



Public Document Pack

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3 July 2023

PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber at Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** on **Wednesday 12 July 2023 at 2.00 pm** and you are requested to attend.

Members: Councillors Hamilton (Chair), Wallsgrove (Vice-Chair), Bower, Kelly, Long, Lury, McDougall, Northeast, Partridge, Patel and Woodman

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**

To approve as a correct record the Minutes of the Special meeting held on 28 June 2023. Will be uploaded as a supplement to the agenda.

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. **A/71/23/PL - LAND ADJACENT TO CRETE HOUSE, THE BEECHES** (Pages 1 - 16)

PLANNING APPLICATIONS

7. **A/58/23/RES - LAND OFF ARUNDEL ROAD, BN16 4ET** (Pages 17 - 28)
8. **A/91/23/PL - RUSTINGTON GOLF CENTRE, GOLFERS LANE, ANGMERING, BN16 4NB** (Pages 29 - 36)
9. **AL/42/23/PL - LAND WEST OF WESTERGATE LODGE, WESTERGATE STREET, WESTERGATE** (Pages 37 - 60)
10. **BE/57/23/PL - HOLLY COURT, TAMARISK CLOSE, BERSTED, PO22 9JG** (Pages 61 - 66)
11. **BN/58/23/PL - LAND REAR OF CLARE COURT, 67 BARNHAM ROAD, EASTERGATE, PO22 0EP** (Pages 67 - 84)
12. **Y/31/23/PL - LAND ADJACENT TO LITTLE MEADOW, BILSHAM ROAD, YAPTON, BN18 0JY** (Pages 85 - 110)

PLANNING APPEALS

13. **APPEALS LIST** (Pages 111 - 116)

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](#)

Agenda Item 6

A/71/23/PL

REF NO: A/71/23/PL

LOCATION: Land adjacent to Crete House
The Beeches
Dappers Lane Angmering

PROPOSAL: Erection of detached dwelling, together with access, car parking and landscaping.
This application is in CIL Zone 2 and is CIL liable as new dwelling.

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

The site visit was undertaken on the 20th of June and was attended by 10 Members:

- Cllr Bicknell (as Ward Member)
- Cllr Bower
- Cllr Cooper (as Ward Member)
- Cllr Kelly
- Cllr Long
- Cllr Mcdougall
- Cllr Partridge
- Cllr Patel
- Cllr Wallsgrove
- Cllr Woodman

With the aid of the application plans Members carried out an internal inspection of the application site and surveyed its surroundings, including the adjacent development 'The Beeches'.

Members highlighted concerns of overbearing and overshadowing on neighbouring dwellings, the impact of the proposal on the character and appearance of the area, and issues of surface water flooding and foul sewage disposal.

REPORT UPDATE

Application No: A/71/23/PL

Reason for the Update / Changes

Reason for Update/Changes:

The Tree Officer was able to provide comments on this application after the report was written up. The Tree Officer initially had an objection to the proposal owed to the lack of extensive arboricultural information but noted if the application were to be approved that a pre-commencement condition should be attached to address his concerns. Following subsequent verbal correspondence with Tree Officer, the Tree Officer provided further comments that revoked his objection to the proposal provided that a pre-commencement condition for the submission and approval of a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), and that the fencing used for Construction Exclusions Zones (CEZ) are to the British Standard (BS5837:2012).

The Ecologist was also able to provide comments on this application after the report was written up. These comments noted they had No Objection to the proposal subject to securing biodiversity mitigation and enhancement measures. They requested 2 no. conditions, one requiring the provision of all mitigation and enhancement measures identified within the submitted Ecological Survey, and one requesting a submission of a strategy for the implementation of enhancement measures.

A section regarding the revisions that have been made during the applications lifetime was not included within this report. For clarity, the revisions made to this proposal during the applications lifetime include the removal of second floor rear windows in favour of a frosted rooflight, the siting of the dwelling 1.5m further away from the rear boundaries, amended red edge of the site and location plans, reduction in width of the highways access, addition of CEZ and annotation to note permeable/porous materials for hardstanding to North of dwelling, and amended the annotation regarding the ground floor level of the dwelling to accurately reflect the Flood Risk Assessments recommendation.

Officers Comments:

Following written and verbal correspondence with the Tree Officer, it is agreed that a pre-commencement condition requiring the submission and approval of an Arboricultural Method Statement (AMS), Tree Protection Plan (TPP), and details of the Construction Exclusions Zone (CEZ) fencing is necessary to protect trees during the construction process and has been attached to this decision.

Condition 4 is new to the decision and can be found on the attached amended replacement recommendation sheet.

Following consideration of the Ecologists comments, it is agreed that a condition requiring the provision of the biodiversity mitigation and enhancement measures identified within the Ecological Survey is necessary and has already been attached to this decision. The pre-commencement condition requiring the submission of a biodiversity enhancement strategy however, is not necessary as sufficient information regarding the enhancement measures proposed has been provided within the submitted Ecological Survey and these are already secured by the condition that requires these enhancement measures to be implemented.

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

PLANNING APPLICATION REPORT

REF NO: A/71/23/PL

LOCATION: Land adjacent to Crete House
The Beeches
Dappers Lane
Angmering
BN16 4EN

PROPOSAL: Erection of detached dwelling, together with access, car parking and landscaping.
This application is in CIL Zone 2 and is CIL liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed 2.5 storey detached dwelling features 5 No. bedrooms and is approx. 15.6m in width and 15.6m in depth. It features a single storey projection to the North, but is predominantly a two storey structure that reaches 8.1m in height and has habitable accommodation within the roof space. This dwelling is to feature light grey weatherboard cladding and slate tiling.
SITE AREA	Approx. 760sqm.
RESIDENTIAL DEVELOPMENT DENSITY	22 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	1 no. TPO Oak Tree to the North of the site. A row of youthful trees in a hedgerow along the West, bordering the highway.
BOUNDARY TREATMENT	1.8m tall boundary fence along the North and East that borders the neighbouring dwellings. Mature approx. 6m tall hedgerow along the South side. A row of youthful trees and tall hedging along the West boundary.
SITE CHARACTERISTICS	The site is an irregular 'L' shaped plot and forms part of the rear amenity space of Crete House. Crete House is a two storey red-brick dwelling with clay tiles and features a substantial side and rear amenity space which previously formed part of the Crete Nurseries site. The site is a grassland area enclosed by natural boundary treatment and boundary fencing.
CHARACTER OF LOCALITY	Predominantly residential in a rural setting. The recently completed development to the north at The Beeches comprises 2 storey dwellings with pitched slate roofs and cement board clad elevations. There are 3 no. large 2-storey detached dwellings to the South which feature loft conversions and facing brickwork.

RELEVANT SITE HISTORY

A/216/22/PL	Extension of existing dwelling (Crete House) and erection of two detached dwellings on vacant plot to the south, together with new shared access, car parking and landscaping.(Resubmission of A/266/21/PL). This application is in CIL Zone 2 and is CIL liable as new dwellings.	Refused 18-11-22
A/266/21/PL	2 No. 2 storey extensions, replace existing bay window with bi-fold doors on the existing dwelling and the construction of 2 No. 5 bed new dwellings. This application is in CIL Zone 2 and is CIL liable as new dwellings.	Refused 28-03-22

This application has been submitted following two refused applications that sought to construct two detached dwellings on this plot. The reasons for refusal related to an inappropriate position, site coverage, height, number of units, relationship to existing dwellings, unacceptable overbearing and overlooking impacts of proposed occupiers, insufficient parking, and insufficient consideration of surface water flooding. This revised scheme has sought to address these concerns.

REPRESENTATIONS

Angmering Parish Council - Objection:

- Concerns that the scale and size is inappropriate for the plot.
- The proposal contradicts with the NPPF 'Not building in gardens'.
- Negative impacts on the natural environment, living conditions and safety of local residents.
- Concerns of road and pedestrian safety.
- Noting a lack of information regarding a tree protection and drainage details.
- Concerns the building is overdevelopment and taller than neighbouring dwellings.
- The proposal does not in accord with polices HD4 & HD5 of the Angmering Neighbourhood Development Plan (ANP).

34 no. objections:

- Noting the dwelling is an inappropriate scale.
- Concerns regarding impacts on the natural environment.
- Concerns of highway safety.
- Concerns regarding the TPO tree and vegetation of site.
- Concerns regarding air pollution.
- Concerns regarding drainage and flooding.
- Concerns regarding new sewer connections.
- Concerns of overlooking.
- Noting the design is out of character.
- Concerns as to where construction vehicles would park.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Whilst it is acknowledged that gardens in built-up areas are excluded from the definition of 'Previously Developed Land' in the NPPF, the site is, nevertheless, located within the Built Up Area Boundary where the principle of residential development is accepted, subject to compliance with the Development Plan. The requirement for a Construction Management Plan is not generally necessary or reasonable for a development of this limited scale. All other relevant planning comments are discussed within the conclusions section below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSSC Highways (LHA):

- Vehicle crossovers (VCO) under 4.5m or over 6.4m are generally not accepted at licensing stage.
- There is sufficient parking provision.
- 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 and informatives regarding access, parking, cycle storage and vehicle crossover licenses.

Drainage Engineers - Advice:

- The proposal is for a single dwelling rather than the two proposed on A/216/22/PL and A/266/21/PL.
- The single dwelling is outside of the Lidsey Treatment Catchment and is below the threshold to request surface water drainage conditions.
- Surface water drainage must be designed and constructed in accordance with Building Regulations.
- Please consult the LLFA regarding surface water and groundwater flood risk on the site.

Ecology Advisor - No response.

Tree Officer - No response.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions regarding access and parking provision are not necessary as they are covered by the plans condition. A condition regarding cycle storage has been attached.

This application and does not meet the threshold for necessitating consultation with the Lead Local Flood Authority.

POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary (BUAB).

Tree Preservation Order (TPO) on site.

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
DDM2	D DM2 Internal space standards
ECCSP2	ECC SP2 Energy and climate change mitigation

ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

[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 HD7 Housing Density

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

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

All relevant Angmering Neighbourhood Development Plan policies have been considered.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that it would not result in any significantly adverse impacts of neighbouring residential amenity and would not significantly harm the visual amenity or character of the 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,
- (a) 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

The proposal would contribute, albeit to a limited degree, to the housing stock in the District. It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is in the Built-Up Area Boundary where the principle of residential redevelopment is acceptable. Policy SD SP2 of the Arun Local Plan states that development should be focused in the Built-Up Area Boundaries and will be permitted, subject to consideration of relevant policies of the in the Local Plan.

The key Development Plan policies considerations are D SP1 (Design), D DM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards), T SP1 (Transport and Development), ECC SP2 (Energy and Climate Change mitigation), QE SP1 (Quality of the environment), ENV DM4 (Protection of trees), ENV DM5 (Development and Biodiversity), and LAN DM1 (Protection of landscape character) of the Arun Local Plan together with HD4 (Materials), HD5 (Built form), HD6 (Housing Layout & Design), HD7 (Housing Density), and HD8 (Parking for New Developments) of the Angmering Neighbour Development Plan (ANP) are also relevant to this application.

Part P (Infill Development) of the Arun Design Guide is seeks to ensure that development:

- Reflects or improves the character of the site and the surrounding area.
- Minimises the impact on neighbouring land/residents.
- Provides appropriately sized internal space standards.
- Provides safe access on to the highway network and incorporates appropriate levels of parking in line with WSCC guidance on parking provision.

CHARACTER & DESIGN

The design of the dwelling does not conform to the predominantly rural character of Dappers Lane but it is reflective of the design of the dwellings in the development to the North (The Beeches). The dwelling would feature grey cladding and slate tiling, a tall front gable end, hipped and gable ended roof forms. These features are all reflected in The Beeches, and the dwelling would be sited in close proximity to these dwellings. The character of the dwelling would contrast other dwellings in the area that do have a more rural character, but The Beeches has established itself as a prominent development along Dappers Lane with its own distinct character and this dwelling would be appear as an extension of this development. The materials accord with Section L of the Arun Design Guide and policy HD4 of the ANP as they are not inharmonious with other dwellings in the vicinity.

Dwellings in the area are generally large and detached, set within substantial curtilages. This dwelling would have a footprint of approx. 162 sqm within an approx. 760 sqm plot that provides a substantial rear and front/side amenity space. This dwelling would be read as 2.5 storeys, owed to its habitable roof space, but would be lower in height than Woolven House to the South and of a comparable height to the other dwellings in The Beeches. Section J of the Arun Design Guide establishes that small variations in ridge height can add interest to the street scene. The dwelling remains of 2.5 storeys and is in character with the dwellings in The Beeches. The dwelling would have no additional adverse visual impact on the character of the area. It accord with policy HD5 of the ANP.

This is a low-density plot and is reflective of the density of detached dwellings in the area. To the West

side of Dappers Lane there is an extensive row of smaller detached bungalows that have much lower densities. The site would be read more as part of the East side of Dappers Lane and so benefits from being reflective of these dwellings.

There is a single storey component to the North of the dwelling that has a tall, hipped roof form. This results in a wider front elevation than most dwellings in the area. As this component is set back from the front elevation, features a roof that retracts from the front elevation, is predominantly obscured from view by the vegetation at the front and, furthermore, is set back by 13m from the road, the prominence of this component would be limited. The South and West boundaries benefit from mature, established hedgerows and trees. With the exception of the vehicular access through the West site boundary, this vegetation would be retained and would work to buffer the visual prominence of the dwelling in the street scene. The visual impact of this dwelling on the wider locality would be acceptable.

The dwelling is set back by approx. 13m from the street which is greater than the distance of No. 1 The Beeches from the street. This dwelling would be read as having a front building line comparable to that of No. 1 The Beeches. The dwellings to the South (Woolven House and beyond), are set back from the street by approx. 26m. It is evident that the siting of this dwelling would be further forward than that of these dwellings. Woolven House and The Laurels feature substantial detached 1/1.5 storey outbuildings to the front that are set back by approx. 10m from the street. These outbuildings partially disrupt what would otherwise be a significantly set back building line. To the South of the site is an access road that separates the dwellings by approx. 6.5m and acts as a visual break between the site and the neighbours to the South. With consideration of these factors and the screening to the front and side of the dwelling, the siting of the dwelling would not give rise to any unacceptably harmful visual impact on the street scene.

The Beeches has established itself as part of the character of the area. The design is not out of character with the local area in terms of scale, materials and architectural features or massing. The character of the dwelling would generally be contrary to the rural character of the area, but would not form part of the views in or out of the South Downs National Park (SDNP) to the North. The introduction of this dwelling would not have any additional adverse impact on the setting of the SDNP and would preserve its setting in accordance with policy LAN DM1.

Whilst the proposal would be set forward of the predominant front building line to the South and have a wide front elevation, the mitigating factors noted above reduce the harm of the dwelling's visual prominence to an acceptable level.

In terms of visual amenity, the proposed dwelling is acceptable and in accordance with policies D DM1 & D SP1 of the Arun Local Plan, and policies HD4, HD5, HD6 & HD7 of the ANP.

QUALITY & SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Section J.08 of the ADC Design Guide SPD reiterates the need to comply with the Nationally Described Space Standards (NDSS).

The proposal is for a 5-bedroom 2.5 storey dwelling. The overall site area, gross internal floor space (GIA), and amenity space are adequate, with the GIA exceeding the minimum area set out in the NDSS. Each bedroom is of an appropriate width and internal floor area. The floor to ceiling heights are consistently or predominantly at a minimum of 2.3m, resulting in an overall 75% 2.3m floor to ceiling height per the NDSS.

The garden features a minimum depth of 12.5m from the rear wall to the East side site boundary. The

width of this garden area ranges from is approx. 12m, which is appropriate. There is external space to the North/North-West of the dwelling which appears as a functional amenity space. The external amenity space is of a sufficient depth and area to be considered a functional and usable private amenity space in accordance with Section H.04 of the Arun Design Guide.

The proposal accords with policy D DM2 of the ALP as it is compliant with the NDSS, and Section H.04 of the Arun Design Guide.

RESIDENTIAL AMENITY

Policy D DM1 requires that there be minimal impact to neighbours in terms of loss of privacy or outlook, or unacceptable disturbance. The dwelling is 2.5 storeys and backs onto the rear amenity spaces of Crete House, and Nos. 5 & 6 The Beeches. In splitting the plot of Crete House, the rear amenity space of Crete House would retain a depth of 11m which is greater than the recommended 10.5m minimum set out by Section H.04 of the Arun Design Guide. Crete House would retain a substantial side amenity space and so the amenity space of this property remains acceptable. Section H.04 of the Arun Design Guide gives guidance as to the minimum separation distances between properties including a back to front/side separation of 14m. The side of the dwelling would be separated from the rear of Crete House by 13m. Whilst this is lower than 14m, the relationship between the two elevations is indirect, limiting the harm this proximity would have on the amenity of its residents. The rear of the dwelling would have an indirect relationship to the side elevation of No. 5 The Beeches and remain separated by approx. 18m which is acceptable.

The siting of the dwelling would result in a minor intersection of the 45-degree sightlines from the front of Woolven House at first-floor level. This would occur at approx. 17m from the closest first-floor window and would not result in any significantly adverse impact by way of overbearing on this dwelling.

As a result of the siting and scale of the dwelling, there would be numerous new windows/openings at first and second-floor level that would lookout toward nearby dwellings and amenity spaces. The rear first-floor windows would be separated from the rear amenity spaces of No. 5 The Beeches by 12.5m. This is an acceptable separation distance per Section H.04 of the Arun Design Guide and whilst it is accepted there would be some overlooking impacts, this distance sufficiently mitigates the adverse impacts by way of overlooking in accordance with Section H.04 of the Arun Design Guide. The second floor rear rooflight is conditioned to be obscure glazed and fixed shut up to a height of 1.7m from finished floor level to prevent any views from second-floor level.

To the North elevation of the dwelling there are two new first-floor windows and one second floor rooflight. The first-floor windows serve a bathroom master bedroom. These two windows at first-floor are conditioned to be obscure glazed and fixed shut up to 1.7m from finished floor level owed to the close and direct views they would have of the private amenity space that serves Crete House, and that there would not be sufficient separation from the rear first-floor windows of Crete House. The second floor rooflight is noted on the plans as frosted at base and fixed shut, though it is noted the views from this window would not give rise to any significantly adverse impacts by way of overlooking on neighbouring properties due to the substantial separation distances and the mature tree to the North.

To the South elevation, there is 1 no. first-floor window that serves the landing and 1 no. second floor rooflight that serves a hobby/bedroom. Both of these windows would look out toward the front of Woolven House which is not private amenity space. The views from the first-floor window toward front windows of Woolven House are oblique but only separated by 12m and as such, this window is also to be conditioned to be obscure glazed and fixed shut up to 1.7m from finished floor level. Views from the second floor rooflight toward Woolven House would be oblique and would not have any significantly adverse impacts by way of overlooking.

The front facing windows would all look out to the street and the separation distances between these windows and the rear amenity spaces of dwellings along Beech View are such that there would not be any significant adverse impacts by way of overlooking on these properties.

Subject to conditions the dwelling would afford future and neighbouring occupiers with a suitable standard of amenity in compliance with Policy D DM1 & QE SP1 of the Arun Local Plan, and the Arun Design Guide.

ACCESS & PARKING

WSCC Highways confirm that the access and parking provision would not give rise to any unacceptable impact on highway safety. The proposal includes the provision of cycle storage which is to be secured by way of condition on this decision.

Off road parking is provided for by four parking spaces, which is appropriate and accords with the Arun Parking Standards Supplementary Planning Document and policy T SP1 of the Arun Local Plan.

Policy T SP1 of the Arun Local Plan requires the incorporation of facilities for charging electric and plug-in hybrid vehicles. This is shown on the plans and is to be secured by way of condition.

The proposal is in accordance with policies T SP1 of the ALP and policy HD8 of the ANP.

FLOOD RISK

The site is in Flood Zone 1 but is in an area that is prone to groundwater flooding (low risk). This requires the submission of a Flood Risk Assessment (FRA). Due to the scale of the development, a consultation with the Lead Local Flooding Authority is not required. The FRA shows appropriate consideration of flood risk and includes mitigation measures that are to be expected. Subject to a condition requiring the development to be constructed in accordance with the FRA the proposal accords with policy W DM2 of the ALP.

TREES & ECOLOGY

There is a protected Oak tree to the North of the site with a Root Protection Area (RPA) that extends into the North of the site. The Tree Officer was consulted on this application but no response has been received.

From review of the proposed site plan, the tree survey submitted within the previous application (Dated: September 2022), and cross referencing with an assessment of the Oak tree undertaken by the Local Planning Authorities Tree Officer (Dated: January 2021), it is clear that a the tree would have a Root Protection Radius of less than 10m. The ecological survey corroborates this and suggests the use of a 10m construction exclusion zone around the Oak, which has been conditioned to be provided in accordance with the plans in the ecological survey prior to the commencement of the development.

A small hardstanding is proposed to the North of the dwelling which will have a minor intersection of this Root Protection Area (RPA). The intersection of this RPA is minor, and foundations for a hardstanding do not require substantial excavation. This would, therefore, not likely have any significantly harmful impact on the Oak. There is to be an approx. 4 sqm section of ground lowering that would intersect this RPA. This is required to ensure there is adequate consideration of flood risk on the site. This too would not have any significantly harmful impact on the RPA. The hardstanding and section of ground lowering are exceptions to the Construction Exclusion Zone, and a condition has been attached to ensure this area of

hardstanding is to be of porous or permeable materials, to allow surrounding roots to retain access to percolating water. A condition has been attached to ensure that any digging necessary within the Construction Exclusion Zones will be undertaken with hand tools only. Adequate consideration and protection of the TPO tree have been ensured in accordance with policy ENV DM4 of the Arun Local Plan

Policy ENV DM5 requires development seeks to achieve a net gain in biodiversity and protect habitats on site. Planting is proposed to the rear of the site and there would be substantial retention of the trees and hedging surrounding the site perimeter. There would be the removal of grass to the footprint of the dwelling and the removal of part of the hedgerow and trees to the West side of the site to enable vehicular access.

The introduction of additional elements to contribute to net gain of biodiversity would be necessary to demonstrate that the application would achieve and biodiversity net gain. The applicant submitted an extensive ecological survey, identifying that there is little to no harm nor risk of harm to species on site. It has recommended the use of Construction Exclusion Zones to protect hedgerows and the TPO Oak, and suggested mitigation measures during construction and suitable biological enhancements to achieve biodiversity net gain on site. The Ecologist has been consulted but has not been able to respond. The mitigation measures and enhancements are appropriate and are to be secured by way of condition that is attached to this decision.

Subject to conditions the proposal accords with policies QE SP1, ENV DM4 & ENV DM5 of the Arun Local Plan and policy HD6 of the ANP.

ENERGY EFFICIENCY & CLIMATE CHANGE

Policy ECC SP2 requires all new residential and commercial development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels. The inclusion of energy efficient materials such as double glazing is expected and there are solar panels proposed along the South roof slope.

To ensure that adequate decentralised, renewable, and low carbon energy supply systems are provided, a condition has been attached to this decision requiring details of such systems to be provided.

Subject to conditions the proposal accords with relevant policy ECC SP2 of the Arun Local Plan.

SUMMARY

For the reasons outlined above, the proposal is in accordance with the relevant Development Plan policies and is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for

their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

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 & documents:

- Site Plans Proposed (Dwg No. 21182-02 E).
- Proposed Dwelling (Dwg No. 21182-003 C).
- Flood Risk Assessment (Dated: May 2023).

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

3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the building have been submitted to and approved in writing 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 character and appearance by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

4 Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), Tree Protection Plan (TPP), and details of the fencing for the Construction Exclusion Zone (CEZ) around the TPO tree to the North shall be submitted to and approved in writing by the Local Planning Authority. The CEZ fencing around the TPO tree to the North

should be to the British Standard (BS5837:2012). The development shall, thereafter, be undertaken in accordance with the provisions of the approved AMS, TPP, and CEZ fencing details.

Reason: To comply with BS5837:2012 and ensure the retention and protection of trees and vegetation which are an important feature of the area, in accordance with Policy D DM1 & ENV DM4 of the Arun Local Plan. This condition is required to be a pre-commencement as it goes to the heart of the application.

- 5 The first-floor window to the South elevation, 2 no. first-floor windows to the North elevation, and second-floor rooflight to the East elevation of the building, shall at all times be glazed with obscured glass and fixed to be permanently non-opening to a minimum height of 1.7m from the finished floor level of the rooms that they serve. These openings shall remain as such in perpetuity.

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

- 6 Prior to occupation of the 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 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.

- 7 No part of the development shall be first occupied until details of covered and secure cycle parking provision have been submitted to and approved in writing by the Local Planning Authority. The cycle parking provision so approved shall be retained thereafter.

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

- 8 Ecological impact mitigation and enhancement measures must be implemented in accordance with the provided Ecological Survey (Dated: 05/05/23).

Reason: To ensure adequate protection of protected species throughout and following the development process in accordance with Policy ENV DM5 of the Arun Local Plan.

- 9 Prior to the commencement of the development, Construction Exclusion Zones will be erected and adhered throughout the development of the dwelling in accordance with the site plan on page 33 of the submitted Ecological Survey (Dated: 05/05/23). Works necessary for the section of hardstanding to the North of the dwelling and the section of land lowering illustrated in the submitted Flood Risk Assessment that intersect these Construction Exclusion Zones are exceptions to these Construction Exclusion Zones.

Reason: To ensure adequate protection of trees in accordance with Policy ENV DM4 of the Arun Local Plan.

- 10 Any digging necessary within Construction Exclusion Zones will be undertaken with hand tools, with no use of powered machinery.

Reason: To ensure adequate protection of trees in accordance with Policy ENV DM4 of the Arun Local Plan.

- 11 The area of hardstanding to the North of the dwelling shall be constructed of porous and/or permeable materials.

Reason: To aid in ensuring adequate protection of trees in accordance with Policy ENV DM4 of the Arun Local Plan.

- 12 The dwelling shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems including full details of solar panels or air source pumps. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

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

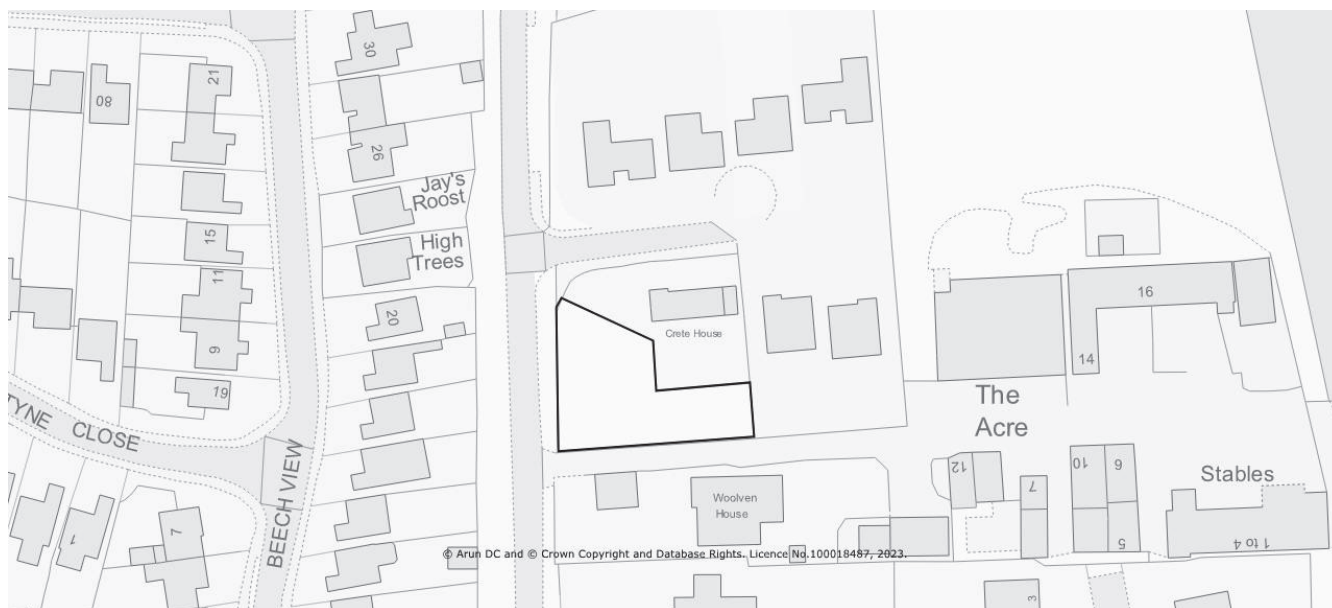
Reason: To safeguard the privacy and amenity of adjoining occupiers of the development in accordance with policy D DM1 of the Arun Local Plan.

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

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/71/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: A/58/23/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 a commercial building of 15,000 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks reserved matters for a commercial building of 15,000 square feet (1,393 sqm) together with landscaping and parking. The access arrangements were approved by A/122/19/OUT (as amended by A/207/21/PL). The wider residential part of the site has separately received reserved matters consent under A/282/22/RES.

The commercial building will measure 56m wide by 14m deep and 6.9m high. It comprises of 6 units each of the same size and including a WC, kitchenette, and stairs to a first floor. Ground floor access to each unit is by a personnel door and a roller shutter door. Windows are shown at both floors to front and rear only. It is stated that the building can easily be converted into 1, 2, or 4 units depending on who the end user(s) will be. The building will be constructed from brick with a metal curtain wall and metal cladding to the roof.

The layout also shows 37 car parking spaces, a covered cycle store of 10 spaces and an area of the site in the south-east corner reserved as a future access into the recreation land to the south. There are Council proposals to 'redevelop' (upgrade) this adjacent land as a Sports Hub and a new access is required to be provided hence this proposal.

The location of the commercial building enables the retention of existing vegetation minimising the need for large amounts of additional planting however, additional native buffer planting is proposed on the eastern, southern, and western site boundaries in order to strengthen the landscaping in these locations. In addition, landscaped strips are proposed between and around parking bays.

TOPOGRAPHY

Predominantly flat, with land rising to the north.

TREES

A 4m high Goat Willow and a 5m high Ash tree are to be

	removed.
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 is part of a former commercial development at New Farm Nursery. This was historically occupied by nine businesses, including vehicle repair shops, a window showroom/workshop and storage of cars & caravans.
CHARACTER OF LOCALITY	<p>The site lies in a predominantly rural area which is characterised by a linear form of existing and approved residential development along the road frontage with Arundel Road however to the south, beyond the sports pitches, the character is different with residential development extending westwards away from the road.</p> <p>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. The other boundaries adjoin either the approved residential development or existing houses fronting Arundel Road to the east. The existing dwellings consist of 68, 68a and 68b Arundel Road which are all two storeys and back onto the site.</p>

RELEVANT SITE HISTORY

A/282/22/RES	Approval of reserved matters following A/122/19/OUT and varied by A/207/21/PL pertaining to the layout, scale, appearance and landscaping for 160 No dwellings with associated public open space, landscaping, parking, ecological mitigation and earthworks. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.	
A/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	App Cond with S106 17-03-20

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.

REPRESENTATIONS

No comments received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Not applicable.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

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

WSCC HIGHWAYS - following receipt of revised plans showing vehicle tracking, raise no objections and request conditions to secure the car parking and cycle storage.

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.

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

ADC LANDSCAPE OFFICER - raises concerns with the landscape scheme and that the potential future access road to the sports pitches does not continue to the red line boundary.

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 HIGHWAYS - Highways have requested a condition to secure details of the cycle storage however this has been provided by the applicant in response to their earlier comments. Therefore, the condition will be worded to ensure the cycle storage is as per the approved drawings as opposed to seeking further details.

WSCC LEAD LOCAL FLOOD AUTHORITY - 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.

The council's Environmental Health Officer has not commented but it is material that outline condition (10) sets the operational/delivery hours: "No plant or machinery shall be operated, no process carried out and no deliveries taken or despatched from the Employment/Commercial Centre except between the hours of 07:00 and 18:00 hours on Monday to Fridays inclusive; 08:00 and 13:00 hours on Saturday; not at any time on Sundays or Public or Bank Holidays."

POLICY CONTEXT

Designations applicable to site:

Outside the Built-up Area Boundary.
Area of Advert Special Control,
Current/Future Flood Zone 1.
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
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
TSP1	T SP1 Transport and Development
QESP1	QE SP1 Quality of the Environment
WMDM1	WM DM1 Waste Management

[Angmering Neighbourhood Plan 2014 POLICY EH2](#) Protect the Landscape setting of the South Downs National Park

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is in conflict with relevant development plan policies in that it fails to adequately integrate with adjoining land and therefore also fails to achieve a high standard of layout.

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 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 Sustainable Urban Drainage Systems (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 development connecting to the network) and the 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 scope of the outline planning permission and must be in accordance with the conditions annexed to the outline planning permission. Certain conditions imposed by the outline set parameters for the nature and form of the Reserved Matters submission and these are analysed below (with reference to the conditions on A/207/21/PL).

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

Condition 5 required that a Design Code Masterplan be approved prior to submission of the Reserved Matters and that the development then be prepared and carried out in accordance with the approved Design Code. This was approved by application ref A/235/21/DOC prior to the submission of the reserved matters. The proposed development largely accords with the Design Code with the only

exception being that no porches are shown above the personnel doors on the building. This is not detrimental to the scheme as a whole and the omission is therefore accepted.

Condition 35 sets the uses of the employment floorspaces as B1 (now class E(g)(i)) or B2 with no B8 uses allowed. The condition also sets the maximum height of the building/s as 12m. The condition is complied with as the building is 6.9m high and no B8 use is proposed.

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 policy EH2 states development must not adversely impact upon the landscape setting or views into or out of the SDNP. ALP policies D DM1 and ENV DM4 are also relevant.

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 application is accompanied by detailed planting plans, and these show the introduction of new trees of various heights, native buffer mix planting, ornamental amenity shrubs, ornamental/native hedges, grassed areas, and specimen/climbing shrubs. The planting scheme will reinforce the landscaped edges to the southern and eastern boundaries. It will also create new buffering to the northern and western boundaries with the surrounding new residential development.

This in conjunction with the distance of this part of the site (and the intervening residential development) will prevent any impacts on the SDNP. The planting proposals will also help to soften and screen the commercial buildings from immediately adjoining land. The planting scheme will also provide ecological and wildlife benefits.

The council's Landscape Officer raises concerns with the landscaping scheme stating that some tree cover to form intermittent but not obtrusive screening for the adjacent new dwellings is required. In addition, request that plant specification quantities and sizes are shown on the planting plan. These matters can be resolved by way of a landscaping condition which will allow changes to be made and agreed post decision.

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

LAYOUT, APPEARANCE AND SCALE:

ALP policies D DM1 and D SP1 are relevant in respect of design and character. 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.

The commercial development area reflects the subdivision of the wider site shown on previously approved plans. It is situated in the south-eastern corner of the wider site and corresponds with land formerly used for commercial purposes. It is to be accessed from an existing approved secondary access point from Arundel Road. The site layout is appropriate given the size and shape of the site. The proposed building has a simple form and is sited as far away from existing/proposed residential dwellings

as possible whilst also allowing space for landscaping on the southern boundary. The space to the North of the building is largely taken up by the parking provision necessary to support the use but at the same time, landscaping is included to make these areas as visually pleasant as possible.

The building itself reflects the approved Design Code and as such no concerns are raised with its design or scale. Therefore, the proposal as a whole is acceptable with regard to layout, appearance & scale and there are no conflicts with any of the relevant policies.

On the eastern side between the building and the existing houses is indicated a future access point to the adjacent recreation ground (future Sports Hub). This would mean it would be located only a few metres from the existing residential curtilages. However, these houses were previously adjacent to a vehicle storage use. Furthermore, to site the access elsewhere would give rise to conflict between the route and commercial vehicle movements within the car park. In any case, speeds on entering the future sports hub are likely to be low thus minimising any noise disturbance. The landscaping proposed to the eastern edge will also help with this.

As noted, the sports hub access is indicated on the plans however the layout only shows a short section of access road (approximately 13m in length) and then a note stating that the grassed space at the end of this is reserved as access. The distance between the end of the access and the boundary is approximately 19m.

A condition was initially proposed to secure the future access road to the boundary should the Sports Hub be developed but although the applicant originally suggested securing this by a condition, upon review of the suggested wording, the applicant would not agree to this and then advised that there was no need for a condition as the access is shown on the plans. At this point, the applicant was requested to show the full extent of the access (i.e. going all the way to the red edged site boundary). This would then provide certainty that the access link will be provided. However, the applicant has also declined this stating:

"The outline planning permission did not secure a requirement to deliver a connection to the land to the south and there is no policy requirement for it either. The playing fields already have a point of access and there is a further point of access being considered in addition to an access through our site; the safeguarding of land (as currently shown on the plans) ensures this third option remains on the table. There is no planning requirement for an access to the adjoining land and this cannot be considered in the determination of this Reserved Matters Application (RMA). We have maintained that we are open to continued discussions around access to the proposed Sports Hub should it come forward, and we remain open to those discussions once the Sports Hub proposals are further advanced. Approval of this RMA would keep this option available for consideration."

It is accepted that this requirement was not imposed on the outline by either a condition or through the s106 legal agreement. It is also acknowledged that as yet there are no detailed plans of the proposals for the Sports Hub development or the position of its access. However, the local planning authority has concerns that in the absence of a mechanism to secure the connection to the site boundary, there is no certainty that the developer or future site owner will agree to the access link in the future. As it stands, the applicant could simply refuse to enter into negotiations to deliver the access if it is required in the future. Therefore, the failure to deliver this access could undermine the future delivery of the Sports Hub.

Part of the benefits of the outline permission and reasons for approving it contrary to the development plan policies, was the benefits associated with the delivery of the qualitative and quantitative open space improvements to the south of the site. The Outline application was supported by the Parish Council partly as a result of this. The omission of an access to this area could prejudice the delivery of these improvements.

The omission of the access detail represents poor site planning/design and a failure to adequately consider site connectivity. ALP policy D DM1 (10) requires that development schemes improve access through the delivery of a variety of integrated networks, to and from residential areas, commercial zones, and open spaces. The ADG sets out that developments should demonstrate permeability (connectivity) and integration with adjoining land. Section D states schemes should "create connections with the site's surroundings, promoting integration and permeability".

It is noted that as part of the approved scheme for A/282/22/RES, an area of land (2.1ha) was shown as being gifted to the council as a sports pitch. However, whilst there would be no boundaries preventing pedestrian access to the sports land, the residential scheme makes no provision for vehicular access or parking for this facility and therefore it was also seen as vital that there be vehicular access from the wider estate to the adjacent sports land. This will provide vehicular access options for persons from the estate and also seek to limit the potential for parking by Sports Hub visitors within the estate roads.

The omission of the access is in conflict with the relevant policies of the development plan and the Arun Design Guide.

OTHER MATTERS:

(A) Residential Amenity:

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.

Whilst there are no standards for the interfaces between residential and non-residential buildings, it would be appropriate to maintain these distances where there are windows involved. The layout has been checked and these are the interfaces to nearby dwellings:

- at least 33m from the front to the rear of plots 24-28.
- at least 15m from the western flank to the rear of plots 36/37 to the west; and
- at least 26m from eastern flank to rear of 68 Arundel Road.

The new commercial use will generate some noise and other disturbance which will impact upon nearby residents. However, the use has already been accepted by the outline permission whilst there was previously a commercial/light industrial use on this site. There is an outline condition which controls the hours of use, and this will ensure that residential amenity is protected during evenings and weekends. Therefore, the ADG standards are met and there is no conflict with the relevant policies.

(B) Parking, Roads, and Public Footpaths:

ALP policy T SP1 and the Arun Parking Standards SPD are relevant. The principle of the commercial floorspace along with the 160 dwellings was deemed acceptable through the outline permission, with no concerns regarding highway safety or operation.

The application proposes a total of 37 parking spaces and 10 cycle storage spaces. The Parking SPD provides separate standards for B1 (class (g)(i)) and B2 uses and there is no certainty at this time which

parts of the building will be for which use. Therefore, it is necessary to look at both of the standards:

Car Parking

If all B1 then need: 1 space per 30sqm = 46 spaces.

If all B2 then need: 1 space per 40sqm = 35 spaces.

Average of two requirements is: 41 spaces.

Cycle Parking

If all B1 then need: 1 space per 150sqm for staff and 1 space per 500sqm for visitors = 12.

If all B2 then need: 1 space per 200sqm for staff and 1 space per 500sqm for visitors = 10.

Average of two requirements is: 11 spaces.

Therefore, the proposal is short of both the average and worst-case scenarios. However, it is material that WSCC Highways have raised no objections to the layout or the parking provision. Furthermore, the site is constrained by the need to provide landscaping, the sports hub access and to ensure dark buffer areas to the boundaries. The scheme also has to ensure a degree of separation from the new/existing dwellings. On this basis, a reduced provision can be agreed.

The proposed road widths in the layout are in accordance with the Design Code whereby the principles of road hierarchy were established. The proposal is therefore appropriate and there is no conflict with ALP policy T SP1.

(C) 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). The application states that the layout will be provided with refuse collection points and that there will be provision for commercial waste/recycling bins. Overall, the development accords with policy WM DM1 of the ALP.

(D) 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. Whilst there is an objection from WSCC Drainage, the application has not attracted any consultation advice from the council's own drainage engineers. 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.

(E) 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 accompanied by a Technical Note "Ecology Constraints for Commercial Site" which includes details of the ecological protection and mitigation and measures to be included. This

includes a dark buffer area to the southern & eastern boundaries and the management of grassland to deter reptiles. The council's ecologist has assessed the details and raises no concerns subject to conditions plus future compliance with condition 23 on the outline. The conditions proposed reflect those that were also imposed on the residential reserved matters permission.

It is noted that 2 trees are to be removed in this area. The proposed landscaping scheme shows the planting of a significantly greater number of new trees than the number to be lost (13) so the proposals will also achieve a net gain in tree units on the site. The application demonstrates biodiversity enhancement and there is no conflict with ALP policy ENV DM5.

(F) 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 will ensure compliance with the requirements of ALP policy QE DM3(c).

SUMMARY

There is a minor deviation from the approved Design Code and a slight conflict in terms of parking provision, but these are not significant issues and would not prevent an approval from being given. However, the absence of the full extent of the sports hub access represents poor planning/design and is tantamount to it not being provided. For this reason, the current application cannot be supported.

The presumption in favour of sustainable development (para 11 of the NPPF) does not apply to this conclusion as the application does not involve the provision of housing and the relevant policies regarding employment development are either not out of date or reflect the advice in the NPPF. The economic benefits of the scheme are noted but this is not significant enough to outweigh the harm generated by the proposal, particularly given that the employment development is in itself required to compensate for that to be lost from the existing site.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

REFUSE

- 1 The proposed scheme fails to properly show the future road connection to the adjacent Sports Hub land and so does not ensure that the site integrates with surrounding land and fails to achieve a high standard of layout and design in conflict with Arun Local Plan policy D DM1, the Arun Design Guide and the NPPF.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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/58/23/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: A/91/23/PL

LOCATION: Rustington Golf Centre
Golfers Lane
Angmering
BN16 4NB

PROPOSAL: Temporary Sales Cabin and associated Landscaping.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks planning permission to erect a temporary sales cabin and carry out associated landscaping including the provision of 2 no. planters, and a close boarded fence. This sales cabin is for for the sale of 191 new homes that are to be built on the Rustington Golf Course adjacent to the proposal site.

The proposed sales cabin is to be approx. 9.8m in width, 3.6m in depth, and 3.4m in height. It is of a rectangular form with a flat roof design and would also feature a ramp to the front of the cabin that is of a comparable width and depth, with a low-level fence to its perimeter, reaching a height of approx. 1.5m. The ramp is clearly ancillary to the cabin, serving as an access to the front of the cabin.

SITE AREA

Approx. 4688 sqm.

BOUNDARY TREATMENT

The car park features low-level hedging to its boundaries but is predominantly open with recreational/leisure units to the North of the car park. Golfers Lane is also predominantly open, with the Golf Course to the West and agricultural land to the East. The East & West sides of Golfers Lane however, do feature rows of small trees and the East side does also have a low-level wooden fence.

SITE CHARACTERISTICS

The site consists of a car park and an associated access road. The Car Park serves the recreational/leisure units to the North of the car park and the Rustington Golf Centre.

CHARACTER OF LOCALITY

Rustington Golf Centre is predominantly a golf course with associated facilities. However, there are recreational/leisure units to the North of the car park and a large residential estate within the golf course to the East of the car park. The locality serves as a mixed use area with a semi-rural character.

RELEVANT SITE HISTORY

A/129/21/PL	Erection of 191 new homes in a mix of 1 to 4 bedroom dwellings and 1 bedroom apartments, with associated landscaping, parking, open space, play areas, construction of a new access from Golfers Lane, and all other associated works. This application is a Departure from the Development Plan & is in CIL Zone 3 and is CIL Liable as new dwellings.	Refused 05-11-21
		Appeal: Allowed+Conditions 21-10-22
A/92/23/A	Various adverts at various locations.	ApproveConditionally 14-06-23

This application is for a temporary sales cabin which is for the sale of 191 new homes that have recently been allowed and planned to be built on part of the golf course adjacent to the car park. The application for these new homes was application ref: A/129/21/PL.

Additionally, application ref: A/92/23/A was an advertisement consent application that has recently been approved for various advertisements that were proposed for the benefit of the sale of the houses and is relevant to this application.

REPRESENTATIONS

Angmering Parish Council (APC) - Objection:

- Siting of the sales office will impact on existing business as outside of the development boundary.
- Too many signs on the A259 bypass.
- No comment from WSCC Highways regarding distraction.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comment regarding the advertisement signs was addressed within the associated advertisement consent application (A/92/23/A).

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

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 - Awaited. The committee will be updated of any comments received from WSCC Highways prior to the committee by way of committee report update.

COMMENTS ON CONSULTATION RESPONSES:

Officers do not consider that WSCC can add any useful comments to this application bearing in mind the history and the temporary nature of the proposals. They have only been consulted in response to the comment of the Parish Council.

POLICY CONTEXT

Designation applicable to site:
Outside Built-up Area Boundary.
Area of Special Control for Adverts.

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
QESP1	QE SP1 Quality of the Environment

- [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 HD8 Parking for New Developments

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 conflicts with relevant Development Plan policies in that it is located outside of the Built-up Area Boundary where a proposal such as this is not normally permitted, and it is of a design that is not reflective of the character of the locality.

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

The proposed sales cabin is a temporary structure in connection with the construction and sale of approved 191 new homes at the adjacent Rustington Golf Centre site. The temporary nature and use of this development, and its association with an allowed application for new homes adjacent to this site are significant material considerations that warrants a decision otherwise than in accordance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The key Development Plan policies relevant to this application are C SP1 (Countryside), D SP1 (Design), D DM1 (Aspects of form and design quality), T SP1 (Transport & Development) & QE SP1 (Quality of the environment) of the Arun Local Plan (ALP), and policies HD1 (Built-up Area Boundary), HD4 (Materials), HD5 (Built Form) & HD8 (Parking for new development) of the Angmering Neighbourhood Development Plan (ANP).

The site is located outside the Built-up Area Boundary (BUAB) and is classed as 'Countryside' for the purposes of policy C SP1. The proposal does not fall into any of the categories within policy C SP1 that are identified as permissible. Policy HD1 of the ANP defines the Built-up Area Boundary in Angmering and provides land in which development should be focussed. The proposal conflicts with policy C SP1 of the ALP and HD1 of the ANP.

DESIGN AND VISUAL AMENITY

ALP policies D SP1 and D DM1 require development makes the best possible use of land by reflecting or improving the character of the site/surrounding area.

Policy HD4 of the ANP states that developments that feature materials that are clearly inharmonious with their surroundings will generally be refused.

Policy HD5 of the ANP states that new developments must demonstrate how they have considered the impact of their built form of their surroundings, paying particular attention to integration with both the character of nearby development as well as its landscape setting.

The Arun Design Guide does not contain any guidance specific to temporary or sales buildings but does state more generally that development within rural areas must be sensitively and appropriately integrated into the landscape setting and use simple, unobtrusive design.

The cabin is to be located within a car park. There are large recreational/leisure units to the North and residential units to the East. The golf course, whilst open and featuring soft landscaping, does not alone, result in the area being rural in character. The area is semi-rural in nature, with established and emerging

built form being apparent.

The sales cabin is minor in scale and of a simple design, featuring a thick fascia and a series of tall openings to its elevations. It is indicated by the recently approved advertisement consent application (A/92/23/A), that the external finishes of the cabin are to consist of dark blue walls with dark yellow/green accents and advertisement information relevant to the sale of the new homes. The visual design of the cabin is what one would typically expect of a temporary cabin that is used in connection with the sale of housing. Whilst the cabin would not reflect the scale, materials, or design of any nearby structures, the design of the sales cabin is functional rather than a high-quality building, and would be removed before the expiration of a four year period as specified by condition number 3.

The proposed closed boarded fencing comes in two different heights, one being 1.8m in height and the other, 1.5m partly to surround the power pack to the rear of the temporary sales cabin. The fencing is of a functional design and along with the building will be removed in due course. It is therefore, acceptable in design and siting.

The remainder of the proposed landscaping consists of 2 no. small wooden planter pots with ornamental plants that are to be sited to the front of the proposed sales cabin. These are too acceptable due to their temporary nature and negligible visual impact.

For the reasons stated above the proposal is in accordance with policies D SP1 & D DM1 of the ALP and policies HD4 & HD5 of the ANP.

HIGHWAYS AND PARKING

The siting of the sales cabin would occupy 7 no. existing parking spaces and reserve 6 no. parking spaces for those visiting the sales cabin. Thereby, temporarily reducing the total number of parking spaces within the car park by thirteen. Whilst this will have some impact on the provision of parking for those looking to use the existing recreational/leisure facilities, the car park is extensive and these works are temporary, thereby having no permanent impact on parking provision. The Arun Parking Standards requires 1 no. parking space per 14sqm of floorspace for a retail shop, which is applicable to the use of the cabin. This would require the cabin to provide a minimum of 3 no. parking spaces, which it complies with. Furthermore, the discontinuance of the 3-par golf course will reduce demand for the remaining car parking.

The proposal is temporary in nature and there will be limited movements to/from the site. Given the sites' existing use as a car park, the proposal and its use to park and visit as a sales office would not exacerbate any existing highway safety concerns to such an extent as to result in a severe or unacceptable highway impact.

Given that there is a 15mph speed limit along Golfers Lane, and that there would be limited traffic to and from the site as it serves a car park and a small residential estate to the North-east (Ham Manor), there would not be any unacceptable impacts on highway safety, or result in any severe cumulative impacts on the road network.

The proposal is in accordance with policy T SP1 of the ALP & policy HD8 of the ANP, and para 111 of the NPPF relating to highway safety.

SUMMARY

For the reasons set out above the proposal is in accordance with the relevant Development Plan policies D SP1 & D DM1 of the ALP and policies HD4, HD5 and HD8 of the ANP.

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:

- Close Boarded Fence (DB-SD13-006).
- Proposed Landscaping (Ref: 13114).
- Location Plan (PLN-1-1116 Rev. A).
- Temporary Sales Cabin Layout (PLN-1-1117).
- Proposed Floor Plans & Elevations (PLN-1-3300).
- Signage Site Layout (PLN-1-1118). (With reference to the siting of close board fencing only. This permission cannot and does not grant consent for advertisements).

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 sales building and other associated works hereby permitted shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending four years after the date of this permission or one month after the sale of the last dwelling, whichever is the sooner.

Reason: In the interests of the visual amenities of the locality in accordance with D DM1 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> and entering the application reference or directly by clicking on this link.

A/91/23/PL - Indicative Location Plan (Do not Scale or Copy)
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PLANNING APPLICATION REPORT

REF NO: AL/42/23/PL

LOCATION: Land west of Westergate Lodge
Westergate Street
Westergate

PROPOSAL: Development of 2 No. dwellings, with associated access from Westergate Street, parking, and landscaping. This application is a departure from the development plan, is in CIL Zone 3 and CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION It is proposed to clear part of the site that fronts the access to the west of the existing dwelling and site 2 two-storey dwellings. These will have pitched & gabled roofs and have attached pitched roof garage/car port arrangements. The designs include pitched porches and chimneys. The plans indicate the planting of 19 new native trees to the front, sides & rear, a new native hedgerow on the eastern boundary, new shrubs and 5 further trees forming a line within the woodland. Each dwelling has 4 bedrooms and 4 parking spaces (with each including 1 garage & 1 car port).

SITE AREA 0.6 hectares.

RESIDENTIAL DEVELOPMENT DENSITY The density of the land to be occupied by the two dwellings and their gardens is approximately 15.3dph.

TOPOGRAPHY Predominantly flat.

TREES The proposal will involve the removal of 8 trees and 2 tree groups which range in height from 5m to 16m and include Oak, Sycamore, Willow, Hawthorn, Apple, Pear, Cherry, and Elder. There are no Tree Preservation Orders on these. The existing trees in the woodland to the south will be retained.

BOUNDARY TREATMENT Mix of barbed wire and chain link fencing all around 1.3m high. The site has some traces of old walls which were previously part of greenhouses, raised beds or structures associated with the land. The scheme proposes the use of close boarded fencing, post & rail fencing, and a small section of 1.8m brick wall between the two houses.

SITE CHARACTERISTICS The site comprises of a large, detached house of two storeys with garden to the south and west. The house is set back a short distance from an access road* which joins with the A29 Westergate Street approx. 110m to the east and serves 4 other dwellings and a horticultural site to the west. There is a single storey barn building on site which is to be removed.

* this is termed a road throughout this report however it is

acknowledged that at a point close to the property "Casa Prima" (to the east of the site), it changes from tarmac to gravel and therefore becomes a track.

CHARACTER OF LOCALITY

The site lies in a semi-rural area just outside the defined built-up area with residential dwellings immediately to the east, farmland to the north, a horticultural nursery to the west and sports fields to the south (beyond the woodland). The closest residential dwellings are Westergate Lodge and "Richard Reads" to the east.

RELEVANT SITE HISTORY

AL/67/12/	Erection of detached building for storage purposes	ApproveConditionally 18-09-12
AL/68/12/	Erection of a Polythene Tunnel	ApproveConditionally 17-09-12
AL/66/12/	Creation of a Wildlife Pond	ApproveConditionally 18-09-12

The Pond approved in 2012 is on land to the west (approximately 70m from the site) and has been assessed by the ecology assessment. This site has been subject to three previous pre-application enquiries, relating to change of use of an annex to a 2 bedroom holiday let, erection of 2 Shepherd's Huts/Pods together with a toilet/shower shed, and most recently, a development of 3 dwellings. In the case of the latter, development was proposed in the woodland area to the south, but this was not supported.

REPRESENTATIONS

Aldingbourne Parish Council object as it is a departure from the Development Plan being residential development outside the agreed Built-up Area Boundary as per EH1 of the Aldingbourne Neighbourhood Development Plan (ANDP).

Three letters of support:

- Will be in character with the surrounding area and improve the streetscene.
- Positive to rejuvenate the currently overgrown plot.
- Two new family homes is positive for the local area.
- Proposal is sympathetic to the environment.
- Energy efficiency measures are welcomed; and
- Retention of the woodland land area and proposed landscaping is positive.

Six letters of objection:

- Harm to a biodiversity corridor and conflict with ANDP policy.
- Will set a precedent for further developments in these corridors.
- 4% Biodiversity Net Gain is not significant.
- Loss of trees and disturbance to woodland.
- Little benefit to the local community.
- Out of character with the streetscene.
- There are no passing places on the access road other than at the junction with the A29 Westergate Street.
- The junction area is frequently parked on by BT technicians.
- Request submission of a traffic management strategy to inform construction vehicle movements to/from the site.
- At present the end of the lane is completely dark and narrow.
- The recommended ecology conditions are unenforceable especially regarding artificial light.
- No provision of affordable housing.
- Outside the settlement boundary; and
- Damage to the surface of the access road, the verges, adjacent fencing, stream bank and services during construction (the developer must cover the costs of any damage).

COMMENTS ON REPRESENTATIONS RECEIVED:

The letters of support are noted. The majority of the objections will be assessed in the conclusions with the exception of:

- It is acknowledged that there is a telephone pole at the junction and maintenance vehicles may park in this location.
- There are no concerns with the enforceability of the conditions however the lighting condition as imposed is a standard condition (not the one requested).
- A scheme of 2 dwellings does not meet the policy threshold for affordable housing; and
- Damage to land or physical features in separate ownership is not a material planning consideration and is instead covered by civil law. The stream in question lies on the access road opposite De Burgh Cottage.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTH DOWNS NATIONAL PARK AUTHORITY - no objection.

SOUTHERN WATER - no objection subject to an informative regarding connection to the existing foul sewer.

WSCC HIGHWAYS (LHA) - no objection subject to conditions. The following is a summary of the comments:

- There are no apparent visibility issues with the existing point of access on to Westergate Street.
- The development is not anticipated to give rise to a significant material intensification of use of the existing access point.
- The internal access road may be too narrow in places for two cars to pass one another.
- Given the scale of the development, the LHA anticipates that the chances of vehicular conflict will be low. In addition, there are places where a vehicle can wait and allow another to pass.
- No recorded injury accidents attributed to road layout within the vicinity of the site.

- The parking bays and garages appear suitably sized, and on-site turning has been demonstrated to the satisfaction of the LHA.
- Garages are of suitable size to be suitable for the secure storage of cycles, in accordance with Arun Parking Standards.

WSSC FIRE - request a condition to secure a fire hydrant or a sprinkler system and accompanying maintenance regime.

ADC DRAINAGE ENGINEERS - no objection subject to conditions. The following is a summary of the comments:

- The Flood Risk Assessment and Drainage Strategy Report does not meet ADC requirements and should not be listed as an approved document.
- It is not expected that surface water drainage design for the site will impinge on the number of properties or layout; and
- As winter groundwater monitoring has been provided, this can be excluded from the condition but the winter percolation testing was not done to ADC requirements so this element must remain.

ADC ENVIRONMENTAL HEALTH - no objection subject to various conditions.

ADC TREE OFFICER - no objection subject to conditions. The following is a summary of the comments:

- The proposal will involve the removal of a relatively high volume of individual trees and groups.
- There is obvious environmental value provided by vegetation on and adjacent the site.
- There is an eclectic mix of tree types, with exotic species in amongst the dominant natives.
- By strict arboricultural planning, they are of low amenity value but collectively contribute to the local landscape and semi-rural character of the street; and
- Although not worthy of a TPO, T3, a Red Oak could be satisfactorily accommodated in the existing layout.

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

COUNCIL's ECOLOGIST - no objection subject to conditions to secure biodiversity mitigation/enhancement measures. The following is a summary of the comments:

- The ecological report has assessed the likely impacts from the proposals on bat species including foraging & commuting and has considered the ANDP which includes policy relating to the Cocking & Singleton Tunnels Special Area of Conservation (SAC).
- There are Barbastelle records approximately 250 metres from the site.
- Are satisfied that bats and the SAC have been sufficiently considered.
- An off-site pond may support Great Crested Newts (GCN) therefore mitigation is required.
- Mitigation is also required for Hedgehogs, Badger, and breeding birds; and
- The Biodiversity Net Gain (BNG) report estimates a net gain in Habitat Units of 4.63% and Linear Units of +100%.

COMMENTS ON CONSULTATION RESPONSES:

ADC ENVIRONMENTAL HEALTH - It is not appropriate to impose a Construction Management Plan condition given the small scale of the proposal. It is not appropriate to impose a condition requiring noise mitigation to ensure indoor ambient noise levels. This is not a particularly noisy location and noise insulation/ventilation is covered by Building Regulations.

TREE OFFICER - The T3 Oak is shown retained on the Tree Protection Plan and on the proposed layout plans.

POLICY CONTEXT

Designations applicable to site:

- Outside the Built-Up Area Boundary (BUAB).
- Current/Future Flood Zone 1.
- Lidsey Treatment Catchment Area.
- Public Right of Way (PRoW) running along the site frontage (follows the line of the road).
- WSCC Mineral Safeguarding Area (Sharp Sand & Gravel).
- Within an ANDP designated Biodiversity Corridor.
- Within 12km of the Singleton & Cocking Tunnels Special Area of Conservation.
- Area of Advert Special Control; and
- Archaeological Notification Area.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM6	HER DM6 Sites of Archaeological Interest
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

Joint Minerals Local Plan 2018:

	Joint West Sussex M9 Safeguarding Minerals
<u>Aldingbourne Neighbourhood Plan 2019-31 Policy H2</u>	Housing Mix
Aldingbourne Neighbourhood Plan 2019-31 Policy H3	Housing Density
Aldingbourne Neighbourhood Plan 2019-31 Policy H8	Outdoor space
Aldingbourne Neighbourhood Plan 2019-31 Policy H9	Attention to detail

Aldingbourne Neighbourhood Plan 2019-31 Policy EH1	Built up area boundary
Aldingbourne Neighbourhood Plan 2019-31 Policy EH2	Green infrastructure and eco systems.
Aldingbourne Neighbourhood Plan 2019-31 Policy EH5	Surface water management
Aldingbourne Neighbourhood Plan 2019-31 Policy EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2019-31 Policy EH10	'Unlit Village' status
Aldingbourne Neighbourhood Plan 2019-31 Policy EH2 2019	Protection of bat habitation
Aldingbourne Neighbourhood Plan 2019-31 Policy GA1	Promoting sustainable movement
Aldingbourne Neighbourhood Plan 2019-31 Policy GA3	Parking and new developments

PLANNING POLICY GUIDANCE:

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

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 Aldingbourne Neighbourhood Development Plan (ANDP) as made on 14/07/2021 are referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal conflicts with the development plan in that it would result in development outside of the defined settlement boundary and proposes development within an ANDP designated biodiversity corridor.

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 other material considerations to be weighed in the balance with the Development Plan and these are discussed in the conclusions section below.

CONCLUSIONS

PRINCIPLE:

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

The Council published its Authority Monitoring Report (AMR) for 2021/22 and this shows the Housing Land Supply (HLS) has marginally decreased from 2.42 years to 2.36 years. On the basis of the current AMR, the policies most important for the determination in the ALP (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land. The revised ANDP was made relatively recently and does have greater weight but due to the HLS being below 3 years does not benefit from the weight given to recently made plans under para 14 of the NPPF and so the presumption in favour of sustainable development would be unaffected by the ANDP.

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

The ANDP was made on 14/07/21 and shows the site outside the BUAB. Policy EH1 states development proposals on land west of Westergate Street and outside of the BUAB will not be supported. The proposal is in conflict with this policy. The Policy goes to say that where there is a demonstrable shortfall of housing land supply having regard to the requirements of the adopted ALP, development proposals can be supported provided they meet specific criteria.

ANDP policy GA1 is also relevant but has the same requirements as EH1. The following is an analysis of the EH1 criteria:

- (i) The proposal contributes towards Arun's annual housing need.
- (ii) The site does not lie in or particularly close to the South Downs. The SDNPA have advised no objection. The proposals includes a landscape scheme including new trees to help the development integrate with its surroundings.
- (iii) Character is discussed elsewhere but no concerns are raised as the proposal reflects the existing lower density pattern of housing to the north and east.
- (iv) An Appropriate Assessment has been prepared which concludes that subject to conditions, there will be no adverse effect on the integrity of the Singleton and Cocking Tunnels SAC. Natural England are reviewing this.

(v) WSCC Highways advise that the site is sustainably located as residents have access to bus links whilst walking and cycling are viable methods of reaching facilities & services.

(vi) This report concludes no adverse environmental, amenity, flooding, or traffic impacts.

(vii) The site does lie in an ANDP designated biodiversity corridor. However, the proposal has been designed to ensure there is no significant harm to the integrity or function of the Biodiversity Corridor.

The proposal conflicts with the first part of policy and then also with criterion (vii).

The NPPF is an important material consideration in determining planning applications. As the Council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is triggered. This is discussed at the end of this report.

Other Material Considerations

The council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. It recommended the council consider inviting applications from landowners / developers on 'deliverable' Housing & Economic Land Availability Assessment (HELAA) sites to re-establish the 5-year housing land supply. The site forms part of a much larger HELAA site (ref WE10) which was assessed in the 2021 HELAA as 'not developable' and so would not benefit from support from the Action Plan.

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

Sustainability

As per the comments of WSCC Highways and the location itself, the site, despite being outside the BUAB, is clearly sustainably located. The development will result in the felling of trees, but the developer will be required to replace trees lost on a 2:1 basis (and indeed the landscaping scheme reflects this). Electric vehicle charging points, energy efficiency measures and superfast broadband will be secured by condition, and these will help to reduce travel and other emissions.

The proposal will provide two dwellings which will make a very minor contribution to the current HLS shortfall and help in a small way to meet local housing needs. The development will result in the creation (or retention of) of jobs and wages during the construction phase whilst making a small contribution to the overall long-term prosperity of residents and businesses in the District of Arun in perpetuity.

The proposal meets the economic, social, and environmental aspects of sustainable development and the presumption in favour of sustainable development is engaged.

Conclusion on Matters of Principle:

The principle of development on this site conflicts with the ALP and the ANDP in respect of development in the countryside and within a biodiversity corridor. It is material, as will be discussed later, that the council's ecologist raises no objection. It must be noted that the dwelling and the associated gardens (which form the site) are in the Biodiversity Corridor. The site is at the edge of this designation which ends at the sports fields to the south of the site. The key bat corridor has been identified to the west of the site, along the Chalk Stream, as well as along the unnamed private road. No built form is proposed in

these areas.

TRAFFIC & ROAD SAFETY:

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

ANDP policy GA3 requires parking be provided to meet current standards. Para 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The site will be accessed from the un-adopted road which has a junction with Westergate Street (A29) to the east). No access changes are proposed or required. WSCC Highways raise no objections and state no unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe (NPPF para 111).

The council's Parking Standards SPD sets out a need for 3 parking spaces per dwelling with no visitor requirement. The proposal exceeds this as the sum of the parking for each plot is 3.5 spaces (with the garages counted as half a space). The garages are also large enough to accommodate the storage of cycles.

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

LANDSCAPE & TREES:

ALP policy D DM1 states development is expected to incorporate existing and new tree planting as an integral part of proposals. Policy LAN DM1 requires development respect the characteristics & natural features of the relevant landscape character areas and aims to reinforce or repair the character of those areas. Policy D SP1 requires development proposals reflect the characteristics of the site and local area in landscaping proposals.

ALP policy ENV DM4 states TPO protected trees, those in ancient woodland, in a Conservation Area or trees that contribute to local amenity should not be damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland. ANDP policy EH6 states the loss of trees contributing to amenity can only be sanctioned where the benefits outweigh the loss.

The site is some distance from the South Downs National Park and the SDNPA raise no objection. Given the extensive tree cover to the south/west and existing trees on the north side of the access, the houses will blend into the surrounding environment. The scheme includes proposed tree and hedge planting, and this will help to enhance existing planting and soften the development particularly when viewed from the front. As discussed elsewhere, a landscape scheme has been provided and this details new trees, shrubs, and hedging. This is sufficient in detail to not require the submission of a scheme by condition.

The submission includes a tree survey and tree protection plan. Although 8 trees and 2 tree groups are

to be removed, the landscape plan details the planting of 19 new trees to replace those lost. The scheme preserves the woodland area to the rear (which had been proposed for development by the pre-application enquiry). The council's tree officer raises no objections and states none of the trees to be lost are of high value or particularly contribute to amenity. There is no conflict with the relevant policies.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. ANDP policy EH6 requires that developments retain hedgerows, incorporate biodiversity in layouts and demonstrate biodiversity net gain. Policy EH2 outlines that new development in the Biodiversity Corridor will only be supported where it can be clearly demonstrated that development proposals will not give rise to any significant harm to the integrity or function of the Biodiversity Corridors.

Policy EH12 states proposals for the development of greenfield sites in the Parish must evaluate whether there is a potential for the loss of suitable foraging habitat and / or the severance of commuting flight lines, such as in the form of mature treelines, hedgerows, and watercourses. It states where these corridors are used by roosting feeding or commuting bats, development within 50m will be resisted. As the site lies within the corridor, EH2 takes precedence.

The application is accompanied by an Ecological Assessment (based on previous phase 1 ecological surveys) which states:

- The site where the houses will be is open and has been used as a working area for the owner to undertake site management works relating to the woodland including cutting, piling, burning, and chopping firewood.
- Vegetation and trees are mostly maintained short/previously pollarded with invading scrub and trees present at the boundaries.
- The woodland to the south is mixed containing Sycamore, Willow, Oak, Common Lime, Fir species, Birch, Siberian Larch, Ash, and fruit trees.
- Bats have been recorded along a wildlife corridor 100m to the west.
- The trees and the building to be removed have negligible bat roosting potential.
- Bat activity is predominantly confined to the treeline along the northern edge of the access road which links Westergate, to the east, with the open countryside to the west.
- During the transect surveys, very little bat activity was recorded in the woodland itself.
- The proposal has been designed to retain and enhance the existing bat habitat. The existing bat flight line along the access road will be enhanced with new tree planting of a species attractive to bats.
- Open bottom bat boxes will be located in woodland to benefit roosting bats and new features will also be installed into the fabric of the buildings for roosting bats.
- The site has low value for reptiles, dormice, stag beetles; and
- Due to the potential for the pond to the west to support Great Crested Newts, a Low Impact European Protected Species licence will be applied for, and an amphibian fence will be erected around the construction area prior to construction.
- Mitigation measures will also support birds, hedgehogs, and stag beetles.

In respect of lighting, the report states a maximum of one light consisting of a down lighter will be used on the front of each house with no rear external lighting. Tinted windows to minimise glare from inside lights will be used on the house windows.

A Biodiversity Net Gain (BNG) Statement has been provided and this shows a net gain of 4.63% (0.19 Habitat Units). It is important to note there will be a significant Net Gain in Hedgerow Habitat given none is currently present. It is acknowledged that government proposals are that all schemes should achieve 10% BNG however this is not yet in force (excepted November 2023). Development plan policies simply

require that BNG is demonstrated.

The council's ecologist raises no objections with conditions recommended to secure the mitigation/enhancement measures and control lighting. Whilst there is conflict with policies EH2 and EH12 in respect of the biodiversity corridor, there are material considerations that outweigh this - namely the lack of an objection from the ecologist, the location of the site and the potential for works to be undertaken on the site under permitted development rights. Given the comments of the council's ecologist, it would be very difficult to substantiate a refusal on harm to the biodiversity corridor at a planning appeal.

In respect of the location within the 12km buffer of the Singleton and Cocking Tunnels Special Area of Conservation (SAC), the council has prepared an Appropriate Assessment (AA) as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). This concludes there would not be any adverse effects on the SAC due to provision of suitable avoidance and mitigation measures. This was issued to Natural England on the 16th of June and their comments (if any) will be reported at the committee meeting.

CHARACTER & DESIGN:

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area.

ANDP policy H3 states density should be appropriate to location. Policy H8 requires design of dwellings include things like cycle stores, meter boxes, bin stores, flues/ducts, gutters, and communications connections. Conditions would be used to secure broadband connections and cycle storage. The drawings do not show any of the other required features, but these would all be required to make the houses useable and there is certainty that the houses will have them.

The Arun Design Guide (ADG) suggests a density of 5-15 dwellings per hectare (dph) in rural locations and so the site density of 15.3dph is appropriate.

The proposal will have an impact on the character of the immediate area as it will develop open garden land in a location beyond the settlement boundary with a corresponding loss of natural vegetation however this impact will be only noticeable at the local level and the increase in car movements along the access is not likely to be such that other users will be adversely affected.

Page 130 of the Design Guide has a section on rural development and the proposal meets this as it reflects the existing residential character and scale of the area. The proposed dwellings are of high quality, include traditional features and, in the interests of simplicity, the proposed materials (brick, tile, hanging tile) are kept to a minimum. The house designs respect those of other dwellings accessed from or bordering the access road. The site currently comprises a large rectangular single storey dilapidated barn (15m wide) which is prominent from the road. The removal of this will be positive.

The development will not harm the character & appearance of the locality and the proposal complies with the relevant design policies as set out above.

RESIDENTIAL AMENITY:

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

With the dwellings being side by side (and to the west of Westergate Lodge) and no other dwellings to the front or rear, there are no conflicts with the standards. Given the anticipated low nature of future traffic movements associated with the occupation of the dwellings, it is unlikely that there will be any harm to the other existing residents who either take access from or back onto the access road. The scheme therefore accords with ALP policies D DM1, QE SP1 and with the ADG.

INTERNAL & EXTERNAL SPACE STANDARDS:

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 the buildings will provide a good standard of amenity for future residential occupiers. The requirement for a 2 storey, 4-bedroom, 8-person dwelling is 124m² and each house far exceeds this.

The ADG sets out that private rear gardens should be at least 10.5m deep; and that front gardens should be 2m deep. Plot 1 has a rear garden depth of between 12.5m and 20m, whilst plot 2 is between 10.5m and 14.5m. Front gardens reflect the length of a parking space so easily exceed the standard.

LIGHT POLLUTION:

ALP policy QE DM2 states outdoor lighting should not have adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. Light levels should be the minimum required for security and working purposes. ANDP policy EH10 states proposals which detract from unlit environments of the Parish will not be supported and that new lighting will be required to conform to the highest standard of light pollution restrictions in force at the time.

The proposal states a maximum of one light consisting of a down lighter will be used on the front of each house with no rear external lighting. Tinted windows to minimise glare from inside lights will be used on the house windows. A condition will be imposed to secure the precise details of lighting and therefore there is no conflict with the policies.

DRAINAGE:

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development. As the site lies in the Lidsey Wastewater Treatment Works Catchment Area, policy W DM1 is relevant, and this requires submission of a Drainage Impact Assessment. ANDP policy EH5 requires new development make appropriate provision for accommodating the surface water arising from the development.

There is conflict with W DM1 as no Drainage Impact Assessment has been provided however it is material that neither Southern Water nor the council's drainage engineers raise any concerns.

The scheme proposes to utilize 390m² of permeable block paving with a subbase to allow rainfall to infiltrate into the ground. Rainfall will discharge to diffuser units within the permeable pavement subbase from the buildings via gully, pipe and catch pits. Runoff from the garages will discharge onto the permeable block paving via open rainwater pipes. The foul discharge will be joined to the existing sewer within the access road which currently ends just adjacent to Westergate Lodge.

The council's drainage engineers raise no objections and recommend standard conditions therefore, there is no conflict with the relevant surface water drainage policies. Southern Water also raise no objection.

ENERGY AND CLIMATE CHANGE:

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

The application documents are silent on these policies, however even if they were not then it would be standard practice to impose a condition to demonstrate the development will achieve energy efficiency measures that reflect the standards applicable at the time of submission and includes the use of renewable energy supply systems. A condition will also be imposed requiring electric vehicle charge points to serve the site. The proposal complies with policies ECC SP1 and ECC SP2.

SUMMARY & TILTED BALANCE:

This report identifies that the proposal is in conflict with (and/or causes harm to) the council's policies in respect of development in the countryside, impact on a designated Biodiversity Corridor, and no submission of a drainage impact assessment. This report has identified material considerations which would outweigh these conflicts namely:

- The lack of a 5-year HLS.
- The Interim Policy Statement for Housing Delivery (IHS).
- The most recent Housing Delivery Test results.
- The location of the dwellings with existing residential development bordering to the east.
- The extensive survey work in respect of bats.
- The comments of the council's ecologist.
- The ability of the owner to use permitted development rights on the land
- The fact that the key bat corridor has been identified to the west of the site, along the Chalk Stream, as well as along the unnamed private road; and
- The non-objections from Southern Water and council drainage engineers.

The adverse impacts identified do not significantly and demonstrably outweigh the benefits and there is no conflict with other policies within the NPPF. It would also be very difficult to substantiate any refusal reasons at appeal based on the conflicts above given the lack of supporting consultation advice.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

The site is in CIL Zone 3 and is liable for a CIL payment of £68,798.34 with 25% of this being allocated to the Parish Council.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Site Location Plan Dwg No 21-1019-001B.
 Proposed Site Layout Dwg No 21-1019-090D.
 Proposed Site Layout Additional Areas Dwg No 21-1019-095D.
 Proposed Site Layout Development & Ecology Site Areas Dwg No 21-1019-094 D.
 Proposed Wall and Fence Details Dwg No 21-1019-092 A.
 Plot 1 Floor Plans, Elevations and Roof Plan Dwg No 21-1019-098 H.
 Plot 1 - 3D Views and Gross Internal Areas Plan Dwg No 21-1019-101 A.
 Plot 2 Floor Plans, Elevations and Roof Plan Dwg No 21-1019-099 G.
 Plot 2 - 3D Views and Gross Internal Area Plans Dwg No 21-1019-100 A.
 Site Section A-A Dwg No 21-1019-090 E.
 Landscape Plan Overall Site Plan Dwg No 2021-L6400-002 Rev C.
 Landscape Plan Landscape Layout Dwg No 2021-L6400-003 Rev A.
 Tree Protection Plan Dwg No 21-1019-090 C; and
 Root Protection Area Dwg No ENC/100620/5KK0-B.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, QE SP1, ENV DM4, ENV DM5 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 Ecological Assessment (Peach Ecology, March 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works

shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under Arun Local Plan policy ENV DM5, 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).

- 4 All activity at the site is to be carried out in strict accordance with: - Arboricultural Report (Method Statement) from Johnston Tree Consultancy, April 2022.

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

Reason: To comply with BS5837:2012 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in accordance with Policies ENV DM4 and D DM1 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 work on Sunday or Bank/Public Holidays. In addition, there shall be no external working, an hour before, during and an hour after sunset and sunrise even if those times fall within the above time periods.

Reason: 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.

- 6 Any works which will impact the resting place of Great Crested Newts (GCN), 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) evidence of site registration supplied by an individual registered to use a Great Crested Newt Low Impact Class Licence; or
- c) a GCN District Level 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
- d) 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 and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under Arun Local Plan policy ENV DM5, 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). This is required to be a pre-commencement condition because Great Crested Newts are a protected species and must not be harmed.

- 7 No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan 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.
- h) Use of protective fences, exclusion barriers and warning signs; and
- i) Containment, control and removal of any Invasive non-native species present on site

The approved Construction Environmental Management Plan shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under Arun Local Plan policy ENV DM5, 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). This is required to be a pre-commencement condition because on-site wildlife including protected species must be safeguarded.

- 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 percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

- 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 considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 10 No development/demolition/levels changes (apart from any survey works required by other conditions) shall take place and no machinery shall be introduced to the site, unless and until written confirmation (supported by photographic evidence) is provided by the Arboricultural Expert representing the site owner(s) that all protective fencing has been erected and positioned exactly as described and illustrated in the approved Arboricultural Report (Appendix 3 Tree Protection Plan, 21-1019-090C, 17-01-2023).

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

- 11 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 otherwise the disturbance of earth could harm important deposits.

- 12 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.

- 13 No development above damp-proof course (DPC) level shall take place unless and until either:

- (a) details of the proposed location of the required fire hydrant within 150m of the site; or
- (b) details of the proposed internal sprinkler system and maintenance routine,

have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

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

- 14 Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrants or sprinkler system in the approved locations. The fire hydrants shall be to BS:750 standards or stored water supply and the developer must arrange for connection of the fire hydrant or sprinkler system to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

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

- 15 No development above damp-proof course (DPC) level shall take place unless and until a Biodiversity Enhancement Strategy for protected and Priority species as prepared by a suitably qualified ecologist has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs 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).

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

- 16 No part of the development shall be first occupied unless and until a 30-year Landscape and Ecological Management Plan (LEMP) has been submitted to, and be approved in writing by, the local planning authority. 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.
- 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: 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), ALP policy ENV DM5 and s40 of the NERC Act 2006 (Priority habitats & species).

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

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

- 18 No external lighting shall be installed on the site unless and until full details (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) have been submitted to and approved in writing by the Local Planning Authority. The submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the site/site environs (in accordance with the BCT/ILP Guidance Note 08.18) by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and maintained in accordance with the approved details.

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

- 19 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.

- 20 Prior to occupation of any of the approved dwellings, the applicant or developer shall provide the dwellings 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 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.

- 21 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling/the building and shall be thereafter permanently maintained in good working condition.

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.

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

Reason: To improve the sustainability of the dwellings in accordance with policies ECC SP1 and W DM1 of the Arun Local Plan.

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

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

- 24 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.

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

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

- 26 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the

structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

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

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

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

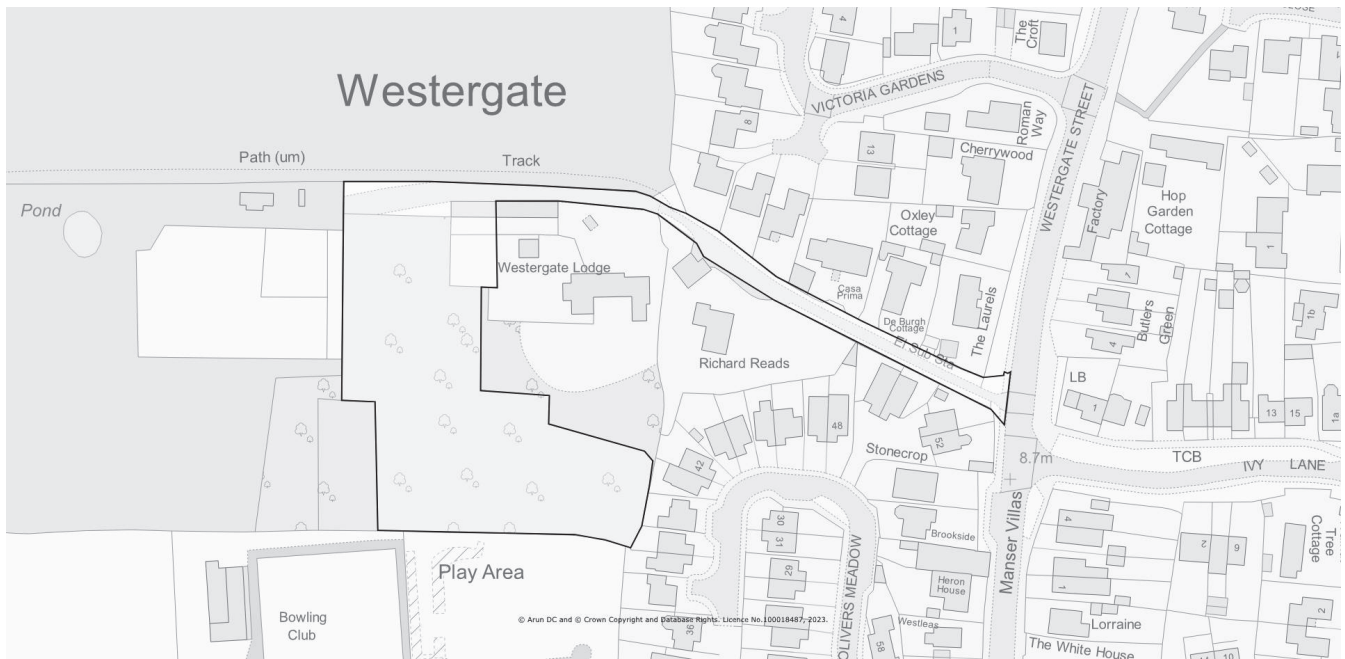
- 27 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the 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.
- 28 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=docm93jjm4n12193.pdf&ver=12201>
- 29 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken in the event that substantiated complaints within the remit of the Environmental Protection Act 1990 are received. For further information, please contact the Environmental Health Department on 01903 737555.
- 30 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.

- 31 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.

BACKGROUND PAPERS

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

AL/42/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: BE/57/23/PL

LOCATION: Holly Court
Tamarisk Close
Bersted
PO22 9JG

PROPOSAL: Application under Regulation 3 of the Town and Country Planning (General Regulations) 1992 for the removal of all existing timber cladding and installation of new Hardie Plank cement board product to closely match existing in appearance. This application is in CIL Zone 4 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks permission for the removal of timber cladding and the installation of new Hardie Plank fibre cement cladding on a low rise residential block.
SITE CHARACTERISTICS	Low rise residential block of flats. External materials consist of concrete blockwork and dark brown timber cladding with white uPVC windows.
CHARACTER OF LOCALITY	Residential.

REPRESENTATIONS

Bersted Parish Council - awaiting response.

No public representations received to date.

COMMENTS ON REPRESENTATIONS RECEIVED:

No comments to make at this time. A report update will be issued once the publicity period has ended on 06/07/23.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Residential Services - awaiting response.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted, the report will be updated accordingly once the publicity period has ended on 06/07/23.

POLICY CONTEXT

Built Up Area Boundary
CIL Charging Zone 4

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

Bersted Neighbourhood Plan 2014 Policy ES1 Design of new development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

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

The relevant Bersted 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 the replacement components, on a like for like basis, would not harm the character of the area or residential amenity and would conform with development plan policies.

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 key policies are D DM1 and D DM4 of the Arun Local Plan, and guidance outlined in the Arun Design Guide.

Bersted has a 'made' Neighbourhood Development Plan, of which policy ES1 is relevant. This policy is concerned with the design of new development and states that new development which would have an effect on the appearance or character of the surrounding area should be of a high-quality design and should contribute to local character by creating a sense of place appropriate to its location.

DESIGN & VISUAL AMENITY

The cladding is to be fixed to all elevations of the property and will be at high level, it will be highly visible in the locality.

The development is proposed due to the timber cladding being in disrepair. The cladding is to be replaced on a like for like basis in terms of its positioning on the elevation. The cladding envelopes the top half of the building on the front (north) elevation and wraps around the side and rear elevations at high level. The main alteration is the materials of the cladding which is to be changed from timber to fibre cement weatherboard cladding, this alteration is acceptable and will have little visual impact given the proposed cladding has a timber grain texture and look. The proposed chestnut brown colour is similar to the dark brown timber.

The development is sympathetic to, and reflective of, the existing building design and materiality, in accord with Arun Design Guide.

The alterations to the cladding will have minimal visual impact upon the character of the building or the locality and is in accord with D DM1 and D DM4 of the Arun Local Plan, ES1 of the Bersted NDP and Arun Design Guide.

RESIDENTIAL AMENITY

The Arun Design Guide states development should protect neighbouring amenity in terms of privacy and overshadowing, consider the positioning of neighbouring buildings and respond to existing elevations through the size and positioning of doors and windows. The proposal accords with these criteria.

As the alterations do not result in any change to the footprint or height of the building, the proposal will have no adverse overbearing or overshadowing impact on neighbouring properties. The location of the windows and doors are retained and will not give rise to any overlooking effects.

The proposal poses minimal impact on residential amenity and is in accord with D DM1 and D DM4 of the Arun Local Plan, and the Arun Design Guide.

OTHER ISSUES

The cladding is stated to be "non-combustible and offer the best fire protection possible for any coloured facade board". If the works involve work to a thermal element a submission under the Building Regulations may be required and the applicant should discuss the matter with Building Control to see if an application is required.

SUMMARY

This report has been written prior to the end of the statutory consultation period (due to end 06/07/23) to ensure the application can be considered at the planning committee on 12/07/23.

Subject to representations and consultation responses received prior to the end of the statutory consultation period on 06/07/23, at this point in time, the development is in accord with the relevant development plan policies and as such 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 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:

- Location Plan, Existing Elevations and Roof Plan PL/01
- Proposed Elevations and Roof Plan PL/02

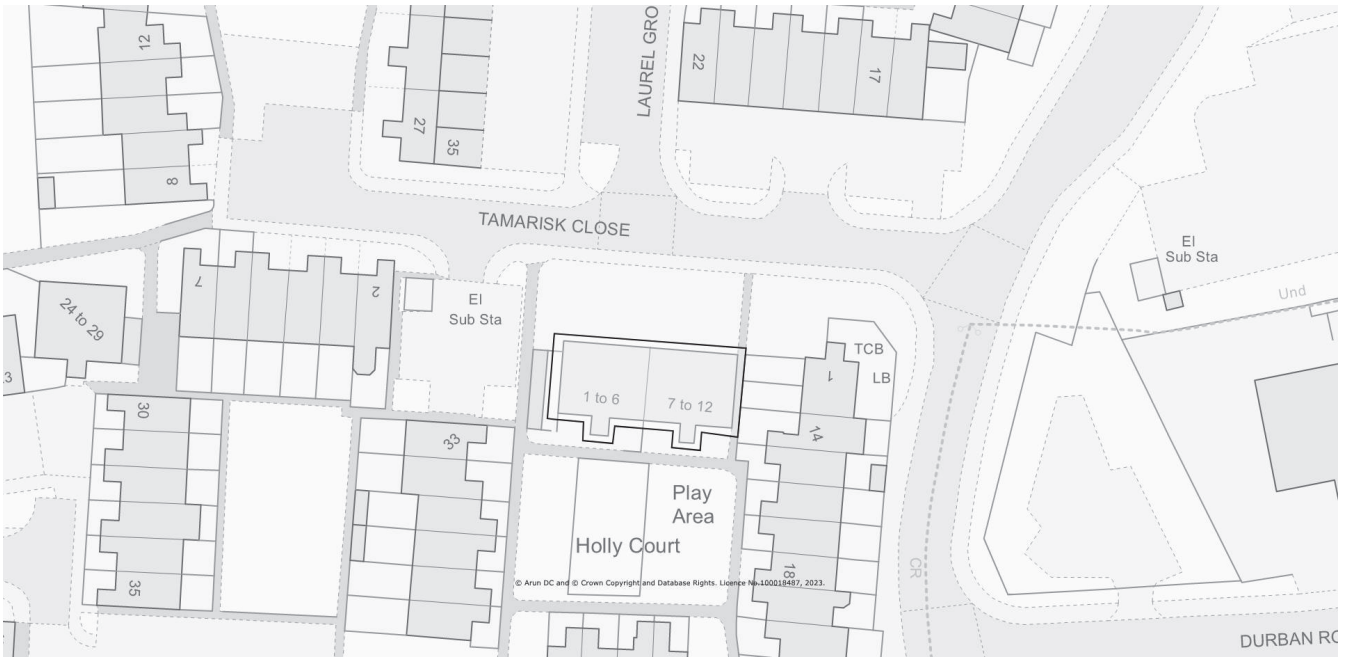
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 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)

BE/57/23/PL - Indicative Location Plan (Do not Scale or Copy)
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PLANNING APPLICATION REPORT

REF NO: BN/58/23/PL

LOCATION: Land rear of Clare Court
67 Barnham Road
Eastergate
PO22 0EP

PROPOSAL: Erection of 4 No detached houses with covered and open resident and visitor parking, using existing access to Clare Court from Barnham Road including provision of new hard and soft landscaping, foul and surface water drainage systems and other works (resubmission following BN/16/22/PL). This application is in CIL Zone 2 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to construct 4 dwellings with landscaping and parking spaces as an alternative to that approved by BN/16/22/PL which permitted two pairs of semi-detached 3 bedroom houses. This application is for a revised proposal to develop the site with four detached 3 bedroom houses.

The development would be served from the existing access to Clare Court from Barnham Road. Dedicated covered and driveway parking is shown to the side of Unit 1 and covered and open courtyard parking is provided for Units 2-4. Visitor parking is shown, together with sheds for secure cycle storage in the rear gardens.

Each house has a rear garden of between 13m and 14m in depth, with an open landscaped area of between 6m and 8m in depth to their front; 25m separates the front elevations of the houses from the rear elevation of Clare Court.

TREES There are 2 Oak trees to the rear boundary which are subject to a Tree Preservation Order.

BOUNDARY TREATMENT The site has hedging and fencing of around 1.7m height along the side and rear boundaries. There is fencing in place to separate the site from the rear amenity area at Clare Court around 1m in height.

SITE CHARACTERISTICS The site is a vacant piece of land to the rear of a detached 2-3 storey property 'Clare Court' which contains 8 flats. There is an enclosed amenity space for the occupiers of Clare Court to the rear and an area to the front for parking. There are some trees along the rear boundary.

CHARACTER OF LOCALITY The site is to the rear of a residential road of mixed character with detached and semi detached properties of 1 and 2

storeys set in medium to large plots. These are predominately set back from the highway with gardens to front and rear.

RELEVANT SITE HISTORY

BN/16/22/PL Erection of 4 No dwellings with associated car parking. ApproveConditionally
This application is in CIL Zone 2 and is CIL Liable as new 24-06-22 dwellings.

A proposal for a single dwelling in the same location was refused in 2005.

REPRESENTATIONS

Barnham and Eastergate Parish Council object on the basis that the development is not allocated in the new made BEPC Neighbourhood Plan and is contrary to plan policy.

2 objections:

- Concern previous submission was approved and to repeat previous objections (other than bin storage arrangements).
- Neighbouring occupiers sit at a lower level. This has not been taken into account, and neighbours would be impacted through surface water drainage.
- The access is not suitable for more dwellings.
- The proposal would remove grassland from the area.

1 no objection which raises the following point:

- The access road to the development will take away 2 parking spaces used by Clare Court residents, thus leaving 6 spaces for 8 flats. The developer could extend the current parking area at the front of Clare Court avoiding the need for residents to park in the main road outside, and therefore creating blind spots for vehicles entering the main road from the Clare Court entrance.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - no objection subject to the imposition of conditions.

Ecology - no objection subject to the imposition of conditions.

Arun Drainage Engineer - no objection subject to the imposition of conditions.

West Sussex County Council Highways (LHA) - no objection subject to the imposition of conditions.

Southern Water - advise that a formal application for connection to the public foul sewer would be required.

West Sussex County Council lead Flood Authority - no objection.

South Downs National Park Authority - have no comment to make on the submission.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Pre-commencement conditions have been agreed with the agent.

POLICY CONTEXT

Built up area boundary
Lidsey Treatment Catchment
Area of Character
TPO

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP1	ECC SP1 Adapting to Climate Change
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM4	HER DM4 Areas of Character
HERSP1	HER SP1 The Historic Environment
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan, 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 revised Barnham and Eastergate Neighbourhood Development Plan (B&ENP) was made on 09/03/22 and its policies are referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant 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

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

CONCLUSIONS

PRINCIPLE

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan provided it accords with other policies of the Local Plan covering issues such as visual/residential amenity, highway safety, parking and biodiversity.

Barnham and Eastergate have a made Neighbourhood Plan. Policy H2 (Windfall sites), ES5 (Quality of Design), ES7 (Non-Designated Assets), ES10 (Trees and Hedgerows), ES16 (Dark Skies), GA4 (Parking) are relevant to the application.

The NPPF gives a presumption in favour of sustainable development and generally seeks to promote the effective use of all land. NPPF paragraph 124 (d) states planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Paragraph 11(c) states that development proposals that accord with an up-to-date development plan should be approved without delay.

As previously concluded in consideration of BN/16/22/PL and on the above basis, the principle of the proposal is acceptable.

DESIGN AND VISUAL AMENITY

Arun Local Plan policy D DM1 looks at aspects of form and design quality, including character, attractiveness, innovation, residential amenity impact, adaptability, density, scale and trees. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment.

Policy D SP1 of the Arun Local Plan requires that development proposals make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Para 130 of the NPPF details the design requirements for new developments, including that developments should function well, are visually attractive and sympathetic to local character and history, have an appropriate mix of development including green and public space and create places that are safe, inclusive and accessible.

The permitted scheme showed 2 pairs of semi detached dwellings whereas this proposal is for 4 detached dwellings. The revised scheme shows the dwellings on predominantly the same footprint as those approved although slightly closer to the side boundaries, but with a greater degree of spatial quality between the buildings.

The proposal remains to the rear garden of Clare Court and represents a form of backland development. As previously considered, although such development is generally not in character with the form of development, there is an example of similar development at No 97 and clearly the pattern has already been accepted in the recent approval.

The development would be partially visible from the street scene, with plot 1 to the rear of the access road although this would be set back 53m from the highway.

Although different to those approved, the houses remain of a traditional design with front detailing to the porches and front window areas, and arched courses over doors and windows. Material details can be controlled by condition. There is planting to the frontages which provide soft screening. This can be improved upon through the requirement for landscaping details by condition.

The area has a mixed appearance and the design continues to be appropriate to its setting and reflective of those in the local area.

The Arun Design Guide seeks to raise design standards. Section P relates to infill and backland development and states that it should emulate the established pattern of building height, scale, plot, be in harmony with the prevailing character, building pattern and architectural style of the area, and be developed in a site that is large enough to accommodate proposed uses and vehicular access, parking and turning, while retaining gardens and open spaces of an adequate size. The scale of the development and size of the site would comply with these requirements.

Policy ES5 of the NP states 'New residential developments must be of high quality design, Integrate with the local landscape and built environment; contribute to and conserve the features which contribute to the distinctive character'. The development complies with these requirements.

The sympathetic design, layout, appearance and scale of the development will not result in harm to the

character and appearance of the locality. The proposal complies with the relevant design policies D SP1 and D DM1 of the Local Plan, the NPPF and the Arun Design Guide and ES5 of the NP.

RESIDENTIAL AMENITY

Policy D DM1 of the Arun Local Plan requires new development to have minimal impact on users and occupiers of nearby property and land by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

Policy QE SP1 states the Council requires development to contribute positively to the quality of the environment and to ensure that development does not have a significantly negative impact upon residential amenity.

The Arun Design Guide sets out guidance on garden depths and interface distances between houses:

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

The principal elevations of the dwellings retain approximately 19m to the rear boundary fence of the amenity space serving Clare Court. A minimum of approximately 26m is retained to rear facing habitable windows. Although views would be available of the development from Clare Court and both neighbouring dwellings at 65 and 71, due to the separation - which comply with the interface distances specified in the Design Guide - the dwellings will not result in adverse overbearing, overshadowing or overlooking.

To the rear is St Philip Howard Church School. As per the approved scheme, the dwellings will not result in adverse overshadowing or overbearing impact upon it.

There is sufficient separation between the first floor windows of the dwellings and those to the rear of Clare Court such that overlooking would not be significant. There is hedging, gardens, driveways and the access way in between which further intercepts views at ground floor level. Distances between the proposed dwellings and neighbouring uses are comparable with those of the approved scheme and as such, the principle of the interface has already been accepted.

The dwellings utilise the existing access to the northern side and this will be extended to the rear of the site, running along the side elevation of Clare Court and along the rear of the fenced amenity space to a parking court area and the parking barn. There would be an intensification of vehicle movements in this location which will result in some noise and disturbance. The new access will be used by occupiers of the dwellings which given the level of parking could mean up to 8 new cars entering and leaving the site. The impact would remain the same as that already considered acceptable and the Highways Authority remains satisfied with the findings of the trip rate assessment. The number of movements would not give rise to a material adverse effect on the living conditions of adjacent occupiers.

The amenity area for Clare Court will be retained and the residents will not suffer a loss of communal garden. The site area remains the same as that previously approved.

The development provides suitable separation distances between properties and does not result in a significant impact upon neighbouring amenity by way of overbearing, overshadowing or overlooking in accordance with D DM1, QE SP1, QE DM1 of the Arun Local Plan and the Arun Design Guide.

SPACE STANDARDS

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.

National guidance advises the following minimum Gross Internal Area (GIA) standards apply for a 2 storey, 3 bed home:-

4p 84
5p 93
6p 102

The gross internal area of each property will be 120sqm. This would comply with the guidance.

Policy H.04 of the Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

The gardens are an acceptable size and exceed the guidance. There is some limited amenity space to the front. The proposal complies with D DM2 of the Plan.

PARKING

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision. Arun District Council adopted its own Parking Standards SPD in Jan 2020.

Regard should be had to para 111 of the NPPF which states 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

Vehicular access is achieved via an existing access to Barnham Road and then along a 4.8m wide internal access driveway. This is wide enough to facilitate passing of two vehicles, and the passing of a vehicle sharing the space with pedestrians.

The ADC Parking Standards for a 3 bed property in this location (Parking Behaviour Zone 2) requires an expected level of 2 car parking spaces on site. Each 3-bed dwelling should be afforded 2 car parking spaces, 8 in total. A 20% ratio is applied to account for visitor parking, so an additional 1.6 spaces.

Consistent with the existing planning permission, two car parking spaces will be provided for each dwelling, as well as one electric charging point per house. Two cycle parking spaces will also be provided per dwelling in accordance with WSCC Guidance in the form of secure, covered storage. Two visitor spaces are also provided on site. The number of spaces therefore complies with the standards.

Compared with the approved scheme, the site layout has been revised and updated to reflect a change in servicing and emergency access. A bin collection point is shown at a distance of 25m from the access, to enable servicing to be undertaken from Barnham Road, consistent with the observed arrangements for other properties situated on Barnham Road.

Policy GA4 of the Barnham & Eastergate Neighbourhood Plan (B&ENP) states 'Development proposals will be supported only if they include the maximum level of off-street parking consistent with the most current standards'. The scheme complies with this.

The proposal complies with T SP1 of the Arun Local Plan and GA4 of the B&ENP.

DRAINAGE

The site falls in Flood Zone 1 and is at low risk of flooding although it does fall in the Lidsey Wastewater

Treatment Works Catchment Area.

ALP policy W DM1 states that although minor developments are unlikely to raise significant flood risk, due to the cumulative impact all development within this area must also be accompanied by a Drainage Impact Assessment.

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development.

The applicant submitted a drainage report which suggests surface water will be drained via permeable paving. The Council Drainage Engineer has not objected but advised that the submitted drainage strategy and associated drawings do not meet Arun's detailed design requirements and has requested the imposition of a condition requiring further detail to be submitted.

Concerns have been raised from 2 nearby occupiers about surface water drainage. In the light of no objections from either the Drainage Engineer or West Sussex County Council as the lead Flood Authority, there are no grounds for refusal on this basis.

Subject to conditions, the development would be adequately drained and would not increase flood risk elsewhere, in accordance with relevant policies of the Arun Local Plan.

AREA OF CHARACTER (AOC)

The site is located in an Area of Character.

The description states that the area consists of a variety of substantial buildings of various styles, predominantly two storeys which are set back from the road within large individual plots. Trees and hedges are important in the street scene.

Due to the location of the development to the back of the site, the properties are well screened by Clare Court so the development will not be a dominant feature in the street scene, with only 1 of the dwellings partially visible from the roadside.

The design of the dwellings is sympathetic to the local area and appropriate to the setting, incorporating features such as arched courses over the doors, detailing to porches and the inclusion of chimneys reflecting detailing found in the vicinity.

The approved scheme showed a 70m hedge along the site's western and northern boundaries. This was considered to support biodiversity and assist with making a positive contribution to the AOC (which notes that hedges are important for creating character to the area). Whilst this proposal does not show this feature, a condition can be imposed requiring landscaping details to be submitted. These would need to show additional soft landscaping to soften the appearance of the plot within the area of character.

Owing to its siting and design, the proposal would not result in significant harm upon the AOC in accordance with HER DM4 and ES7 of the NP and the impact is acceptable under NPPF paragraph 203 when considering non-designated heritage assets.

DARK SKIES

Policy ES16 of the B&ENP states 'Development proposals which detract from the unlit environments of the Parish will not be supported'. The properties will introduce additional light to an area that is unlit. The site is to the rear of a residential street where light is present and its impact would not be significant upon the dark sky. The permission can be conditioned so that details of external lighting need to be submitted so that the levels of illumination, height and position can be assessed. As per the approved scheme, this

will ensure compliance with ES16 of the B&ENP.

TREES

ALP policy ENV DM4 states that "Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity unless development:

The tree officer has been consulted although no response was received.

Some trees were removed prior to the application. These trees were not protected and did not fall in a Conservation Area and their removal did not require permission. Following notification of this, a TPO was made to protect 2 Oaks to the southern rear corner of the site.

An Arboricultural Report has been submitted and states the proposed dwellings, associated infrastructure and hard surfacing will not encroach within the root protection areas of any of the retained trees however the proposed cycle stores/sheds for units 2, 3 and 4 will sit partially or entirely within the root protection areas of T1 to T4 inclusive. Additionally, the activity required to construct the proposed development (vehicular movement, storage of materials, soft landscaping etc.) may encroach within the root protection area of T1 to T4 inclusive if they not properly safeguarded during the construction activity.

It will be necessary, prior to the commencement of any construction activity, for an Arboricultural Method Statement to be provided which details the measures that will be undertaken to protect the trees, in addition to a Tree Protection Plan in order to safeguard the retained trees.

Subject to conditions, and as per the approved scheme, the proposal accords with ENV DM4 of the Plan and ES10 of the B&ENP.

BIODIVERSITY

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

Section E.03 of the ADC Design SPD seeks to protect and enhance biodiversity in the development site and the wider area.

Subject to the submission of ecology survey information, the Councils ecologist has raised no objection to the proposal subject to the imposition of conditions to minimise impact and provide for a net biodiversity gain.

Subject to condition, the proposal would comply with ENV DM5 and ES16 of the B&ENP.

CLIMATE CHANGE

ALP policy ECC SP2 requires new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires new development be designed to adapt to impacts arising from climate change. The Design and Access Statement includes details of energy efficiency measures that will be included such as solar gains controlled through Low E glazing, 100% low energy/LED lighting, solar panels on west facing roof slopes to supply a renewable energy source to each dwelling.

It is necessary to impose a condition to secure the precise details of these. This will ensure compliance

with the policies.

SUMMARY

This proposal represents an appropriate redevelopment of land and does so without compromising the visual amenity of the area or the amenities of existing neighbouring residential occupiers.

The development accords with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives. It is also in accordance with paragraph 11(c) of the NPPF.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (depending 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 documents:-

Block and Location Plan 1.01
 Plot 1 Elevations 2.03 Rev A
 Plot 3 and 4 Elevations 2.05 Rev A
 Plot 2 Elevations 2.04 Rev A
 Engineering Details Longitudinal Sections 503-01 Rev A
 Street Elevation 2.07
 Floor Plans 2.02
 Proposed Site Plan 2.01
 Cycle Store 2.08
 Car Barn 2.06
 Tree Survey and Arb Impact Assessment 21/06/134/NH dated March 2023 as V2.0.
 Transport technical Note DS/LJ/ITB18636-001 dated 9 March 2023.
 Noise Impact Assessment 12873.230123.R1 dated 31 January 2023.
 Preliminary Ecological Appraisal dated 14.3.23
 Preliminary Ecological Appraisal dated 28 January 2022
 Reptile Survey and Provisional Mitigation Plan 19.5.22
 Walkover Site Visit Notes dated 8 June 2023
 Emails between applicant Ecologist and LPA Ecologist - 13 May 2022 and 20 February 2023 .

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 commencement of development, plans and details showing the site set up during the period of construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall include details of all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors' vehicles and the loading and unloading of vehicles associated with the implementation of the development. The approved details shall be implemented prior to the commencement of development and retained throughout the period of construction, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with D DM1 of the Arun Local Plan.

- 4 Prior to commencement of any construction activity on site, an Arboricultural Method Statement (AMS) and a Tree Protection Plan - to both describe and illustrate the mitigation measures which are to be employed on site shall be submitted and approved by the Local Planning Authority. Construction shall be in accordance with the plan.

Reasons: To ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground in accordance with ENV DM4 of the Arun Local Plan.

- 5 Noise mitigation measures as detailed in section 8.1 and 8.3 of the Acoustic Report submitted by Clarke Saunders Acoustics, Ref: 12873.230123.R1 entitled Noise Impact Assessment, Land to the rear of Clare Court, 67 Barnham Road, Eastergate dated 31/01/23 shall be adhered to.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan. This needs to be pre-commencement to ensure the building will not be adversely affected by external noise levels.

- 6 Prior to the commencement of the development, details showing the location of one (1) fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue

Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. The details so approved shall be installed prior to first occupation of any of the dwellings and retained in perpetuity.

Reasons: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004. This is required to be a pre-commencement condition because it is necessary for the equipment to be available prior to commencing of building works.

- 7 No development above damp proof course (DPC) level shall take place unless and until details of hard and soft landscaping, including site boundary treatments, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the dwellings. 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 and to protect the amenity of local residents in accordance with policy D DM1, ENV DM4 and QE DM1 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until such time as the pedestrian access serving the development has been constructed in accordance with the details shown on the drawing titled ' Pedestrian Visibility Splays - 121.0008.003 contained in Appendix B of the Transport Technical Note ref. DS/LJ/ITB18636-001 dated 9 March 2023.

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

- 9 No part of the development shall be first occupied until the car/cycle parking has been constructed in accordance with the approved site plan (2.01), cycle storage plan (2.08) and car barn plan (2.06). 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 T SP1 of the Arun Local Plan.

- 10 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 plan ref. 121.0008.002 contained in Appendix A of the Transport Technical Note ref. DS/LJ/ITB18636-001 dated 9 March 2023.

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

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

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

12 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.

13 The development shall not be occupied until the works for the pedestrian crossing have been fully implemented in accordance with the details as shown on plan ref. 121.0008.003 contained within Appendix B of the Transport Technical Note ref. DS/LJ/ITB18636-001 dated 9 March 2023.

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

14 Prior to occupation of any of the approved dwellings, the applicant or developer shall provide the dwellings 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 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.

15 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling/the building and shall be thereafter permanently maintained in good working condition.

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

16 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Reptile Survey and Provision Mitigation Plan (GPM Ecology, May 2022) and Preliminary Ecological Appraisal dated 28 January 2022 and its update dated 14 March 2023; the Walkover Site Visit Notes dated 8 June 2023 and emails between the applicant Ecologist and the Local Planning Authority Ecologist dated 13 May 2022 and 20 February 2023, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local

Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and ENV DM5 of the Arun Local Plan.

17 Prior to the commencement of development, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include details of 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.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP: Biodiversity shall be implemented prior to the commencement of development and adhered to throughout the period of construction, unless otherwise agreed in writing by the Local Planning Authority.

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

18 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

19 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.

20 If during development, any visible contaminated or odorous material, (for example, asbestos

containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) 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.

- 21 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches and dormer windows) to the dwellings shall be constructed and no buildings shall be erected within the dwellings' curtilages.

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

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

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

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

Reason: To improve the sustainability of the dwellings in accordance with policies ECC SP1 and W DM1 of the Arun Local Plan.

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

- 25 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 26 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance of 40% on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. The design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 40%).
- Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.
- Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.
- 27 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.
- 28 INFORMATIVE: The pedestrian crossing improvements are likely to require a s278 Agreement with WSCC.

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)

BN/58/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: Y/31/23/PL

LOCATION: Land adjacent to Little Meadow
Bilsham Road
Yapton
BN18 0JY

PROPOSAL: Construction of 6 No new dwellings with new access from Bilsham Road, sustainable drainage and landscaping. This application is a Departure from the Development Plan, may affect the setting of listed buildings and is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal is for 2 no. 4-bedroom detached and 4 no. 3-bedroom semi-detached 2-storey dwellings on land associated with Little Meadow and located to the rear of existing dwellings along Grevatt's Lane West (GLW) to the south and Bilsham Road to the west.

All dwellings vary in terms of their design and materials palette. Plots 1-5 utilise combinations of facing brick and knapped flintwork, with gable roofs constructed using clay tiles and with cream coloured-windows and doors. Plot 6 is markedly different in that its design is more consistent with that of an agricultural barn conversion, with the extensive use of timber cladding, full height glazing and aluminium windows and doors. Each dwelling will have its own access and on-plot parking to the front and side, with lawns to the front and rear.

The layout plan indicates bin storage in each individual garden (although there are no elevations of either), cycle storage for plots 2-5, and detached garages for plots 1 and 6. Refuse collection is shown to take place at the kerbside, as per the existing situation within the immediate area.

A substantial 'wildlife area' containing a pond and surrounded by trees is shown to the southwest of plot 6.

SITE AREA 0.77 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 8 dwellings per hectare.

TOPOGRAPHY Predominantly flat, with a slight incline between Bilsham Road and Grevatt's Lane West.

TREES There are a number of trees located on and adjacent to the site boundaries, including a large group of Leylandii along the western side of the access from Grevatt's Lane West. No trees

BOUNDARY TREATMENT	or hedges are scheduled for removal as part of the proposals. Boundaries mainly comprise closeboard fencing, mature trees and headgerows to the north, south and west, with an open post and rail fence to the east.
SITE CHARACTERISTICS	The site is currently a detached field on land associated with a dwelling known as 'Little Meadow'. It is located to the south of an existing industrial compound, comprising a dwelling ('Oak Trees') three buildings in a mix of light industrial/storage and distribution uses, with hardstanding, storage containers, open storage). The site is bisected by a private drive, which connects the industrial units to Grevatt's Lane West to the south and currently functions as the main access route.
CHARACTER OF LOCALITY	Semi-rural. The surrounding open land is used for agricultural or equestrian purposes. There are dwellings alongside the eastern edge of Bilsham Road and the northern edge of Grevatt's Lane West in a linear arrangement. Some of these border the western and south western edges of the site. There is good screening to the edges of the site with those dwellings in the southwestern corner. Nos. 84 and 85 Bilsham Road (which amongst others adjoin the rectangular piece of land to the south of the industrial units) are designated as Buildings of Character. There are also Grade II Listed Buildings to the west of Little Meadows. The adjoining land to the east has the benefit of a planning permission for a new Crematorium (Y/103/18/PL). To the south, Bilsham Road has a junction with the A259 with this junction known locally as "Comet Corner".

RELEVANT SITE HISTORY

Y/71/21/OUT	Outline application with access for up to 73 No. new dwellings (but retaining Oak Trees & Little Meadow dwellings), 405 sqm of new light industrial buildings as part of an enlarged employment site & Public Open Space. The existing junction of Grevatts Lane West & Bilsham Road will be closed & Grevatts Lane West diverted to a new access point to the South. This application may affect the setting of Grade II Listed Buildings & is a Departure from the Development Plan.	Refused 01-09-21
		Appeal: Dismissed 16-06-22
Y/70/20/OUT	Outline application with access for 81 No. new dwellings including 18 self-build plots (but retaining Oak Trees & Little Meadow dwellings), 3 No. new light industrial buildings as part of an enlarged employment site, Public Open Space & a new Village Hall. The existing junction	Refused 11-11-20

of Grevatts Lane West & Bilsham Road will be closed & Grevatts Lane West diverted to a new access point to the South. This application may affect the setting of Grade II Listed Buildings & is a Departure from the Development Plan.

Y/16/13/	Workshop/Storage Unit Building	Refused 29-05-13 Appeal: Dismissed 20-02-14
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The most recent application (ref. Y/71/21/OUT) was refused in September 2021 and subsequently dismissed at appeal in April 2022 (ref. APP/C3810/W/22/3293935).

In this appeal decision, the Inspector stated that the scheme would not result in any significant flood risks, would not have an adverse effect on highway safety and would be located in a sustainable location. Furthermore, the Inspector established that any harm caused through impacts to the significance of the Grade II listed Hobbs Farmhouse and the loss of Grade 2 agricultural land would be outweighed by the benefits of the proposal through the provision of much needed housing.

The Inspector concluded that although the benefits, particularly by way of housing provision would be substantial, the very substantial harm to the character and appearance of the area in this case would not be significantly and demonstrably outweighed by the collective benefits of the scheme. The appeal was therefore dismissed solely on the grounds of very substantial harm to the character and appearance of the area.

REPRESENTATIONS

Yapton Parish Council (YPC) have objected on the following grounds:

- Departure from the development plan, outside the BUAB and contrary to the emerging Yapton Neighbourhood Plan.
- Location is divorced from the main community facilities within the village.
- YPC regard the application as a cynical approach to establish principles for a larger proposal, with proposed infrastructure suitable to support a larger scheme.
- Remoteness makes the site dependent upon linking to public rights of way (PRoWs).
- Ongoing overdevelopment of Yapton.
- Increase in flooding.
- Increase in traffic and impact upon road safety.
- Ecological impacts and potential for mitigation measures such as the wildlife area and pond to be removed by varying conditions.
- Exacerbate increasing pressure on existing infrastructure and services.
- Increase in air pollution during construction and operational phases.
- Impacts upon the setting of designated/non-designated due to inconsistent design and physical impacts as a result of increase in flooding.
- Existing surplus of new dwellings indicates a lack of need.
- Loss of quality agricultural land.

Ten letters of objection have been received from Arun residents from eight separate addresses, citing the following grounds:

- (1) Outside the Built Up Area boundary and unsustainable location.
- (2) Within the Green Belt.
- (3) Loss of Agricultural Land.
- (4) No evidence of housing need, existing surplus of new dwellings.
- (5) Insufficient local infrastructure (doctors, schools).
- (6) Highway safety concerns due to increased traffic.
- (7) Proposals heavily reliant on footpath links to connect the site to the wider network and surrounding area.
- (8) New visibility splays will result in the loss of existing hedges.
- (9) Noise pollution from existing commercial development.
- (10) Harm to Heritage Assets.
- (11) Increased flooding off-site.
- (12) Concerns with harm to biodiversity and the potential for mitigation measures to be removed from the proposals down the line.
- (13) Concerns with safety & maintenance of water features.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be discussed in the conclusions section of the report. Additional comments are offered to the following specific points:

- (2) Arun DC does not have any designated Green Belt.
- (4) Arun DC currently has a 2.4 year housing land supply versus the required 5 year requirement.
- (8) The development would be required to demonstrate biodiversity net gain taking account of all lost habitats.
- (12) Compliance would be ensured through the implementation of pre-commencement conditions, requiring measures to be implemented prior to commencement of the development, where appropriate or necessary.
- (13) These would be secured via a suitably worded condition, as recommended by Drainage Engineers when commenting on the previously refused scheme.

The additional information submitted by the applicant responding to comments from ADC Environmental Health in the form of a letter and updated reports address the concerns raised in relation to noise, air quality and contamination.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

CDC ARCHAEOLOGY ADVISOR - No objection.

SOUTHERN WATER - No objection, subject to informatives regarding connecting to the public sewer, the adoption of SuDS and surface water inundation issues.

WEST SUSSEX FIRE & RESCUE - No objection subject to a condition relating to the location of a new fire hydrant and its installation prior to occupation.

ADC ENVIRONMENTAL HEALTH - Objection on the grounds that the findings of the noise assessment are unrepresentative and its conclusion that windows must be kept closed to meet guideline noise values. However, the response goes on to recommend a number of planning conditions to address the concerns raised, should planning permission be granted.

ADC ECOLOGY ADVISOR - No objection, subject to conditions to secure biodiversity mitigation and enhancement measures.

WSCC HIGHWAYS - No objection subject to conditions to secure the following:

- Implementation of access arrangements.
- Submission and approval of a Construction Management Plan.
- Submission of cycle parking details.
- Implementation of vehicle parking and turning arrangements.
- Provision of proposed visibility splays.

An informative requiring formal approval to carry out the site access works on the public highway is also requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be discussed in the conclusions section of this report.

The comments from ADC Environmental Health are not reasons for refusal as these matters can be controlled via the use of planning conditions.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary (BUAB);
 Flood Zone 1;
 CIL Zone 3;
 Area of Special Control of Adverts;
 Adjacent the B2132;
 Adjacent to two Buildings of Character; and
 The Grade II Listed Hobbs Farmhouse is less than 150m from the application site boundary.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
LANDM1	LAN DM1 Protection of landscape character

QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM3	W DM3 Sustainable Urban Drainage Systems

Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E9	Listed Buildings and Buildings or Structures of Character
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

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 Made Yapton Neighbourhood Plan (YNP) have been considered within this report. Yapton are currently working on a revised neighbourhood plan (YNP2) and although this is yet to be adopted, the examiner's report has recently been published (10th May 2023). The emerging Plan (YNP2) should therefore be afforded significant weight, specifically in terms of policies E3, E11, H1 and PK1.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

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

Section 72(1) of the Act states: "In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

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

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

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

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan. Paragraph 11 d) of the NPPF applies in that d) ii is triggered as policy SD SP2 of the ALP is out of date.

CONCLUSIONS

PRINCIPLE

The Arun Local Plan (ALP):

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

Policy D DM1 sets out 15 aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM2 relates to internal space standards which take guidance from the Nationally Described Space Standards.

Policy T SP1 seeks to ensure that development provides safe access on to the highway network, contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

Policy SO DM1 seeks to steer development away from sites falling within Grades 1, 2 and 3a of the Agricultural Land Classification, other than for agricultural, horticultural or forestry uses, unless the need for the development outweighs the need for its protection.

The Yapton Neighbourhood Plan (YNP):

The YNP was made in November 2014 on the basis of saved policies in the 2003 Arun District Local Plan and the draft policies in the 2014 publication version of the emerging ALP. The site is outside of the BUAB in the YNP. Policy BB1 states development outside the BUAB will not be permitted unless in

accordance with 4 listed criteria. Criteria 1-2 & 4 are not relevant to the proposal, but number 3 is where the development relates to additional allocations for housing land in accordance with policy H1.

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

The emerging YNP2 proposes to modify the BUAB to take account of the permitted sites as of March 2021 which were previously outside the existing defined area, however this will not change the status of the application as countryside. Policy BB1 of the emerging YNP expands upon this to define further exceptions to the presumption against development outside the BUAB, however none of these apply to the current proposals and will therefore not be considered any further.

The NPPF:

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

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

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

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

The Council published its Authority Monitoring Report (AMR) for 2021/22 and this shows the Housing Land Supply (HLS) has marginally decreased from 2.42 years to 2.36 years. On the basis of the current AMR, the policies most important for the determination in the ALP (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land. The current YNP was made before the Arun Local Plan was adopted and has reduced weight and due to the HLS being below 3 years, does not override the presumption in favour of sustainable development.

Conclusion on Matters of Principle:

The principle of development conflicts with the ALP and the current YNP. It is material that the Council cannot demonstrate an appropriate HLS and that it supports applications on sites adjacent to settlements

in sustainable locations. Due to the HLS position, the application as a whole, falls to be determined by the NPPF presumption in favour of sustainable development.

AGRICULTURAL LAND

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the Agricultural Land Classification 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 site is not currently used for agriculture but does share boundaries with existing agricultural land in the wider landscape. The site is shown by the map in the YNP to likely be classified as Grade 2 agricultural land. This is based on data provided by the national Provisional Agricultural Land Classification Grading system (ALC). This is not based on site specific surveys but instead is assessed using various criteria including temperature, rainfall, aspect, exposure, frost risk, gradient, micro-relief, flood risk, soil depth, soil structure, soil texture, ground based chemicals and stoniness. The ALC uses a grading system to assess and compare the quality of agricultural land at national, regional and local levels. It assesses the potential for land to support different agricultural uses, such as growing crops for food but it doesn't consider the land's current use or intensity of use.

YNP policy E1 states "Planning permission will be refused for development on grade 1 and Grade 2 agricultural land unless: (1) it involves the granting of planning permission for the development of the housing allocations identified in this Plan (Policy SA1 and Policy SA2); or (2) it involves the granting of planning permission for any additional housing sites required by Policy H1 to meet objectively assessed housing needs in the Plan area." The proposal clearly conflicts with this policy.

In allowing an appeal at Clays Farm, Yapton which concerned a refusal of the loss of Grade 2 agricultural land (Y/20/18/OUT), the Inspector noted that although adjacent land was used for the growing of crops, there was no evidence that the site itself would in future be so used. The Inspector stated that whilst this does not in itself justify the loss of the land, it does act to reduce the level of environmental and economic harm that would be caused by its development. The Inspector saw the loss of Grade 2 agricultural land to represent only moderate harm. The Inspector then decided that the economic & social benefits of the proposal including alongside the contribution to the housing land supply shortfall outweighed the moderate harm to the loss of the Grade 2 land. The appeal was therefore allowed. Similarly, in the previous appeal decision for this site (Y/71/21/OUT, appeal ref. APP/C3810/W/22/3293935), the Inspector attributed only limited weight to the loss of approximately 5 hectares of Best and Most Versatile Agricultural Land, given the abundance of Grade 2 land available locally.

Although the proposal conflicts with parts of ALP policy SO DM1 and with YNP policy E1 as a whole, there is a need for this development to boost the Council's severe housing land supply shortfall and as such, the loss of the Grade 2 agricultural land can be outweighed particularly as the land is at the lower end of the agricultural scale and not currently used for agriculture. This follows the approach taken by the appeal Inspector concerning the previous application at this site, as well as at Clays Farm.

TRAFFIC & ROAD SAFETY

ALP policy T DM1 requires new development be located in easy access of established non-car transport modes/routes. ALP policy T SP1 seeks to ensure development accommodates the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements and create safe and secure layouts for traffic, cyclists, and pedestrians. ALP Policy T SP1 requires developments to incorporate appropriate levels of parking in line with current parking standards. The Arun District Council Parking Standards SPD (January 2020) sets out the parking requirements for residential developments.

Policy PK1 of the adopted YNP sets out standards in terms of the minimum number of off-road parking spaces required for new residential developments. Policy PK1 of the emerging YNP2 builds on this by making reference to WSCC Parking Guidance (updated September 2020) and setting out additional considerations such as permeable surfacing and internal dimensions of garages.

Although the previous application (Y/71/21/PL) was partially refused on highway safety grounds, this was later rescinded by the Council during the subsequent appeal.

The application proposes to close GLW beyond the existing dwellings and includes the provision of a new turning area. A new limb of GLW is then proposed to join Bilsham Road to the southwest and to provide access into the site. The new junction would have a bellmouth design and visibility splays of 2.4m x 100m. Vehicle access to each dwelling is to be from the existing access road via separate vehicle crossovers. The existing access into the industrial site passing Little Meadows is being retained but there would also be industrial access through the residential site. A new pedestrian footpath is also proposed internally along the western side of the existing access road, which connects the site to the existing footway along the western portion of GLW.

WSCC Highways have assessed the proposals and concluded that the scheme would not cause an unacceptable impact on highway safety. The proposed access works would however need to be constructed under a licence obtained by WSCC Highways and built to a specification agreed with them.

The submitted Transport Statement suggests that the proposed development will generate an additional three two-way vehicle movements and WSCC Highways are satisfied that these can be accommodated by the local highway network.

The level of parking has also been assessed by WSCC as being acceptable in line with Arun District Council Parking Standards, with 13 allocated parking spaces per dwelling, which are appropriately sized and allow sufficient space for on-site turning. Each dwelling has also been provided with cycle storage.

On this basis, the proposals comply with Policy T DM1 and T DM1 of the ALP, the adopted Arun District Council Parking Standards Supplementary Planning Document and policy PK1 of the YNP.

HERITAGE

The site is adjacent to two locally listed Buildings of Character (84/85 Bilsham Road). There is the potential for the development to affect the setting of these buildings. There is also a Grade II Listed Building (Hobbs Farmhouse) and further Grade II Listed buildings (within Hobbs Court) formerly part of the curtilage of Hobbs Farmhouse, approximately 150m to the northwest.

Relevant ALP policies are HER SP1 (The Historic Environment), HER DM1 (Listed Buildings) and HER DM2 (Building or Structures of Character). HER SP1 states that development likely to prejudice heritage assets including Non-Designated Heritage Assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. HER DM2 only offers protection to the assets themselves - it does not set out any policy relating to setting. YNP policy E9 refers to Listed Buildings but only concerns the loss of such buildings and does not refer to impacts on setting.

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

199-202).

In respect of non-designated heritage assets (84 and 85 Bilsham Road), para 203 states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In the previous appeal decision for this site (ref. APP/C3810/W/22/3293935), the Inspector established that although there would be no intervisibility between the listed group at Hobbs Farmhouse and the proposed development, it would nevertheless erode the wider rural setting of these assets. Furthermore, as part of the significance of the asset is derived from its origins as a rural farmhouse the erosion of the wider setting would also impact on this significance, although this would be relatively limited.

Having regard to the extent of harm and the significance of the asset, this was seen to amount to "less than substantial harm" as set out in Paragraph 202 of the NPPF. Where this is the case, the NPPF directs that it should be weighed against the public benefits of the proposal.

The development would provide 6 new dwellings in an area with an acute deficit of housing and whilst great weight was attributed to the loss of significance to designated heritage assets, the Inspector concluded that greater weight should be attributed to the provision of housing. Whilst the benefits associated with the provision of 6 new dwellings would be less significant than those associated with the previous scheme (Y/71/21/OUT) for up to 73 dwellings, the impacts associated with the current scheme upon the significance of designated heritage assets is proportionately less significant.

In line with the approach taken by the Inspector concerning the previous application at this site, the impact on designated heritage assets does not therefore, on its own, provide a clear reason for refusing the application and paragraph 11d(i) of the Framework is not engaged.

In terms of 84 and 85 Bilsham Road, the Inspector stated that whilst the proposed development would lead to a loss of open countryside to the rear of the building, their domestic scale and relatively small curtilages means the open land to their rear does not make an obvious contribution to their setting. As such, the Inspector concluded that the proposed development would have a neutral impact on the significance of these assets and would not conflict with guidance in the NPPF.

The benefits of the scheme therefore, overcome the less than substantial harm caused, in accordance with the NPPF. In respect of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, whilst the setting of the Listed Buildings will be harmed, this can be outweighed by the strength of the public benefits.

The proposal also complies with ALP policies HER SP1 and HER DM1. However, local character is partly defined by the heritage assets and harm to this is considered separately.

VISUAL AMENITY AND CHARACTER

ALP policy D DM1 requires development to make the best possible use of land by reflecting or improving on the character of the site and the surrounding area. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. New housing should make efficient use of land while providing a mix of dwelling types and maintaining character & local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP Policy D SP1 requires development to make efficient use of land and reflect local character. Meanwhile, LAN DM1 states that development should respect 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. There are no relevant YNP policies.

The National Design Guide (NDG) and Arun Design Guide (ADG) are also material considerations in the determination of this application. Both documents require good design through layout reinforced by appropriate form and scale of buildings, their appearance, landscape, materials, and their detailing.

The ADG requires developments to respond to the existing scale and massing of the surrounding built environment and suggests a density of 5-10 dwellings per hectare (dph) for detached/semi-detached houses in rural locations. The density should also be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character.

The previous application (Y/71/21/OUT) was for up to 73 dwellings in outline and whilst the overall proposed density was only 13 dwellings per hectare dph, this figure was skewed by the inclusion of open space, allotments and industrial areas as part of the wider scheme. The existing 9 dwellings on the corner of Bilsham Road & GLW have a collective density of approximately 16 dph. The proposed development has a density of 7.8 dph and is therefore consistent with the ADG in this regard.

The area is characterised by semi-rural, low-density development, partly derived from a number of Listed and locally listed buildings, surrounded by countryside/agricultural land with small clusters of development that follow the road pattern. Plots 1-5 are largely enclosed by existing development to the north, south and west. The layout of the proposed dwellings is also varied, with interface distances and differing positions within each plot, which complements the relatively organic forms of neighbouring development. Although plot 6 is less enclosed, it is still relatively well contained and views of the single dwelling would be limited to viewpoints to the south and southeast, against a backdrop of an existing industrial area rather than one of open countryside.

The proposed materials comprise combinations of facing brick and knapped flintwork, with clay tiled roofs. Windows and doors would be of a cream-coloured finish and whilst no material has been specified, other elements such as barge boards, fascias and soffits are shown to be uPVC. Overall, the proposed materials are consistent with those found elsewhere within the surrounding area and will serve to further reduce its visual impact by lending the buildings the appearance of agricultural buildings consistent with a rural setting, rather than that of residential dwellings. The development therefore accords with the ADG chapter G.03 Layout & Plot Size, in that the layout follows the grain of development of the surrounding area.

The proposal is therefore consistent with policies D SP1, D DM1 and LAN DM1 of the ALP and the relevant chapters of the ADG.

RESIDENTIAL AMENITY

ALP policy D DM1 indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the YNP policies specifically refer to residential amenity issues. However, one of the 'core planning principles' of the National Planning Policy Framework (NPPF) is to always seek to secure a high standard of amenity for all existing and future users (paragraph 130).

ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The ADG sets out guidance on garden depths and interface distances between houses.

There will be minimum interface distances of 57m between the rear elevations of plot 1 and No. 85 Bilsham Road to the west and 34m between the side elevation of plot 1 and the rear elevation of Bilsham

Cottage to the south. The ADG sets out minimum separation distances of 21m from rear elevation to rear elevation and 14m from rear elevation to side elevation, which are comfortably achieved in all cases. Furthermore, owing to the location of the proposed dwellings and the interface distances involved, neighbouring properties will not experience any detrimental loss of light.

The proposed dwellings all have gardens comfortably in excess of 10.5 metres, which accords with the ADG chapter H.04 Residential Outdoor Amenity and External Space Standards. The internal space standards (Nationally Described Space Standards) also require each dwelling to be a minimum of 138 sqm and this is achieved in every case.

The proposed access road into the site will pass to the east of Bilsham Cottage, however this is similar to the line of the existing access and the drawings show a substantial buffer to the existing houses, with the existing line of established Leylandii retained. The retention of existing landscaping will serve to mitigate any potential noise from vehicles.

The proposals therefore comply with policies D DM1 and QE SP1 of the ALP and the relevant chapters of the ADG.

NOISE AND AIR QUALITY

ALP policy QE DM1 states that noise sensitive development should not normally be permitted where there is a likelihood of complaints about noise from industrial development.

The existing industrial site to the north of the application site has three units in a mix of B1(c) (light industrial) and B8 (storage or distribution) uses. It has restrictions on operating and delivery hours (07:30 to 19:00 Monday to Friday & 07:30 to 12:00 on Saturdays with no opening on Sundays or Bank Holidays) plus a restriction on open storage.

Although the proposal would introduce new pollution sensitive development close to industrial buildings, the submitted Noise Assessment advises that noise levels from existing operations within the industrial site do not exceed the relevant guidance levels and that predicted noise levels can be achieved across the proposed development through the implementation of appropriate mitigation measures.

ADC Environmental Health have objected on the grounds that the findings of the noise assessment are unrepresentative and its conclusion that windows must be kept closed to meet guideline noise values is not a reasonable mitigation measure. However, the response goes on to recommend planning conditions to address the concerns raised, should planning permission be granted. Concerns are also raised regarding the submitted air quality assessment and recommendations made in order to address these, including updates to Section 4.2 of the report, the inclusion of an assessment of PM2.5, a note that Table 5.4 is to be added to the conditioned requirement for a Construction Management Plan and appropriate reference to odour within the report.

The agent has responded stating that the Noise Assessment is based on the worst-case noise emissions from the commercial estate and with the proposed acoustic barrier, the rating level is already predicted to be 2dB below background noise level at the nearest residential receptor. Furthermore, noise was not raised as an issue as part of the previous application (Y/71/21/OUT) or appeal (ref. APP/C3810/W/22/3293935) and the Inspector was satisfied that the proposal would not give rise to harm in this regard. As such, it is considered that any potential noise-related impacts arising from the proposed development can be appropriately controlled via the conditions proposed by Environmental Health.

The amendments recommended by Environmental Health have also been made to the Planning Stage Air Quality Assessment.

As such, the proposal is acceptable in relation to noise and therefore complies with policy QE DM1 of the ALP.

BIODIVERSITY AND TREES

ALP policy ENV SP1 confirms that Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species. Policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site.

YNP policy E3 seeks to prevent loss of natural habitat. Whereas policy E5 of the adopted YNP only makes reference to biodiversity enhancements relating to drainage systems and mitigation, it should be noted that policy E5 of the emerging YNP2 requires that development proposals also demonstrate a biodiversity 'net gain' for the Parish.

The application is accompanied by an "Extended Phase 1 Ecological Assessment & Phase 2 Surveys" Report. This has been reviewed by the Councils ecological advisor, who raises no objections subject to conditions to protect certain species and provide new habitat alongside other biodiversity enhancements. Similarly, the submitted Arboricultural Implications Assessment and Method Statement also states that no trees or hedges are scheduled for removal as part of the proposals.

The Council's Ecological Advisor has recommended that the implementation of the proposed biodiversity mitigation and enhancement measures be secured via suitable conditions as part of any consent. On that basis, the application complies with the requirements of policies ENV SP1 and ENV DM5 of the ALP and policy E5 of the YNP.

FLOODING & SURFACE WATER DRAINAGE

The submitted Flood Risk Assessment shows that the site is located entirely within Flood Zone 1, with low probability of flooding. Although the previous application (Y/71/21/PL) was partially refused on flood risk grounds, this was specifically in relation to development on the portion of the site south of GLW, which no longer forms part of the proposals.

With regard to surface water drainage, ALP policy W DM3 and YNP policy E5 require new development make appropriate provision for accommodating the surface water arising from the development including through the use of sustainable urban drainage systems (SuDS). Policy E11 of the emerging YNP2 also requires new developments to incorporate SuDS where it is appropriate to do so. The applicant has supplied a Sustainable Drainage Assessment and whilst ADC Drainage are yet to comment on the application. However, following the determination of the previous refusal the SuDS scheme proposed within this application meets the requirements of these policies.

The proposed development of the site is therefore appropriate in sustainable drainage terms, in accordance with policies W DM3 and ECC SP1 of the ALP and YNP policy E5.

ENERGY AND CLIMATE CHANGE

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.

Whilst no details of energy efficient or low carbon measures have been provided as part of the application, these can be secured via appropriate planning conditions.

SUMMARY

The site is located outside of the BUAB as per the ALP and current YNP. As the Council's HLS is below 3 years (2.36 years), paragraph 14 of the NPPF does not apply and the application would fall to be determined by the NPPF presumption in favour of sustainable development. This states at 11 (d) (ii) that where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The proposal represents sustainable development. This report identifies some impact to heritage assets (but this will be mitigated by landscaping) and in terms of a loss of Grade 2 agricultural land. On the other hand, the proposal will make a meaningful contribution to the HLS shortfall along with other social, economic, and environmental benefits.

As such, the impacts identified do not significantly and demonstrably outweigh the benefits and there is no conflict with other policies within the NPPF.

The recommendation is to approve the application subject to conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This is a CIL Liable development. It is in Zone 3 and a CIL amount of £118,934.78 would be payable unless the applicant applies for exemption subject to the requirements of the CIL Regulation 2010 (as amended). A 25% proportion of this amount (£29,733.70) would go to the Parish Council.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

L01 Rev F Location Plan

01 Rev B Site Layout Plan

02 Plot 1 Floor Plans, Elevations, Site Plan

03 Plots 2 & 3 Floor Plans, Elevations, Roof Plan

04 Plots 4 & 5 Floor Plans, Elevations, Roof Plan

05 Rev A Plot 6 Floor Plans, Elevations, Roof Plan

06 Plot 1 Garage Floor Plans, Elevations, Roof Plan

07 Plot 6 Garage Floor Plans, Elevations, Roof Plan

08 Site Elevations

Planning Design and Access Statement and Affordable Housing Statement (Nova Planning)

Flood Risk Assessment (GeoSmart)

Sustainable Drainage Assessment (GeoSmart)

Extended Phase 1 Ecological Assessment and Phase 2 Surveys (Phillips Ecology)

Transport Statement (i-Transport)

Arboricultural Implications Assessment and Method Statement (eco-urban Arboricultural)

Planning Stage Air Quality Assessment (Anderson Acoustics)

Planning Noise Assessment (Anderson Acoustics)

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

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

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

- 4 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Ecological Assessment and Phase 2 Surveys (Phillips Ecology, March 2023) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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

with the approved details.

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

- 5 No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement for protected and Priority species (reptiles) has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and policy ENV DM5 of the Arun Local Plan.

- 6 Prior to any works above slab level, 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. 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 Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Arun Local Plan policy ENV DM5.

- 7 Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed

(through the provision of appropriate lighting plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

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

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

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

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

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

9 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved

in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council and are an overriding factor in terms of requirements. Winter groundwater monitoring to establish highest annual ground water levels and winter percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

- 10 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values and in accordance with current policies. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

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

- 11 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. This condition is necessary 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.

- 12 No development above damp-proof course (DPC) level shall take place unless and until details of the proposed location of one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrants (or in a phased

programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

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

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

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

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

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

- 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 details shown on the drawing titled "Site Layout" and numbered "01 B".

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

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

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

- 17 No part of the development shall be first occupied until visibility splays of 2.4 metres by 100 metres have been provided at the proposed site vehicular access onto Bilsham Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 18 Prior to occupation of any of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved

details and the charge points shall thereafter be retained and maintained in good working condition. The scheme shall be in accordance with the council's standards as set out in its Parking Standards SPD.

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

- 19 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.

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

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

- 21 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:-

- a) An indicative programme for carrying out of the works;
- b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- c) 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);
- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e) The parking of vehicles of site operatives and visitors;
- f) Loading and unloading of plant and materials, including permitted times for deliveries;

- g) Storage of plant and materials used in constructing the development;
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- i) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- j) Measures to control the emission of dust and dirt during construction;
- k) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

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

22 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.

23 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'.

- 24 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.

- 25 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.

- 26 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained and in accordance with policies W SP1,W DM1, W DM2 and W DM3 of the Arun Local Plan.

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

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

- 28 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.

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

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](#).

Y/31/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

A/256/22/PL

Original Decision = Refused

Received: 19-05-23

Downsview Littlehampton Road Angmering

Decision Level = Delegated

Sub-division of existing residential curtilage and erection of 1no. 4-bedroom chalet bungalow and detached single garage, retention of existing access, provision of landscaping. This application is in CIL Zone 3 (CIL liable) as new dwelling.

Written

Representations

PINS Ref: APP/C3810/W/23/3317021

AL/179/22/OUT

Original Decision = Refused

Received: 08-06-23

Land to South of Dukes Road Fontwell

Decision Level = Delegated

Outline application with some matters reserved, except access and layout, for the erection of 9 No dwellings (resubmission following AL/39/22/OUT). This application is a Departure from the Development Plan.

Written

Representations

PINS Ref: APP/C3810/W/23/3319189

AL/179/22/OUT

Original Decision = Refused

Received: 15-05-23

Land to South of Dukes Road Fontwell

Decision Level = Delegated

Outline application with some matters reserved, except access and layout, for the erection of 9 No dwellings (resubmission following AL/39/22/OUT). This application is a Departure from the Development Plan.

Written

Representations

PINS Ref: APP/C3810/W/23/3319189

AL/39/22/OUT

Original Decision = Refused

Received: 08-06-23

Land to South of Dukes Road Fontwell Arundel

Decision Level = Delegated

Outline application with some matters reserved (appearance, landscape and scale) for the erection 9 No. residential dwellings. This application is a Departure from the Development Plan.

Written

Representations

PINS Ref: APP/C3810/W/22/3313681

BN/110/22/PL

Original Decision = Refused

Received: 18-05-23

1 Como Barnham Road Eastergate

Decision Level = Delegated

Erection of 1 No 2 bedroom bungalow with associated parking, bin and bike stores and landscaping (resubmission following BN/142/21/PL). This site is in CIL Zone 2 and is CIL Liable as a new dwelling.

*Written
Representations*

PINS Ref: APP/C3810/W/22/3312886

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

BR/294/21/PL

Original Decision = Refused

Received: 18-04-23

2-10 The Hatters Inn Queensway Bognor Regis

Decision Level = Delegated

3 storey upward extension and redevelopment of the existing 1st and 2nd floor delivering 43 no flats. This application may affect the setting of listed buildings, affects the character and appearance of The Steyne Conservation Area and is in CIL Zone 4 (Zero Rated) as flats.

*Written
Representations*

PINS Ref: APP/C3810/W/22/3308857

BR/4/22/PL

Original Decision = Refused

Received: 22-09-22

83 Aldwick Road Bognor Regis

Decision Level = Committee

Enlargement of existing HMO (Sui Generis). Single storey rear extension, rear roof dormer, front and rear rooflights (resubmission following BR/79/21/PL).

*Written
Representations*

EP/101/22/PL

Original Decision = Refused

Received: 31-03-23

4 Beechlands Close and East of 18 Beechlands Court East Preston

Decision Level = 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.

*Written
Representations*

PINS Ref: APP/C3810/W/22/3311814

EP/3/22/PL

Original Decision = Refused

Received: 10-10-22

2 The Street East Preston

Decision Level = Delegated

Change of use of temporary outside seating area to the rear of the restaurant to be a permanent seating area for the consumption of food and beverages for our customers to use all year round. This application is in CIL Zone 4 (Zero Rated) as other development.

*Written
Representations*

PINS Ref: APP/C3810/X/22/3307441

FG/134/22/PL

Original Decision = Refused

Received: 09-05-23

Land to Rear of 1 Sea Drive Ferring

Decision Level = Delegated

1 No. dwelling. This application is in CIL Zone 4 and is CIL liable as new dwelling.(Resubmission of FG/54/22/PL)

*Written
Representations*

PINS Ref: APP/C3810/W/23/3319865

FG/54/22/PL

Original Decision = Refused

Received: 30-03-23

Land rear of 1 Sea Drive Ferring

Decision Level = Delegated

1 No new dwelling. This application is in CIL Zone 4 and is CIL Liable as new dwelling.

*Written
Representations*

PINS Ref: APP/C3810/W/22/3311078

FP/84/22/PL

Original Decision = Refused

Received: 22-05-23

7 Ambleside Close Felpham

Decision Level = Delegated

Erection of 1 No three-bed detached dwelling (resubmission of FP/86/21/PL). This site is in CIL Zone 4 and is CIL Liable as a new dwelling.

*Written
Representations*

PINS Ref: APP/C3810/W/23/3316888

K/22/22/PL

Original Decision = Refused

Land East Of Kingston House Kingston Lane Kingston

Decision Level = Delegated

Received: 25-05-23

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

**Written
Representations**

PINS Ref: APP/C3810/W/22/3313857

LU/257/20/HH

Original Decision = Refused

Received: 14-01-21

2 Meadow Way Littlehampton

Decision Level = Delegated

Two storey brick side extension under tiled roof

**Written
Representations**

PINS Ref: APP/C3810/D/20/3264683

LU/347/22/PL

Original Decision = Refused

Received: 09-06-23

27 Clifton Road Littlehampton

Decision Level = Delegated

Retention of first floor 10 No room HMO and 1 No flat at first floor (resubmission following LU/60/22/PL). This site is in CIL Zone 4 (Zero Rated) as other development.

Informal Hearing

PINS Ref: APP/C3810/W/23/3322316

LU/350/22/PL

Original Decision = Refused

Received: 09-06-23

27 Clifton Road Littlehampton

Decision Level = Delegated

Temporary change of use for 10 years of the ground floor to a 10 bed HMO (Sui Generis) including alterations/rearrangement of existing ground floor C3 unit (permanent). This site is in CIL Zone 4 (Zero Rated) as other development.

Informal Hearing

PINS Ref: APP/C3810/W/23/3322319

LU/385/22/PL

Original Decision = Refused

Received: 25-05-23

Garage Compound Colebrook Road Littlehampton

Decision Level = Delegated

Construction of 3 No garages on existing garage compound. This application is in CIL Zone 4 (zero rated) as other development.

**Written
Representations**

PINS Ref: APP/C3810/W/23/3318764 A.

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 (Main Rd) Conservation Area & may affect the setting of Listed Buildings.

*Written
Representations*

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

Y/60/22/PL
Original Decision = Refused
Received: 07-12-22

Longacre Maypole Lane Yapton

Decision Level = Delegated

Erection of 1 No detached dwelling and garage with shared access from Maypole Lane. This application is a Departure from the Development Plan and this site is in CIL Zone 3 and is CIL Liable as a new dwelling.

*Written
Representations*

PINS Ref: APP/C3810/W/22/3308587

ENF/258/22
Received:

Ridgeway Park Road Barnham West Sussex

Written Representations

PINS Ref: APP/C3810/C/23/3316696

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