of balance between the properties in relation to the highways to this section of the road. Whilst the loss of the side open space at no. 9 will unbalance these pairs of properties and impact on the character of the area the relationship of the side of No. 8 Lashmar Road to the edge of Cotswold Road makes this acceptable. This distance is 4.3m which is in close comparison to the 4.5 m from the side of the proposed dwelling to Orchard Close. This comparable relationship in such close proximity means that the impact on local character from the proposal will not be so great as to justify refusal on these grounds.

It is proposed to include new parking for the host dwelling within their existing/proposed front garden. Other dwellings in this section of Lashmar Road also include hardstanding and parking to their front gardens (Nos. 11 and 14). As such this will cause no harm to the character of the area.

Proposed boundary treatments are not detailed. Accordingly, to ensure that they are in sympathy with the area, a condition is recommended. Overall, there will be no conflict with development plan policies in respect of design, character, or layout.

RESIDENTIAL AMENITY

Policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. Policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The ADG sets out guidance on interface distances between dwellings and these are: 21m for back-to-back, 16m for front to front and 14m for front/back to side.

8 Lashmar Road to the north has a side gable wall with one window at first floor and one at ground floor. There will be 20m between the upper flank wall of the proposed house and No.8 in line with ADG guidance.

There are no standards given for side to side, but it is normally expected that side windows are discrete, serve secondary rooms/areas and could be obscure glazed without harm to the amenity of future occupiers. Whilst the ADG advises windows and doors should normally be placed in front and rear walls to minimise overlooking of neighbours, in this instance, given the distances and orientation (as described below) of the proposals the proposed side windows are acceptable and will not give rise to a detrimental loss of amenity or privacy the occupiers or neighbouring residents. Furthermore, the addition of windows in the side elevation add visual interest and ensure natural surveillance of the area, in support of Part J.03 of the ADG.

To the rear (east) 31 Cotswold Way is separated from the new house by three single-storey garage buildings with parking in front immediately to the east between the two properties. Back to side distance is 16m. No. 31 is set back from the road and is predominantly to the rear of the existing house at No.9. The proposed house will not give rise to a detrimental loss of amenity to neighbouring occupiers.

The loss of the side door and two small high level ground floor windows to the host dwelling has been raised as a concern in representations. The loss of the limited levels of light that would arise from the proposals will not be significantly detrimental to the amenities of the occupier of No.9. nor will a reduction in the size of the garden which will remain 15m in depth above the ADG standard for rear gardens.

The ADG sets out standards for garden sizes and advises that rear gardens be a minimum of 10.5m deep and front gardens at least 2m. The proposal provides a rear and side wrap around garden with a depth of between 5.8m/8.8m to the rear and north-east corner, 13m front to back at the side and 6m at the front. Despite not meeting the required length for a rear garden, the total area of private amenity space when considering both the rear and side gardens (although discounting an open frontage) is greater than that which remains of the host dwelling and equal to other dwellings in the terrace. It is therefore acceptable.

SPACE STANDARDS AND QUALITY OF ACCOMMODATION

As required by policy D DM2, it is necessary to assess the proposal against internal space standards set out in the Government's Technical Housing Standards (Nationally Described Space Standard) to determine if buildings will be suitable for residential use. Section J.08 of the ADG re-iterates this requirement.

The proposed house would have an internal area of 103m² whilst the requirement 3-bedroom 5-person 2 storey house according to the nationally described space standards is 93m². The dwelling exceeds the minimum space standard.

HIGHWAY SAFETY AND PARKING:

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

ADC Parking requirements for a 3-bed dwelling in zone 2 is 2 spaces. The scheme provides sufficient space for the parking of 2 cars at each dwelling. WSCC Highways raise no objections. It is material that the NPPF only allows for a refusal on highway grounds when there is an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this case there will be no such unacceptable or severe impacts. There is no conflict with T SP1 or the Parking SPD.

BIODIVERSITY

The site is existing residential garden and is likely to have low potential for biodiversity or species habitat. Policy ENV DM5 requires proposals achieve a net gain in biodiversity and protect habitats on site. There will be only a limited loss of biodiversity on site as it already hosts human occupation from one dwelling. The new dwelling will result in the loss of low-quality grassed garden habitat. However, a condition will be imposed requiring two bird boxes to be provided in order to demonstrate some biodiversity net gain. The plans also show the planting of tree and hedging along the boundaries which is positive. As a result, there is no conflict with ENV DM5.

CLIMATE CHANGE AND SUSTAINABLE CONTRUCTION

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

The application does not provide specific details relating to these measures, these will be secured by condition. A further condition will secure electric vehicle charge points in accordance with policy QE DM3. Subject to these conditions the proposal would comply with ECC SP1 and ECC SP2.

SUMMARY

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

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This is a CIL Liable development. It is in Zone 4 and should permission be granted then a CIL amount would be payable unless the applicant applies for exemption, subject to the requirements of the CIL Regulations 2010 (as amended).

RECOMMENDATION

APPROVE CONDITIONALLY

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

date of this permission.

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

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

- Location Plan, Block Plan, Existing Elevations PL 01 Rev B
- Site Plan, Proposed Floor Plans And Elevations PL 02 Rev B
- Street Scenes PL 03 Rev A

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

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

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

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

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 and ECC DM1 of the Arun Local Plan.

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

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

6 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan (PL 02 Rev B). These spaces shall thereafter be retained at all times for their designated purpose.

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

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

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

- 8 Prior to the occupation of any part of the development, the applicant or developer shall ensure that infrastructure is implemented to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage thresholds to buildings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

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

- 9 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a scheme detailing proposed boundary treatments, including details of any existing hedges to be retained, together with measures for their protection during the course of the development. Any retained planting which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The dwelling shall not be occupied until the boundary treatments have been implemented in accordance with the details agreed by the LPA under this condition, and shall thereafter be retained.

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

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

- 11 INFORMATIVE: To prevent impacts to the amenities of future occupiers of the proposed dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', as available upon request from pollution@arun.gov.uk.

- 12 INFORMATIVE: Vehicle Crossover - Minor Highway Works.
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted.

Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

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

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

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](#).

EP/7/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

This page is intentionally left blank

PLANNING APPLICATION REPORT

REF NO: LU/263/22/RES

LOCATION: Land west of Holly Drive
Littlehampton

PROPOSAL: Approval of reserved matters following LU/47/11 for the Southern allotments and access.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal is to provide allotments (36 in no.) as part of the overall masterplan agreed for the North Littlehampton development of 1250 homes, plus a range of community facilities, retail and employment space.

TOPOGRAPHY Predominantly flat.

TREES The submitted plans and reports show that none of any significance affected by the proposed development. See conclusions section.

BOUNDARY TREATMENT The submitted plans show metal weldmesh fencing 1.8m high around the perimeter.

SITE CHARACTERISTICS The site is currently an area of vacant ground located between the southern section of the Lyminster Bypass (to the west) and residential properties to east and south. The railway line lies to the north.

RELEVANT SITE HISTORY

LU/47/11/ Outline application with some matters reserved for mixed use development comprising: demolition of existing buildings and structures, up to 1,260 residential dwellings (out of a potential 1,460 dwelling masterplan), up to 13,000 sqm of B1 employment floorspace (including 3,000 sqm Enterprise Centre), up to 3,500 sqm of Class A local facilities, a 100 bed hotel, 60 bed care home, a new 2 Form Entry primary school, community centre, youth and leisure facilities, combined heat & power plant, extension to existing household recycling centre, landscaping, replacement and additional allotments, multi-functional green infrastructure including sports App Cond with S106 23-01-13

pitches (& associated changing facilities), informal open space, children's play areas, primary vehicular access from a new access from the A259 bridging over the railway line with additional access from Mill Lane & Toddington Lane. This application is the subject of an Environmental Impact Assessment & a departure from the development plan. This application affects a public right of way.

The section 106 for the original permission (as amended) requires that a programme for the layout and serving of the allotments to ensure the completion of the works by the anticipated occupation of the 1000th dwelling. The site currently has been 400 and 450 occupations. An access easement is allowed for WSCC to maintain the adjoining road.

REPRESENTATIONS

Littlehampton Town Council - Supports proposals.

Nearly 20 letters of Representations from separate individuals - Key points raised:

- Proposals will bring additional and ongoing disturbance.
- Parking will take place on verges in Holly Drive because level of onsite parking is inadequate.
- Access should come off of new road.
- More development will make it more difficult for vehicles to pass on Holy Drive.
- Application doesn't state who will manage the allotments.
- Lack of Road Safety Audit.
- Lack of details of gate designs.
- Lack of drainage details.
- Loss of trees and habitat.

COMMENTS ON REPRESENTATIONS RECEIVED:

The key considerations are addressed in the conclusions section below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Ecology - No objection subject to securing biodiversity mitigation and enhancement measures.

Parks & Greenspace - Further details required relating to the landscaping.

WSCC Highways - Further information requested.

COMMENTS ON CONSULTATION RESPONSES:

Further details have been requested from the applicant to address the highways and landscaping points.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
OSRSP1	OSR SP1 Allotments
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
------	------------------------------------

POLICY COMMENTARY

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

There are no relevant policies in the Littlehampton Neighbourhood Plan.

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 proposals accord with the development plan in that the details are acceptable without significant harm to the character or amenities of the area.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan as set out in the report.

CONCLUSIONS

This is an application for reserved matters details. The original outline planning application (LU/47/11/) granted outline permission for allotments in this location and the agreed indicative masterplan showed vehicular access from Holly Drive. This application relates only to landscaping, access and layout.

The key considerations are as follows:

Impact upon residents

Impact on trees

Impact of proposed access

Impact upon Ecology

Other Matters

The main policy consideration is policy OSR SP1 of the Local Plan. This policy is generally supportive of the creation of new allotments subject to a number of criteria be satisfied. It is considered that these criteria are satisfied in that the site is located within the urban area; is reasonably flat and not subject to flooding, a water supply is available; parking and cycling facilities have been provided; the site has natural surveillance from both the new road but also surrounding residential properties and finally is provided with secure boundaries. There are also areas of wheelchair accessible ground level raised beds.

Further, the site was identified for additional allotments through LU/47/11 over 10 years ago and the use of the site for this purpose is in accordance with the policies in the Local Plan.

Impact upon residents

The introduction of the new access between the properties fronting Holly Drive will introduce a degree of added noise and disturbance from persons or vehicles entering and leaving the site but this is not considered to be so excessive as to warrant the rejection of this proposal. The indicative masterplan approved under permission LU/47/11 showed access to the allotments being from Holly Drive and this application is entirely consistent with this plan. As a consequence no policy objection is considered to arise.

In terms of the proposed use the location of allotments adjacent to residential properties is not considered to be unacceptable in principle. However, it is important that the site has clear security fencing. The submitted plans show metal weldmesh fencing 1.8m high around the perimeter of the site and this is considered acceptable.

Impact upon trees

There are number of small low-quality trees which will be removed or pruned as part of the proposals. Given their limited value this action is considered acceptable. As a consequence no policy objection is considered to arise.

The submitted landscape is acceptable to officers. Some further clarification has been sought in respect of specimens and numbers and these details will be submitted prior to the Committee. These details will add to what has been submitted.

Impact of proposed access

The intention is that the site would be accessed via an area of land left between the properties 'Holly end'

and 'The Laurels' which front Holly Drive to the east of the site. Holly Drive serves about 40 dwellings and has a carriageway width of 4.9m and a 30 mph speed limit. Ten parking spaces (including 2 wheelchair spaces) and 5 cycle stands are proposed. Additional parking spaces have been sought in lieu of a slightly smaller adjacent allotment plot in order to mitigate the concerns of residents further. The access itself would be a shared arrangement to include pedestrians accessing the allotments. Visibility splays at the junction with Holly Drive is within the required dimensions. An access easement is allowed for WSCC to maintain the adjoining road.

An updated response from WSCC is anticipated. However, in the absence of information to the contrary this proposal is not considered to give rise to any significant highway issues and therefore no policy objection is raised.

Ecology

An ecological survey was provided with the application which identified the presence of a fox den This will need to be closed in accordance with appropriate best practice. The Councils Ecology Adviser has raised no objection to the proposed ecology mitigation strategy and biodiversity enhancement.

Other Matters

Since it has been decided that it is not practical or desirable to have a pedestrian bridge at the Toddington Crossing when it is closed the question has arisen whether there should be another pedestrian route between the areas south and north of the railway line. One suggestion has been to bring a pedestrian link off of the new road through the parking area of the allotments to join Holly Drive. This would be shorter than the current alternative of accessing the residential area south of the railway via a pedestrian walkway off of the A259.

Whilst it is currently not part of this application the issue arises as to whether the applicants should be asked to modify the application to facilitate such a link because if it doesn't form part of this proposal it is unlikely to be delivered as a separate proposal.

It would certainly improve the connectivity of the existing residential area (to the south of the railway) with the new school, community facilities, retail and employment areas to be delivered in the North Littlehampton development. However, it is also likely to result in further objections from local residents in Holly Drive and the Town Council has expressed its opposition in other forums to such a proposal. The alternative option is a longer walk but not substantially so and so on balance it considered that the additional link to the new road should not be sought.

For residents living to the north of the railway line a pedestrian/cycle route through the allotments is not so important as there are less amenities and facilities to the South and East of the railway and New Road that residents would need to access.

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 makes provision for those with disabilities.

The proposal would have a positive impact on the relevant protected characteristics.

CIL DETAILS

This application is not CIL Liable

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans CSA/5111/100/REV D, 21207-2 and 21207-1B.

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

- 2 No allotment be first brought into use until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing no. CSA/5111/100/REV D.

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

- 3 No allotment be first brought into use until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policies OSR SP1, T DM1 & T SP1 of the Arun Local Plan.

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

BACKGROUND PAPERS

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

LU/263/22/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: LU/3/23/PL

LOCATION: 37 Griffin Crescent
Littlehampton
BN17 7LH

PROPOSAL: Single storey rear extension with balcony, rear dormer and change of use from a single dwelling to two flats (resubmission following LU/242/22/PL). This site is in CIL Zone 2 and is CIL Liable as new flat.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks to construct a single storey rear extension with a balcony, a rear dormer, and change of use from a single dwelling to two flats.

SITE CHARACTERISTICS The site comprises a terrace dwelling of 2 storeys with gardens to front and rear. The site is flat and there are no trees affected by the proposal.

CHARACTER OF LOCALITY The area is part of a residential street comprising a uniform character with terraced and semi detached properties of 2 storeys set in small to medium plots set back from the highway with gardens to front and rear within urban environment.

RELEVANT SITE HISTORY

LU/242/22/PL	Rear extension, rear dormer and change of use from a single dwelling to two flats. This application is in CIL Zone 2 and is CIL liable as flats. (Resubmission of LU/5/22/PL)	Refused 21-10-22
LU/5/22/PL	Conversion of a single dwelling into two flats and rear two storey extension and rear dormer. This application is in CIL Zone 2 and is CIL Liable as flats.	Refused 22-06-22

REPRESENTATIONS

Littlehampton Town Council - Objection:

- Maintained previous objection on the grounds that the development constitutes overdevelopment.
- It is out of character in terms of its appearance compared with existing development in the vicinity.

1 letter of objection received from nearby occupiers:

- Residents in Griffin Crescent have taken to parking in Coomes Way causing parking problems already. It is a small road where parking is difficult at the best of times.
- There is limited access for emergency vehicles.
- Coomes Way was never designed to have parking on both sides of the road.
- Parking should be taken into great consideration.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Environmental Health Officer - No objection subject to conditions regarding unexpected contamination, construction hours, and electric vehicle charging being applied.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1	Aspects of form and design quality
DDM2	D DM2	Internal space standards
DDM4	D DM4	Extensions&alter to exist builds(res and non-res)
DSP1	D SP1	Design

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

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 complies with relevant Development Plan policies in that would not have a materially adverse effect on the residential amenities of the adjoining properties and of prospective occupiers.

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

BACKGROUND

There have been two applications for similar schemes at this property, LU/5/22/PL and LU/242/22/PL. Both sought a two storey rear extension, dormer, and conversion from a single dwelling into two flats. LU/5 was refused on the basis that the works would bring significant harm to the appearance of the host and be out of keeping with the area; and that its scale would result in significant harm to residential amenity. LU/242 was refused with the same reasons and added that the habitable floor space would result in inadequate quality amenity for future occupiers.

These previous reasons for refusal have been taken into account whilst assessing the current proposal, to ensure that all issues have been sufficiently addressed.

PRINCIPLE

The application seeks permission for conversion of a dwelling in to two flats. The key policies are D DM1 and D DM4 of the Arun Local Plan, and additional guidance outlined in the Arun Design Guide.

Littlehampton has a 'made' Neighbourhood Development Plan, of which Policy 1 is relevant. This policy is concerned with the presumption in favour of sustainable development, where proposals are acceptable subject to compliance with other Development Plan policy.

Policy SD SP2 of the Arun Local Plan encourages development in the built up area boundary which determines the extent of the different settlements built up area boundaries. Arun can currently only demonstrate a 2.36 year housing land supply. The principle of providing one additional unit in the built up area is acceptable'

DESIGN AND VISUAL AMENITY

The proposal seeks to construct a single storey rear extension with first floor balcony, and a rear dormer.

This will provide more internal space to the dwelling, in order to create two new flats. Despite all works being to the rear of Griffin Crescent, the property backs onto Coomes Way and forms part of its street scene. The proposal will be visible from the public realm.

The extension will be a modest scale, projecting 3.5m from the rear elevation, with a width of 6.21m. It will include a flat roof, which although differing to the pitched roof of the host, will not appear unduly out of place or have a significant impact on the visual appearance of the property. This roof will include a balcony with glass balustrade, measuring 2m deep and 3.2m wide. There are no other balconies within the close vicinity. There are no other balconies within the close vicinity, however, given its minimal structure and small scale, the impact to visual amenity will be minor, and as such acceptable. The rear extension and balcony will remain subservient to the design of the host and use materials matching that of the existing. This will ensure minimal intrusion on the visual amenity of the property and allow for sympathetic integration. The scale and massing of this aspect of the proposal is appropriate and will not be unduly dominant or obtrusive to the host. An extension of a similar scale could be constructed under permitted development rights.

The proposal includes a dormer to the rear, which will replace a flat roof dormer. This will project a total depth of 3.15m and have a width of 8m. It will have a flat roof and create a fair amount of bulk to the roof of the property, but this is not of significant enough harm to visual amenity to warrant refusal, given there is a dormer on this roof. It will not appear as an overdevelopment on the property, nor will it obtrude or dominate the appearance of the host dwelling. This dormer will include tile hung cladding, which will also help to integrate it with the existing tiled roof.

Concern has been raised that the works are out of character in terms of appearance, when compared with development in the vicinity. The works will be visible from the street scene of Coomes Way, however there are examples of rear dormers and single storey extensions within the immediate vicinity of Griffin Crescent. There are few examples where both developments have been implemented together on the property, yet the works would not be out of character.

The works would have some impact on the composition and appearance of Coomes Way. This impact would not be of enough harm to warrant refusal. The garage to the rear of the property would obscure most of the rear extension from view, with the dormer being the only aspect visible. Given there is a dormer, the increase in its scale will not result in an unacceptable change to the appearance of the street scene and will have little harm. It will remain in keeping with the general character of the area and have no adverse harm on the visual amenity of the area.

Part M of the Arun Design Guide (ADG) states rear extensions should respond to the distinctive characteristics of the building and surrounding area, preserve external garden amenity space and exploit opportunities for innovative and contemporary design where appropriate. As for roof alterations, these should be located discreetly and unobtrusively, and favour small scale dormer windows with pitched roofs over large, flat box-shaped designs. Despite having flat roofs, the proposal will not have an unacceptable impact to the visual appearance or character of the property and will remain in keeping with the area. This is in accord with the Design Guide.

The applicant has sufficiently addressed the concerns raised within LU/5/22/PL and LU/242/22/PL, in that the amended proposal would not bring significant adverse harm to the appearance of the dwelling, nor be out of keeping with the area. It would create more bulk to the rear of the house, and also increase its footprint, but the subsequent impact on visual amenity would not be unduly harmful, nor appear as an overdevelopment on the site.

The proposal will have no adverse impact on visual amenity, nor the character of the area, and is in accord with D DM1 and D DM4 of the Arun Local Plan, Policy 1 of the Neighbourhood Plan, and the Arun

Design Guide.

RESIDENTIAL AMENITY

The rear extension will be single storey and have a flat roof measuring 2.7m high. It will include a balcony above, which will have a glass balustrade measuring 3.8m high, with taller obscured sides to reduce overlooking, at a height of 4.5m. The extension will retain 0.8m to the west boundary, 15m to the north, and 1m to the east. These distances are acceptable and accord with D DM4 of the Arun Local Plan. The extension will not conflict the 60 degree rule from either neighbouring property, which is recommended for use by the Arun Design Guide, to determine overshadowing impacts. This extension will not result in adverse overbearing or overshadowing of No.35 or No.39 and will have minimal harm to residential amenity.

The rear dormer will be on the second floor and have a flat roof. Due to resulting in no change to the established footprint, this dormer will retain the same distance to boundaries. It will result in slightly more overbearing than the existing dormer, as a result of its larger scale, but this overbearing will not be detrimental to amenity. The scale of the dormer will not result in adverse overbearing or overshadowing and is acceptable. There will be another rooflight installed to the front elevation, in addition to the existing two rooflights. This will not result in any impact to residential amenity.

In addition to this rooflight, the proposal will include changes to the openings and fenestrations of the south and north elevations. This will also include the installation of a door and two windows to the south. This will include the shifting of two windows to the first floor. Being to the front and facing the street, these changes will not result in any overlooking of neighbouring properties and will have insignificant impact on residential amenity or privacy. The alterations to the north elevation will include two new windows to the second floor dormer, a set of patio doors and new window to the first floor, both replacing existing windows, and a new patio door and window to the ground floor. These features are acceptable. They will face onto the rear garden, and although having some visibility of the gardens of No.35 and 39, will not result in any adverse overlooking of neighbouring properties. The balcony to this north elevation will result in some overlooking, however this is limited and managed by the two obscure glass screens to the west and east directions, which will block visibility of No.35 or No.39. As such, this will have no detrimental impact on residential amenity.

The Arun Design Guide states that extensions should not negatively impact, and instead protect, neighbouring amenity in terms of privacy and overshadowing, considering the positioning of neighbouring buildings, and respond to existing elevations through the size and positioning of doors and windows. The proposal is in accord with this.

The applicant has addressed the concerns raised in LU/5/22/PL and LU/242/22/PL, with the scale of the proposal no longer posing adverse risk of harm to residential amenity.

The development will not be significantly harmful to residential amenity and is in accord with D DM1 and D DM4 of the Arun Local Plan, and Arun Design Guide.

INTERNAL/EXTERNAL SPACE STANDARD

The conversion of the dwelling will result in the creation of two flats, with internal floor area ranging from 67m² to 94m². Flat 1 will measure 67m² and include two bedrooms, one measuring 10m² and the other 11.5m². The requirement for a 2 bed 3 person flat on a single storey is 61m². As such, this flat meets the requirements of the Nationally Described Space Standards.

Flat 2 will be two storeys, with the first floor measuring 55m², and second 39m². The total internal floor area is 94m². It will have three bedrooms, measuring 9.3m², 12.1m², and 13.5m². The requirement for a 3 bed 5 person flat on two storeys is 93m², and as such this flat meets the requirements of the Nationally

Described Space Standards.

A rear garden area (approximately 5m in length) for each of the flats is proposed. This is sufficient space given the standards for flats in the Arun Design Guide relating to balconies affording outdoor space. The ground floor flat leads directly onto one of the proposed garden spaces, however the garden space for the other flat is not so easily accessible. With only access to external space from the front entrance way, the rear garden space feels removed from the upper flat.

The development provides satisfactory living space in accord with Policy D DM2 of the Arun Local Plan, para. 17 of the NPPF, and Part J of the Arun Design Guide.

TRAFFIC AND PARKING

Arun Local Plan's Policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

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

Arun has adopted its own parking standards which require 2 spaces for each 3-bed unit, plus 20% for visitor's car parking spaces. The cycle parking requirement would be 1 per dwelling, therefore requiring 2 spaces. The proposal incorporates a garage for 3 car parking spaces. Whilst the dimensions of this garage do not meet the standard dimensions, and as such cannot be considered to provide 3 sufficient parking spaces, there is off street parking available to both the front and rear of the property. Concern has been raised regarding parking in Coomes Way, yet the proposal will not result in a notable change in the number of vehicles parking at the property than already existing, and as such will have no adverse impact on highways. No electric vehicle charging point is provided, and a condition will be applied. There is ample space to provide for cycle parking spaces.

WSSC Highway Authority has previously commented on a similar proposal at the property (LU/5/22/PL) that it raises no highway safety concerns.

The site is sustainably located, there are alternative modes of transport available to future occupiers. The proposal does not generate significant traffic and parking demand to exacerbate the existing parking condition. The proposal will accord with Policies T SP1 of the Arun Local Plan and the ADC Parking SPD (2020).

SUMMARY

The proposed development accords with relevant development plan policies and would add one dwelling to the housing supply. It would accord with the development plan and paragraph 11c of the NPPF and is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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

Rights.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Location Plan 1049_001 REVA
- Proposed Site Plan 1049_101 REVB
- Proposed Floor Plans 1049_201 REVC
- Proposed Elevations 1049_301 REVD
- Proposed Roof Plans 1049_202
- Garage Floor Plan and Elevations 1049_202

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

- 3 Prior to the balcony hereby permitted first being used, a privacy screen (obscure glazed and to minimum height of 1.7m - max 2.0m) on the east and west sides of the rear balcony should be installed. The screen should be permanently retained in perpetuity.

Reason: To safeguard the amenities of the occupiers of neighbouring property in accordance

with policies D DM1 and QE SP1 of the Arun Local Plan.

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

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

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

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

In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

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

- 6 Prior to occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be installed in accordance with the Arun District Council Parking Standards SPD and shall thereafter be retained and maintained in good working condition. Charge points should be Mode 3, 7kw fast chargers as a minimum and/or meet Building Regs requirements of Approved document S.

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

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

BACKGROUND PAPERS

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

LU/3/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

This page is intentionally left blank

PLANNING APPLICATION REPORT

REF NO: WA/125/22/PL

LOCATION: Spindlewood
Yapton Lane
Walberton
BN18 0AS

PROPOSAL: Change from 2 pairs of semi-detached units approved under WA/79/20/PL on western side of site to 4 No detached properties. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Further to the approval WA/79/20/PL, this application seeks to vary condition number 2 (plans condition) of that approval for a variation of the approved plans to construct 4 x 3 bed semi detached houses and 4 x 3 bed detached houses (units 5,6,7 and 8) with associated parking, landscaping and amenity space.

All other matters remain as already approved.

SITE AREA 3613 sq.m.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 22 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES Trees affected by the proposed development have been identified on a tree survey and are the subject of a tree protection plan.

BOUNDARY TREATMENT 2m high fencing along north and south boundaries. Low walling to front boundary.

SITE CHARACTERISTICS The application site comprised a detached bungalow with gardens predominantly to the south side. The site is flat and there are trees mainly along the site boundary with Yapton Lane and within the southern side of the site.

CHARACTER OF LOCALITY The area is rural in character on the main road, B2132 Yapton Lane, between Yapton and Walberton. There is linear development particularly on the west side of the road with sporadic neighbouring properties and some plant nurseries. On the east side of Yapton Lane are open agricultural fields beyond border hedges.

RELEVANT SITE HISTORY

WA/79/20/PL	Demolition of existing dwelling & erections of 8 No. new dwellinghouses with associated landscaping & parking (resubmission following WA/30/20/PL). This application is a Departure from the Development Plan & is in CIL Zone 3 and is CIL Liable.	Refused 14-01-21
		Appeal: Allowed+Conditions 09-08-21
WA/122/22/PL	Variation of condition following grant of APP/C3810/W/21/3269025 (WA/79/20/PL) relating to Condition 2 - approved plans.	ApproveConditionally 16-02-23

REPRESENTATIONS

Walberton Parish Council - Objection.
WPC notes that the current application continues to deviate from the Neighbourhood Plan and does not change the number of houses on the site. It will rely upon the officers' judgement in determining this application.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The development has already been approved. This application only seeks amendments to part of the approved scheme.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

ADC Drainage - No objection subject to conditions.
- The applicant should be aware that there has been historic correspondence regarding the surface water drainage for this site. I have previously seen evidence that infiltration is not viable here. There are no watercourses or surface water sewers in the vicinity of the site - this may make discharging the suggested conditions challenging as the adopted WSCC policy (linked above) stipulates that no connection of surface water should be made to the foul sewer. Usually, with this knowledge I would object to the application until a policy compliant surface water drainage strategy could be presented. However, the previous applicant had appeared to have gained permission in principle to the connection of surface water from the site to the WSCC highway drain on Yapton Lane.

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

WSCC Highways - No objection is raised from a highways perspective as the number of trips and parking spaces will stay the same.

Fire Service - No objection subject to fire hydrant condition.

ADC Environmental Health - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Noted. The ADC engineers suggested drainage condition will not be imposed as what is requested is addressed by the Inspectors decision.

POLICY CONTEXT

Designation applicable to site:
Outside Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ENVDM4	ENV DM4 Protection of trees
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Walberton Neighbourhood Plan Policy 2017 HP1</u>	Spatial Plan of the Parish
Walberton Neighbourhood Plan Policy 2017 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE3	Protection of Trees and Hedgerows

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
-------	-----------------------------

POLICY COMMENTARY

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

Policies in the Walberton Parish Neighbourhood Plan have been taken into account in the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that no significant harm is identified as arising to the character of the local area or impact to the amenities of neighbours.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The principle of development was established by approval of WA/79/20/PL.

CHARACTER & DESIGN

Arun Local Plan Policy D DM1 lists a series of 15 criteria that development must comply with. These include character where the policy seeks to improve upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.

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

Policy HP11 of the Walberton Neighbourhood Plan (WNP) seeks to ensure that the density of proposed development is in keeping with its location so as to maintain the local character and appearance of the locality.

Policy HP13 of the WNP builds on policy HP11 by requiring that development 'must contribute to local character by creating a sense of place appropriate to its location.'

The matter of density and scale is not of relevance to this application, as the properties retain the same footprint with the same number of bedrooms as that approved under WA/79/20/PL.

The previously approved 2 sets of semi-detached dwellings to the rear of the site have been separated into 4 detached properties. The slight alterations to the layout include an appropriate level of separation between the now detached units. As a result of the subdivision of the buildings, there will be an impact on the character and appearance of the dwellings and thereby the site itself.

Under WA/79/20PL the dwellings were approved as barn style buildings, with the use of a traditional pallet of materials. In addition to splitting the 'barns', new fenestration is also proposed (of a more standard residential scale) and alterations to materials is proposed. Proposals now show 2 brick and flint-built dwellings and 2 dark coloured timber cladding. As such the barn character of the dwellings and application site has been eroded.

Arun's Design Guide at section J states that new development should reflect the architectural qualities of the surrounding area. The character of the area is semi-rural, that consists of residential dwellings in good sized plots built of traditional materials including brick, tile hanging and render. Notably a newer development of this type can be found directly to the south of the application site, Progress Close. Although the barn style has been amended, the buildings still reflect their semi-rural location in the

proposed choice of materials and fenestration which is in keeping with the development to the south.

The scale of the openings of the subject dwellings has been altered. The original openings were high level and narrow. They are now of a more standard scale. This is partially due to Building Regulation (Means of Escape) requirements. In addition new openings are also proposed. These will not appear out of character with their surroundings and will therefore not negatively impact the proposed dwellings or existing properties in the area.

The proposal is in accordance with policy D DM1 (1) and D SP1 of the ALP, policy HP11 & HP13 of the WNP, the Arun Design Guide and paragraphs 127(c) and 130 of the National Planning Policy Framework.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 (3) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the WNP policies specifically refer to residential amenity issues.

In this case the nearest neighbouring residential property is Rosewood some 45m south of the property Spindlewood. To the north are allotment gardens and open countryside beyond that.

The position of the detached dwellings, relative to the boundaries has not greatly altered. The separation gap between dwellings has reduced the approved gap between the two sets of semis (between dwellings 6 and 7) from 6m to 3.8m. The separation gap between the northern most dwelling (No. 8) to the northern boundary has been reduced by 1m. There is no change between the southernmost dwelling (No 5) and the southern boundary. These reduced distances remain sufficient to prevent any unneighbourly effects.

The internal space standards comply with nationally described space standards in that each house has a minimum of 120 sq.m. where the standard minimum for a 3 bedroomed house is 108 sq.m.

The outdoor amenity space complies with the Arun Design Guide in that the majority of the dwellings have rear gardens in excess of 10.5 metres in length. In the two cases where garden length is 8.5 metres the gardens are significantly wider than the dwellinghouse which makes the level of outdoor space acceptable.

No windows are proposed to face either north or south (side elevations) to the dwellings Nos 6, 7 or 8. To dwelling No 5 a large south facing opening remains from the previous approved scheme. No significant impact from overlooking will arise from the proposal.

The proposal would therefore be in accordance with policy D DM1 of the Arun Local Plan with respect to residential amenity.

HIGHWAY SAFETY, & PARKING

Policy T SP1 of the Arun Local Plan discusses transport issues including safe highway access.

Regard should be had to paragraph 111 of the National Planning Policy Framework which seeks to refuse development only if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application has been assessed by WSCC Highways and as the trips and parking requirements are not changing, no objections are raised.

Details have been provided in relation to the proposed electric vehicle charging (EVC) and cycle storage provision to be made on site. It has been confirmed that each dwelling will have access to a EVC point and a secure and covered cycle store. These details satisfactorily meet with the requirements of condition 8. The previous conditions applied by the Inspector will be altered to reflect this.

As no alterations to the approved layout are proposed or to the levels of car parking or cycle parking on site, and the additional details supplied are acceptable, the proposal is considered to be accord with Policy T SP1 of the ALP.

TREES

The application provides a tree survey which indicates that the development proposal will not lead to the loss of valuable trees. Despite a slight adjustment in the location of the most northerly dwelling, the Root Protection Zone and construction exclusion zone will still remain as per the approved scheme and as per the Inspectors condition no.3 and drawing TPP-KC/SPINDELWOOD/001.

As a result, the proposal is acceptable in terms of its impact on trees in accordance with policy ENV DM4 of the ALP and policy VE3 of the Walberton Neighbourhood Development Plan.

CONDITION 7 - FIRE HYDRANT

The applicant has requested that the wording for condition number 7 is altered to agree to details of a fire hydrant proposed by this application.

The submitted details refer to the position of the fire hydrant in a location highlighted in a plan. No evidence can be found on the submitted plans of the intended location of the proposed fire hydrant.

WS Fire and Rescue have commented and stated that the existing site is not within the required 175m distance to the nearest fire hydrant, as such one needs to be provided.

As the exact position of the intended hydrant cannot be confirmed on any plan, the original wording for the condition is still necessary.

SUMMARY

The proposed development is in accordance with the Development Plan policy for the reasons stated above and is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- KAD 15 A SITE Rev B Location Plan
- KAD 08 A SITE Rev B Block Plan
- KAD 04 A FP Rev E Plans and Elevations Plot Rear 5
- KAD 05 A FP Rev A Plans and Elevations Plot Rear 6
- KAD 06 A FP Plans and Elevations Plot Rear 7
- KAD 07 A FP Plans and Elevations Plot Rear 6
- KAD 10 A ELEV Rev A Elevation Cottages
- KAD 08 A FP rev A Floor Plans Cottages
- TPP-KC/SPINDELWOOD/001 Tree Protection Plan.

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

- 3 No work to construct the dwellings hereby permitted shall commence until the vehicular access serving the development has been formed sufficient for use by construction vehicles.

Reason: To secure satisfactory standards of access for the proposed development in accordance with policy T SP1 of the Arun Local Plan.

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

Reason: To enable the Local Planning Authority to control the development in detail in the

interests of amenity/setting of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 5 Prior to the commencement of development, measures for the protection of all trees shown to be retained on the site shall be implemented in accordance with the details shown on tree protection plan TPP-KC/SPINDELWOOD/001. All works on site shall be carried out in strict accordance with the approved tree protection details and the protective measures shall only be removed on completion of the development.

Reason: To secure satisfactory protection of protected trees on site in accordance with Policy ENV DM4 of the ALP.

- 6 No work above slab level of the dwellings hereby permitted shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The water drainage scheme, once approved, shall be implemented prior to the occupation of any of the dwellings hereby permitted.

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

- 7 No dwelling hereby permitted shall be occupied until details for the maintenance and management of the surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The approved maintenance and management arrangements shall be implemented prior to the occupation of any of the dwellings hereby permitted.

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

- 8 No dwelling hereby permitted shall be occupied until details of a fire hydrant or stored water supply have been submitted to and approved in writing by the Local Planning Authority. The approved fire hydrant or stored water supply shall be installed and thereafter retained prior to occupation of any the dwellings hereby permitted.

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

- 9 Electric vehicle charging points and secure cycle storage, shall be constructed in accordance with the approved site plan (KAD 08 A SITE Rev B Block Plan) and details included within the Design and Access Statement.

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

- 10 No demolition or construction activities shall take place other than between 0800 - 1800 Mondays to Fridays and between 0800 - 1300 Saturdays with no working on Sundays or public holidays.

Reason: In the interests of the general amenity of the locality and to minimise disturbance arising from the activity on the site and the traffic generated thereby in accordance with Arun Local Plan policy QE DM1.

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

12 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

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

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

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

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

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

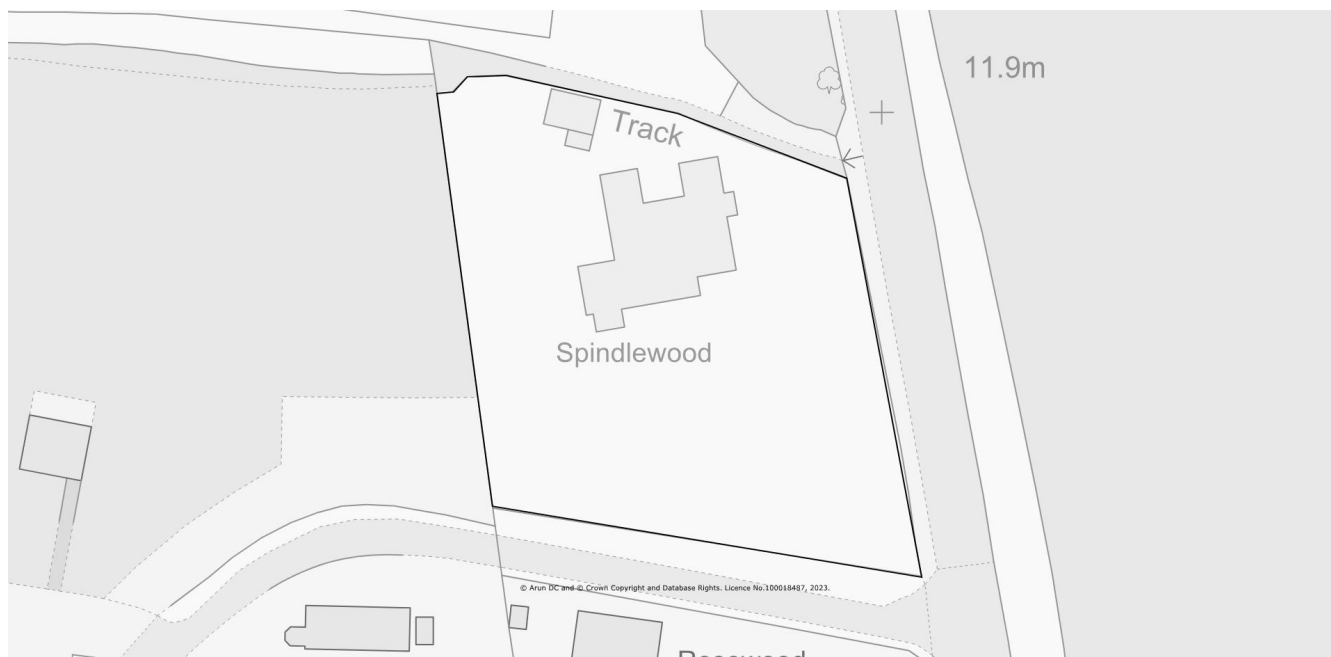
13 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

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](https://www.arun.gov.uk/weekly-lists)

[this link.](#)

WA/125/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council
100018487. 2015

This page is intentionally left blank

PLANNING APPLICATION REPORT

REF NO: WA/6/23/PL

LOCATION: Land West of Tye Lane
Walberton

PROPOSAL: Variation of condition following APP/C3810/W/3278130 (WA/68/20/OUT) relating to Condition Nos 8 - foul drainage and 14 - surface water drainage scheme/system.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above.

Condition 8 is currently worded as follows:

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

Proposed wording:

"Prior to the commencement of development, including any work of demolition, details of the proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/ maintenance) and each relevant dwelling or dwellings shall not be occupied until works for the disposal of sewage have been implemented for each relevant dwelling or dwellings in accordance with the approved details".

Condition 14 is currently worded as follows:

"No part of the development shall be first occupied until as-built drawings of the implemented surface water drainage scheme/system together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawings and is fit for purpose have been submitted to and approved in writing by the local planning authority"

Proposed wording:

"a) Immediately following implementation of the approved surface water drainage system for each design catchment and prior to occupation of any part of the development which that

catchment serves, the developer/applicant shall provide the local planning authority with as-built drawings of the fully implemented scheme, together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. Where the design catchment is defined by ability of the system to operate in isolation from other approved design areas.

b) Prior to occupation of the final dwelling the developer/applicant shall provide as-built drawings of the full implemented scheme, together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity"

SITE AREA

7.6 hectares.

RELEVANT SITE HISTORY

WA/94/22/PL	Variation of conditions following WA/68/20/OUT relating to Condition Nos 8 - foul drainage, 14 - surface water drainage scheme/system and 19 - decentralised and renewable or low carbon energy.	Refused 09-01-23
WA/68/20/OUT	Outline application with all matters reserved, other than means of access, for the construction of up to 155 No. dwellings (30% affordable homes) & amendment to boundary of garden land to serve adjoining property. This application affects the character & appearance of the Walberton Village Conservation Area, may affect the setting of listed buildings & is a Departure from the Development Plan.	Refused 12-01-21 Appeal: Allowed+Conditions 22-07-22
WA/126/22/RES	Approval of reserved matters following WA/68/20/OUT for construction of 131 No homes (30% affordable homes) and associated works. This application is a Departure from the Development Plan, may affect the setting of listed buildings, may affect the character and appearance of the Walberton Village Conservation Area and is in CIL Zone 3 and is CIL Liable as new dwellings.	ApproveConditionally 10-03-23

The outline application with all matters reserved, other than means of access for the construction of up to 155 no. dwellings was approved through the appeal process on 25th July 2022 (APP/C3810/W/3278130). A Reserved Matters application was recently approved at Committee on the 8th of March 2023 (WA/126/22/RES).

If approved, this Section 73 application will create a new planning decision and where necessary, conditions for both the Outline approval and Reserved Matters application must be amalgamated into the new approval, in order to retain an appropriate level of control over proposed development on site.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Walberton Parish Council - Objection.

- Increased flood risk to the village through loss of the natural drainage of the fields.
- We remain concerned that the sewage system will be unable to cope with the increased load from this number of dwellings.
- We have yet to see a formal plan from Southern Water describing exactly how they propose addressing these issues which have the potential to severely impact human health and the environment. Without this, the sustainability of developments of this scale cannot be satisfactorily demonstrated.

WSSC Lead Local Flood Authority- No objection.

WSSC Highways - No Highway comments are offered on the application.

ADC Drainage Engineers - No objection to proposed rewording of conditions.

Southern Water - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and discussed in the conclusions below.

DEVELOPMENT PLAN POLICIES

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

- WDM2 W DM2 Flood Risk
- WDM3 W DM3 Sustainable Urban Drainage Systems

[Walberton Neighbourhood Plan Policy 2017 VE7](#) Surface Water Management

PLANNING POLICY GUIDANCE:

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

POLICY COMMENTARY

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

The relevant policies in the Walberton Neighbourhood Plan 2019- 2031 have been taken into account.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

Section 70(2) of TCPA provides that:

- (2) In dealing with an application for planning permission the authority shall have regard to:
- (a) the provisions of the development plan, so far as material to the application, a 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 complies with relevant Development Plan policies in that the amendments to the planning conditions accord with relevant planning policies and will not result in adverse drainage problems.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

The application seeks to vary conditions 8 and 14 of WA/68/20/OUT approved at appeal under APP/C3810/W/3278130. No other alterations to the approved outline scheme are proposed, and all other matters approved under WA/68/20/OUT and WA/126/22/RES remain unaltered. These conditions were imposed by the Inspector in approving WA/68/20/OUT.

CONDITON 8 FOUL DRAINAGE:

Policy W DM1(2) requires major development to provide adequate foul drainage capacity where it does not already exist and requires that facilities are adequately upgraded prior to the completion and occupation of development.

The current condition wording seeks the submission of the whole foul drainage submission, and its implementation in full before any dwelling is occupied.

The internal sewage systems will be constructed in stages in accordance with the phasing of the construction of houses. The District Council agrees that condition 8, as currently worded, does not meet the reasonableness test as the trigger should be staged in accordance with the construction programme. The suggested rewording achieves this and SW raises no objection to this rewording.

The Parish Council have objected to this application stating that the increase load from the new dwellings will overpower the foul network, they have also objected as currently Southern Water have not issued formal proposals of the new sewer network to be provided in support of the new development. Southern Water have stated that they are in the process of designing and planning delivery of off site sewerage network reinforcements, and have committed to limit the timescales to a maximum of 24 months from a firm commitment of the development and hold no objection to the variation of condition 8.

Once an application to discharge said condition is submitted, this Authority will have the ability to ensure that drainage capacity is adequate and that works to upgrade the sewer network are completed prior to each dwelling(s) occupation. The condition therefore accords with Policy W DM1 of the Arun Local Plan.

CONDITION 14 SURFACE WATER DRAINAGE

Policy W DM2 of the Arun Local Plan relates to flooding and requires development to take account of

Surface Water Management Plans. Policy W DM3 seeks to increase the surface water capture ability of development and sets out of the relevant criteria for Sustainable Urban Drainage Systems (SUDS) within the area.

Policy VE7 of the Walberton Neighbourhood plan requires surface water to be appropriately managed onsite so that the risk of flooding both on-site and downstream is not significantly increased.

The design of the Surface Water Drainage Scheme (SUDS) is controlled under condition number 9 of the same permission.

The current condition wording states that the development shall not be first occupied until the sites drainage has been implemented. In line with observations on the current wording of condition 8 condition 14 fails to meet the reasonableness test as the trigger point should be staged in accordance with the construction programme.

The proposed rewording of this condition was suggested by ADC Drainage Engineers when consulted as part of the recently refused WA/94/22/PL. As the condition's aim is to satisfactorily ensure that the approved surface water drainage scheme has been built in accordance with plans, and is 'triggered' in line with the phasing of the development. The variation is considered reasonable and the of the condition accords with policies W DM2 and W DM3 of the Arun Local Plan and VE7 of the Walberton Neighbourhood Plan.

SUMMARY:

It is recommended that this application is approved. The variation of both conditions is both reasonable and accords with relevant local and neighbourhood plan policies.

The variation of the Section 106 should be completed within 3 months on confirmation of delegated authority, The Committee is recommended to give the Chairman and Group Head of Planning delegated authority to issue a decision once a completed and signed variation of the Section 106 is submitted to this Authority.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

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

SECTION 106 DETAILS

WA/68/20/OUT included a section 106 agreement relating to the quantity and phasing of affordable housing, social housing and open space, and works to highways and contributions for highway improvements. As this Section 73 application creates a new permission, there is a requirement to seek a variation of the Section 106 so as to tie it in with this approval. We are currently seeking agreement with the agent to carry this out.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The development hereby permitted shall be begun before the 25th of July 2027.

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:

- Drawing Number LP.01 Rev. P3 (Site Location Plan);
- Drawing Number 041.0071.001 Rev. A.
- Drawing Number 041.0071.004 - Visibility Splay and Junction Improvements at The Street/Tye Lane Junction.
- Drawing No. 041.0071.006 - Potential Footway Link on Tye Lane.

And with plans approved under WA/126/22/RES:

Site Layout - 210824/SL01/SL rev X

Site Layout Parking Plan 210824/SL06/O rev K

Colour Site Layout - 210824/SL02/CSL rev K

Storey Heights Plan - 210824/SL03/SH rev J

Dwelling Types Plan - 210824/SL04/DT rev K

Tenure Plan - 210824/SL05/TP rev J

Refuse Plan - 210824/SL07/RP rev J

Boundary Treatment Plan - 210824/SL09/BT rev J

Fire Strategy Plan - 210824/SL10/FS rev K

M42(2)/M4(3) Plan - 210824/SL11/M4(2) rev L

Site Layout Materials Plan 210824/SL08/MP rev L

Coloured Street Scenes - Sheet 1 of 2 210824/CSS/01 rev E

Coloured Street Scenes - Sheet 2 of 2 210824/CSS/02 rev D

ALD Elevations and Floor plans - 210824/HT/ALD/EP rev C

ALD (Render) Elevations and Floor plans - 210824/HT/ALD-R/EP rev B

CON Elevations and Floor plans - 210824/HT/CON/EP rev C

CON (Flint) Elevations and Floorplans 210824/HT/CON-F/EP rev B

BEL (FLINT) FLOOR PLANS AND ELEVATIONS 210824/HT/BEL-F/EP

BEL (Render) Elevations and Floor plans - 210824/HT/BEL/M4(3)-R/EP Rev B

BUC (Flint) Elevations and Floorplans 210824/HT/BUC-F/EP rev B

BUC Elevations and Floorplans 210824/HT/BUC/EP rev A

House Type BUC (Render) Elevations and Floorplans 210824/HT/BUC-R/EP rev A

PEN (Flint) Elevations and Floor plans - 210824/HT/PEN-F/EP Rev B
 FOX Elevations and Floor plans - 210824/HT/FOX/EP rev A
 FOX (Flint) Elevations and Floor plans - 210824/HT/FOX-E-F/EP Rev A
 House Type FOX (Flint) Elevations and Floorplans 210824/HT/FOX-F/EP rev C
 FAI Floor Plans and Elevations - 210824/HT/FAI/EP REVA
 HT FRE Floor Plans and Elevations - 210824/HT/FRE/EP
 HT HAZ Floor Plans and Elevations - 210824/HT/HAZ/EP REVA
 HT MAR Floor Plans and Elevations - 210824/HT/MAR/EP REVB
 FRA Floor Plans and Elevations - 210824/HT/FRA/EP REVB
 FRA (Render) Floor Plans and Elevations - 210824/HT/FRA-R/EP REVA
 HT PRI Floor Plans and Elevations 210824/HT/PRI/EP REVA
 HT SH51 Floor Plans and Elevations - 210824/HT/SH51/EP REVD
 HT SH52 Floor Plans and Elevations - 210824/HT/SH52/EP REVD
 HT SH55 FLOOR PLANS AND ELEVATIONS 210824/HT/SS55/EP REVD
 Single Garage Floor Plans and Elevations - 210824/AB/SG/EP
 Twin Garage Elevations & Plans - 210824/TG/EP
 Sub Station Floor Plans and Elevations 210824/AB/SUB/EP
 Soft Landscaping sheet 1 - BDWS23688 11
 Soft Landscaping sheet 2 - BDWS23688 11
 Soft Landscaping sheet 3 - BDWS23688 11
 Soft Landscaping sheet 4 - BDWS23688 11
 Soft Landscaping sheet 5 - BDWS23688 11
 Soft Landscaping sheet 6 BDWS23688 11
 Hard landscaping sheet 1 - BDWS23688 12
 Hard Landscaping sheet 2 - BDWS23688 12
 Hard Landscaping sheet 3 - BDWS23688 12
 Hard Landscaping sheet 4 - BDWS23688 12
 Hard Landscaping sheet 5 - BDWS23688 12
 Hard Landscaping sheet 6 - BDWS23688 12
 Hard Landscaping sheet 7 - BDWS23688 12
 Open Space sheet 1 - BDWS23688 20
 Open Space sheet 2 - BDWS23688 20
 Open Space sheet 3 - BDWS23688 20
 Open Space sheet 4 - BDWS23688 20
 Open space sheet 5 - BDWS23688 20
 Play area proposal BDWS23688 20 Sheet 1
 Drainage Strategy BSO/E5004/003 H
 Levels Strategy - BSO-E5004-008 H
 Typical SuDS Construction Details BSO/E5004/004 E
 Highway Layout Review BSO/E5004/005 F
 Refuse Vehicle Swept Path Analysis BSO/E5004/006 J
 Fire Tender Swept Path Analysis BSO/E5004/007 H
 Indicative Street Lighting Strategy BSO/E5004/012 C
 Arboriculture Implications Assessment RCo232 rev 02
 Tree Protection Drawing RCo232/02 rev 04

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

- 3 Prior to the commencement of development, including any works of demolition, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the Local Planning Authority for approval and will be based on the recommendations within the supporting Ecological

Mitigation and Enhancement Statement (Rev. 03) dated 18th September 2020 and the Phase 2 Ecology Surveys (Rev. 03) dated 18th September 2020. All approved details shall then be implemented in full and in accordance with the agreed timings and details and thereafter retained.

The LEMP shall include but not be restricted to:

- The creation of a wildflower meadow along the western, southern and eastern boundaries of the site;
- New species rich native hedgerows and trees to be planted along all boundaries of the site;
- Timings for clearance of trees or scrub to avoid impacts on breeding birds;
- Details of compensatory and additional tree planting along the boundaries of the site;
- Details and locations of bird and bat boxes;
- Details and locations of hedgehog boxes/houses;
- Details and locations of the reptile hibernacula within the reptile receptor area
- Should the detailed layout of the site require the removal of further trees which have the potential to support bats, a climbed tree inspection survey will be required.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy in accordance with Arun District Local Plan policies ENV DM5 and ENV SP1. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 4 Prior to the commencement of development, including any works of demolition, a site walkover survey should be carried out to investigate whether badgers are using the site. The survey should take place no more than 1 month prior to the commencement of works. If an active sett(s) is found, then no development shall commence until Natural England shall have been consulted and a mitigation strategy shall have submitted to and approval in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved mitigation strategy.

Reason: To conserve the wildlife interest of an important natural habitat in accordance with policies ENV SP1 & ENV DM1 of the Arun Local Plan.

- 5 The proposed development shall be built in accordance with the submitted Construction Environmental Management Plan approved under WA/117/22/DOC.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy T SP1 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 6 Prior to the commencement of development, including any work of demolition, details of the proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/maintenance) and each relevant dwelling or dwellings shall not be occupied until works for the disposal of sewage have been implemented for each relevant dwelling or dwellings in accordance with the approved details.

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

- 7 Prior to the commencement of development, including any works of demolition, full details of

the proposed surface water drainage scheme/system shall have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No dwelling shall be first occupied until the complete surface water drainage scheme/system serving that property has been completed in accordance with the approved details.

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

- 8 Prior to the commencement of development, including any works of demolition, details shall have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre development runoff values. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

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

- 9 Prior to the commencement of development, including any works of demolition, full details of the maintenance and management of the surface water drainage system, set out in a site-specific maintenance manual, shall be submitted to and approved in writing by the Local Planning Authority. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. The approved surface water drainage system shall thereafter be maintained in accordance with the approved details.

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

- 10 The development shall be implemented in accordance with the Employment and Skills Plan approved under WA/117/22/DOC.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as it relates to the construction phase of development and to ensure measures are in place so that local crafts people and apprentices are employed on the development.

- 11 The development shall be implemented in accordance with The Written Scheme of Investigation for Archaeological and Geoarchaeological Evaluation (ASE October 2022) approved under WA/117/22/DOC.

Reason: To enable items of archaeological interest to be recorded in accordance with the policy HER DM6 of the Arun Local Plan.

12 a) Immediately following implementation of the approved surface water drainage system for each design catchment and prior to occupation of any part of the development which that catchment serves, the developer/applicant shall provide the local planning authority with as-built drawings of the fully implemented scheme, together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. Where the design catchment is defined by ability of the system to operate in isolation from other approved design areas.

b) Prior to occupation of the final dwelling the developer/applicant shall provide as-built drawings of the full implemented scheme, together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

13 No part of the development shall be first occupied until provision has been made within the site in accordance with plans and details to be first submitted to and approved in writing by the Local Planning Authority to prevent surface water draining onto the public highway.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

14 The construction works, including deliveries to / from the site associated with construction shall, be limited to 08:00 hours and 18:00 hours on Mondays to Fridays inclusive; 08:00 hours and 13:00 hours on Saturdays; not at any time on Sundays or Bank Holidays except without the express authority of the Local Planning Authority.

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

15 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved details shown on approved Drawing No. 041.0071.001 Rev. A

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

16 No part of the development shall be first occupied until footway improvements are provided in accordance with approved Drawing No. 041.0071.004 - Visibility Splay and Junction Improvements at The Street/Tye Lane Junction and Drawing No. 041.0071.006 - Potential Footway Link on Tye Lane.

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

17 The development shall be implemented in accordance with the submitted details and timetable relating to decentralised and renewable or low carbon energy sources, Energy and Sustainability Report Tye Lane, Walberton (prepared by Environmental Economics Ltd) approved under WA/4/23/DOC. The measures implemented shall be retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

- 19 The development shall be constructed in accordance with the letter dated 17th January 2023 and the accompanying Fast Charging Solo 3 - Domestic Install Guide (prepared by Pod Point), so that every dwelling that has a private driveway will have a wall mounted charger (Solo 7kW (Domestic) active) and every dwelling that has off plot parking will have an allocated freestanding charging points (Solo 7kW (Domestic) active). The charge points shall thereafter be permanently retained and maintained in good working condition.

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

- 20 The development hereby permitted shall be carried out in accordance with the soil handling measures and the proposed use of on-site soils as set out in the indicative Soils Resource Strategy & Sustainability Options Appraisal, prepared by Henry Adams LLP in June 2021.

Reason: To protect the quality of the environment in accordance with policies QE SP1 and QE DM4 of the Arun Local Plan.

- 21 Should any contamination be found during the course of construction, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

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

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

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

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

22 The development shall proceed in accordance with the submitted document - Materials Management Plan - Minerals February 2023 Ref ST18292 0005 V2, approved under WA/117/22/DOC.

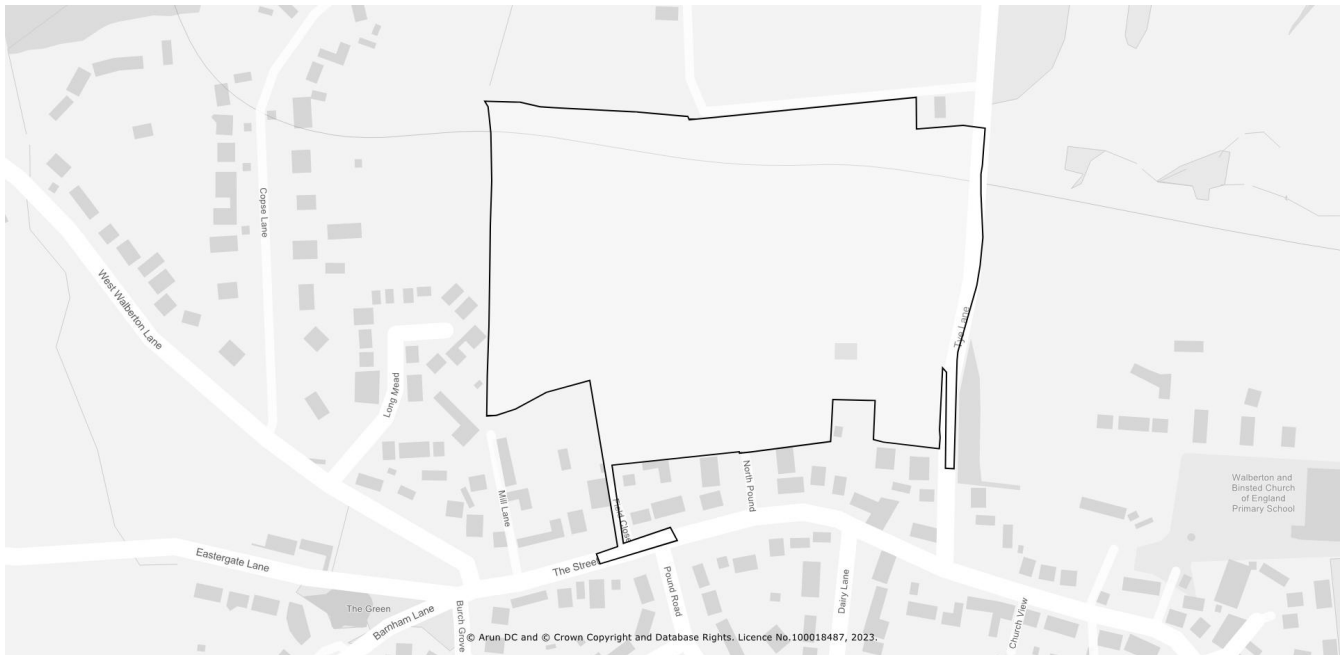
Reason: To ensure the incidental extraction and recovery of any underlying safeguarded mineral resource, where practicable, in accordance with Policy M9 of the West Sussex Joint Minerals Local Plan (JMLP) and the National Planning Policy Framework.

23 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)

WA/6/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

This page is intentionally left blank

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

AW/280/22/HH

Original Decision = Refused

Received: 13-02-23

25 Oxford Drive Aldwick

Decision Level = Delegated

Retrospective application for installation of front fence.

Written

Representations

PINS Ref: APP/C3810/D/23/3315157

BN/102/22/RAI

Original Decision = Objection

Received: 16-03-23

Birch Level Crossing Barnham

Decision Level = Delegated

Prior approval under Part 18 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the erection of a stepped footbridge.

Written

Representations

PINS Ref: APP/C3810/W/23/3318039

BN/130/22/T

Original Decision = Refused

Received: 21-03-23

133 Farnhurst Road Barnham

Decision Level = Delegated

(A) 1 x Oak Tree to fell as leaning towards property of 131 - an application was submitted and granted but has expired
(B) 1 x Oak Tree to reduce all limbs by 2 meters height 14m to leave 12m and laterals 4m to leave 2m

Written

Representations

PINS Ref: APP/TPO/C3810/9444

BN/99/22/OUT

Original Decision = Refused

Received: 24-03-23

Eastmere Stables Eastergate Lane Eastergate

Decision Level = Delegated

Outline permission with all matters reserved, other than access, for 9 No residential dwellings. This application is a Departure from the Development Plan.

Written

Representations

PINS Ref: APP/C3810/W/22/3312864

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

<p>BR/4/22/PL <i>Original Decision</i> = Refused <i>Received:</i> 22-09-22</p>	<p>83 Aldwick Road Bognor Regis <i>Decision Level</i> = Committee Enlargement of existing HMO (Sui Generis). Single storey rear extension, rear roof dormer, front and rear rooflights (resubmission following BR/79/21/PL). <p style="text-align: center;"><i>Written Representations</i></p> PINS Ref: APP/C3810/W/22/3296267</p>
<p>EP/101/22/PL <i>Original Decision</i> = Refused <i>Received:</i> 31-03-23</p>	<p>4 Beechlands Close and East of 18 Beechlands Court East Preston <i>Decision Level</i> = Delegated 1 No dwelling house (resubmission following EP/157/21/PL). This application is in CIL Zone 4 and is CIL Liable as new dwelling. <p style="text-align: center;"><i>Written Representations</i></p> PINS Ref: APP/C3810/W/22/3311814</p>
<p>EP/3/22/PL <i>Original Decision</i> = Refused <i>Received:</i> 10-10-22</p>	<p>2 The Street East Preston <i>Decision Level</i> = 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. <p style="text-align: center;"><i>Written Representations</i></p> PINS Ref: APP/C3810/X/22/3307441</p>
<p>FG/54/22/PL <i>Original Decision</i> = Refused <i>Received:</i> 30-03-23</p>	<p>Land rear of 1 Sea Drive Ferring <i>Decision Level</i> = Delegated 1 No new dwelling. This application is in CIL Zone 4 and is CIL Liable as new dwelling. <p style="text-align: center;"><i>Written Representations</i></p> PINS Ref: APP/C3810/W/22/3311078</p>
<p>FP/127/22/PL <i>Original Decision</i> = Refused <i>Received:</i> 30-01-23</p>	<p>Flat at The Old Barn 42 Felpham Road Felpham <i>Decision Level</i> = Delegated Construction of boundary wall. This site is in CIL Zone 4 (Zero Rated) as other development. <p style="text-align: center;"><i>Written Representations</i></p> PINS Ref: APP/C3810/D/22/3312037</p>
<p>LU/167/22/PL <i>Original Decision</i> = Refused <i>Received:</i> 18-01-23</p>	<p>17 Cherry Croft Littlehampton <i>Decision Level</i> = 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.</p>

**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/39/22/PL

Original Decision = Refused

Received: 24-03-23

Cherry Tree Nursery Eastergate Lane Walberton

Decision Level = Delegated

Continuation of use of land for the stationing of 14 No agricultural workers caravans for a temporary period of 3 years (resubmission following WA/3/21/PL). This site is in CIL Zone 3 (Zero Rated) as other development.

**Written
Representations**

PINS Ref: APP/C3810/W/22/3310331

WA/80/21/OUT

Original Decision = Refused

Received: 07-10-22

Land East of Yapton Lane Walberton

Decision Level = Delegated

Outline application with all matters reserved (except access) for up to 75 No. dwellings. This application affects the setting of a listed building, affects the character & appearance of the Walberton Village Conservation Area & is a Departure from the Development Plan.

**Written
Representations**

PINS Ref: APP/C3810/W/22/3299514

Y/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 Village 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/258/22

Received:

Ridgeway Park Road Barnham West Sussex

Written Representations

PINS Ref: APP/C3810/C/23/3316696

REPORT TO:	Planning Committee 19 April 2023
SUBJECT:	Consultation on Proposed Increase in Planning Fees
LEAD OFFICER:	Neil Crowther
LEAD MEMBER:	Cllr Chapman
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
<p>The recommendations supports</p> <ul style="list-style-type: none"> • Improve the Wellbeing of Arun • Delivering the right homes in the right places 	
DIRECTORATE POLICY CONTEXT:	
<p>The proposals will help to enhance the quality of the natural and built environment, protect the district's natural and heritage assets and to promote economic growth in a sustainable manner, striking a balance between the need for development and the protection of scarce resources.</p>	
FINANCIAL SUMMARY:	
<p>Planning fee income was £1.69mil in 21/22 and will be about £1.73 mil for 22/23. An overall increase of between 25 – 35% on all applications could result in additional income of between £423,000 - £600,000 in a full year. This could fund a significant number of additional posts in the Planning Department (as well as internal consultees such as Environmental Health and Drainage) to allow it to deliver an improved service.</p>	

1. PURPOSE OF REPORT

- 1.1 To allow Planning Committee to consider the consultation on proposals to increase planning application fees and to allow them to consider the potential implications of this.

2. RECOMMENDATIONS

- 2.1 To note the endorse consultation response attached to this report.

3. EXECUTIVE SUMMARY

- 3.1 The Government has published a consultation (28 Feb) on some proposed increases in planning application fees. The closing date for this consultation is 24 April 2023.
- 3.2 This consultation seeks views on proposals to increase planning fees and to improve the performance of local planning authorities.

4. DETAIL

4.1 The consultation considers that an increase in planning fees will allow local authorities to increase resources and capability. Whilst a significant increase in fee income is welcomed, the much bigger picture is the ability to recruit. Arun is the same as every other local authority in the country and it struggles to recruit into professional planning roles. It therefore relies upon the following.

- i. Growing our own at junior level and, through personal development, allow them to grow with us.
- ii. Employing Agency staff. The experience of this is that they have often been very poor and poor value for money.
- iii. Instructing consultants. Arun has recently embarked upon this because of issues with i. and ii. above. However, this is also a very expensive option with costs over double that of a permanent member of staff.

The consultation recognises the recruitment issues faced by all local authorities but does not have any proposals to address this. Instead, it is 'seeking views'.

4.2 The Government envisages that some of the fee income increase will be used to allow for digital transformation of planning services.

4.3 The proposed increases in this consultation will, for the first time, be index linked so that they can be adjusted annually. The last time planning fees were amended was in 2018.

4.4 Additional fee income could result in increased resources within the Development Management teams (the teams that determine planning applications). However, this income would also need to potentially provide resources where they are most needed for areas such as Planning Enforcement, Policy, Technical Support or Conservation. It might also be needed for funding support services such as internal consultees (particularly Engineers but also Environmental Health, Parks & Greenspace). One of the proposals in the consultation is to ring fence additional income to the planning function only. In recent years, staff costs have risen, and fee income has remained static.

4.5 The Government has stated that the proposed new fee structure could be introduced in summer 2023.

4.6 Other notable elements of the consultation are.

- Proposals for the application fee for retrospective applications to be double that of other applications for the same proposal.
- Removal of the 'free go' applications that are currently allowed to be made within 12 months.

4.7 One of the 'trade offs' in the consultation for local authorities is the proposal to reduce the Planning Guarantee from 26 weeks to 16 weeks for non-major applications. That means that non-major applications must be determined within 16 weeks otherwise the fee might have to be returned to the applicants.

4.8 It is also proposed to report performance excluding extensions of time. It is agreed that this a far more realistic reporting of performance and this is something we have done in Arun for many years when reporting on performance.

5. CONSULTATION

5.1 None

6. OPTIONS / ALTERNATIVES CONSIDERED

6.1 N/A

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

7.1 Should the consultation proposals be adopted by DLHUC, this could increase the Council's Planning fee income by approximately £600,000 per annum. One of the proposals in the consultation is to ring fence the additional income for the purposes of funding additional planning resources. Members may wish to take a view on this specific point given the Council's current budget pressures.

7.2 If the additional income is invested in the additional staffing resources, Members should be aware that a budget pressure would materialize should income levels fall in future years. There is no indication that this would occur, but Members should nonetheless be aware.

8. RISK ASSESSMENT CONSIDERATIONS

8.1 None

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

9.1 No comments.

10. HUMAN RESOURCES IMPACT

10.1 None

11. HEALTH & SAFETY IMPACT

11.1 None

12. PROPERTY & ESTATES IMPACT

12.1 None

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1 None

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1 None

15. CRIME AND DISORDER REDUCTION IMPACT

15.1 None

16. HUMAN RIGHTS IMPACT

16.1 None

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 None

CONTACT OFFICER:

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

BACKGROUND DOCUMENTS:

www.gov.uk/government/consultations/increasing-planning-fees-and-performance-technical-consultation

Arun District Council

Number	Question	Suggested response
1.	<p>Do you agree that fees for planning applications should be increased by 35% for major applications?</p> <p>Yes/no/don't know. Please give your reasons.</p>	<p>Yes. The planning fee represents only a very small proportion of the overall costs of delivering Major development and we consider the fees for such applications should be increased <u>by at least</u> 35%, to (a) properly reflect the level of work involved and (b) to support local authority planning departments to be sufficiently resourced to deal with such applications in a timely manner, and to support high quality decision making.</p>
2.	<p>Do you agree that the fee for householder planning applications should be increased by 25%?</p> <p>Yes/no/don't know. Please give your reasons.</p>	<p>No. We agree that a fee uplift is badly needed to support overstretched planning departments and help increase the speed and quality of decision making, but we see no reason or justification as to why the percentage increase for householder fees should not be increased in line with that for Major applications.</p> <p>Whilst the concern that many householders are currently experiencing cost of living pressures is noted, the consultation acknowledges (paragraph 20) that the one-off cost to the applicant in making a submission represents a very small proportion of overall development costs. Householders experiencing significant cost of living pressures would be unlikely to be embarking on development projects in any case and most alterations/extensions/improvements will likely add value to the property in question, so it is only fair that the beneficiaries of that value uplift pay an appropriate fee for the service they are receiving from their local authority.</p> <p>As is noted in paragraph 12 of the consultation, householders currently pay £206 for an application, whereas the cost to the local authority to process that application can be double that, or even more in some cases - such as where it leads to an appeal. At present, applications made by those wishing to extend or improve their own houses are being subsidised.</p> <p>A proposed increase of the householder fee to £258 is a welcome start, but we believe the application fee should be increased further to more properly reflect the cost of processing or, failing that, by a minimum of 35%, in line with the proposed fee increase for Major</p>

3.	<p>Do you agree that fees for all other planning applications should be increased by 25%? If not, please include in the comments box the particular application types where you believe the proposed increase is too high or too low. Your comments should be accompanied with evidence/costs if possible.</p> <p>Yes/no/don't know. Please give your reasons.</p>	<p>applications.</p> <p>No. Planning fees have not been increased for five years, during which time there has been a large hike in interest rates and the cost of employing staff, agency staff and consultants has also risen greatly. The planning fee received rarely covers the cost of administering the process and some applications falling within the non-major category (which includes developments of up to 9 dwellings) can be every bit as complex and time-consuming as some Major applications.</p> <p>The proposed increase of 25% is a start, but we believe the application fee for all other applications should be increased to more properly reflect the actual cost of providing the service or, failing that, by a minimum of 35%, in line with the fee increase for Major applications.</p>
4.	<p>Are there any other application types or planning services which are not currently charged for but should require a fee or for which the current fee level or structure is inadequate?</p> <p>Yes - please explain / No.</p>	<p>Yes – see below: <u>Discharge of Conditions</u> – the current fee for discharging conditions is £34 in respect of householder permissions and £116 for all other permissions, which we consider is artificially low and does not adequately recognise the level of work this involves.</p> <p>As the fee relates to each submission, rather than each condition for which discharge is being sought, dealing with more complex applications, where a number of conditions may have been rightly imposed and where specialist input from internal/external consultees may be required, can place a huge and costly burden on local authorities for what is a very small fee.</p> <p>It is considered that fees for discharging conditions should be increased across the board and that there should be greater differentiation in the fees charged for DOC between different application types. We particularly feel that the fee for discharging conditions on</p>

Major and other non-householder applications should be significantly increased to better reflect the amount of local authority work that goes into assessing these fully.

Furthermore, we believe the government should consider bringing in a set fee per condition for discharge of condition applications (rather than the current single fee per submission, as at present, which can cover requests to discharge multiple conditions). This approach would not only assist resourcing in local planning authorities, thereby helping to speed up the DOC process overall to support the economy but may also encourage applicants/developers to submit higher quality planning applications from the outset, providing greater levels of detail upfront with their submissions to seek to reduce the number of conditions necessary to be imposed on a decision notice.

The level of fee needs to be such that it evens itself out over the course of discharging numerous conditions. Some condition discharges may be able to be dealt with very quickly. Other, such as drainage or landscaping proposals, may take many weeks and involve a massive amount of officer time. Currently, this is not covered (or anywhere near covered) by the current fees.

Listed Building Consent (LBC) - processing applications for LBCs can be every bit as time consuming as for a planning application and will often include the need for specialist input on heritage matters. We consider a fee commensurate with that for a Householder application should be applied to LBC submissions, whether they are accompanied by a further application for planning permission for which a fee is payable, or not.

Planning Permission for Relevant Demolition in a Conservation Area – please see comments above in respect of LBCs.

S73 applications – the fee for these applications is minimal because often the changes are minor variations. However, they are also often applications where full re-consultation is required and where legal agreements may also need to be re-written. Further, case law requires the local authority to consider these applications as full new permissions and so it cannot deal with these applications as a light touch. They will often involve a great deal of work and the fee in no way reflects this.

5.	Please can you provide examples of bespoke or 'fast track' services which have worked well, or you think could be introduced for an additional fee? Are there any schemes that have been particularly effective?	We are aware that Surrey Heath Borough Council launched a new 'fast track' pilot on 1 April 2023 (see link below for more details). However, it is too early to know if this has resulted in tangible performance results.
6.	Do you agree with the proposal for all planning fees to be adjusted annually in line with inflation? Yes/no/don't know. Please give your reasons.	Yes. We believe this proposal is both sensible and necessary to ensure that local authorities can prepare forward budgets more accurately, avoiding the previous rather <i>ad hoc</i> approach of increasing fees across the board every few years and to keep pace with rising the costs of providing planning services.
7.	Do you consider that the additional income arising from the proposed fee increase should be ringfenced for spending within the local authority planning department? Yes/no/don't know. Please give your reasons.	Yes, in principle. To ensure the envisaged improvements to performance and quality of decision making can be realised, it is vital that any proposed fee increase is ringfenced for spending within the local authority planning department. However, it must be recognised that planning departments will often rely on other departments (Landscapes, Environmental Health, Engineers etc) to inform decision making and these services need to be funded.
8.	Do you agree that the fee for retrospective applications should be doubled, i.e., increased	Yes. We agree that the fee for retrospective applications should be doubled, but we see no reason why this principle should not also apply to householder applications. There is a wealth of online information around permitted development available in the public domain, both at the local and national level, for householders to find out whether express permission

	<p>by 100%, for all applications except for householder applications?</p> <p>Yes/no/don't know. Please give your reasons.</p>	<p>will be needed and a formal route to establish this through an application for a Certificate of Lawfulness.</p> <p>Despite the above, if the government wishes to ensure that householders who may have made a genuine mistake in breaching planning legislation are not unduly penalised, we consider a fee of 150% of the standard application fee for retrospective householder applications would represent a suitable compromise.</p>
9.	<p>Do you consider that the ability for a 'free-go' for repeat applications should be either:</p> <p>(a) removed (b) reduced for re-applications within 12 months (c) retained (d) none of the above (e) don't know Please give your reasons.</p>	<p>We consider (b) to be the fairest and most effective option for most application types. Whilst repeat applications do, of course, generate further work for local authority planning authorities, some of this work will already usually have been undertaken on the original refused or withdrawn application, so charging the full fee again may be counterproductive and lead to an increase in appeals that, themselves, can place a significant burden on Councils. A reduced 'repeat' fee of half the original fee would seem reasonable.</p> <p>The only exception to the above we would request, is in respect of repeat applications where planning permission was originally granted and the developer is looking to amend the approved scheme at their own behest by such a degree that it cannot be dealt with under s73, s73A or s96A of the TCPA. In these circumstances, we believe the current right to a free-go should be removed (option (a)) and that the full fee should apply to any such applications.</p>
10.	<p>Do you agree that a fee of £96 (or £120 if the proposed fee increase comes forward) should be charged for any prior approval application for development by the Crown on a closed defence site?</p> <p>Yes/no/don't know</p>	<p>Yes</p>

11.	What do you consider to be the greatest skills and expertise gaps within local planning authorities?	<ul style="list-style-type: none"> • Ability to recruit experienced Planning Officers able to deal with major applications • Ecology/Biodiversity Net Gain/Habitats Regulations • Environmental Impact Assessment • Financial Viability • Capacity to deal with Flood Risk issues • Urban Design/Use of Design Codes
12.	<p>In addition to increasing planning fees, in what other ways could the Government support greater capacity and capability within local planning departments and pathways into the profession?</p> <p>Please provide examples of existing good practice or initiatives if possible.</p>	<p>(a) Extension of the Apprenticeship Levy scheme.</p> <p>(b) Increased funding to the RTPI, Planning Advisory Service and Planning Officers Society, etc.to enable them to roll out enhanced free/subsidised opportunities for training to as many officers as possible in key topics (identified in answer 11, above).</p>
13.	How do you suggest we encourage people from under-represented groups, including women and ethnic minority groups, to become planning professionals?	We are aware that excellent work in these areas is already being undertaken by the RTPI and various interest groups, including Women in Planning UK () and the BAME Planners Network (BAME Planners Network Diversity And Inclusion). Any responses received from them (and from other similar groups) to this consultation should be carefully considered by DLUHC.
14.	Do you agree that the Planning Guarantee should better mirror the statutory determination period for a planning application and be set at	NO. Some applications falling within the non-major category (which includes developments of up to 9 dwellings) can be every bit as complex and time-consuming as some Major applications and often involve negotiating planning obligations. We consider the statutory determination period in case of such applications (in terms of the Planning Guarantee) should remain at 26 weeks.

	<p>16 weeks for non-major applications and retained at 26 weeks for major applications?</p> <p>Yes/no/don't know. Please give your reasons.</p>	<p>We would agree the Planning Guarantee in respect Householder applications should be set at 16 weeks to encourage improved performance from local authorities in dealing with these.</p>
<p>15.</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 173</p>	<p>Do you agree that the performance of local planning authorities for speed of decision-making should be assessed on the percentage of applications that are determined within the statutory determination period i.e., excluding extension of times and Planning Performance Agreements?</p> <p>Yes/no/don't know. Please give your reasons.</p>	<p>Yes, in respect of extensions of time (EOT). Some local authorities are profligate in their use of EOTs, while others use this option far more sparingly. This measure would create a more level playing field where actual performance (in terms of the speed of decision making) can be better, and more accurately, compared between Councils across the country. This is important when seemingly bad performance can lead to designation as a Standards Authority.</p> <p>No, in respect of application where a Planning Performance Agreement is in place, on the basis that the period for determining such applications will have been mutually agreed between the local planning authority and the applicant, and a longer period than the statutory timeframe may be appropriate in certain circumstances.</p>
<p>16.</p>	<p>Do you agree that performance should be assessed separately for</p> <p>(a) Major applications - Yes/no/don't know (b) Non-Major applications (excluding</p>	<p>(a) Yes (b) Yes (c) Yes (d) Yes (e) Yes</p>

	<p>householder applications) - Yes/no/don't know (c) Householder applications - Yes/no/don't know (d) Discharge of conditions - Yes/no/don't know (e) County matters applications - Yes/no/don't know.</p> <p>Please give your reasons. If no, please indicate which application types should be and should not be assessed and give your reasons for this.</p>	
17.	<p>Do you consider that any of the proposed quantitative metrics should not be included?</p> <p>Yes/no/don't know. Please give your reasons and, if appropriate, state the metric letter(s) and number(s) that you believe should not be included.</p>	No
18.	Are there any quantitative	No

	<p>metrics that have not been included that should be?</p> <p>Yes / no / don't know. Please indicate what additional quantitative metrics you consider should be included.</p>	
19.	<p>Do you support the introduction of a qualitative metric that measures customer experience?</p> <p>Yes/no/don't know. Please give your reasons.</p>	<p>NO. Whilst providing an excellent customer experience should be at the heart of local authority planning services, this is notoriously difficult to accurately gauge (especially in respect of development management), because an applicant or other individual's perception of the service they have received from a council will, inevitably, be influenced to a large extent by the final outcome of an application. If permission is granted, the applicant may be happy but anyone who objected to the proposals may be unhappy with the Council's performance and <i>vice versa</i> in the case of a refusal.</p> <p>The 'Local Government (Best Value) Performance Indicators Order 2000' did include seven planning indicators, one of which (indicator 6) related to the percentage of applicants satisfied with the service received, requiring a customer survey to be conducted every three years. However, this was later dropped, presumably as it was not considered to be a particularly effective way of measuring performance and quality.</p>
20.	<p>What do you consider would be the best metric(s) for measuring customer experience?</p>	<p>Best Value indicator 7, under the historic legislation referred to in the response to question 19 above, related to a score against a checklist of planning best practice. Whilst some of the specific tests within that checklist may no longer be applicable in 2023, some of these may still be relevant and a new set of appropriate and measurable questions/metrics could be drawn up based on the responses received to this consultation.</p>
21.	<p>Are there any other ways in which the performance of local planning authorities or level of</p>	<p>Nil response.</p>

	community engagement could be improved?	
22.	<p>Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?</p>	<p>No. The applicable fee regulations already include a number of exemptions to reduce the burden on certain groups/individuals. For example, free applications for development providing means of access for disabled persons or facilities to improved disabled persons' greater safety, health or comfort, and halved fees for parish/community councils. We believe the existing measures are sufficient in this regard.</p>