



# Public Document Pack

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Committee Manager Carley Lavender Extn (37547)

24 August 2023

## PLANNING COMMITTEE

A meeting of the Planning Committee will be held in **The Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** on **Wednesday 6 September 2023 at 2.00 pm** and you are requested to attend.

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

**PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE ALTERED AT THE DISCRETION OF THE CHAIRMAN AND SUBJECT TO THE AGREEMENT OF THE MEMBERS OF THE COMMITTEE**

**PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION ON LINE AT [www.arun.gov.uk/planning](http://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 meeting held on 9 August 2023, which will be circulated separately to the agenda.

### **DEFERRED ITEM**

5. **BN/147/22/RES LAND SOUTH OF BARNHAM STATION, BARNHAM** (Pages 1 - 34)
6. **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**

### **PLANNING APPLICATIONS**

7. **A/29/23/PO LAND AT MANOR NURSERY, ROUNDSTONE LANE, ANGMERING BN16 4AX** (Pages 35 - 40)
8. **AL/70/23/OUT LAND WEST OF LIDSEY ROAD (A29), LIDSEY PO22 9RG** (Pages 41 - 78)
9. **BE/61/23/RES LAND EAST OF SHRIPNEY ROAD AND SOUTH OF HADDEN HOUSE, SHRIPNEY ROAD, BERSTED PO22 9NW** (Pages 79 - 96)
10. **BN/25/23/OUT EASTMERE STABLES, EASTERGATE LANE, EASTERGATE PO20 3SJ** (Pages 97 - 114)

11. **BR/142/23/PL REGIS CENTRE AND ADJOINING LAND, BELMONT STREET, BOGNOR REGIS PO21 1BL** (Pages 115 - 132)
12. **CM/48/21/RES LAND TO THE WEST OF CHURCH LANE, SOUTH OF HORSEMERE GREEN LANE, CLIMPING** (Pages 133 - 156)
13. **P/71/23/S73 57 HARBOUR ROAD, PAGHAM PO21 4TF** (Pages 157 - 162)
14. **APPEALS** (Pages 163 - 168)
15. **KEY PERFORMANCE INDICATORS 2022-2026-QUARTER 1 PERFORMANCE REPORT FOR THE PERIOD 1 APRIL 2023 TO 30 JUNE 2023** (Pages 169 - 174)

This report sets out the performance of the key performance indicators at Quarter 1 for the period 1 April 2023 to 30 June 2023. This item is for the Committee to consider as it was not considered on 9 August 2023 as the meeting was adjourned at Item 14.

#### **OFFICER REPORT UPDATES**

Will be circulated ahead of the meeting if there are any.

#### **BACKGROUND PAPERS**

In the case of each report relating to a planning application, or related matter, the background papers are contained in the planning application file. Such files are available for inspection/discussion with officers by arrangement prior to the meeting.

Members and the public are reminded that the plans printed in the Agenda are purely for the purpose of locating the site and do not form part of the application submitted.

Contact Officers :

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

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

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

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## Report following a request for further information, negotiations or consultation

<b>REF NO:</b>	<b>BN/147/22/RES</b>
<b>LOCATION:</b>	Land South of Barnham Station Barnham
<b>PROPOSAL:</b>	Approval of reserved matters following BN/149/22/PL for 200 dwellings respect of appearance, landscaping, layout and scale. This application may affect the setting of listed buildings, may affect the Church Lane, Barnham Conservation Area & affects a Public Right of Way.

The proposed development seeks approval of reserved matters in respect of appearance, landscaping, layout, and scale following the approval of BN/149/22/PL with all matters reserved, other than principal means of access, for up to 200 dwellings, with access taken from Marshall Close, associated infrastructure & landscaping & demolition of existing buildings.

The application was deferred by Planning Committee on 28th June to allow for amended plans submitted the day before that committee to be appropriately assessed and any consultation carried out. Such assessment and relevant consultation has now been conducted, alongside further discussions with the applicant regarding flooding, drainage, the proposed bridge, and Local Area of Play (LAP) / Locally Equipped Area of Play (LEAP) and Neighbourhood Equipped Area of Play (NEAP) provision.

This report provides an update on alterations to the proposal since the publication of the original officer's report for the 28th June 2023, and how that has impacted the officers recommendation.

### REPRESENTATIONS

On the 15th June 2023, Barnham and Eastergate Parish Council submitted an additional objection to the proposal for the following reasons:

1. There are 2.5/3 storey homes which overlook the conservation area.
2. The 3 storey properties are indicative of Town Houses which are not in keeping with a village setting.

One additional objection from a nearby resident has been received. The additional concern relates to the creation of a bottleneck into the main road from the access.

### COMMENTS ON REPRESENTATIONS RECEIVED:

The scheme has been amended so that there are no 3 storey properties. The principle of the development has been established through the appeal decision on BN/142/20/OUT and the proposed access arrangements were approved as part of that appeal.

### CONSULTATIONS

Some of the consultations below were received prior to the deferral of the application at Planning Committee on 28th June. However, these were not reported as the update report was superseded by the request to defer.

### WEST SUSSEX COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY

Following an initial response in November 2022, confirming they had no comments and the Local Planning Authority (LPA) should rely on the District Drainage Engineer, a further objection was received on 27/06/2022.

The objection was based on "the absence of an acceptable Flood Risk Assessment (FRA) and supporting information relating to:

- Potential for increase surface water and groundwater flood risk on site and elsewhere
- Potential for underestimation of runoff rates and required storage due to non-use of the most up to date modelling parameters;
- Potential exceedance routes not adequately considered;
- Safe access and egress and consideration of historic flood risk within the vicinity; and
- The proposals are not in accordance with the NPPF paragraph 167 and 169, WSCC LLFA Policy for the Management of Surface Water SuDS Policies and Policy W SP1 Water and Policy W DM2 Flood risk in the Arun Local Plan 2011-2031 (July 2018).

The reason for this is to prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development."

#### ENVIRONMENT AGENCY

Have provided two responses since the last committee, primarily relating to the proposed bridge. On 03/07/2023 they stated "In order to provide a response on this application we need to review the model data. The applicant is in the process of submitting this information to the Environment Agency. We need to review this data in order to inform a decision on the acceptability of the new proposed 9m clear span bridge."

On 15/08/2023 they stated "We have requested further supporting evidence from the applicant following the return of our model review as the submitted modelling was deemed unacceptable. Once we have these files, we can progress with our review of the applicant's proposals. Without this information we are unable to confirm whether the crossing design is acceptable."

#### ARUN DISTRICT CONSERVATION AREA ADVISORY PANEL

Submitted a further response on 17/06/2023 citing concerns about the layout and proposed materials, particularly that the "concrete interlocking tiles are totally inappropriate and will materially detract from the character of the rural area and the conservation area. At least for the edges of the development fronting fields, Church Lane and the railway line and where viewed from the environs of the conservation area and the public footpath crossing the site a much higher standard of design and materials should be sought. The Council should at the very least insist on plain clay tiles and natural slates for dwellings in the sensitive locations. Good quality bricks and other facing materials should also be required but it should be noted that the roofs of the dwellings will be seen over some distance."

The Panel are also concerned that the inappropriate quality of the development on this site will set the standard for larger strategic future housing development to the west. For the reasons given, the Panel consider that the proposed development fails to comply with the relevant paragraphs of the NPPF and policies contained in the ADLP relating to the protection of rural character and local distinctiveness, the need for good design, and the protection of designated heritage assets and their settings.

#### NATIONAL HIGHWAYS

Reaffirmed their position of "No Objection" on 16/06/2023.

#### WEST SUSSEX COUNTY COUNCIL HIGHWAYS AUTHORITY

On 21/06/2023 stated "The overall layout, housing mix and tenure are unchanged from the previous consultation. The minor changes are not considered to be material from the Local Highway Authorities

(LHA) perspective there would be no significant changes to our original comments from the 28th November 2022."

#### ENVIRONMENTAL HEALTH

Commented on 21/06/2023 asking the applicant to confirm via their acoustic consultants that the 'rearrangement of the properties in the north-west portion of the site to reduce the ratio of parking spaces from the western public open space area' does not have an impact on the proposed dwellings i.e. has the rearrangement of the properties in the north-west portion voided any of the acoustic layout requirements? Provided this re-arrangement of properties has not had an adverse impact on the proposed dwellings, Environmental Health has no further comments to make on this application.

#### SOUTHERN WATER

Submitted further comments on 23/06/2023 raising concerns over proposed tree planting and attenuation basins that are within the standoff distance of public apparatus / easement zones.

#### ARUN DISTRICT COUNCIL LEISURE & GREENSPACE

Provided comments on 07/08/2023 raising concerns about the lack of adequate Local Area of Play (LAP) and Neighbourhood Equipped Area of Play (NEAP) provision. Alongside some other comments on open space accessibility.

#### PLACE SERVICES (ECOLOGY)

Reaffirmed they have no additional comments on 27/06/2023.

#### ARUN DISTRICT COUNCIL AFFORDABLE HOUSING (26/07/2023)

Provided comments on 26/07/2023, confirming that the application for 200 homes will require 30% of these to be affordable or 60 homes to comply with Arun DC planning policy. Also provided comments on tenure split, and housing mix. Confirmed the positioning of the affordable units has been modified from the original submission which results in a slightly better distribution of the units but stated that still needs to be reviewed in order to distribute the affordable housing in small clusters uniformly across the site.

#### COMMENTS ON REPRESENTATIONS RECEIVED:

The objection from the Lead Local Flood Authority (LLFA) is noted. However, relevant conditions pertaining to drainage were imposed on the outline approval and as such drainage details will not be approved as part of this application. These matters will be assessed in detail as part of the discharge of conditions 6, 7, 8 and 9 imposed on the outline planning permission. It should also be noted that the LLFA were consulted on the outline permission and raised no objection to the proposals at that time.

Other comments are noted.

#### UPDATES ON MATERIAL CONSIDERATIONS

##### AFFORDABLE HOUSING

The site is required to provide 30% of the dwellings as affordable housing on a tenure split of 75% affordable rent and 25% intermediate housing. This is achieved.

Concerns were raised about the distribution of affordable units across the site, as the units were in a large cluster in the northern part of the site. Amendments to the scheme means that the affordable housing units are in smaller clusters throughout the development and are now compliant with the requirements of Policy AH SP2.

##### HOUSING MIX

Policy H DM1 of the Local Plan seeks to provide a mix of homes in accordance with the latest housing needs evidence.

Regarding market housing, the 2016 evidence suggests the Council should be seeking 5-10% 1-bed, 40-45% 2-bed, 35-40% 3-bed, and 10-15% 4-bed. The original submission proposed a mix of 66 x 3-bed units (46.5%) and 76 x 4-bed units (53.5%). The scheme now under consideration contains 65 x 3-bed units (46.4%) and 75 x 4-bed units (53.6%). The scheme is still considerably overproviding larger market dwellings and underproviding smaller units.

The mix of affordable units should be provided in accordance with AH SP2 which requires 35-40% 1-bed, 35-40% 2-bed, 15-20% 3-bed, and 5-10% 4+bed. The scheme now under consideration contains 24 x 1-bed units (40%), 25 x 2-bed units (41.7%), 6 x 3-bed units (10%) and 5 x 4-bed units (8.3%). This is broadly compliant with Policy AH SP2.

Looking at the size of proposed intermediate (shared ownership) housing, evidence suggests the Council should be seeking 15-20% 1-bed, 50-55% 2-bed, 25-30% 3-bed, and 0-5% 4 bed. The scheme now under consideration contains 10 x 2-bed units (66.7%), 3 x 3-bed units (20%) and 2 x 4-bed units (13.3%). This is broadly in accordance with the Housing Needs Assessment (HNA).

Looking at the size of affordable rented, evidence suggests the Council should be seeking 35-40% 1-bed, 35-40% 2-bed, 15-20% 3-bed, and 5-10% 4 bed. The scheme now under consideration contains 24 x 1-bed units (53.3%), 15 x 2-bed units (33.3%), 3 x 3-bed units (6.7%) and 3 x 4-bed units (6.7%). This is broadly in accordance with the HNA.

Recent changes to the scheme have brought it more in line with the figures contained in the 2016 Housing Needs Evidence and AH SP2. However, the housing needs assessment also makes it clear that consideration should be given to site specific circumstances, local needs evidence and existing housing mix in the locality, in applying the figures to individual development schemes.

In this case the site is on the edge of a settlement and will provide the transition from the more urban area to the countryside. This lower density results in larger plots which can accommodate larger dwellings. Given the edge of settlement location of the development it is considered that the proposed mix reflects the established character of the locality whilst providing a transition between the built form and the rural character of development to the south and east. Therefore, in this case given the site-specific circumstances, on balance, the proposed mix is acceptable and would be in general compliance with Policy H DM1 and AH SP2 of the Local Plan.

#### Parking

The development originally sought to provide 513 parking spaces which would have marginally fallen short of the requirement by 7 spaces. The proposed development now seeks to create 518 parking spaces of which 405 would be allocated, 60 would be visitor, 90 would be situated within garages (which are counted as 0.5 spaces towards parking provision) and 8 would be allocated for the allotments, although the allotment spaces are not counted towards the overall residential parking provision which would therefore be 510 spaces. The change in parking provision occurred as a result of the tweaks to the housing mix and how many parking spaces are needed for units with different bedroom numbers.

The proposed parking provision for the development falls marginally short of the parking standards by 10 spaces. However, the Parking Standards state that 'A more flexible approach will be taken with schemes that incorporate flats and on sites close to urban centres'. 24 of the proposed units will be within apartment buildings whose occupants are typically less likely to use a car than the occupants of dwellings whilst the site is situated near to Barnham Station ensuring access to alternative transport options. It is therefore considered that the minor shortfall in parking provision would be acceptable.



## **DRAINAGE & FLOODING**

The applicant submitted an updated Drainage Strategy and SuDS Statement.

West Sussex County Council Lead Local Flood Authority (LLFA) have objected as they believe there is an absence of an acceptable Flood Risk Assessment and supporting information relating to several issues including the potential to increase surface and groundwater on site and elsewhere, potential for underestimation of runoff rates and required storage, potential exceedance routes not adequately considered, and safe access and egress and consideration of historic flood risk within the vicinity. The applicant has submitted updated levels plans, an updated SuDS Statement and a letter from RCP Architecture & Civil Engineering which sought to address each of these concerns raised by West Sussex County Council. One of West Sussex County Council's main concerns was that a Flood Risk Assessment had not been submitted, but this was submitted and considered by the Inspector as part of the appeal against BN/142/20/OUT. All other concerns and requested information had been addressed in the updated SuDS Statement or in the letter. Detailed drainage proposals are also a matter which will be dealt with by condition.

The updated SuDS Statement highlights that surface water would be dealt with by conveying the surface water run-off generated by the development to two on-site SuDS attenuation basins and a restricted discharge will be conveyed via a new below ground surface water within an outfall into the Barnham Rife. For foul drainage, the proposed foul sewers will convey the flows to the internal site foul drainage network and subsequently discharge to an existing foul water manhole located at the lower south end of the site within the site boundary. West Sussex County Council have not provided additional comments in response to the updated details at the time of writing.

In accordance with Condition 27 of BN/149/22/PL, a clear span bridge over the Barnham Rife is to be constructed and is included in the layout plans. The design of the bridge is being agreed with the Environment Agency who have requested further information. Therefore, delegated authority will be sought for approval of the application subject to confirmation that the Environment Agency (EA) have no objection to the design of the bridge.

## **PUBLIC OPEN SPACE**

Since the application was last before committee, some amendments to the scheme have been made including improvements to the Local Equipped Area for Play (LEAP), and the provision of Local Areas for Play (LAP) and Neighbourhood Equipped Area for Play (NEAP).

The proposed LEAP now proposed is considered acceptable by officers.

At the time of writing, updated open space plans have been provided which show that the LAP to the south of the site would include boulders, a log walk and a play mound and the LAP in the centre of the site would include a play mound and tree stumps. The design and play provision are therefore acceptable and ensures adequate play opportunities.

Also detailed proposals relating to the NEAP are being discussed with the applicant. Whilst there are concerns about the proposed NEAP, given its prominent location in the landscape and potential impacts upon the setting of the conservation area, it is likely that an acceptable solution can be found. The locations of these facilities have been provided, complying with the requirements of Condition 5 imposed on BN/149/22/PL. However, detailed design of the play provision can be secured through the imposition of an appropriately worded condition.

## **CONCLUSION**

Subject to receipt of a response from the Environment Agency (EA) confirming no objection to the

proposed bridge over the Barnham Rife, it is considered that the proposed development accords with the development plan and national policy and therefore the application is recommended for approval subject to the above caveat and below conditions.

**RECOMMENDATION**

Delegated authority is sought to the Group Head of Planning in consultation with the Chair or Vice chair of the planning committee to approve the development after the Environment Agency have confirmed that they have no objection to the design of the bridge and subject to the following conditions.

## REPORT UPDATE

Application No: BN/147/22/RES

### Reason for the Update / Changes

On the 27th June the applicant submitted amended plans to address the affordable housing concerns raised within the report. These amendments resulted in a large number of plans being submitted. Officers did not seek these amendments because the issue of affordable housing and its location is not a issues for a reserved matters submission and will be agreed through the discharge of the planning obligation. However, the applicant chose to submit amended drawings through this application to try and address the concerns.

Given the exceptionally late submission of these plans it has not been possible for officers to undertake a detailed review of these amendments or undertake any necessary consultation. Therefore, it is recommended that Members defer the application to allow for these plans to be appropriately assessed and any consultation carried out. A further detailed update report to be prepared for Members for the next available Planning Committee.

If the Committee disagree with this recommendation and would like to consider the proposals today, I can go through the officer presentation but I do not intend doing that until requested to do so because of the change in recommendation.

**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: BN/147/22/RES

LOCATION: Land South of Barnham Station  
Barnham

PROPOSAL: Approval of reserved matters following BN/149/22/PL for 200 dwellings respect of appearance, landscaping, layout and scale. This application may affect the setting of listed buildings, may affect the Church Lane, Barnham Conservation Area & affects a Public Right of Way.

<b>SITE AND SURROUNDINGS</b>
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#### DESCRIPTION OF APPLICATION

The proposed development seeks approval of reserved matters in respect of appearance, landscaping, layout and scale following the approval of outline application BN/149/22/PL with all matters reserved, other than principal and means of access, for up to 200 dwellings.

The layout of the proposal comprises an access off of Marshall Close, approved under application BN/142/20/OUT, and a network of roads. The residential development will be

contained to the north, east and centre of the application site with the southwestern corner and the south of the site being left as public open space and other landscaping works. There will be a network of footpaths through the parcels of land reserved for open space.

The dwellings are a mix of terraced, semi-detached, detached and apartment buildings. Some of the dwellings have garages whilst the apartment buildings have communal parking areas. All of the terraced, semi-detached and detached dwellings have rear gardens whilst the apartment buildings have access to the public open space.

Dwellings are of 2 or 2.5 storeys and the apartment buildings are 3 storey. The taller, 2.5 storey buildings would be situated to the centre and the east of the site whilst the apartment buildings are situated on the northern boundary. Dwellings would be constructed of either red multi-brick with red detail brick, brown multi-brick with red detail brick or red brick and red quoining and either forticrete gemini coloured slate grey roof tiles or forticrete gemini coloured autumn roof tiles. Some dwellings also have either tile hanging or flint detailing. Roof form is typically pitched with gables.

The proposal includes a raft of landscaping works comprising boundary tree and hedgerow planting, further planting outside of dwellings and on the street, provision of a locally equipped area of play (LEAP) and local area of play (LAP), 7.2 Hectares of open space, two ponds, allotments, a 20m railway line offset on the northern boundary and a flood compensation area.

SITE AREA	13.80 Hectares.
RESIDENTIAL DEVELOPMENT DENSITY	14.49 dwellings per Hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Two category B trees, 3 groups of Category C trees, one Category C hedgerow, a group of Category U trees and two Category U trees would be removed to facilitate the development.
BOUNDARY TREATMENT	The application site is boarded to the north by a line of trees and hedgerow and a parcel of undeveloped land, beyond which is Branham train station. To the east is a line of trees, a hedgerow and a ditch, beyond which is the curtilages of a number of properties, and Church Lane. To the south and southwest is a line of trees and hedgerow, beyond which is a track to the rear of several dwellings. To the northwest is the railway line.
SITE CHARACTERISTICS	The site comprises mostly undeveloped land and an equestrian facility which consists of an access track, paddocks, stables, a sand school and the remains of a



number of old buildings. There is also a footpath (path number 323) that cuts through the southern portion of the site.

**CHARACTER OF LOCALITY**

The area is semi-rural in character with a network of large agricultural fields to the northwest of the site beyond the railway line. There is dense built form between Barnham and Eastergate comprising mostly of dwellings, shops and services in the centre of the village.

Barnham village centre is situated to the north of the application site and comprises a range of shops and services including Barnham Trading Post, Tesco Express, Co-op Food, St Phillip Howard Catholic School and Barnham train station.

There is some less dense development to south and east of the application site comprising larger detached dwellings and visitor accommodation, alongside some services and community facilities including Saint Mary the Virgin church to the south and Barnham Community Hall to the east of the site.

Dwellings in the area are a mix of terraced, semi-detached and detached with some apartment buildings. The most common materials are red and brown bricks for walls and red, brown and grey plain roof tiles. Roof form is a combination of pitched, hipped and gabled.

<b>RELEVANT SITE HISTORY</b>
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BN/149/22/PL	Variation of condition imposed under BN/142/20/OUT relating to the re-wording of conditions 9,20 and 27.	
BN/142/20/OUT	Outline planning application with all matters reserved, other than principal means of access, for up to 200 No. dwellings, with access taken from Marshall Close, associated infrastructure & landscaping & demolition of existing buildings. This application is a Departure from the Development Plan, may affect the setting of listed buildings, may affect the Church Lane, Barnham Conservation Area & affects a Public Right of Way.	Refused 23-02-21  <b>Appeal: Allowed+Conditions 05-01-22</b>
BN/53/23/DOC	Approval of details reserved by condition imposed under ref APP/C3810/W/21/3273087 (BN/142/20/OUT) relating to conditions 6 - surface water drainage, 7 - watercourses and 21 - surfacing works for Right of Way.	
BN/42/23/DOC	Approval of details reserved by condition imposed under ref APP/C3810/W/21/3273087 (BN/142/20/OUT)	DOC Part Approved 15-05-23

regarding conditions 14 - renewable energy and 25 - EV charging.

## REPRESENTATIONS

Barnham and Eastergate Parish Council object to the proposal for the following reasons:

1. There are currently no 3 bedroom properties being offered as Affordable Housing, only 1 and 2 bedroom properties. The Committee would like to see a mixture of different sized properties made available. It was also noted that the Affordable Homes were all placed together in one section of the development, the Committee would like to see them integrated into the development by spreading out where these properties are located.
2. As per the Neighbourhood Plan Design Guide and Arun District Council's Local Plan Design Guide, the Committee would like to see a little more variation in the materials used in the design of the properties, to include flint, tile hanging and weatherboarding. The Committee did not feel that the red brick and brown multi brick design is in keeping with the area.
3. The Committee would request that all driveways and roads are to be made of permeable block paving surface.
4. The Committee would not like to see any Juliette Balconies due to issues with privacy for any neighbouring properties.
5. That the allotments are completed and made usable within a reasonable time frame.
6. The Committee would like to see Neighbourhood Plan policy ES16 Dark Night Skies adhered to when considering lighting on the development.
7. In the Secretary of State Appeal Decision APP/C3810/W/21/3273087 it was stated that "the highest parts of the site would accommodate elements of development up to 2 ½ storeys (11.5m)" however the Committee note that the current plans indicate that some of the proposed dwellings are in fact 3 storeys high and flats are also proposed which will be over the 2 ½ storeys also.

95 objections were received:

- Infrastructure cannot cope with further development
- Development would overwhelm local streets and take away a beautiful open space
- Traffic implications
- Increase in pollution
- Drainage issues
- The junction at Church Road and Yapton Road would remain dangerous
- Surface water drainage plans are based on rainfall date that is out of date and therefore needs recalculating
- The height of the development is out of character with the area

### COMMENTS ON REPRESENTATIONS RECEIVED:

Regarding point 7 of the representation made by Barnham and Eastergate Parish Council, as shown on the plans, the height of the 2 ½ storey dwellings is the same as the 3 storey apartment buildings of circa

10.5 metres tall.

The principle of residential development for up to 200 dwellings has been established through the appeal of application BN/142/20/OUT.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

#### ECONOMIC DEVELOPMENT (07/11/2022):

No specific comments but has asked that an Employment and Skills Plan is included.

#### SUSSEX POLICE (07/11/2022):

Where communal parking occurs, it is important that they are within view of an active room. For the apartments, it is imperative that access control is implemented into the design. Recommended that postal arrangements for the apartments is through the wall or externally mounted secure post boxes. Strongly urge applicant not to consider letter apertures within the front doors. Cyclists should be encouraged to lock both wheels and the crossbar to a stand and therefore a design of cycle stand that enables this method of locking is recommended.

The LEAP should be in a location to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. They ask that the LEAP is surrounded with railings with self-closing gates to provide a dog free environment.

Regarding the footpath and cycle route design, they ask that it conforms to the requirements as indicated within the SBD Homes 2019 Version 2 document Chapter 8 paragraphs 8.8 - 8.12. They also recommend that any associated ground planting be no higher than 1 metres with tree canopies no lower than 2 metres. Where lighting is implemented, it should conform to the recommendations within BS5489-1:2020. SBD considers that bollard lighting is not appropriate.

#### SUSSEX POLICE (05/06/2023):

I refer the applicant to previous correspondence from this office, to which all comments remain extant.

#### WEST SUSSEX COUNTY COUNCIL HIGHWAYS - PUBLIC RIGHTS OF WAY: (15/11/2022):

Site Layout DWG No 220615/01/SL Rev L shows FP323 being diverted. There is no reference to this in the Travel Plan other than in Appendix A. In order to secure a diversion of a Public Right of Way (PRoW), an order would need to be made by Arun District Council. It's important that FP323 is kept open and unobstructed until the statutory procedures which authorise the diversion have been completed. Development affecting the currently recorded legal line of FP323 must not begin until and unless the path has been formally accommodated else an offence is being committed and may invalidate any diversion Order procedure.

The Design & Access Statement refers to the opportunity and intention to upgrade FP323 to a 3m cycleway. This upgrade requires a formal permissive path agreement between the landowner and WSCC. Only through such a formal agreement, will cycle use be permitted and the route be maintained by the Highway Authority. For the purpose of both obtaining approval to divert FP323 and entering into a formal permissive path agreement, please submit construction details, including intended PRoW surface specifications.

With little possibility of upgrading FP323 south-east of the site boundary through the conservation area to

allow cycles to continue to Church Lane, is it proposed that cycles can continue onwards to Church Lane as indicated via the red line, superimposed on your site layout? Please confirm.

No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing. Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

**WEST SUSSEX COUNTY COUNCIL HIGHWAYS - PUBLIC RIGHTS OF WAY (22/02/2023):**

The proposed surface specification is acceptable but please ensure the recycled aggregate used is clean with no glass, plastic or metal in it.

Note that the route along the southern boundary is not intended for cycle use and you therefore propose to give permissive cycle rights only to that part of FP323 north of the road with us retaining rights for the southern part to be legally upgraded should onward connectivity become possible. The partial legal upgrade of FP323 north of the road makes sense but please confirm you will be physically surfacing the whole of FP323 within the site boundary as per the specification provided (with above proviso).

Please note the diversion you seek via Arun District Council for development purposes must be confirmed before any temporary closure can be granted by West Sussex County Council.

**WEST SUSSEX COUNTY COUNCIL HIGHWAYS - PUBLIC RIGHTS OF WAY (05/06/2023):**

No objection and their response from the 22nd February still stands with regards to the approval of the build specification, acceptability of the diversion in principle and acceptability of conferring permissive cycle rights over the northern portion of FP323 only at this time, with rights for upgrading the southern portion to be retained.

PRoW wayfinding bollards are planned alongside tactile paving where FP323 crosses the internal road. Please note no new structures, such as gates and stiles, are to be installed within the width of the PRoW without prior consent of the WSCC PRoW Team.

**WEST SUSSEX COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY (22/11/2022):**

No comments to submit. Please consult the District Drainage Engineer.

**ARCHAEOLOGY ADVISOR (24/11/2022):**

The mitigation of the effects of development on any archaeological interest that the site may contain should be secured through the fulfilment of the requirements of Condition 16 on permission BN/142/20/OUT.

**ENVIRONMENT AGENCY (24/11/2022):**

No objection. Noted that the conditions recommended for the outline application still stand.

**ARUN DISTRICT CONSERVATION AREA ADVISORY PANEL (26/11/2022):**

Objection. Given the rural location, proximity to a conservation area and extensive views from roads, public footpaths and the railway line it is considered that the designs of the proposed dwellings and the



use of concrete roof tiles are well below the standard which should be required for the site. Proposals will conflict with the relevant paragraphs of the NPPF and policies contained in the ADLP relating to good design, the protection and enhancement of local distinctiveness, and the protection of the rural environment and the setting of designated heritage assets.

**NATIONAL HIGHWAYS (28/11/2022):**

No objection. Satisfied the proposals will not materially affect the safety, reliability and/or operation of the strategic road network in this location and its vicinity.

**WEST SUSSEX COUNTY COUNCIL HIGHWAYS AUTHORITY (28/11/2022)**

No objection. Having regard for the history at the site and the additional information submitted in the form of the Transport Assessment, the LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the NPPF, and there are no transport grounds to resist the proposal.

**ENVIRONMENTAL HEALTH (05/12/2022):**

Satisfied that the requirements of condition 32 have been met and recommend the condition may be discharged.

**WEST SUSSEX FIRE & RESCUE SERVICE (07/12/2022):**

No objection subject to conditions for the location and installation of fire hydrants. Evidence will also be required that Fire Service vehicle access meets with the requirements identified in the Approved Document B Volume 1 2019 Edition: B5 Section 13, including Table 13.1 and diagram 13.1.

**SOUTHERN WATER (07/12/2022):**

Southern Water have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication 'A Guide to Tree Planting near water Mains and Sewers' and the Sewerage Sector Guidance with regards to any landscaping proposals and their restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

The drainage strategy indicates that the proposed attenuation basin is being built within the easement zone. The drainage proposals shall include protection measures to be shown to satisfy the requirement to maintain standoff distances of 5 metres from public sewers. No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.

**NETWORK RAIL (21/12/2022):**

Due to the close proximity of the works to the railway, Network Rail are concerned by the flood risk to the railway. They recommended Asset Protection informatives in response.

**WEST SUSSEX COUNTY COUNCIL LEAD EDUCATION AUTHORITY (22/11/2022):**

Objection, the proposed development is expected to contribute towards the new secondary school in order to mitigate its impacts for secondary education, because the local existing secondary schools would not be able to accommodate the new pupils. The existing secondary school provision is unable to expand, and the lack of an allocated or secured site for a new secondary school means that the new education facility cannot be relied on in the short term.

Until a time that a new secondary school is built and open to pupils, transport costs are required to mitigate the additional costs to transport pupils from Arun District, who were unsuccessful in securing a place at one of their preferred schools or catchment school, to access education places at an alternative secondary school within West Sussex. WSCC therefore seek a contribution from the proposed

development towards funding the provision of home to school transport in accordance with the West Sussex home to school transport policy.

**ARUN DISTRICT COUNCIL LEISURE & GREENSPACE (22/12/2022):**

The LEAP scheme appears less challenging than that indicated in the DAS (outline) where larger more challenging and exciting play was indicated. Recommended that further challenging and exciting experiences are provided. The proposed development triggers the requirement for onsite LAP provision, no LAP is proposed.

DAS (outline) inferred that active play in the form of trim trail equipment would be provided within the development, however the reserved matters application does not provide evidence for this. Public open space (POS) public realm furniture has also not been confirmed or detailed. The green infrastructure landscape detail is suitable for the location to allow all-year interest. POS areas will need to connect within and beyond the development site. Pathways need to be all weather and accessible for pedestrian and wheeled users. The Soft Landscape Management and Maintenance Plan are also suitable and commuted sum contributions would need to be agreed for payment to the LPA should there be consideration of the open spaces being transferred to the LPA for maintenance. Details of biodiversity net gain are also required to be submitted.

**ARUN DISTRICT COUNCIL CONSERVATION OFFICER (23/12/2022):**

The proposed development would cause less than substantial harm and as such the public benefits that the development may achieve must be considered as part of the assessment of the application.

**PLACE SERVICES (ECOLOGY) (26/12/2022):**

No objection subject to securing biodiversity mitigation and enhancement measures.

**ARUN DISTRICT COUNCIL DRAINAGE ENGINEER (04/04/2023):**

Objection to the proposed development. Whilst the applicant has supplied a Flood Risk Assessment and Drainage Strategy, these do not meet our design requirements. The drainage strategy report does not consider or discuss the use of infiltration methods of drainage. Whilst it is appreciated that the geotechnical report confirms that infiltration rates are low and groundwater is relatively high, the use of permeable paving should be fully explored as this could be implemented whilst maintaining freeboard above groundwater in some areas.

It is essential to establish if there is adequate space for surface water drainage prior to agreement of site layout. Drainage should be a fundamental consideration in design. Failure to secure a robustly evidenced implementable drainage strategy at this stage will likely prejudice the drainage design and may result in the proposal failing to meet policy requirements and increasing flood risk. Presently no evidence is provided to demonstrate the SW basins are deliverable and/or whether DCG compliance is met; comprehensive basin designs and sections will be required.

There is uncertainty in respect of the catchment areas being positively drained and the calculation of QBAR; this requires further clarification.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Whilst the information provided may be sufficient to discharge Conditions 17 and 32, this will need to be done in a separate 'Approval of details reserved by condition' application(s).

Other comments are noted.

<b>POLICY CONTEXT</b>
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Designations applicable to site:

Outside the Built-up Area Boundaries

Within the setting of the Barnham Church Lane Conservation Area

Parts of the site are within Flood Zone 2 and 3

CIL Zone 3

### DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

<a href="#">Barnham &amp; Eastergate Neighbourhood Plan 2014</a> <a href="#">POLICY ES1</a>	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES2	Water courses
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES4	Protection of open views
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES7	Development affecting heritage assets

Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA1	Connection to sustainable transport
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA2	Footpath and cycle path network
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA3	Contributions to maintain and improve the network
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space

**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
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

**POLICY COMMENTARY**

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

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is considered to comply with relevant Development Plan policies in that the proposal will respect the character and appearance of the area through its design, will provide appropriate internal and external amenity spaces, will provide a sufficient layout with an appropriate amount of public open space, and levels of car and cycle parking, and would not result in significant adverse impacts to landscape and heritage.

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 approval of BN/142/20/OUT establishes that the principle of the development of up to 200 dwellings and other associated works on this site, is acceptable. This application seeks approval of the more technical matters of the proposals in relation to layout, scale, appearance and landscaping.

##### **DESIGN, LAYOUT AND CHARACTER OF THE AREA**

The area is characterised by low density detached dwellings set in large plots, to the south and east including along Church Lane where dwellings are of red brick (including with flint detailing), hanging tiles, white weatherboarding and grey/white render. Further to the north within Barnham, density increases and there is a mix of detached, semi-detached and terraced dwellings of red or brown brick and hanging tiles, and also of white/cream render, particularly along Yapton Road and Marshall Close. Dwelling types, sizes and design varies greatly within Barnham between white/cream painted semi-detached bungalows and two storey detached dark brick dwellings. More modern development is seen to the northwest of the application site at Upton Brooks and northeast at Skylark Way where the dwellings are of white roughcast and red brick for the walls and red/brown plain roof tiles. There are few apartment buildings in the area, however an example can be seen just north of the railway at Windmill Court. Development pattern is varied including linear development along highways and within cul-de-sacs.

The proposed development provides a permeable and accessible layout, with a series of connecting roads that loop around to provide continuous access.

The proposed dwellings vary in type including detached, semi-detached and terraced dwellings and four apartment buildings containing 1-bed units. The heights of the dwellings vary between 2 and 2.5 storeys and the apartment buildings would be 3 storeys tall. The density is 14.49 dwellings per hectare which is appropriate in its semi-rural location, particularly when compared against other more recent development in Barnham including application BN/51/16/RES where the density is 17.25 dwellings per hectare.

In the original submission, the proposed dwellings would have been of either red multi-brick or brown multi-brick with either slate grey or autumn roof tiles and there would have been no detailing. Concerns were raised by the Arun District Conservation Advisory Panel on the 26th November 2022 about the materials proposed.

The proposal was tweaked and the dwellings and apartment buildings are now of one of three brick types including red multi-brick with red detail brick, brown multi-brick with red detail brick and red brick and red quoining. Dwellings are either of Forticrete Gemini slate grey roof tiles or Forticrete Gemini Colour autumn roof tiles. Whilst concrete, these tiles have the appearance of clay tiles and are far more in keeping with the material palette of the area. Tile hanging and flint detailing is also proposed for some of the dwellings. The styles, colours and materials are considered to be in keeping with the character of the dwellings along Church Lane and the wider area, in particular the red brick with flint detailing which is common along Church Lane. The proposed development therefore seeks to 'reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details' in accordance with Policy D SP1 and similarly D SP2 of the Arun Local

Plan. It also seeks to 'respect and enhance the built character of the Parish and their high-quality countryside setting' in accordance with Policy H1 of the Barnham and Eastergate Neighbourhood Plan.

The introduction of the red brick and red quoining and tile hanging and flint detailing, adds sufficient variety amongst dwellings to ensure that the proposed development will not be homogenous and plain. The proposed development is therefore of 'high quality design' as required by Policy ES5 of the Barnham and Eastergate Neighbourhood Plan.

It is noted that Condition 4 on permission BN/149/22/PL requires the submission of details of the materials and external finishes of the buildings and the provision of samples of such materials and finishes as required, as part of this reserved matters application. Some details of proposed materials have been provided, which are considered sufficient to be able to consider the proposed development and that Condition 4 has been complied with. However, greater detail is required prior to commencement, particularly regarding actual bricks to be used (rather than generic brick types) and specific hard landscaping materials. It is therefore appropriate to attach a condition to any decision requiring a detailed schedule of hard landscaping materials prior to commencement, and a detailed schedule of external building materials prior to above ground works.

#### **AFFORDABLE HOUSING**

An obligation was agreed as part of the appeal of BN/142/20/OUT to secure the delivery of 30% of the dwellings as affordable housing on a tenure split of 75% affordable rent and 25% intermediate housing. The obligation requires an affordable housing scheme to be submitted to and approved by the Local Planning Authority. No formal scheme has been submitted as part of this application; however, a Tenure Plan has been submitted that shows which units will be provided as affordable rent, intermediate housing and open market. A formal affordable housing scheme will need to be submitted in due course to comply with the legal obligation.

The Tenure Plan shows that affordable housing will be restricted to the northern area of the site. Policy AH SP2 of the Local Plan states that 'Affordable housing must be visually indistinguishable from market housing with large groupings of single tenure dwellings or properties avoided. Affordable housing units shall be permitted in small clusters'. With the exception of the apartment buildings which are distinguishable from the market housing by their nature, all affordable units will be of a similar design to the market housing and will therefore be 'indistinguishable from market housing'. However, they are all located to the north of the site, essentially on one large cluster. The spread of affordable housing units set out on the Tenure Plan is therefore not considered to be compliant with Policy AH SP2.

In terms of mix, 45 units would be provided as affordable rent, representing 22.5% of overall provision, and 15 would be provided as intermediate housing, representing 7.5% of overall provision. The remaining 140 units would be provided as open market, representing 70% of overall provision. Policy AH SP2 of the Arun Local Plan requires that 30% of units and provided as affordable which the proposed development would comply with. The proposed development also provides an appropriate tenure split required by the obligation.

Policy AH SP2 requires that 35-40% of units are 1-bedroom, 35-40% of units are 2-bedroom, 15-20% of units are 3-bedroom and 5-10% are 4+ bedroom units, unless there is evidence to suggest that an alternative mix would be more appropriate.

In the original submission, 24 (40%) of the affordable units would have been 1-bed, 22 (36.7%) would have been 2-bed, 12 (20%) would have been 3-bed and 2 (3.3%) would have been 4+bed. This represented an under provision of 4+ bed units.

The scheme has since been tweaked to provide 24 (40%) 1-bed units, 22 (36.7%) 2-bed units, 12 (20%)

3-bed units and 2 (3.3%) would be 4+ bed. No evidence has been submitted to justify the shortfall in affordable 4+ bed units.

It is therefore considered that the spread and mix of affordable housing is not acceptable, and the requirements of Policy AH SP2 of the Arun Local Plan and Policy H1 of the Barnham and Eastergate Neighbourhood Plan are not met at this time. Which houses are affordable is not necessarily a matter that needs to be considered through this reserved matters application given the S.106 already in place. It is proposed that the submitted Tenure Plan and affordable housing mix is not approved, meaning these details will need to be agreed at a later date, but prior to commencement, in accordance with the requirements of the S.106. decision.

## RESIDENTIAL AMENITY

### Internal Space

All units meet the requirements of the Nationally Described Space Standards (NDSS) with the exception of bedroom 5 of units WIN and WIN Tile Hanging which are single bedrooms with a floorspace of 6.11m<sup>2</sup>. The NDSS state that a single bedroom should have a minimum floorspace of 7.50m<sup>2</sup>.

Policy D DM2 of the Arun Local Plan allows some variation against the space standards where schemes are unable to meet them. In this case, all units comply with the overall space standards, and only 12 of the 200 units have a single bedroom that marginally falls short of the standards. On balance, it is therefore considered that the proposed development complies with Policy D DM2 which requires 'internal spaces to be an appropriate size; to meet the requirements of all occupants and their changing needs'.

### External Space

In the interest of protecting privacy and providing a sufficient amount of private open space, the Arun District Design Guide requires gardens to be at least 10.5 metres deep however smaller private rear gardens are acceptable in specific circumstances. The majority of units are provided with sufficient rear gardens in accordance with the Design Guide guidance, however a small number of units fall marginally short. Given the provision of a significant amount of public open space, the shortfalls against the guidance are considered to be acceptable as residents will have open access to these spaces for leisure and recreation.

The Design Guide requires a back/front to side separation distance of habitable rooms between buildings to be a minimum of 14 metres. All units are provided with adequate separation distances in accordance with the Design Guide.

The Design Guide requires building frontages to be set back at least 2m from the plot boundary to mark defensible space. Some properties fail to provide this including plots 113 and 91. The Design Guide allows for smaller setbacks in very special circumstances where justification exists. In this case, the shortfalls are very minor and typically occur on the corners of dwellings where the separation is from the shared surface. Windows and doors of dwellings are typically set back at least 2m from the plot boundary, ensuring that adequate security is achieved. The shortfalls are therefore do not render the proposals unacceptable.

The Design Guide requires all dwellings to be provided with private or communal amenity space. For apartment buildings, this can be achieved by providing units with communal garden spaces, balconies, or public open space. The proposed apartment buildings include small garden areas serving the ground floor units which are not of any particular merit. However, given the large quantity of open space available to the occupants of these apartment buildings are considered acceptable. The first and second floor units are provided with front facing balconies which measure 5.68m<sup>2</sup>. They are of a sufficient size to comply with the Design Guide guidance for balconies which states that they should be at least 2m<sup>2</sup>. On

balance, the proposed development accords with the Design Guide and Policy H5 of the Barnham and Eastergate Neighbourhood Plan which requires development to 'include good quality outdoor amenity space'.

The Design Guide provides minimum requirements to ensure that satisfactory living conditions can be achieved. Overall, it is considered that the proposed development complies with these standards, and it therefore seeks to 'ensure that development does not have a significantly negative impact upon residential amenity' in accordance with policy QE SP1 of the Arun Local Plan.

#### Noise

Given that the north-western boundary of the application site sits adjacent to the railway line, noise impacts should be considered. A Noise and Vibration Assessment was submitted with the outline application which recommended that amenity spaces which are 20m from the railway line be provided with 1.8m high closed boarded timber fencing. This is reinforced by Condition 31 of the approval of BN/149/22/PL which requires the provision of this fencing. The proposed fencing is shown on drawing DB-SD13-006 which confirms that the required distances are provided.

In addition, the Environmental Health Officer required the higher density development to be situated closer to the railway line to provide an acoustic buffer. This has mostly been reflected on the plans as the three storey apartment buildings are set to the north of the application site, adjacent to the railway. The 2.5 storey dwellings are in the centre of the site however, the 2 storey dwellings to the northeast and northwest of the site, are situated either side of the apartment buildings. The Environmental Health Officer made a representation on this application on the 24th November 2022, confirming that the requirements of Condition 31 are met.

The proposed development would therefore be adequately protected from nearby sources of noise in accordance with Policy QE DM1 which seeks to 'ensure that residents will not be adversely affected by noise' from the identified stretch of railway line that runs through Barnham station. It also complies with Policy QE SP1 which requires all development to 'not have a significantly negative impact upon residential amenity'.

#### Outlook and Privacy

The layout is fairly compact with the side walls of some of the dwellings being within metres of each other. The applicant has ensured that dwellings do not have side facing windows that would directly overlook the side windows of another property, to provide good levels of privacy. This ensures that the development would 'Have minimal impact to users and occupiers of nearby property and land' in accordance with Policy D DM1 of the Arun Local Plan.

It is recognised that in the future, if permitted development rights were retained, alterations could be made to the roof spaces to create habitable rooms. Whilst in some cases this could potentially be done sensitively and without detriment to the occupants of neighbouring dwellings, roof extensions could result in harm to the privacy and residential amenities of neighbouring occupants by way of overlooking. To address this issue, a condition should be imposed which restricts the construction of dormer windows and dormer extensions through Schedule 2, Part 1, Class B and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order). Such works would require the granting of planning permission by the Local Planning Authority.

#### ACCESS, HIGHWAYS AND PARKING

##### Highway Capacity

A Transport Assessment and a Traffic Impact Assessment were prepared as part of the outline



application. Whilst the outline application didn't seek to confirm the exact number of dwellings proposed, the assessments were based on the provision of 200 dwellings. The reports assessed the cumulative traffic impact of both this and other consented developments upon the local road network. Both West Sussex County Council, and the Inspector at appeal, concluded that the development would not have a 'severe' impact on the local highway network, subject to a financial contribution being provided towards the mitigation of traffic impacts on the A27.

Considerations have not changed between the outline application, and this reserved matters application. The findings and conclusion of the Transport Assessment and Traffic Impact Assessment therefore remain relevant. West Sussex County Council made a representation on this reserved matters application, stating that they have no further comments regarding highway capacity. The proposed development therefore continues to be policy compliant. National Highways have also commented on the 28th November 2022 that 'We are satisfied that the proposal in this reserved matters application will not materially affect the safety, reliability and/or operation of the strategic road network in this location and its vicinity. Therefore we have no objections or comments regarding this reserved matters application'.

#### Accessibility & Layout

The access arrangements were approved as part of the outline application.

Regarding layout, there would be a road connecting to the access on the southeast boundary of the application site. The access road spurs off into various directions. These spurs mainly provide continuous links, however some of the roads do end. Where this occurs, sufficient turning points have been provided. The submitted Transport Statement identifies that the main access spine road will be 5.5m in width, and the secondary streets will be 4.8m wide. West Sussex County Council as highways authority commented on the 28th November 2022, that this is in accordance with the Manual for Streets principles and therefore acceptable.

There is a network of paths, pavements and crossing points throughout the site, as well as shared surfaces. The frontages of all dwellings are provided with pedestrian access. There are also several paths within the public open spaces, the LEAP and the allotments providing safe and secure pedestrian links around the site. Public footpath FP323 would be retained but diverted to provide routes from north to south through the site. The footpaths allow access to the open green spaces provided and connect with FP323 in accordance with Condition 23 of BN/149/22/PL. West Sussex County Council - Public Rights of Way commented that the diversion would require Public Right of Way Order and the upgrades to the footpath would require agreement between the landowner and West Sussex County Council. This would be secured by an appropriately worded condition.

West Sussex County Council as highways authority made a representation on the 28th November 2022, confirming that the layout would provide sufficient emergency access and all footpaths would be appropriate and compliant with the Manual for Streets guidelines. As such 'the LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 111), and there are no transport grounds to resist the proposal'. The proposed development would comply with Policy T SP1 of the Arun Local Plan as it 'gives priority to pedestrian and cycle movements' and creates 'safe and secure layouts for traffic, cyclists and pedestrians'.

It is recognised that the diversion of footpath FP323 will require the Local Planning Authority to issue a Public Right of Way Order and the upgrades to FP323 will require a formal permissive path agreement between the landowner and West Sussex County Council. Should permission be granted, a condition would be attached requiring the footpath to remain open and unobstructed until such consents are granted.

Regarding the works to the footpath, the applicant submitted a PROW Note which included its specification comprising of recycled aggregate, dust (or a suitable alternative such as chalk or good quality clean coarse crushed quarried material) with a limestone top dressing. West Sussex County Council commented on the 22nd February 2023 that the specification is acceptable but to ensure that the recycled aggregate is clean with no glass, plastic or metal in it. This was also identified in their comments on the 5th June 2023. It is considered that a condition would be appropriate requiring the works to be carried out in accordance with the PROW Note and that the recycled aggregate is clean with no glass, plastic or metal in it.

#### Parking

The application site is within Parking Behaviour Zone 2 and therefore, as required by the Arun District Council Parking Standards, 1-bed, 2-bed and 3-bed units should provide 2 vehicle parking spaces, and 4+ bed units should provide 3 vehicle parking spaces. In addition, visitor parking will be required to provide a ratio of 20% of the total number of units. This creates an overall requirement for 516 car parking spaces of which 476 should be allocated and 40 should be for visitors.

The proposed development seeks to create 501 parking spaces of which 394 would be allocated, 4 would be unallocated, 57 would be visitor and 46 would be situated within garages (which are counted as 0.5 spaces towards parking provision). The proposed development therefore falls marginally short of the parking standards (15 parking spaces). However, the Parking Standards state that 'A more flexible approach will be taken with schemes that incorporate flats and on sites close to urban centres'. 24 of the proposed units will be within apartment buildings whose occupants are typically less likely to use a car than the occupants of dwellings. In addition, a Travel Plan has also been provided which identifies measures to support sustainable travel away from the private car.

West Sussex County Council in their representation on the 28th November 2022, stated that 'The LHA would be satisfied with this amount of parking and given the sites layout that is likely to be the maximum that could realistically be provided'. Whilst the proposed development doesn't comply with the expected levels of parking for new residential development, it is considered that it does provide a sufficient number of car parking spaces in accordance with the Arun District Council Space Standards, Policy T SP1 of the Arun Local Plan and Policy GA4 of the Barnham and Eastergate Neighbourhood Plan.

Furthermore, the proposed garages measure 6.4m x 3.3m which meet the required dimensions of the Parking Standards.

The submitted Transport Statement states that 'all dwellings with a driveway or garage will be provided with fast charge socket infrastructure and the spaces provided for the flats will be provided with in accordance with the 2023 requirement i.e. 30% of spaces'. This level of provision would meet the requirements of Condition 25 attached to the approval of the BN/149/22/PL, and a full scheme for the provision of electric vehicle charging infrastructure will need to be submitted and approved prior to occupation of any of the dwellings, to discharge the condition in a separate application.

The proposed development provides cycle parking spaces within garages, cycle stores within the apartment buildings and other cycle storage units. In total, the proposal would provide 354 cycle parking spaces. The Arun District Parking Standards requires 1-bed houses and flats to provide 1 space, 2-bed houses to provide 1 space, and 3-bed and 4-bed houses to provide 2 spaces. For the 200 dwellings, this would create an overall requirement of 284 cycle parking spaces. The proposed development would therefore exceed the requirement from the Standards and would provide an appropriate level of cycle parking in accordance with Policy T SP1 of the Arun Local Plan and the Arun District Council Space Standards. Details of the cycle stores serving the dwellings have not been provided and would be secured by way of an appropriately worded condition.

### Travel Plan

An obligation was agreed as part of the appeal that the applicant would provide a Travel Plan to promote alternative modes of transport to the private car. The Travel Plan includes on site infrastructure measures to encourage sustainable movement, including the creation of a permeable site layout, the delivery of a network of roads designated as low speed streets, and the provision of good quality cycle parking. Offsite infrastructure measures include the connection of the development to established pedestrian infrastructure at Marshall Close and a scheme of improvements to Marshall Close which have already been agreed. The Travel Plan then identifies soft measures to improve sustainable travel, including an information pack for new residents, community notes and website information, residential travel information packs and the promotion of a car sharing scheme. West Sussex County Council commented on the 28th November 2022 that 'The latest TP has been reviewed and we are now in a position to approve the TP with the comments previously made incorporated into the latest TP submitted'.

Paragraph 4 of the Second Schedule of the S106 agreements on the outline application requires the Travel Plan approved at the Reserved Matters stage, or separately, to be implemented in full.

### EDUCATION

It is noted that West Sussex County Council as Local Education Authority objected to the proposed development on the 22nd November 2022 highlighting that the applicant had not agreed to make financial contributions towards education provision.

This was discussed by the Inspector in the appeal of the outline application who stated that 'Invariably there are concerns about the capacity of local infrastructure to accommodate demands arising from future occupiers of new dwellings and whether the appeal proposal would absorb available infrastructure capacity to the potential detriment of the viability of planned strategic development (BEW). If allowed, the appeal proposal would be subject to a CIL liability in terms of contributing to wider infrastructure needs such as health and education. Additionally, through the planning obligations assessed above, the appeal proposal would make necessary, directly related contributions of a fair scale to ensure the development mitigates its own impacts in a way which would be compliant with the development plan'.

The lack of a suitable site is something the LPA are aware of, and sites for potential secondary school is being revisited, but given this application is for reserved matters when education has already been considered, it would not be appropriate to refuse this application based on the absence of a secured school site - when an appropriate contribution has been secured towards its delivery.

### TREES

The applicant has submitted an Arboricultural Impact Assessment (AIA) and Method Statement (MS) which confirms that two category B trees, 3 groups of Category C trees, one Category C hedgerow, a group of Category U trees and two Category U trees would be removed to facilitate the development.

The AIA assesses the impact of tree removals on local character. It states that the removal of G10 would have no detrimental impact on visual amenity or landscape character and H13 does not align with the character of the wider area and its removal would have no detrimental impact. The removal of T4 and T5 would potentially result in short-term visual impact on the appearance of the site however the retention of adjacent mature trees ensures that the landscape character is maintained. The removal of G29 and G38 is not considered to result in a significant adverse impact on visual amenity. There would also be no trees pruned and all of the RPAs of retained trees will be protected and there will be no encroachment during development activity.

The MS outlines measures to protect retained trees from the adverse impacts of development. This includes measures such as a pre-commencement meeting to agree protective measures, tree removal in



accordance with British standards, installing protective barriers, a risk assessment to identify pollution control measures, regular arboricultural supervision etc.

The Tree Officer Has not commented on the application, but it is considered that appropriate measures have been recommended to protect all trees that are set to be retained. The Arboricultural Impact Assessment and Method Statement has been submitted to the Local Planning Authority and approved under BN/178/22/DOC. Condition 15 of BN/149/22/PL requires the development to be carried out in accordance with the approved details.

#### **ECOLOGY**

An Ecological Appraisal and Ecological Mitigation and Enhancement Method Statement has been submitted which identifies any potential impacts on designated sites and protected species, and recommends a number of protection and enhancement measures to ensure that they are adequately protected and mitigated for, and where possible, habitats are enhanced. A Biodiversity Net Gain Assessment has also been submitted which calculates that there would be a net gain of 37.87% for habitat units, 1151.40% for hedgerow units and 41.26% for river units.

The Ecology Officer commented on the 26th January 2023 that they had no objection to the proposed development subject to securing biodiversity mitigation and enhancement measures. These details have been submitted to and approved by the Local Planning Authority as part of BN/178/22/DOC and Condition 10 of application BN/149/22/PL requires the development to be carried out in accordance with these approved details.

#### **WASTE PROVISION**

All detached, semi-detached and terraced dwellings would be provided with private bins. For the apartment building, bins would be situated in two separate bin/cycle stores. This is shown on the submitted Refuse Strategy Plan. Floor plans and elevations have been provided for the communal stores which show that they would measure 10.12 metres by 5.05 metres. Each bin store would contain 8 x 1100 litre Euro Bins.

As confirmed by West Sussex County Council as Highways Authority on the 28th November 2022, the layout is sufficient to accommodate larger vehicles such as refuse collection vehicles and appropriate turning heads would be provided. The proposed development has been 'designed to ensure that kerbside collection is possible for municipal waste vehicles' and 'Where appropriate, communal recycling bins and safe bin storage areas are available to residents of flats' in accordance with Policy WM DM1 of the Arun Local Plan. Condition 22 of BN/149/22/PL states that no dwelling shall be occupied until refuse and recycling bins have been provided and space has been laid out for their storage in relation to that dwelling in accordance with the details that shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall not be used for any purpose other than the storage of refuse and recycling bins. This condition will need to be discharged through a separate application.

#### **DRAINAGE**

A Drainage Strategy and Sustainable Urban Drainage System (SuDS) Statement has been submitted which outlines the proposed drainage scheme.

West Sussex County Council as Lead Local Flood Authority stated on the 22nd November 2022 that they had no comments. On the 7th December 2022, Southern Water commented that they have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. The drainage strategy indicates that the proposed attenuation basin is being built within the easement zone. The drainage proposals shall include protection measures to be shown to satisfy the requirement to maintain standoff distances of 5 metres



from public sewers. No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.

The Council's Drainage Officer did not agree with the scheme as the report does not consider infiltration methods of drainage. Presently no evidence is provided to demonstrate the SW basins are deliverable and/or whether DCG compliance is met; comprehensive basin designs and sections will be required. There is uncertainty in respect of the catchment areas being positively drained and the calculation of QBAR; this requires further clarification.

It is considered that these concerns can be addressed through the subsequent discharge of condition application(s).

Conditions 6, 7, 8 and 9 of BN/149/22/PL require, prior to commencement of the development, the applicant to submit details of the proposed surface water drainage scheme, details of any proposals to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site, details of the maintenance and management of the surface water drainage system and details of the proposed foul drainage system, to be submitted to and approved by the Local Planning Authority. These Details are therefore to be dealt with through discharge of condition application(s) instead of this reserved matters stage.

It is important to note that should the applicant need to amend the site layout in response to updates to the drainage strategy, any plans approved through this reserved matters application may need updating. It is envisaged that such amendments would be relatively minor and would be able to be progressed via a Section 73 application.

#### LANDSCAPE

A Landscape Visual Impact Assessment (LVIA) was submitted with the outline application which concluded that 'it is considered that whilst some harm is acknowledged to the immediate landscape character of the Site itself, the harm is restricted to the Site only and reduces within the immediate setting and furthermore in the wider setting'.

This was partly echoed by the Inspector at appeal, who stated that the 'adverse landscape character and visual effects arising from the loss of countryside would be localised and limited. They would not involve any valued landscapes in the terms of NPPF paragraph 174a) or an important gap between settlements'. However, they went on to discuss that there would be adverse impacts on long range views into the South Downs escarpment to the north, meaning that 'there would still be a moderate residual harm to what is presently a recognised landscape and visual sensitivity', however this could be limited by design in the reserved matters stage.

The applicant has not submitted an updated LVIA which considers the changes between the illustrative site layout in the outline application, the proposed site layout in this reserved matters application, the design of the proposed dwellings and the resulting impact on landscape. It is stated in the submitted Planning Appraisal that 'the proposed development would not result in significant harm to the landscape character or visual environment of the site or surrounding area and can be successfully integrated in this location'.

To soften any impacts, the proposed development comprises a number of landscape works including the provision of allotments and community orchards, enhanced boundary planting and substantial new and native tree and shrub planting, retention and strengthening of vegetation structuring to the north of the site and provision of public open space and a locally equipped area of play (LEAP) and local area of play (LAP).

The Council's Landscape Officer commented on the 22nd December 2022 that the green infrastructure landscape detail 'would allow all year interest, contain a mix of native and ornamental species which would be suitable for location and setting'. The landscaping scheme is considered sufficient. Condition 29 of BN/149/22/PL requires all approved planting, seeding or turfing to be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is 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.

The Officer did not comment upon the impact of the proposed development on the landscape, and whilst an LVIA has not been submitted with the reserved matters scheme, it is considered that the enhanced boundary planting ensures compliance with paragraph 130(c) of the NPPF which requires development to be 'sympathetic to local character and history, including the surrounding built environment and landscape setting'.

### OPEN SPACE

An obligation was made as part of the appeal which requires the applicant to submit and obtain approval for a scheme for the provision of public open space and play areas prior to first occupation of any dwelling. The public open space will comprise of play areas (0.24ha) within approximately 7ha of natural and semi-natural green space, allotment and community orchard (approximately 0.3ha) and amenity green space (approximately 0.54ha).

The proposed development seeks to provide circa 7.2ha of total public open space, with the majority to the south and east of the site, creating a landscaped buffer from Church Lane. This space will be of natural and semi-natural green space. The proposal also seeks to provide circa 0.23ha for community orchards and allotments for local residents, including dedicated vehicle access and parking provision. These will be focussed to the eastern boundary of the application site. The Council's Landscape Officer had no objection to the public open space scheme.

The proposed development seeks to provide a 568m<sup>2</sup> LEAP on the north eastern boundary of the application site. A plan was originally submitted which showed the location and type of equipment proposed, however on the 22nd December 2022, the Council's Landscape Officer noted that the equipment would not be challenging enough. An updated plan for the play area proposals was submitted which shows that it would comprise a climbing stack, springer, balancing beam, rotating disc, pod swing, pentagonal tower, embankment slide, see-saw and a bench and bin. The play area would be enclosed within a 1 metre high galvanised bow top railings with two sets of self closing outward opening gates with child-proof mesh. There would be a path through the site and some tree, shrub and hedge planting with some areas of grass. At the time of writing, we await updated comments from the Landscape Officer but on the face of it believe the amendments to have addressed the previous concerns.

The original scheme did not propose a LAP, however the plans have been updated to include one to the south of the site which measures 602m<sup>2</sup>. The provision of a LEAP and LAP ensures compliance with the Open Spaces, Playing Pitches, Indoor and Built Sports Facilities supplementary planning document and Policy HWB SP1 of the Arun Local Plan as it is 'designed to maximise the impact it can make to promoting healthy communities'.

### HERITAGE

The proposed development would be within the setting of the Barnham Church Lane Conservation Area and within proximity of a number of Listed Buildings, including:

- Grade II Listed Thimbles (List UID: 1276575) circa 200 metres north of the application site.
- Grade II Listed Luckham Cottage (List UID: 1233179) circa 200 metres east of the application site.
- Grade II Listed Curacoa (List UID: 1276728) circa 158 metres southeast of the application site.

- Grade II Listed The Street Cottage (List UID: 1353826) circa 177 metres southeast of the application site.
- Grade II Listed The Lodge of Barnham Court (List UID: 1027691) circa 200 metres south of the application site.
- Grade II Listed Manor Cottage (List UID: 1276754) circa 245 metres south of the application site.
- Grade I Listed The Parish Church of St Mary (List UID: 1027690) circa 300 metres south of the application site.
- Grade I Listed Barnham Court (List UID: 1233144) circa 280 metres south of the application site.

The applicant has submitted a Heritage Statement which identifies and discusses the nearby heritage assets and their significance, before assessing the impact that the proposed development would have on them.

Regarding the impact on Barnham Court, the Heritage Statement states that 'the proposed development would have no impact on the portion of Barnham Court's heritage significance that is drawn from its standing form and fabric; thus ensuring that this is entirely preserved'. It also states that 'The only change to the asset's setting brought about by the development would be the loss of some relatively distant glimpses of the Court's chimneys and roof structure looking over and between the trees and woodland, within the intervening landscaping'. It concludes that the proposed development would not result in a loss of heritage significance.

For Curacoa, it states that 'The proposed development would have no effect whatsoever on the majority of the asset's significance which is derived from its standing form and fabric and similarly there would be no change to the aspects of Curacoa's setting'. It identified that elements of the proposed development may be visible from the heritage asset, however due to the proposed landscaping, there would be visual separation. It concludes that the proposal would not cause a loss of the building's significance and would not result in any harm.

Regarding Luckham Cottage, it states that as 'there is no intervisibility between these two parts of the settlement, it will not be possible for the proposal to result in any loss of significance of the listed building and therefore it will result in no harm'.

It states that the proposed development 'would have no direct effect on the character or appearance of the Barnham (Church Lane) Conservation Area'. It also highlights that 'There would be an impact on the conservation area and a loss of significance from the conservation area through the reduced spatial separation' from Barnham and focused on the 19th century railway station and ability to experience and appreciate that impact in terms of views out from and across the conservation area in the northeast. It concludes that 'Whilst there would be a loss of significance from the conservation area; when viewed in the context of the asset as a whole and the totality of its significance drawn from the built form and fabric and the other aspects of its setting, it can only be concluded that the scale of harm would be limited'.

The Heritage Statement concludes by stating that the development is 'considered to cause no harm to the significance of the surrounding Listed Buildings and a very minor level of harm to the Barnham (Church Lane) Conservation Area'.

The Council's Conservation Officer commented on the 23rd December 2022 that the proposed development would result in less than substantial harm to nearby heritage assets. As required by paragraph 202 of the NPPF, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, this harm should be weighed against the public benefits from the proposal including, where appropriate, securing its optimum viable use'.

The public benefits associated with the proposed development include, but are not limited to, addressing

the district's shortfall in housing land supply, good public open space provision, affordable housing contribution, job creation and achievement of biodiversity net gain. For the original submission, there was a fine balance which tipped against the proposed development whereby the level of harm outweighed the public benefits. The scheme was subsequently tweaked to provide further tree planting to the south of the site, between the built form of the proposed development and the Conservation Area to provide further screening. This has reduced the level of harm to the Conservation Area, and the public benefits now outweigh the less than substantial harm to nearby designated heritage assets. The applicant has also provided a note titled "Mitigating the visual impact of development to/from the Barnham Conservation Area" which includes several visualisations.

Overall, it is considered that the proposed development complies with policies HER DM1 and HER DM3.

#### **ENERGY EFFICIENCY**

Policy ECC SP2 states that all new residential development is expected to be energy efficient and requires applicants to demonstrate how they will:

- a. Achieve energy efficiency measures that reflect the current standards applicable at the time of submission
- b. Use design and layout to promote energy efficiency; and
- c. Incorporate decentralised, renewable and low carbon energy supply systems

It also requires all major development to produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that it is unviable. Condition 14 of the approval of BN/149/22/PL mirrors this requirement.

No such scheme has been submitted as part of this reserved matters stage, and the applicant must ensure that this is submitted to and approved by the local planning authority prior to commencement of the development through a separate application.

#### **CONCLUSION**

The proposal seeks approval of reserved matters for 200 dwellings in respect of appearance, landscaping, layout and scale.

The proposed development would provide an acceptable access, parking and have an adequate impact on highways capacity. It would also provide sufficient internal and external amenity and facilities for waste management. It would have an acceptable impact on biodiversity, trees, landscape and heritage subject to protection, enhancement and mitigation measures. It would also provide a satisfactory landscape scheme and would achieve biodiversity net gain whilst providing plentiful open space. The development is of a high quality design with suitable variation in building styles and the public benefits arising from the development would outweigh the harm caused to designated heritage assets.

On balance, subject to receipt of a response from the Environment Agency confirming no objection, it is considered that the proposed development accords with the development plan and national policy and therefore the application is recommended for approval subject to conditions.

<b>HUMAN RIGHTS ACT</b>
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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 approved shall be carried out in accordance with the following approved plans:

Allotment WC Block Elevations & Floor Plans 220615/AB/WC/EP Rev A  
Bin/Cycle Store 1 Elevations & Floor Plans 220615/AB/BS1/EP Rev B  
Bin/Cycle Store 2 Elevations & Floor Plans 220615/AB/BS2/EP Rev B  
Close Boarded Fence DB-SD13-006  
House Types T51 Elevations & Floorplans 220615/HT/T51/EP Rev E  
House Types T52 Elevations & Floorplans 220615/HT/T52/EP Rev E  
House Types T54 Elevations & Floorplans 220615/HT/T54/EP Rev E  
House Types T55 Elevations & Floorplans 220615/HT/T55/EP Rev E  
Location Plan 220615/LP Rev A  
Single Garage Elevations & Floorplans 220615/AB/SG/EP Rev B  
Site Location Plan BSO/E5036/001  
Substation Elevations & Floor Plans 220615/AB/SUB/EP Rev A  
Twin Garage Elevations & Floor Plans 220615/AB/TG/EP Rev B  
Twin Garage (Side Gable) Elevations & Floor Plans 220615/AB/TG-G/EP  
House Types HOP-D (Tile Hanging) Elevations & Floorplans 220615/HT/HOP-D-T1/EP Rev A  
House Types HOP-D (Flint) Elevations & Floorplans 220615/HT/HOP-D-F/EP Rev A  
House Types HOP Elevations & Floorplans 220615/HT/HOP/EP Rev E  
House Types HOP-D Elevations & Floorplan 220615/HT/HOP-D/EP Rev E  
House Types HOP (Tile Hanging) Elevations & Floorplans 220615/HT/HOP-T1/EP Rev A  
House Types KEN Elevations & Floorplans 220615/HT/KEN/EP Rev E  
House Types KNI Elevations & Floorplans 220615/HT/KNI/EP Rev E  
House Types LAM Elevations & Floorplans 220615/HT/LAM/EP Rev E

House Types LAM (Tile Hanging) Elevations & Floorplans 220615/HT/LAM-T/EP Rev A  
House Types MAT Elevations & Floorplans 220615/HT/MAT/EP Rev E  
House Types MEW (Tile Hanging) Elevations & Floorplans 220615/HT/MEW-T/EP Rev A  
House Types MEW Elevations & Floorplans 220615/HT/MEW/EP Rev E  
House Types MON Elevations & Floorplans 220615/HT/MON/EP Rev A  
House Types SHE Elevations & Floorplans 220615/HT/SHE/EP Rev E  
House Types SHE (Tile Hanging) Elevations and Floorplans (220615/HT/SHE-T/EP Rev A  
House Types TUD Elevations & Floorplans 220615/HT/TUD/EP Rev A  
Coloured Site Layout 220615/02/CSL Rev J  
House Types AHD (Flint) Elevations & Floorplans 220615/HT/AHD-F/EP Rev A  
House Types AHD Elevations & Floorplans 220615/HT/AHD/EP Rev E  
House Types Apartment Elevations and Floorplans 1 220615/HT/APT1/EP Rev F  
House Types Apartment Elevations and Floorplans 2 220615/HT/APT2/EP Rev F  
House Types CAT (Flint) Elevations & Floorplans 220615/HT/CAT-F/EP Rev A  
House Types CAT Elevations & Floorplans 220615/HT/CAT/EP Rev E  
House Types DEA Elevations & Floorplans 220615/HT/DEA/EP Rev E  
House Types WIN (Tile Hanging) Elevations & Floorplans 220615/HT/WIN-T/EP Rev B  
House Types WIN Elevations & Floorplans 220615/HT/WIN/EP Rev B  
House Types HAV Elevations & Floorplans 220615/HT/HAV/EP Rev E  
House Types MIL Elevations & Floorplans 220615/HT/MIL/EP Rev E  
Landscape Masterplan BDWS23957 10H  
Landscape Proposals BDWS23957 11 Rev E Sheet 1  
Landscape Proposals BDWS23957 11 Rev E Sheet 2  
Landscape Proposals BDWS23957 11 Rev E Sheet 3  
Landscape Proposals BDWS23957 11 Rev E Sheet 4  
Landscape Proposals BDWS23957 11 Rev E Sheet 5  
Landscape Proposals BDWS23957 11 Rev E Sheet 6  
Landscape Proposals BDWS23957 11 Rev E Sheet 7  
Landscape Proposals BDWS23957 11 Rev E Sheet 8  
Landscape Proposals BDWS23957 11 Rev E Sheet 9  
Levels Strategy Sheet 1 BSO/E5036/002 F  
Levels Strategy Sheet 2 BSO/E5036/003 F  
Levels Strategy Sheet 3 BSO/E5036/004 F  
Open Space Conveyance BDWS23957 50 Rev C  
Open Space Proposals BDWS23957 20 Rev I Sheet 1  
Open Space Proposals BDWS23957 20 Rev I Sheet 2  
Open Space Proposals BDWS23957 20 Rev I Sheet 3  
Open Space Proposals BDWS23957 20 Rev I Sheet 4  
Open Space Proposals BDWS23957 20 Rev I Sheet 5  
Open Space Proposals BDWS23957 20 Rev I Sheet 6  
Open Space Proposals BDWS23957 20 Rev I Sheet 7  
Open Space Proposals BDWS23957 20 Rev I Sheet 8  
Open Space Proposals BDWS23957 20 Rev I Sheet 9  
Site Layout Boundary Treatment Plan 20615/09/BT Rev J  
Site Layout Dwelling Types 220615/04/DT Rev J  
Site Layout Fire Strategy Plan 220615/10/FS Rev J  
Site Layout M4(2) & M4(3) Plan 220615/11/M4(2)-M4(3) Rev P  
Site Layout Materials Plan 220615/08/MP Rev M  
Site Layout Parking Plan 220615/06/PP Rev J  
Site Layout Storey Heights Plan 220615/03/SH Rev J  
Site Layout Refuse Strategy Plan 220615/07/RS Rev J  
Site Layout 220615/01/SL Rev AG

Site Layout Hard Landscaping Plan 220615/12/HL Rev E  
Site Layout Overlay Plan 220615/30/OP  
Site Layout Tenure Plan 220615/05/TP Rev L  
Twin Garage (Gabled) Elevations & Floorplans 220615/AB/TG/EP Rev B  
Schedule of Accommodation Rev AE  
Street Scenes 220615/SS/01 Rev E  
Site Visibility ITB18228-GA-003 Rev. H  
Swept Path Analysis - Estate Car ITB18228-GA-004 Rev. D  
Swept Path Analysis - Estate Car ITB18228-GA-005 Rev. D  
Swept Path Analysis - Fire Appliance ITB18228-GA-002 Rev. H  
Swept Path Analysis - Refuse Vehicles ITB18228-GA-001 Rev. G  
Impermeable Areas Layout BSO/E5036/014E  
Barnham Rife Crossing General Arrangement BSO/E5036/009D

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

- 2 Notwithstanding the submitted drawings and details, no above ground works shall commence until details, specifications, and samples of materials to be used in the:

a) implementation of the approved hard landscaping scheme; and  
b) construction of walls, fenestrations, and roofs of dwellings  
have been submitted to and approved by the Local Planning Authority. The materials so approved shall be used in the implementation of the development.

Reason: To enable the Local Planning Authority to control the development in terms of visual quality in accordance with Policy D DM1 of the Arun Local Plan.

- 3 The infrastructure and soft measures set out in the Travel Plan (i-Transport Ref: DS/ITB18228-002A TP) shall be implemented as approved. The implementation will be undertaken in accordance with Section 7 (management and implementation) and Section 8 (Monitoring) of the report.

Reason: To provide healthier, active and more environmentally sustainable travel options to the use of the car in accordance with Policies T SP1, T DM1 and QE DM3 of the Arun Local Plan.

- 4 Floor plans, elevations, and roof plans of cycle stores shown on the approved Site Layout Parking Plan 220615/06/PP Rev J shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking for each dwelling shall be installed in accordance with the approved plans prior to occupation of said dwelling and shall thereafter be retained at all times for their designated purpose.

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

- 5 The works to Footpath FP323 shall be carried out in accordance with the PROW Summary Note (ITB18228-003 TN) and any recycled aggregate shall be clean with no glass, plastic or metal in it.

Reason: To provide convenient, safe, comfortable and attractive routes for pedestrian and cyclists in accordance with Policy T DM1 of the Arun Local Plan.

- 6 Footpath FP323 shall be kept open and unobstructed until a Public Path Order has been issued by the Local Planning Authority for the diversion of the footpath and a formal

permissive path agreement is made between the landowner and West Sussex County Council for upgrading the footpath.

Reason: To enable the Local Planning Authority and Local Highways Authority to control the development in terms of active travel and accessibility in accordance with Policy T DM1 of the Arun Local Plan.

- 7 The soft landscape measures set out in the approved Soft Landscape Specification and Soft Landscape Management and Maintenance Plan shall be implemented as approved.

Reason: To ensure that the approved soft landscape scheme is appropriately implemented, maintained and managed in accordance with Policies ENV DM4 and ENV DM5 of the Arun Local Plan.

<b>BACKGROUND PAPERS</b>
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[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/147/22/RES - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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## PLANNING APPLICATION REPORT

**REF NO:** A/29/23/PO

**LOCATION:** Land at Manor Nursery  
Roundstone Lane  
Angmering  
BN16 4AX

**PROPOSAL:** Application under S106A for the modification of the Section 106 dated 19-03-15 linked to A/51/14/OUT in relation to the removal of Clauses 1.1 - 1.20 of Schedule 2 relating to Affordable Housing Provision.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>This application seeks the modification of the Section 106 Agreement dated 19th March 2015 linked to A/51/14/OUT at Land at Manor Nursery, Roundstone Lane.</p> <p>The modification involves the removal of Clauses 1.1 - 1.20 of Schedule 2, which would remove the requirement for affordable housing to be provided on the site.</p>
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<b>RELEVANT SITE HISTORY</b>
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A/51/14/OUT	<p>Outline Application with Some Matters Reserved for demolition of the existing Manor Nursery Garden Centre and hard standing and redevelopment for 32 dwellings with associated access, public open space and landscaping. Departure from the Development Plan.</p>	App Cond with S106 20-03-15
A/38/18/RES	<p>Approval of reserved matters following outline consent A/51/14/OUT relating to appearance, landscaping, layout &amp; scale for demolition of the existing Manor Nursery Garden Centre &amp; hard standing &amp; redevelopment for 32No. dwellings with associated access, public open space &amp; landscaping.</p>	ApproveConditionally 13-12-18
A/167/22/PO	<p>Application under S106A for the modification of the Section 106 dated 19-03-15 linked to A/51/14/OUT in relation to the Second &amp; Fourth Schedule (Affordable Housing) and Third &amp; Fifth Schedule (Strategic Highways Contribution).</p>	Refused 15-02-23

A/167/22/PO - Application under S106A for the modification of the Section 106 dated 19-03-15 linked to A/51/14/OUT in relation to the Second & Fourth Schedule (Affordable Housing) and Third & Fifth Schedule (Strategic Highways Contribution). REFUSED 15th February 2023

## REPRESENTATIONS

Angmering Parish Council (APC) - Objection

- The Housing Needs Survey undertaken by Action in Rural Sussex (AiRs) 2020 clearly demonstrated that there was a need for affordable housing for local people in Angmering.
- After the deduction of the affordable housing the developer is expecting a profit of circa 11.5%. Nationally the current financial crisis has resulted in substantial reductions in the profits of the majority of commercial undertakings and in many cases losses. There seems to be no reason why developers should be singled out for protection from this situation to the detriment of others.
- Despite the current financial situation the need for more affordable housing within Angmering and the District has not decreased if anything it has increased.
- The needs of the Parish outweigh the profits of the developer. It also feels that should the developer be having financial problems then a stop should be made to the continued construction of this site until the developer is financially able to continue and honour that agreement.

56 objections have been received. The objections can be summarised as follows:

- There is still a need for affordable housing in the area
- Lack of infrastructure
- Loss of wildlife/greenspace
- Access too narrow

### COMMENTS ON REPRESENTATIONS RECEIVED:

This is not an application for a planning permission for new dwellings. Comments relating to supporting infrastructure for new housing, loss of wildlife/ecology are not material considerations, as these matters have already been addressed through the planning permission and are not the subject of this deed of variation application.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

WSSC - No objection to the application, as the wording of the agreement has no impact on the obligations due to WSSC. WSSC allow for discounted financial contributions for Education, Libraries, and Fire if affordable housing is being delivered, however these are all formula based within the S106, and as such this change will be adequately reflected in the final contribution request on the relevant triggers.

### COMMENTS ON CONSULTATION RESPONSES:

All comments are noted. With regards to the Parish Council comments, it should be noted that there are no proposed changes to the highways contributions, which have been removed since the refusal of application A/167/22/PO.

### DEVELOPMENT PLAN POLICIES

**POLICY COMMENTARY**

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

Where a Section 106 agreement is older than five years, an application can be made to vary or modify the obligations. The application is made under s106A of the Town and Country Planning 1990 and are given practical effect by the Town and Country Planning (Modification and Discharge of Planning Obligations Regulations 1992.

In determining the application, the Local Planning Authority can decide that the planning obligation:

- Shall continue to have effect without modification;
- Can be discharged, as it no longer serves a useful purpose; or
- Continues to serve a useful purpose, but would serve that purpose equally well subject to modifications in the application

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal accords with the requirements of the development plan, specifically in relation to policy AH SP2 in that the applicants have demonstrated that the provision of 30% affordable housing is not viable. In these instances (exceptional circumstances), the policy allows for a reduced provision or a commuted sum.

no affordable housing or commuted sum will be secured.

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 material considerations which would warrant a decision other than in accordance with the development plan.

**CONCLUSIONS**



Policy AH SP2 of the Arun Local Plan requires developments of 11 or more residential units to provide a minimum of 30% affordable housing in the first instance. However, the policy acknowledges that where this is not financially viable, a reduction in the amount of affordable housing, off-site delivery, or a commuted sum can be agreed with the Local Planning Authority in very exceptional circumstances. In all cases where the delivery of affordable housing is lower than required, appropriate evidence is required to be submitted.

Planning permission, reference A/51/14/OUT, was approved with a Section 106 agreement which secured no less than 30% of the residential units to be affordable. Based upon the subsequently approved reserved matters approval which securing the layout of 32 dwellings, a minimum of 10 affordable residential dwellings would be required.

This application seeks to remove the obligation requiring the delivery of any affordable housing. In support of the application to remove the affordable housing contribution, evidence was provided in the form of a viability assessment and further supporting evidence. Based upon estimated costs from the developer, the scheme was shown to be unviable with the provision of any affordable housing.

Arun District Council appointed an independent viability consultant to review the developers submission. It was concluded that the applicant's costs were estimated to be too high, however, even accounting for this the scheme would remain in a deficit. Therefore, the scheme would not be viable with the inclusion of affordable housing.

It is noted that the Parish Council raise concerns regarding the proposed profit of the developer. However, profit is an inherent part of any development to accommodate the risk of undertaking development. Planning Practice Guidance suggests that a profit margin between 15-20% is acceptable for market housing. A profit margin of 17.5% has therefore been proposed and accepted by the viability consultant.

The independent review suggested to ADC that a late-stage review is included within any modification to the Section 106 agreement. The review mechanism would ensure that any changes in costs which result in an uplift in Gross Development Value, are captured and provided as a commuted sum towards Affordable Housing Provision. The principle of the late stage review mechanism has been agreed by all parties.

Whilst a policy compliant level of affordable housing cannot be supported, the evidence provided justifies a reduction in the level provision. The late stage review mechanism will allow any additional profits to be secured as a commuted sum, and would therefore not be in conflict with ALP Policy AH SP2.

Therefore, it is recommended that the proposed modification to the S106 agreement to remove the Affordable Housing Contribution is approved subject to the inclusion of a late stage review.

#### **HUMAN RIGHTS ACT**

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

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

of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### **DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

#### **RECOMMENDATION**

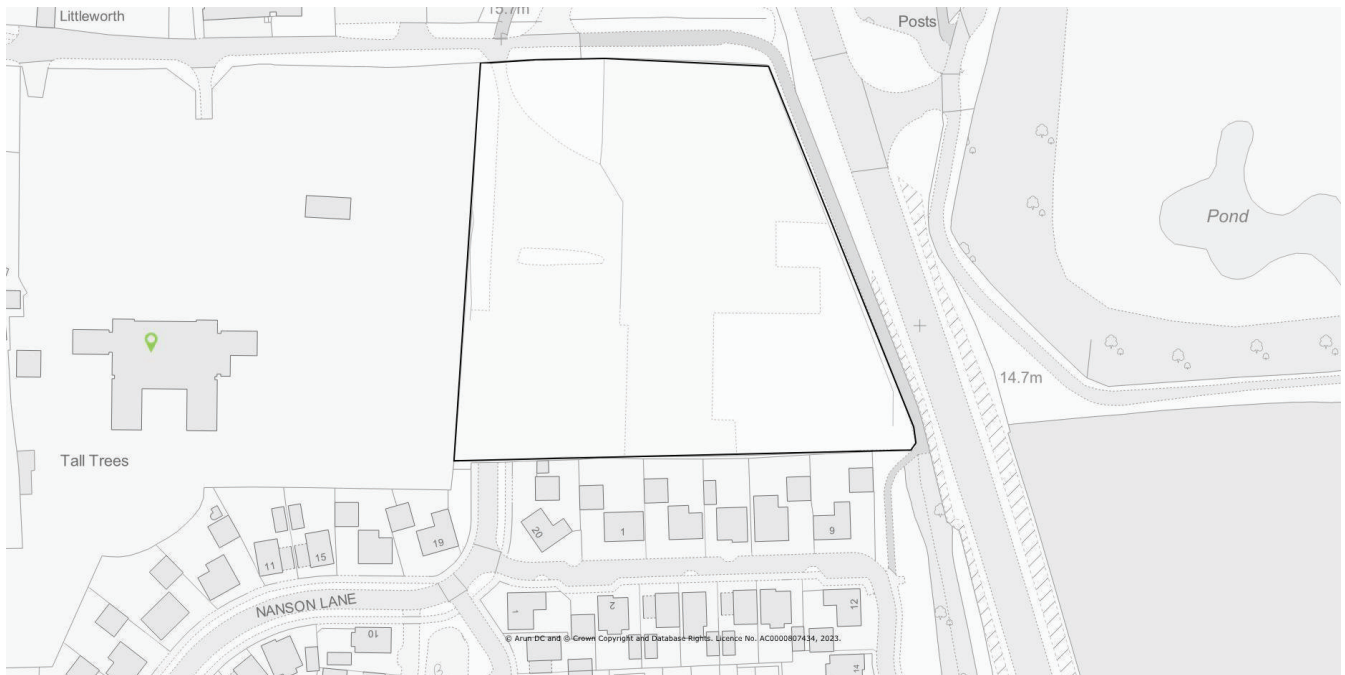
APPROVE

- 1 It is recommended that authority is delegated to the Group Head of Planning, in consultation with the Chair and Vice-Chair of the Planning Committee, to complete the deed of variation to the S106 dated 19th March 2015 and linked with A/51/14/OUT (Land at Manor Nursery, Roundstone Lane) to remove the Affordable Housing requirements subject to the incorporation of a late stage review mechanism.

#### **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/29/23/PO - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: AL/70/23/OUT

LOCATION: Land West of Lidsey Road (A29)  
Lidsey  
PO22 9RG

PROPOSAL: Outline planning application with all matters reserved except access for residential development of the site with up to 155 dwellings (Use Class C3), informal and formal public open space, landscaping, drainage, and other associated works. This application is a Departure from the Development Plan. This is Not CIL liable as Outline.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION Although layout is a reserved matter, an indicative layout has been provided which shows areas of new homes and an area of open space sited broadly centrally. The application uses the access from Lidsey Road approved by AL/129/21/OUT. This access arrangement is to be 7.3m wide (tapering to 5.5m inside the site) with additional 2m footways and will take the form of a bell mouth arrangement with 15m radii. It benefits from visibility splays of 2.4m by 160m and there is to be a ghost island in the carriageway to facilitate right turn waiting. The resultant Lidsey Road carriageway lanes will each be 3.25m wide. The approved scheme proposed a new footway along Lidsey Road between the new access and the existing footway outside April Cottage to the north.

The illustrative layout suggests a play area in the south-west corner and significant buffer planting (20m wide) along the western boundary. Internally, there would be 2m wide footways and shared surface drives at the end of some cul-de-sac spurs. Two farm access points are indicated into the adjacent field on the west side of the layout. These are to retain options for access in a reserved matters scheme to the adjacent arable fields. The plan includes a narrow strip of land running west alongside the landfill access, and it is understood this is required to facilitate a drainage connection to the ditch to the west.

SITE AREA 8.70 hectares but this includes the access to the site and the associated extent of road improvements previously approved by AL/129/21/OUT.

RESIDENTIAL DEVELOPMENT DENSITY The density of the area of land to be built on is (up to) 21.2 dwellings per hectare based on an area of 7.33 hectares (which excludes the previously approved access).

TOPOGRAPHY The land falls gently by approximately 2m from the northern

TREES	<p>boundary towards the south-western corner. This change in level is over a significant distance and the site appears predominantly flat. The eastern boundary adjoining Lidsey Road is raised slightly (by approximately 1m).</p> <p>There are relatively few trees in the site with most to the boundaries and as part of existing hedgerows. The tree plan indicates, based on the illustrative layout, that the following would be felled:</p> <ul style="list-style-type: none"> <li>- A class C Willow tree situated close to the western boundary.</li> <li>- Part of two groups of class C Cypress trees (refs G68 &amp; G74) on the northern boundary adjacent the site access.</li> <li>- Part of another group of class C Cypress trees (ref G75) on the northern boundary.</li> <li>- A footpath width sized part of a class C Hawthorn hedge close to Lidsey Road; and</li> <li>- Three parts of a group of class C Hawthorn/Willow trees running east/west centrally through the site.</li> </ul> <p>A Tree Preservation Order (TPO/AL/7/22) protects 9 Pedunculate Oak and 1 Ash on the site of AL/129/21/OUT.</p>
BOUNDARY TREATMENT	Mix of hedging, ditches and low timber/wire fencing. The western site boundary is currently undefined.
SITE CHARACTERISTICS	The site comprises parts of two agricultural fields separated east/west by a hedgerow. There is a ditch system running centrally through the site and along all boundaries except where the access will meet Lidsey Road.
CHARACTER OF LOCALITY	<p>The site is predominantly rural as it borders open fields and the surrounding landscape is agricultural fields, with relatively few residential properties. The adjoining residential properties are 1 and 2 Farrows Barn adjacent to the northern boundary which are single storey (barn conversions) with rear ground floor living and bedroom windows.</p> <p>To the west lies the Lidsey Landfill site which was closed and restored in 2017. The waste encapsulated in the site continues to degrade and produce liquid (leachate) and landfill gas. These waste degradation products are actively managed through a network of wells and pipework which take the leachate and landfill gas to the environmental management compound at the landfill site entrance on the east side of the site. The leachate is discharged to a sewer under an effluent discharge consent. The gas, which has a high proportion of methane, is used to generate green electricity as permitted by planning permission AL/88/06.</p>

<b>RELEVANT SITE HISTORY</b>
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AL/192/22/ESO

Environmental screening request for up to 155 No

ES Not Required



dwellings, associated landscaping, Public Open Space and associated infrastructure. 10-01-23

AL/129/21/OUT	Outline planning application with all matters reserved (except access) for residential development with up to 95no. dwellings (Use Class C3), informal and formal public open space, landscaping, drainage and other associated works. This application is a Departure from the Development Plan.	App Cond with S106 22-08-22
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AL/129/21/OUT was approved in August 2022 following a resolution by committee in April 2022. This application secured the access details and improvements which this new application now seeks to benefit from. AL/192/22/ESO was a request for an Environmental Impact Assessment (EIA) Screening Opinion and the Local Planning Authority confirmed in January 2023 that an EIA would not be required.

Pre-application advice was given in February 2023 for a development of up to 155 dwellings and concluded that:

"The proposal despite being outside of the BUAB, has to be considered to be sustainably located due to the presence of the existing approved scheme and the location of the BEW site opposite. The proposal would result in economic and social benefits including a contribution to the current HLS shortfall.

However, we have concerns about the harm to the character of the landscape in this location and the spread of development into open countryside. The harm is likely to be significant. We will need to weigh up potential harm to wildlife, loss of agricultural land and any pollution impacts. It is not possible at this time to say whether the proposal would be capable of officer support, but it is accepted that the Council's current HLS shortfall is significant, and the contribution of this application would be substantial. However, should the proposed changes to the NPPF go through before the application is determined then more weight would be afforded to the ANDP policies, and this could result in a refusal on grounds of the principle of residential development in the countryside and associated visual harm."

## REPRESENTATIONS

Aldingbourne Parish Council - Object:

- Outside the Built-Up Area Boundary (BUAB) / Departure from the development plan.
- Aldingbourne has exceeded its agreed housing allocation.
- Impact on the Singleton and Cocking Tunnels Special Area of Conservation.
- Loss of Grade 1 Agricultural land.
- Harm to the rural character.
- Trees and hedgerow are to be removed.
- Housing density is excessive; and
- The scheme does not integrate effectively with existing developments and does not show how access to the site will be used by all parties to the area.

Two resident objections raising the following concerns:

- The application is premature as it departs from the Aldingbourne Neighbourhood Development Plan

(ANDP).

- Loss of Grade 2 Agricultural land.
- No assessment of alternative sites.
- The site is a natural floodplain.
- The access is dangerous, and the Lidsey landfill access junction should be used instead.
- Cycling on the A29 is not viable due to unsafe road conditions.
- The site is in close proximity of the Lidsey Landfill site and will be subject to odour and ground pollution.
- Inadequate infrastructure in the area to cater for further development.
- Site address is incorrect and the application is unlawful (the site is in Lidsey and the postcode is wrong).
- Insufficient foul sewers to serve the development.

An objection has been received from Suez Recycling & Recovery UK who manage the closed landfill site at Lidsey on behalf of Lidsey Landfill Limited (LLL). This states that the supporting documents have not fully considered the activities being undertaken at the site and that the addition of new residential dwellings within 150m of the boundary of a Waste Management Facility will create new receptors for existing impacts. Suez request that further information is provided including details on noise and air quality assessment and mitigation as well as a landfill gas risk assessment.

Suez state if the planning authority is minded to approve this development, they would recommend that the levels of mitigation required are established prior to a decision on the application and that they are suitably effective and enforceable to ensure their implementation to protect the amenity of any possible future occupants and the ongoing management of the closed landfill.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

The majority of the objections are discussed in the content of the conclusions section with the exception of the following:

- There is no policy requirement to assess alternative sites. This would only be required if the site was in Flood Zone 2 or 3, but this site is designated as Flood Zone 1.
- The access has been approved (AL/129/21/OUT) and must be considered as safe.
- The site has been addressed by the Local Planning Authority not the applicant. Any errors does not make an application invalid.

The comments from Suez relating to the landfill site are discussed in the report's conclusions.

<b>CONSULTATIONS</b>
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#### **CONSULTATION RESPONSES RECEIVED:**

**NATIONAL HIGHWAYS** - originally requested further information in respect of a highway capacity analysis, consideration of committed/local plan developments, and a collision analysis. Stated permission should not be granted for 3 months from the date of the response (26/05/23) to allow the applicant to resolve outstanding matters.

**NATURAL ENGLAND** - state have no specific advice.

**SOUTHERN WATER** - no objection subject to an informative.

**SOUTH DOWN NATIONAL PARK AUTHORITY** - advise no comment.

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

WSCC WASTE & MINERALS - originally requested further information in the form of a Waste Infrastructure Statement.

WSCC HIGHWAYS - originally requested further information in respect of confirmation that junction stacking in the right turn lane can accommodate the additional capacity of the development, and further consideration from the Road Safety Auditor on the additional proposals for the development. Also advised:

- The separation between the proposed BEW roundabout and site access junction is acceptable.
- A reduction to 40mph on this part of the A29 has been discussed with the BEW developers, although at this stage this has not been fully confirmed.
- A connection will be provided that links to the footway provision in the AL/129/21/OUT development - this will facilitate pedestrian permeability between the site and the existing footway network.
- The site is sustainable.
- The submitted Travel Plan accords with WSCC guidance.
- Junction Capacity Assessments have been undertaken and demonstrate that the development will not have a 'severe', impact on the operation of the highway network; and
- The development is forecast to generate 4 peak hour movements across the level crossing, a level of traffic that would have an imperceptible impact on its existing operation.

WSCC FIRE & RESCUE - no objection subject to a condition to secure fire hydrants.

WSCC DRAINAGE - object based on inadequate information to meet current drainage policy and ensure flood risk does not increase elsewhere.

WSCC EDUCATION - objection due to it not being possible to expand secondary school provision for pupils arising from the development, and the lack of an allocated or secured site for a new secondary school. Until such time that the new secondary school has been built & opened, would require a contribution towards home to school transport in order to enable pupils to access schools outside the district.

ADC LANDSCAPE - no objection subject to a landscape scheme and provision of on-site play/open space. The potential impact on the location would require that landscaping be provided as mitigation towards screening and softening of the development. Consideration will be required re the access from the A29 and the impact this may have on trees and hedges on any boundaries. The SPD requires 12,788m<sup>2</sup> as a minimum of well connected, usable, quality POS provision. On site Local Areas for Play (LAP), Local Equipped Area of Play (LEAP) and Neighbourhood Equipped Area of Play (NEAP) provision will be required. The submission states the provision of 3no LAPs, 1no LEAP and 1no NEAP which would appear suitable provision for the development.

ADC ENVIRONMENTAL HEALTH - object due to insufficient information relating to noise from the ongoing management of the closed Lidsey landfill site (from the irregular gas flaring and from the leachate management function). Request more information regarding the impact of Sulphur oxides (SO<sub>x</sub>) from the Landfill site. Recommend conditions relating to contamination, hours of construction and asbestos.

ADC ECONOMIC DEVELOPMENT - request a condition to secure an Employment and Skills Plan.

ADC HOUSING STRATEGY & ENABLING MANAGER - no objection, require 30% affordable housing

comprising 67% affordable rented dwellings, 25% First Homes and 8% other intermediate ownership products.

ADC DRAINAGE ENGINEERS - no objection subject to standard conditions. State:

- The location of the access is unlikely to prejudice surface water drainage or increase flood risk onsite or elsewhere; and
- The developer has evidenced that infiltration is not viable therefore the design attenuates surface water on the site in various open features, before discharging it to watercourses that either bisect or bound the site at a restricted rate.

COUNCIL's ECOLOGIST - no objection subject to conditions to secure biodiversity mitigation and enhancement measures.

COUNCIL's ARCHAEOLOGIST - no objection subject to a condition. State agreement with the Desk Based Assessment Study with regard to the likely archaeological potential of this site.

### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted except as discussed below:

NATIONAL HIGHWAYS (NH) - the applicant provided further information and has been in communication with NH to seek to overcome their issues. On the 15th August, NH wrote to say that their holding objection has been lifted and they recommend no conditions.

WSCC WASTE & MINERALS - a Waste Infrastructure Statement was provided and passed to WSCC who confirmed no objection with the following comments:

- The 'no objection' is subject to the LPA being satisfied (in consultation with Environmental Health) that the delivery of the development would not introduce new sensitive receptors in the close proximity of the existing waste infrastructure.
- The determining authority should be satisfied that the submitted odour and noise assessments meet the relevant criteria as to ensure there would be no significant impact upon amenity.
- The current gas generation operation (AL/88/06), is restricted in that condition 6 specifies that noise rating levels shall not exceed noise limits (5db above background) at the nearest neighbouring receptor.
- While the distances of the existing nearby receptor (to the south) and the development are somewhat similar, if the proposal were to introduce buildings in a closer proximity to the site and the noise levels as specified in the condition are exceeded, then the waste permission would be in breach of its operational condition, which would cause complications for the restoration/aftercare of the landfill site.

WSCC HIGHWAYS - the applicant supplied information and WSCC Highways advise no objection subject to conditions (access and construction management plan) with the following comments:

- The Road Safety Auditor confirmed that based on the information, the junction would operate satisfactorily.
- The right turn lane on the A29 is 22.65m long and can accommodate approximately three cars; and
- The access junction has been tested for am/pm traffic levels associated with the 2023 & 2028 base levels plus committed and proposed developments - and no vehicles would be queuing on the A29.

WSCC DRAINAGE - whilst it is accepted that the NPPF requires details of drainage for major applications and this includes outline applications, the NPPG states "applicants need to submit a sustainable drainage strategy containing proportionate information on the proposed sustainable drainage



systems as part of their planning application". It is not proportionate to require full details of drainage at outline stage where layout has not been applied for. WSCC are not applying the policy requirements in a pragmatic way.

It is not unusual for this information to be provided at condition stage and is an approach which the LPA have taken in other applications. ADC's engineers confirm appropriate details can be secured by conditions. The conditions will be secured prior to commencement of the development, and if it is found that the drainage layout cannot be accommodated for any reason, the applicants will be required to submit amendments to the layout.

The applicant is corresponding with WSCC regarding the objection and any further comments will be reported at the meeting.

WSCC EDUCATION - this objection is due to the current inability to expand secondary school provision to accommodate pupils arising from the development (and other developments in the district) and the lack of an allocated or secured site for the delivery of the new secondary school. This development does not itself generate the need for a new secondary school and there is no policy requirement for the development to provide a school on site or to fund the whole cost of one elsewhere.

It is material that CIL contributions can be used to fund new school facilities and the developer will be liable for such. WSCC raised similar concerns in respect of the recent Land South of Barnham Station appeal, but the Inspector dismissed this stating "if allowed, the appeal proposal would be subject to a CIL liability in terms of contributing to wider infrastructure needs such as health and education". It is important to ensure consistency of decision making."

It has been agreed with WSCC that ADC will revisit looking at potential secondary school sites, but it is unreasonable to reject this application solely on the absence of a secured school site when an appropriate contribution through CIL will be secured towards its delivery. The requested school transport contribution will be secured through the s106 agreement.

ADC ENVIRONMENTAL HEALTH (EH) - in response to concerns, the applicant provided additional documents regarding the closed landfill site. These comprise an addendum noise assessment, an addendum air quality assessment, and a waste infrastructure statement addendum. These have been forwarded to EH and any subsequent comments will be reported at the meeting. The requested asbestos condition will not be included as it clearly states it is required for buildings and there are no buildings on the land.

#### **POLICY CONTEXT**

Designations applicable to site:

- Outside the Built-Up Area Boundary (BUAB).
- Within the 250m consultation area of Lidsey Landfill. \*
- Adjacent to the A29.
- Part opposite the BEW Strategic Allocation.
- Current/Future Flood Zone 1.
- Tree Preservation Order ref TPO/AL/1/22.
- Within a WSCC Waste Site Buffer.
- Grade 2 Agricultural Land.
- CIL Zone 3.
- Part within 12km of the Singleton & Cocking Tunnels Special Area of Conservation.
- Area of Advert Special Control; and



- Part in an Archaeological Notification Area.

There are no Public Rights of Way in or immediately adjacent to the site - footpath ADL291 to the west of the site is closed until the restoration of the landfill site is completed.

\* The Lidsey Landfill site stopped accepting non-inert waste in December 2015 and is in the process of restoration and aftercare. There are related waste permissions at the site (a leachate storage compound and electricity generation from landfill gas).

## DEVELOPMENT PLAN POLICIES

### Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
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
HDM1	H DM1 Housing mix
HERDM6	HER DM6 Sites of Archaeological Interest
HERSP1	HER SP1 The Historic Environment
GISP1	GI SP1 Green Infrastructure and Development
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SKILLSSP1	SKILLS SP1 Employment and Skills
1	
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

West Sussex Waste Local Plan 2014:

	West Sussex Waste W2 Safeguarding Waste Management Sites
<u>Aldingbourne Neighbourhood Plan 2019-31 Policy EH1</u>	Built up area boundary
Aldingbourne Neighbourhood Plan 2019-31 Policy EH3	Development of agricultural land
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 EE8	Communications infrastructure
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 GA2	Footpath and cycle path network
Aldingbourne Neighbourhood Plan 2019-31 Policy GA3	Parking and new developments
Aldingbourne Neighbourhood Plan 2019-31 Policy LC4	Provision of allotments
Aldingbourne Neighbourhood Plan 2019-31 Policy H1 2019	Provide Housing to meet District Council allocation
Aldingbourne Neighbourhood Plan 2019-31 Policy H2	Housing Mix
Aldingbourne Neighbourhood Plan 2019-31 Policy H3	Housing Density
Aldingbourne Neighbourhood Plan 2019-31 Policy H4	Affordable Housing
Aldingbourne Neighbourhood Plan 2019-31 Policy H7	Development in the vicinity of businesses
Aldingbourne Neighbourhood Plan 2019-31 Policy H8	Outdoor space
Aldingbourne Neighbourhood Plan 2019-31 Policy H9	Attention to detail

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

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, 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 Aldingbourne Neighbourhood Development Plan (ANDP) was made on 14/07/21 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 conflicts with the development plan in that it would result in development outside of the defined settlement boundary and the loss of grade 2 agricultural land. There are conflicts with the specific requirements of Arun Local Plan policies SO DM1 & W DM1 and with the ANDP in respect of the loss of agricultural land and the lack of evidence about local housing need.

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 set out in the conclusions section below.

**CONCLUSIONS****PRINCIPLE:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For this application, the development plan comprises the Arun Local Plan 2011-2031 (ALP), the Aldingbourne Neighbourhood Development Plan (ANDP) and the West Sussex Waste and Minerals Plans.

Section 38(5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area, conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, any conflict between the ALP and the ANDP should be resolved in favour of the latter.

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

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

In January 2023, the council published its Authority Monitoring Report (AMR) for 2021/22 and this shows that the Housing Land Supply (HLS) is 2.36 years. On the basis of the current HLS and the age of the ANDP, para 14 of the NPPF does not apply. It is acknowledged that Aldingbourne has significantly contributed to housing development. There is still an unmet need across the district and this needs to be considered in all locations despite previous contributions.

On the basis of the new AMR, the policies most important for the determination in the ALP (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land. The revised ANDP is relatively recent but due to the HLS being below 3 years does not benefit from the weight given to recently made plans from para 14 of the NPPF and so the presumption in favour of sustainable development is unaffected by the ANDP.

Arun Local Plan:

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 conflicts with ALP policies C SP1 and SD SP2.

Aldingbourne Neighbourhood Development Plan:

The ANDP was made on 14/07/21 and shows the site outside the BUAB. Policy EH1 recognises the need to provide more housing to meet the housing land shortfall defined by the ALP and so provides an opportunity for development outside the BUAB provided it meets various criteria. Policy GA1 is relevant but has the same requirements as part (v) of EH1. The following is an analysis of the EH1 criteria:

(i) The proposal would contribute up to 6.7% towards the current annual housing requirement and is clearly proportionate to the current housing supply shortfall as defined by the ALP. It is unclear from the submission how this proposal will meet specific needs of Aldingbourne particularly as according to ANDP policy H1 2019, the Parish has exceeded its allocation by 48 units. Albeit that it would first be necessary to secure a reserved matters consent, the applicant has stated that the site is proposed for delivery in the short term.

(ii) A Landscape Visual Impact Assessment (LVIA) has been submitted. This states the site has capacity

to accommodate and integrate, overtime, residential development of the scale and nature envisaged without significant adverse effects in landscape and visual terms. The Councils Landscape Officer raised no objections on landscape matters.

(iii) Matters of layout, scale, appearance & landscaping are reserved for a future application, but it is clear from the indicative layout that the site can be integrated with existing development and is of a density appropriate to the location.

(iv) An Appropriate Assessment has been undertaken and this concludes that subject to conditions being imposed, there will be no adverse effect on the integrity of the Singleton and Cocking Tunnels SAC.

(v) This report concludes that although the site will be car reliant, when considering the NPPF as a whole, it is a sustainable site. The site adjoins land approved by AL/129/21/OUT and is opposite to the western edge of the BEW strategic allocation (which is part of the BUAB).

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

(vii) The site does not lie in 50m of any of the ANDP's biodiversity corridors.

There is a slight conflict in respect of (a) in that the proposal does not make it clear how it relates to the needs of the Aldingbourne Parish but otherwise the proposal complies with the policy requirements.

The National Planning Policy Framework (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.

#### 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 (20AL2) was stated to be 'deliverable' in the 2021 HELAA and so does 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 there is BUAB to the immediate east (on the opposite side of the road). 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

The proposal, despite being outside the BUAB, is sustainably located as it is to the immediate south of Aldingbourne and is west of the edge of the BEW strategic allocation. It will be possible for residents to use non-car means of transport to access schools, pubs, shops, and other services. The site will link with the development approved by AL/129/21/OUT which benefits from new footway on Lidsey Road and enables residents to walk safely to access services/facilities to the north including the bus stops outside the Wings site. The Design and Access Statement shows the proximity of nearby facilities.



The site entrance will be not far to the north of the proposed A29 roundabout and entrance to BEW so that residents will in the future be able to access facilities and services in Barnham by heading east through the BEW development. Whilst the private car could be required for longer distances, new residents would not need to rely on a car for local journeys and although public transport may not be particularly attractive in terms of frequency, it does exist as an alternative. The eventual residential scheme will include secure cycle storage and electric vehicle charge points.

Conclusion on Matters of Principle:

The principle of development on this site conflicts with the ALP but is broadly in accordance with policy EH1 of the ANDP and the conflict between the two would be resolved in favour of the newer ANDP. Even if it were considered that the proposal conflicts with policy EH1 (due to a lack of information as to how the proposal meets the needs of Aldingbourne), because the Councils HLS is below 3 years, paragraph 14 of the NPPF would not apply and the application would then fall to be determined by the NPPF presumption in favour of sustainable development under paragraph 11(d).

PREMATURITY:

Para 49 of the NPPF states a refusal on prematurity grounds will only be justified where the development would undermine an emerging development plan and the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. Neither of these circumstances apply as the ANDP is a made plan. The application cannot be said to be premature.

AGRICULTURAL LAND:

The application is accompanied by an Agricultural Land Classification and Soil Resources Report (ALC) which concludes that 7.8ha of the site is Grade 2 (very good quality) with 0.9ha as non-agricultural. The documents do not comment on recent agricultural activities at the site, but photographic and site visit evidence suggests fields have been ploughed recently and have been planted with crops. There is potential for such arable agricultural activities to continue.

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the ALC for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term. ANDP policy EH3 states development proposals affecting best and most versatile agricultural land will be resisted unless it can be demonstrated that the need for the development clearly outweighs the harm.

In allowing an appeal (Y/62/18/OUT) at Clays Farm, which concerned a refusal on loss of grade 2 agricultural land, the Inspector noted the site was not being used for agriculture and that there was no evidence that the site would be so used in the future. The Inspector stated whilst this does not in itself justify the loss of agricultural land, it does act to reduce the level of environmental and economic harm caused by its development. The Inspector considered that the loss of the grade 2 agricultural land represented only moderate harm and that the benefits of 33 new homes outweighed this harm.

Although this land is (or has until very recently been) used for crops, the Councils housing land supply shortfall is significant and agricultural land will need to be built on to meet the shortfall. Sites that are close to existing settlement boundaries such as this would be preferred to meet this need. The three separate field nature of the site is a potential constraint to continued agricultural viability as larger tracts of land are preferred in the interests of efficiency.

Policy SO DM1 makes it clear that in order to fully justify the loss of the agricultural land, the policy

criteria (a) to (b) and (d) to (g) should be met. These require assessment of the land's economic status, the land's environmental & other benefits and mitigation measures. The applicant has not responded to these criteria and has not provided a Soil Resource Plan (SRP). Whilst the need for the development is accepted, there is conflict with the remaining parts of the policy. A condition can be imposed to secure a SRP to protect and secure reuse of the important soils.

On a recent appeal (P/178/21/OUT), the Inspector ruled a conflict with the soil policy but determined, in the overall balancing exercise, that this conflict was outweighed by the scheme's benefits. The Inspector gave the loss of agricultural land moderate weight and stated that the shortfall in housing land supply is significant - and is likely to continue for some time with no imminent remedy through the plan making process. The Inspector noted that most countryside surrounding the main coastal towns in Arun is characterised as BMV land, but it is difficult to avoid new development on the edge of such settlements resulting in the loss of some high value agricultural land.

#### ARCHAEOLOGY:

ALP Policy HER DM6 states that where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires a desk based archaeological assessment be submitted and one has been submitted. The council's Archaeologist raises no objections and there is no conflict with policy HER DM6.

#### 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 GA2 states support will be given to proposals that improve walking & cycling routes whilst 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 application proposes to take access from Lidsey Road using the access junction/road approved by AL/129/21/OUT. This will be 7.3m wide (tapering to 5.5m inside the site) with additional 2m footways and will take the form of a bellmouth arrangement with 15m radii & visibility splays of 2.4m by 160m. The approved access provides new 2m wide footway on Lidsey Road between the new access and existing footway outside April Cottage to the north (a distance of 125m). This new application provides road and pedestrian links with the approved development to enable people to access the new footway to head north to Aldingbourne. All other field gate accesses would be stopped up and there are no planned connections to the Lidsey landfill access to the south. The application states the site access arrangements approved as part of AL/129/21/OUT are appropriate to serve the new proposal.

The comments of WSCC Highways are set out in full on the Councils website and summarised elsewhere in this report. They raise no objection and consider that there would not be an unacceptable

impact on highway safety, and no severe residual cumulative impacts on the road network.

As there are no details as to layout, size of the houses or the exact form of parking spaces, it is not appropriate to consider parking provision. Compliance with the Arun Parking Standards SPD will be considered at reserved matters stage. This includes a requirement to ensure 5% of all spaces are suitable for the disabled and a condition is included to remind the developer of this requirement.

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

#### LANDSCAPE, CHARACTER & DENSITY:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the particular characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. ANDP policy H3 states density should be appropriate to location.

Section G of the Arun Design Guide (ADG) suggests a density of 5-15 for detached/semi-detached houses and 15-20 for terraced houses in rural locations but 15-25 for detached/semi-detached houses and 20-30 for terraced houses in the 6 village areas. The ADG states the density should be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character. The illustrative layout plan shows a mix of detached, semi-detached and terraced housing. The density is up to 21.2 dwellings per hectare (dph). This compares favourably with the density on the adjoining site of up to 26.9 dwellings per hectare (dph). It is material that permission is applied for up to 155 dwellings and so the Local Planning Authority (LPA) would be able to seek a lower number of dwellings at reserved matters stage should this be required following assessment versus the detailed design policies.

The application is outline and does not seek the approval of layout, external appearance, scale, or landscaping. The illustrative masterplan suggests the site layout will ensure significant buffer planting to the western boundary (where the site adjoins open fields). The other boundaries are with the landfill access track (south), Lidsey Road (east) and part horticultural development, part approved residential land (north). The site plan suggests tree planting to other boundaries except where the site adjoins an existing access track to the west of Farrows Barn (northern boundary). The applicant supplied a composite illustrative layout plan covering this site and the approved. This shows the two indicative layouts match up. The indicative layouts are not endorsed by this recommendation as there is potential for significant improvements to be made to layout, open space and movement around the sites.

At pre-application stage, officers expressed concerns with the proposed spread of development west and south from the approved scheme into open countryside. At the same time, it is recognised that the land on the east side of Lidsey Road is part of the BEW strategic allocation and so the site frontage will in the future face part of the BEW frontage. This serves to limit the harm arising from the southern spread of the development. The western spread aligns with the existing extent of horticultural development to the north.

There is a Public Right of Way (PRoW) to the west of the site around 500m from the western edge and photographs in the Landscape and Visual Impact Assessment (LVIA) suggest existing trees will screen the site from view. There will be views from Lidsey Road notably where there are existing gaps in the frontage landscaping. As there is no public footway, the site will only be viewed by passing motorists/cyclists or by existing nearby residents (Fox Cottage, Headholme Cottage, Headhone Barns). Any views from the private track to the north or from the Lidsey landfill access track to the south will be

experienced by relatively few people. These views will not persist as landscaping is indicated to existing boundaries and over time this will steadily diminish the existing views.

The submitted LVIA states that:

- Western and southern landscape buffers will be key to creating a well-defined settlement edge, restoring former field patterns in places, and appropriately extending the current perceived built settlement edge southwards whilst maintaining the enclosed character of the immediate locality and ensuring a positive transition with the wider arable context.
- The effects to both the landscape character and visual amenity are restricted to very localised receptors; and
- The effects have been considered in combination with the wider BEW site and adjacent permitted scheme directly north.

Although the development will result in some visual change to the character of Lidsey Road, this change needs to be considered relative to its significance as well as being balanced against the need for housing. The Councils Landscape Officer raises no objections subject to landscaping being secured and it is not considered that the impacts on character would significantly outweigh the presumption in favour of sustainable development.

The proposal is acceptable in respect to density, landscape and character and there is no conflict with relevant policies.

#### 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.

It is appropriate to ensure the proposed (up to) 155 homes can be achieved without giving rise to harm to existing residential properties. There are two existing dwellings that border the site (1 & 2 Farrows Barn on the northern edge), and the layout suggests that landscaping/open space will be provided on two sides of this. This will ensure no impact to these properties. Subject to a more detailed consideration of privacy issues at the reserved matters stage, there is no conflict with ALP policies D DM1 or QE SP1.

#### AIR POLLUTION:

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network.

Both the indicated layout and the footway improvements proposed by AL/129/21/OUT ensure residents can safely walk out of the site and north towards nearby services/facilities. Confident cyclists can use Lidsey Road to reach destinations to the north and south. Electric vehicle charging points and cycle storage facilities will promote the use of non-car means of travel and so potentially reduce vehicle emissions. The provision of high-speed broadband will allow for homeworking.

The submitted Air Quality Assessment (AQA) concludes the operation of the development is not expected to introduce new receptors into an area of poor air quality, nor is anticipated to significantly impact on local air quality with regards to traffic generation. It states that the following measures will be introduced in order to reduce any impacts: the provision of Electric Vehicle Charging Points, cycle



storage facilities, the implementation of a Travel Plan, improvements/connections to cycle paths and the local cycle network, and the planting of green infrastructure.

An odour assessment assesses the potential for odours associated with the Lidsey Landfill Site and Lidsey Wastewater Treatment Works. This states the presence of odour associated with a gas flare at the Lidsey Landfill Site was recorded during two of the three surveys conducted, at locations adjacent to the flare stack. Sampling in locations where proposed high risk (residential) receptors are set to be situated in the masterplan, all returned a 'Negligible' exposure risk.

The AQA states additional modelling to assess the impact of the neighbouring Landfill's gas generators on proposed residential receptors has been undertaken but the annual mean and short-term air quality standards are not anticipated to be exceeded at the development as a result of the operation of the landfill gas generators.

Following the Suez objection and the comments of the Environmental Health Officer (EHO), the applicant provided an addendum to the AQA which assesses an additional pollutant emitted from the landfill gas generators - sulphur dioxide (SO<sub>2</sub>). This includes modelling and assessment of SO<sub>2</sub> and concludes that none of the UK Air Quality Standards are anticipated to be exceeded at the development as a result of the operation of the gas generators. On this basis, the report states the development is expected to comply with all relevant local and national air quality policy.

The EHO has been consulted on the updated AQA and subsequent comments will be reported at the meeting. WSCC Minerals & Waste assessed the Waste Infrastructure Statement and state no objection (although this is subject to the EHO lifting their concerns). The council consulted with the Environment Agency (EA), but they have not responded. The EA stated on the last application that the consultation request fell outside their statutory external consultation checklist and they had no comments.

Subject to confirmation from the EHO, the proposal will accord with the relevant development plan policies.

#### NOISE POLLUTION:

Policy QE DM1 states that residential development likely to experience road or rail noise must (a) be supported by a noise exposure category assessment and designed to ensure that residents will not be adversely affected by noise; and (b) consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future.

The application is accompanied by a Noise Impact Assessment (NIA) which recommends acoustically rated windows and ventilation to habitable rooms. It concludes that with these mitigations, noise in habitable rooms would be appropriate and that daytime external noise levels will be lower than acceptable levels. The EHO raised no objections in respect of road noise but following the Suez objection, has requested further information in respect of the potential for noise from the ongoing management of the closed Lidsey landfill site (related to the gas flaring and leachate management activities).

The applicant provided an addendum to the NIA which includes assessment of noise impacts relating to the activities at Lidsey Landfill. The addendum shows noise from the landfill did not affect monitored locations in the site boundary. It concludes "the landfill plant would have a lower than adverse impact on the proposed development and there would be no breach of the landfill site's noise-related planning conditions as a result of the new development."

The planning permission associated with the gas management infrastructure (which Suez operate) has a



condition which states "The rating level of the noise emitted from the site hereby approved shall not, at any time, exceed the background noise levels (LA90, T) at the nearest noise-sensitive premises by more than 5 dB(A). The measurements and assessment shall be made according to BS 4142: 1997." The noise assessment addendum shows that whilst the development introduces new sensitive receptors, the stated noise limits will not be exceeded in the site area.

The EHO has been consulted on the updated assessment and any subsequent comments will be reported at the meeting. Subject to confirmation from the EHO, the proposal will accord with the relevant development plan policies.

#### **LIGHT POLLUTION:**

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. Further, that schemes proposing outdoor lighting be accompanied by an assessment. 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 Design and Access Statement states lighting will be covered at reserved matters stage but will seek to avoid impacts on sensitive habitats, foraging and commuting routes. It is agreed lighting can be reserved to a condition and this will ensure lighting is designed to be sensitive to bats/other wildlife using site boundaries. There are no conflicts with relevant policies.

#### **CONTAMINATION:**

ALP Policy QE DM4 states development will be permitted on land that is contaminated as long as remediation is provided. The Preliminary Ground Contamination Risk Assessment states the site has comprised agricultural fields since the earliest mapping (1876). Aside from minor developments of agricultural buildings on the northernmost part of the site, the site has remained in agricultural use since that time. The report identifies potential pollutant linkages associated with localised historical development on the northern boundary and the landfill site to the south-west.

The EHO raises no objection subject to a standard pre-commencement contamination condition. With this in place, remediation can be secured, and the proposal will thus be in accordance with the policy.

#### **TREES:**

ALP policy ENV DM4 states trees protected by TPO, those forming Ancient Woodland, in a Conservation Area or that otherwise contribute to local amenity should not be damaged or felled unless the benefits of the development outweigh the loss. Similarly, ANDP policy EH6 states loss of trees contributing to amenity can be sanctioned where the benefits outweigh the loss.

The application proposes to remove several small low value/non-native trees forming part of self-seeded/un-managed hedgerows in the site. These are predominantly Cypress but do include Willow and Hawthorn. The adjacent site is subject to a TPO which protects 9 Pedunculate Oak and 1 Ash tree four of which are on the southern side of the access. The illustrative layout suggests no impact on these trees which will be within open space.

The council's tree officer has not responded but on the previous application, the officer raised no objections, and it is material that the important trees on the two sites (which lie around the shared access) have been protected and that there is no firm layout yet to assess in respect of the relationship

of development to trees.

Landscaping will be assessed at reserved matters stage and the council will require two trees are planted for each lost and that new hedgerow is planted to replaced that lost. This will be included in a condition. Tree and hedgerow loss are required to facilitate the development, but this is not excessive and there will be space available on site to allow tree planting on a 2:1 ratio. The benefits of this development to the Councils HLS outweigh the limited harm in respect of the lost trees and 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.

Around half of the site is in the 12km buffer zone for the Singleton and Cocking Tunnels Special Area of Conservation (SAC). ANDP policy EH12 2019 states proposals for development of greenfield sites in this area 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 tree lines. Such features should be retained unless it is proven that they are not used by Barbastrelle, Bechstein or other bats linked with nearby roosting sites.

The application is accompanied by an Ecological Impact Assessment (ECIA) Lighting & Reptile Strategy Addendum (LRSA) and a Habitats Regulations Screening Statement & Appropriate Assessment (HRSS). The ECIA found evidence of reptiles, foraging and commuting bats, breeding bird species and overwintering bird species. No evidence of badgers, dormice or great crested newts was found. The report recommends mitigation measures including habitat creation and management.

The ECIA identified a likely negative impact on bats and reptiles significant at a local level and recommends a sensitive lighting plan to include dark corridors and a greenspace buffer providing additional habitat for reptiles within the site. The LRSA provides detail on this measure - with site boundaries being retained as a dark, wild area. The council's ecologist states no objection subject to conditions to secure biodiversity mitigation and enhancement measures.

The HRSS was commissioned to determine any likely significant effects of the residential development on the SAC and its qualifying features. It concludes no likely significant effects alone or in combination with other plans and projects. Using the information contained in the supporting documents, the council prepared a screening report as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). This concludes there are no likely significant effects on/no adverse effect on the integrity of the Singleton & Cocking Tunnels SAC. Natural England were requested to review this and have advised in response that they have no comments to make. On this basis, there is no conflict with ANDP policy EH12 2019.

The proposal results in the loss of some or all of five tree groups plus a small section of Hawthorne hedge. The loss of the native species (Willow, Hawthorn) is unfortunate but will be compensated for with new native species to be detailed at reserved matters stage. This will ensure these losses are fully mitigated. Other biodiversity enhancement measures can be secured through conditions. The proposal complies with the relevant policies.

#### **FLOODING & SURFACE WATER DRAINAGE:**

The site is not affected by current or future flooding from rivers/sea and is in Flood Zone 1. 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. ANDP policy EH5 requires new development make appropriate provision for accommodating the surface water arising from the development.

The surface water drainage strategy is to attenuate water in basins or other shallow SuDS features before discharging at a restricted rate (and treating it prior to discharge) to the existing watercourses adjacent to the site that drain to the west. The system is likely to feature swales, filter strips and filter drains. No objections are raised to the approach and the detailed elements can be secured by condition. On this basis, there is no conflict with the relevant policies.

#### **FOUL DRAINAGE:**

The site falls in the Lidsey Wastewater Treatment Catchment Area and ALP policy W DM1 states major developments must demonstrate that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. Policy W DM1 states a drainage impact assessment (DIA) is required for major proposals. ANDP policy EH5 requires new development make appropriate provision for accommodating foul water arising from the development.

The application is not accompanied by a full DIA with foul drainage covered as a part of the submitted Flood Risk and Drainage Statement. This states the site will drain to the existing foul main sewer network that serves Woodgate House. A mix of gravity drainage and pumping will be used depending on the levels on a particular part of the site.

Southern Water advise no objection. They have undertaken a desktop study of the impact that the additional foul sewerage flows from the development will have on the existing public sewer network, and this indicates additional flows may lead to an increased risk of foul flooding from the sewer network but any network reinforcement deemed necessary will be provided by Southern Water.

A residential developer has a right to connect to the existing sewerage system with any offsite network improvements undertaken by Southern Water using revenue they collect from by their Infrastructure Charging Scheme.

Although there is a conflict with policy W DM1 due to no Drainage Impact Assessment, this conflict is minor, and it is material that neither Southern Water nor the council's drainage engineers object.

#### **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 that new development be designed to adapt to impacts arising from climate change and that all major developments must produce 10% of total predicted energy requirements from renewables unless unviable.

The application suggests the dwellings will be designed to conform with prevailing requirements and standards in respect of energy efficiency and performance and reducing water consumption. Conditions will need to be imposed to ensure that the policy requirements are incorporated into the reserved matters application and the final build. This will ensure compliance with the relevant policies.

#### **HOMES FOR OLDER PEOPLE:**

ANDP Policy H2 states proposals where at least 25% of dwellings meet Lifetime Home Standards, or its equivalent, will be supported. This does not mean that it is a requirement of this policy. Lifetime Home standards no longer exist, and the equivalent current standard is contained in part M4 of the Building Regulations.

Arun DC has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration and is supported by references in ALP policies D DM1 & D DM2.

It is not possible to determine the proposal against these policies due to layout not being for consideration and there being no clear indication of the precise exact number of dwellings. A condition has been included in the recommendation to require that the reserved matters scheme take account of these requirements.

#### **AFFORDABLE HOUSING:**

As per ANDP policy H4, developments over 10 residential units require a minimum provision of 30% affordable housing on site. The Housing Strategy & Enabling Manager raised no objection as long as the requisite amount of affordable housing is secured by a s106 legal agreement. On this basis, the proposal accords with policy AH SP2. The s106 will be written to include local housing clauses and to involve the Aldingbourne Barnham & Eastergate Community Land Trust (ABECLT).

#### **PUBLIC OPEN SPACE & PLAY:**

ALP policy OSR DM1 states housing developments must provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The Councils SPD "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement (based on 155 homes) for 12,788m<sup>2</sup> of Public Open Space (POS) including 1,876m<sup>2</sup> of play provision comprising of a mix of on-site Neighbourhood Equipped Area of Play (NEAP), Local Areas of Play (LAP) and Local Equipped Area of Play (LEAP).

The on-site POS & play can be secured by conditions and are not dependent on the agreement of the s106 agreement. As it is not possible to secure any off-site contributions through a s106 Agreement due to CIL, contributions to other sport/recreation/fitness provision would instead need to be funded by CIL. On the basis that on-site POS and play would be secured by conditions, there would be no conflict with ALP policy OSR DM1.

#### **SUPPORTING INFRASTRUCTURE:**

ALP policy INF SP1 requires proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and existing community. This development would be liable for CIL, but it is not possible to calculate the amount until reserved matters stage. Infrastructure providers such as WSCC and the NHS would be able to bid for a portion of the CIL payments collected to spend on their own projects. The Parish Council will also be provided with a percentage of the CIL receipts (25%) to spend. These payments go towards providing the infrastructure that the district needs to support existing and future development.

Objectors are concerned that there is insufficient infrastructure to support new housing. There can be no conflict with policy INF SP1 if the development provides a CIL contribution. It is then the responsibility of external bodies to implement the necessary infrastructure.



National Highways (NH) have not specifically requested a financial contribution to improving the A27. They state that for windfall sites which in isolation do not have an impact on A27, they are reverting to Arun District Council to consider whether they need to collect a proportionate contribution because of the cumulative impacts of these windfall sites (which are beyond what was modelled at Local Plan stage). It is material however that a contribution was sought on the previous application (£48,980.10 towards mitigation measures on the A27 between the A27/B2233 Nyton Road junction and the A27/A280 Patching dumbbell roundabout). Given that this application represents an extension of the previous permission, it has been determined necessary to seek a similar contribution despite NH not specifically requesting one. On the previous application, NH specified that the contribution was to be £515.58 per dwelling (index linked from 2017 prices) and so a contribution will be sought on this basis.

Paragraph 5 of the most up-to-date ADC Community Infrastructure Funding Statement details ADC's CIL infrastructure list which does not include strategic highways. It is evident that no ADC CIL money will be spent on strategic highways. Paragraph 6.3 makes it clear that ADC do not generally collect via s106 for strategic highways (i.e., the strategic road network as managed by NH) and there is nothing in WSCC CIL Infrastructure Funding Statement that indicates that CIL will be passed on to NH where there are impacts on the strategic road network. It is clear that NH would object unless the LPA seeks to collect the contribution towards mitigation measures on the A27.

In addition, WSCC Education request a school transport contribution, and this will also be secured through the s106. Subject to the applicant entering into a s106 Agreement to secure the contributions, affordable housing and a Travel Plan (plus associated monitoring/auditing fee) then there would be no conflict with ALP policy INF SP1.

**SUMMARY:**

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year HLS (currently 2.36-years), para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is 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 (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.

In respect of the part (ii) test, the report identifies that the proposal is in conflict with the council's policies in respect of: development in the countryside; and the loss of high-grade agricultural land.

The site is sustainable, and the scheme will result in significant benefits to the local and wider area such as new housing (including affordable housing), the creation/retention of construction jobs, new income to the council, spending by future residents on local shops/services, infrastructure improvements across the district and biodiversity enhancements.

The weight to be applied to the contribution of housing development to the HLS was discussed in a recent appeal concerning a site in Pagham (APP/C3810/W/22/3302023). The appellants presented an analysis of recent appeal decisions. Whilst there were no cases directly comparable in number to this application, the evidence suggested more than 30 dwellings should be considered substantial/significant and given the worsening HLS, even smaller developments should weigh heavily in favour. The appeal was for 106 new homes and the Inspector afforded this significant weight.



It would be appropriate in this case to allocate substantial/significant weight to the contribution to the housing shortfall. In that appeal, the Inspector afforded significant weight to the delivery of affordable housing and moderate weight to the economic benefits and biodiversity net gain. The loss of the agricultural land is unfortunate, but the policy does allow for development of such land where there is a clear need. On this basis, it would be appropriate to allocate only moderate weight to the loss of this resource. Development in the countryside is against policy but such a refusal reason would not be sustainable unless there was associated harm and this report finds none. There is policy conflict with ALP policy W DM1, but this does not generate any harm.

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

**RECOMMENDATION:**

The recommendation is for the Planning Committee to delegate to the Group Head of Planning in consultation with the Chair or Vice Chair with authority to:

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

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

- (1) In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision and is thereby contrary to the aims and objectives of the NPPF and policy AH SP2 of the Arun Local Plan.
- (2) In the absence of a signed Section 106 agreement, the development will not provide the highway improvements necessary to deliver the development & mitigate any residual harm to the local and strategic road network and is thereby contrary to ALP policies T SP1, T DM1 and the NPPF.
- (3) In the absence of a signed Section 106 agreement, the development will not provide the contribution required to mitigate the additional cost of transporting to secondary school pupils to the nearest school and is thereby contrary to ALP policy INF SP1 and the NPPF.

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

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

## DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

## SECTION 106 DETAILS

This decision will be subject to a s106 legal agreement to secure the following obligations:

(1) The provision of 30% affordable dwellings (consisting of 67% affordable rented, 25% First Homes & 8% Intermediate). The s106 will be tailored to include local housing clauses and involve the Aldingbourne, Barnham, and Eastergate Community Land Trust.

(2) A contribution of £515.58 per new dwelling (index linked from 2017 prices) from this application site towards mitigation measures on the A27 between the A27/B2233 Nyton Road junction and the A27/A280 Patching dumbbell roundabout.

(3) A Travel Plan and its associated fee of £3,500 (at the time of writing) for monitoring and auditing of the Travel Plan.

(4) A Secondary School Transport Contribution in accordance with the published formula.

## CIL DETAILS

This is not currently liable for CIL due to being at outline stage. Instead CIL will be calculated on the reserved matters application.

## RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

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

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

2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

Dwg No 2150-DLA-XXX-XXX-DR-L-L28-S02 Location Plan.  
Dwg 36 Rev F Proposed Access Arrangements Sheet 1 of 3.  
Dwg 36 Rev F Proposed Access Arrangements Sheet 2 of 3; and  
Dwg 36 Rev F Proposed Access Arrangements Sheet 3 of 3.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1, D DM1, QE SP1, QE DM3, T SP1 and T 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 Ecological Impact Assessment (The Ecology Co-op, December 2022) and Lighting and Reptile Strategy Addendum (The Ecology Co-op, January 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 in accordance with policy ENV DM5 of the Arun Local Plan and 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 Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 5 The development shall achieve a minimum of 10% energy supply reduction from either the use of decentralised/renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). 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 on site energy use in accordance with policy ECC SP2 of the Arun Local Plan and the NPPF.

- 6 The landscape and layout details to be submitted pursuant to condition 1 shall include the following items:

(1) Details of all existing trees and hedgerows on the land indicating which are to be retained and which are to be removed. These required details are to include a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule', a 'Tree Constraints Plan', and in the event that a root protection area of any tree which is proposed for retention overlaps the development, then an 'Arboricultural Method Statement' and a 'Tree Protection Plan'. Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted, or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

(2) Full landscaping details including the use of native trees and compensatory planting on the basis of 2 trees/hedge units for every 1 lost.

(3) Details of the position, design, materials, height, and type of all boundary treatments to be provided. The boundary treatments shall be provided to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Gaps shall be included at the

bottom of the fences to allow movement of small mammals across the site. Development shall be carried out in accordance with the approved details and permanently retained in a useable condition thereafter; and

(4) Full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage). This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011). It must also:

- identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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: In the interest of visual amenity, the quality of the environment, the site biodiversity, the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies D DM1, QE SP1, QE DM2, ENV DM4 and ENV DM5 of the Arun Local Plan and the NPPF.

7 The layout and landscape details to be submitted pursuant to condition 1 shall include full details of the required public open space (POS) & play areas and management arrangements. The POS and play areas shall thereafter be implemented in accordance with the provision as agreed prior to occupation of the 77th dwelling and permanently retained thereafter. The approved management details shall be permanently adhered to.

Reason: To ensure that the POS and Play provision is provided and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

8 The landscape and layout details to be submitted pursuant to condition 1 shall include a Biodiversity Gain Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development. The net biodiversity impact of the development shall be measured in accordance with the Secretary of State's biodiversity metric as applied in the area in which the site is situated at the relevant time. The content of the Biodiversity Gain Plan should include the following:

a) Proposals for the on-site biodiversity net gain.

b) A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed; and

c) Proposals for any off-site biodiversity net gain provision.



d) A management and monitoring plan for all offsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Gain Plan.

Reason: To conserve and enhance protected and Priority species in accordance with policy ENV DM5 of the Arun Local Plan and 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 Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

9 The landscape and layout details to be submitted pursuant to condition 1 shall include a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles. The Reptile Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g., native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the receptor area(s).
- i) Details for monitoring and remedial measures; and
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To conserve and enhance protected and Priority species in accordance with policy ENV DM5 of the Arun Local Plan and 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 Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

10 The landscape and layout details to be submitted pursuant to condition 1 shall include a Landscape and Ecological Management Plan (LEMP). 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 and covering a minimum of a 30-year period).



- g) Details of the body or organisation responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall 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 conserve and enhance protected and Priority species in accordance with policy ENV DM5 of the Arun Local Plan and 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 Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 11 The landscape and layout details to be submitted pursuant to condition 1 shall include a Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist. 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 conserve and enhance protected and Priority species in accordance with policy ENV DM5 of the Arun Local Plan and 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 Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 12 The layout, scale, and appearance details to be submitted pursuant to condition 1 shall include the following items:

(1) A scheme for the provision of facilities to enable the charging of electric vehicles in accordance with the Arun Parking Standards SPD to serve the approved dwellings. 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.

(2) A detailed level survey of the site including existing and resulting ground levels and the slab levels of the buildings the subject of this approval.

(3) 5% of all parking provided as suitable for disabled persons. This must include a percentage of the proposed visitor parking spaces.

(4) Full details of cycle storage including elevations where such is provided in separate buildings; and

(5) A colour schedule of the materials and finishes to be used for the external walls and roofs of the proposed buildings.

Reasons: In the interests of visual amenity, road safety, the needs of the disabled, to mitigate against any potential adverse impact of the development on local air quality and as new petrol, diesel and hybrid cars/vans will not be sold beyond 2030 all in accordance with policies T SP1, D DM1, QE SP1, QE DM3 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 13 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 1 shall ensure that the scheme makes provision for accommodation to meet the Building Regulations Standards M4(2) and M4(3) in accordance with Aldingbourne Neighbourhood Development Plan Policy H2 and the Councils guidance note "Accommodation for Older People and People with Disabilities Guidance".

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with policies D DM1 and D DM2 of the Arun Local Plan and section 4 of the Councils guidance Note "Accommodation for Older People and People with Disabilities Guidance".

- 14 The layout, scale and appearance details referred to in Condition 1 shall include details of any temporary sales areas that may be required during the construction and marketing of the development. Such details shall include any temporary buildings or temporary changes to buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site has been sold. The buildings or area shall be returned to their approved permanent appearance within 3 months of the date of the last building sold.

Reason: In the interest of visual & residential amenity and the character/appearance of the surrounding area in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 15 No development shall take place, until a Construction & Environmental Management Plan and accompanying Site Setup Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways, WSCC Highways, the council's environmental health officer and ecologist as appropriate). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

- the phased programme of construction works;
- the anticipated, number, frequency, types and timing of vehicles used during construction (construction vehicles should avoid the strategic road network during the peak hours of 0800-0900 and 1700-1800 where practicable);
- the preferred road routing for all construction traffic associated with the development;
- provision of wheel washing facilities (details of their operation & location) and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- details of street sweeping;

- details of a means of suppressing dust & dirt arising from the development;
- a scheme for recycling/disposing of waste resulting from demolition and construction works (i.e. no burning permitted);
- details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination);
- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays & facilities for public viewing, where appropriate);
- contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details);
- details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works;
- details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage;
- 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).

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.

Details of how measures will be put in place to address environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area, biodiversity (particularly bats) and in the interests of highway safety in accordance with policies D DM1, ENV DM5, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

16 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 parts, (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.

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

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

18 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.

- 19 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.

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

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

- 21 Development shall not commence, until a Soil Resource Plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out how soils on the site are to be protected during construction and then recycled/reused in the new development layout. The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction and development of the site.

Reason: In accordance with Arun Local Plan policy SO DM1 and the NPPF. It is necessary for this to be a pre-commencement condition to protect the best and most versatile soils on the site prior to the construction commencing.

- 22 Prior to commencement of development the applicant shall prepare and submit for approval an Employment and Skills Plan. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. This must be a pre-commencement condition as it relates to the construction phase of development and to ensure measures are in place so that local crafts people and apprentices are employed on the development.

- 23 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.

- 24 Where the development hereby approved does not commence within 12 months from July 2023, further supplementary ecological surveys for badgers must be undertaken prior to commencement to inform the preparation and implementation of ecological measures required. The supplementary surveys shall be of an appropriate type for this species and survey methods shall follow national good practice guidelines. The surveys and mitigation measures must be submitted to and approved in writing by the Local Planning Authority.

Reason: To conserve and enhance protected and Priority species in accordance with policy ENV DM5 of the Arun Local Plan and 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 Natural Environment and Rural Communities Act 2006 (Priority habitats & species). This is required to be a pre-commencement condition because badgers must be protected during construction.

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

Prior to the first occupation of any dwelling forming part of the 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.

- 26 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 drawing number 36.

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

- 27 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.

- 28 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.

- 29 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 & prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 30 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.

- 31 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:

(1) The provision of 30% affordable dwellings (consisting of 67% affordable rented, 25% First Homes & 8% Intermediate). The s106 will be tailored to include local housing clauses and involve the Aldingbourne, Barnham, and Eastergate Community Land Trust.

(2) A contribution of £515.58 per new dwelling (index linked from 2017 prices) from this application site towards mitigation measures on the A27 between the A27/B2233 Nyton Road junction and the A27/A280 Patching dumbbell roundabout.

(3) A Travel Plan and its associated fee of £3,500 (at the time of writing) for monitoring and auditing of the Travel Plan; and

(4) A Secondary School Transport Contribution as according to the formula set out in the report.

- 32 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](http://www.southernwater.co.uk). Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.

33      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](mailto:Frs.waterandaccess@westsussex.gov.uk)

34      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.

35      INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc ) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

36      INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 12/05/23) as available on the Councils website.

37      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/or ash from fires or noise from the cutting and/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 be contacted regarding Exemption Permits to burn on site.

38      INFORMATIVE: We encourage the highest practicable standards of building insulation and use of renewable forms of heating (such as ground and air source heat pumps) as opposed to natural gas boilers where possible. This action would contribute to the improvement of local air quality and reduce overall GHG emissions in the long term. If any heat pumps are to be included in the development the applicant shall be required to demonstrate that any pump/s meets the criteria detailed in the Micro Certification Scheme planning standards (MCS 020).

39      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.

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

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

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

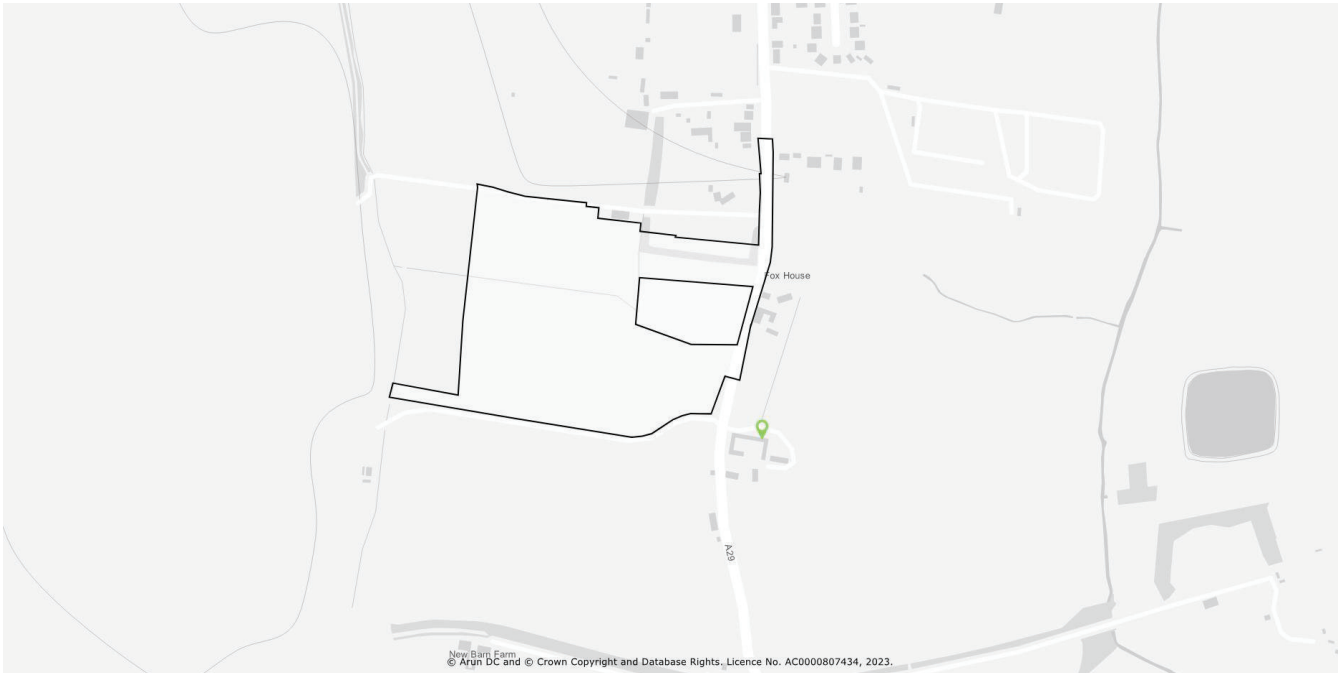
- 41 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council [land.drainage@arun.gov.uk](mailto:land.drainage@arun.gov.uk)), prior to starting any works (temporary 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.
- 42 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.
- 43 INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>, this clearly sets out our requirements for discharging this condition

**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](#).



**AL/70/23/OUT - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: BE/61/23/RES

LOCATION: Land East of Shripney Road &  
South of Hadden House  
Shripney Road  
Bersted  
PO22 9NW

PROPOSAL: Approval of Reserved Matters, following BE/109/19/OUT, for the provision of 44 dwellings, providing details of layout, scale, appearance and landscaping. This application is in CIL Zone 3 and is CIL Liable as new dwellings, may affect the character and appearance of the Shripney Conservation area and is a Departure from the Development Plan.(Resubmission of BE/131/22/RES).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Reserved matters for 44 dwellings with associated parking, road/footway provision, open space, landscaping, and ancillary works. Approval of scale, layout, external appearance, and landscaping are sought. Access was approved at the outline stage.

The scheme includes 1 & 2 bed flats and 2, 3 & 4 bed houses. The mix is shown within the submitted design and Access Statement (Rev B). 6no. 1-bed flats, 5no. 2-bed flats and 2no. 3-bed terraced houses will be affordable in accordance with the requirements of the s106 Agreement. The majority of houses and flatted buildings will be two storeys in height, with some units going up to three storeys (those on plots 31-34 and 38-41, respectively).

Parking provision comprises a mix of car ports, tandem spaces, on-street visitor spaces and parking areas for the flats with a total of 104 spaces (including 12 visitor spaces). Two garages are also proposed. There is a secure communal cycle storage within plot 18-22 building for plots 18-28 with at least one space per flat. All other cycle storage will be in garages and secure sheds in gardens.

Bins will be stored in domestic gardens and this is an appropriate solution. The flatted buildings have an external bin store, and a specification is provided. There is no lighting scheme, but this is covered by condition 20 of the outline permission. Electric charge points are not indicated, although these will be assessed through the discharge of outline condition 15.

The layout includes four areas of Public Open Space (POS) totalling 3180m<sup>2</sup>. The flats have their own area of amenity space to the rear. The majority of trees along the boundaries are retained. The landscaping scheme shows the planting of 52 new trees.

SITE AREA	1.8 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	24 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	The Tree Constraints Report identifies 13 significant trees (T1-T13) that will be a constraint on development. These are considered to be of high or moderate quality. T1-T10 (Oaks on the eastern boundary/south eastern corner) are protected by TPO/BN/4/19.
BOUNDARY TREATMENT	Mixed: <ul style="list-style-type: none"><li>- Low post and rail fence along the road frontage;</li><li>- Part timber fence, part chain link around the substation in the northwestern corner;</li><li>- 2m Hedge to northern boundary with Haddan House;</li><li>- Part flank wall/part fence/part 4m hedge to Wayside to the south; and</li><li>- Assumed post &amp; rail fence to the eastern boundary.</li></ul>
SITE CHARACTERISTICS	<p>There is an open ditch running along part of the Shripney Road frontage.</p> <p>Large roughly rectangular grassed site with an approximate 200m frontage to Shripney Road. Existing trees and hedge planting to part of the boundaries. There is an unmade vehicular access at a point just north of the A29/Shripney Lane junction which leads up to a 2m high metal gate at the site boundary. Just beyond this gate is the remains of a timber structure possibility previously used as stables. In the northwest corner (outside of the site area) is an electricity substation.</p>
CHARACTER OF LOCALITY	<p>The site is in a semi-rural location on the A29 (Shripney Road). There is sporadic residential development characterised by detached dwellings in large plots on the east of Shripney Road with open countryside to the rear. To the west, the density is higher with houses closer together in narrower plots. The houses on the east have a mixed building line and some extend back into their respective gardens. There is no clear architectural style or local vernacular. Houses are a maximum of two storeys although some have rooms in the roof above first floor.</p> <p>The adjoining dwelling to the south (Wayside) consists of a large part single storey/part two storey detached dwelling (plus rooms in the roof) set in from the road frontage with front gravelled parking area and extensive gardens to the rear. It</p>

has a deep rear single storey projection part of which is built directly onto the boundary but has no windows facing onto the site.

To the north, sits Haddan House, a part single, part two storey dwelling set back from the road and with extensive rear gardens. It has a conservatory to the side adjoining the boundary with the site but no obvious windows looking onto the site.

<b>RELEVANT SITE HISTORY</b>
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BE/131/22/RES	Approval of reserved matters following outline consent BE/109/19/OUT for 44 No dwellings with details of layout scale, appearance and landscaping. This application is in CIL Zone 3 and is CIL Liable as new dwellings, may affect the character and appearance of the Shripney Conservation Area and is a Departure from the Development Plan.	Withdrawn 27-03-23
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BE/109/19/OUT	Outline application with some matters reserved for up to 46 No dwellings together with access. This application is a Departure from the Development Plan & may affect the character & appearance of the Shripney Conservation Area.	Refused 25-06-20
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**Appeal: Allowed+Conditions  
09-12-21**

BE/109/19/OUT for up to 46 dwellings was refused in June 2020 due to concerns regarding its location outside of the built-up area, flood risk, loss of Grade 2 agricultural land, lack of affordable housing and lack of onsite public open space or children's play equipment, but was then allowed on appeal in December 2021.

BE/131/22/RES for 44 dwellings was withdrawn in March 2023 in order to address outstanding concerns regarding a lack of landscaping detail, garages below the relevant internal standards, clustering of affordable housing, limited private/community space for flats and interface deficiencies, particularly between plots 31/32 to 26-30.

<b>REPRESENTATIONS</b>
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Bersted Parish Council object to the application, subject to further information from West Sussex County Council (WSCC) as the Lead Local Flood Authority (LLFA) that the drainage issues have been resolved.

Aldingbourne Parish Council object supporting the concerns raised by Bersted Parish Council.

No other objections or representations have been received.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Surface water drainage is discussed in the report's conclusions.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

NATIONAL HIGHWAYS - No objection.

NATURAL ENGLAND - No comment.

SUSSEX POLICE - Make a number of recommendations to improve the security of the scheme.

WSCC HIGHWAYS - No objection. Requested minor amendment concerning the location of disabled access for the hatched visitor spaces east of plot 42 within the carriageway. WSCC Highways advise that previous points in regard to car and bicycle parking and internal layout have been addressed.

WSCC FIRE & RESCUE - Comment regarding condition attached to outline permission to secure fire hydrant(s) on the site.

WSCC FLOOD RISK MANAGEMENT (LLFA) - Initial objection as the Drainage Strategy is not in accordance with the NPPF, Planning Practice Guidance or with local policies. Require further information to be able to lift the objection. Further comments received 30/06 maintain the objection.

ADC DRAINAGE ENGINEERS - No response but raised no objection to the outline application.

ADC GREENSPACE - No response but raised no objection to the outline application.

ADC ECOLOGICAL ADVISOR - No objection following updates to the Preliminary Ecological Appraisal, Bat Activity Surveys and Dormouse Survey results submitted 2018/2019.

ADC CONSERVATION OFFICER - No objection.

### COMMENTS ON CONSULTATION RESPONSES:

All comments noted and either discussed in the report's conclusions or dealt with by conditions.

## POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area;  
 Class A Road;  
 Area of Special Control of Adverts;  
 Tree Preservation Order (TPO/BN/4/19);  
 CIL Charging Zone 3;  
 Mix of Flood Zones 1, 2 & 3; and  
 Future Flood Zone 3a by 2061/2115.

### DEVELOPMENT PLAN POLICIES

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

DDM1      D DM1 Aspects of form and design quality



DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVSP1	ENV SP1 Natural Environment
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HDM1	H DM1 Housing mix
AHSP2	AH SP2 Affordable Housing
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<a href="#">Bersted Neighbourhood Plan 2014 Policy ES1</a>	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy GA1	Pedestrian and Cycle Connections
Bersted Neighbourhood Plan 2014 Policy HDQ1	Housing Site Allocations
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ3	Windfall sites
Bersted Neighbourhood Plan 2014 Policy HDQ4	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space

Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

**PLANNING POLICY GUIDANCE:**

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

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD1	Open Space & Recreation Standards
SPD3	Parking Standards

**POLICY COMMENTARY**

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

The relevant policies of the Bersted Neighbourhood Development Plan (BNDP) are referred to within this report.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal complies with relevant Development Plan policies in that it would result in a development of an appropriate scale, layout and appearance which is not harmful to the character & appearance of the area, the existing trees of amenity value or the amenities of existing residents.

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 through a combination of a sympathetic design and materials, and intervening vegetation and development.

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 development would make a meaningful contribution towards meeting the district's identified need for market and affordable housing and this should be afforded planning weight in the determination of this application. There are other material considerations to be weighed in the balance with the Development Plan and these are set out in the Conclusions section below.

#### **CONCLUSIONS**

##### **PRINCIPLE:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Section 38(5) states: "If to any extent a policy contained in a development plan for an area conflict with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, the ALP takes precedence over the BNDP should there be any conflict between the two.

The principle of up to 46 new dwellings, with a new access from Shripney Road, has been established by BE/109/19/OUT, approved on appeal in December 2021 and it is only necessary to consider the outstanding details - layout, appearance, landscaping, and scale. It is only appropriate to consider development plan policy and material considerations in respect of these reserved matters. Matters relating to flood risk, countryside location, highway safety, sustainable transport measures, foul drainage (the principle of 20 new dwellings connecting to the network), children's play and infrastructure were all determined at the outline stage and are covered by the relevant conditions which are still applicable from the outline permission.

##### **COMPLIANCE WITH THE OUTLINE:**

It has been established by case law that applications for the approval of reserved matters must be in the ambit of the outline planning permission and must be in accordance with the conditions annexed to the outline planning permission. Certain conditions imposed by the outline set parameters for the nature and form of the Reserved Matters submission and these are analysed below. When determining whether reserved matters fall within the ambit of an outline planning permission the courts have allowed a little freedom of interpretation with the usual test being whether any changes make a material difference to the essence of what was approved.

Condition 4 states that development shall be carried out in accordance with the approved plans which govern the access arrangements. The Illustrative Masterplan submitted in support of the application was treated as being for indicative purposes only by the Inspector as part of the appeal case (ref. APP/C3810/W/20/3264105) and therefore not included within the list of approved plans. As this is a reserved matters permission for 44 dwellings and has been submitted in association with the outline for up to 46 dwellings, the illustrative masterplan and reserved matters layouts do not precisely match. However, both layouts are very similar in form with the same road layout, access details, block structure and open space arrangements. The proposed layout is not materially different to the previous indicative layout.

Condition 1 sets out the requirement for the submission of the landscaping elements of this reserved matters application. These requirements have been met.

#### LAYOUT, APPEARANCE AND SCALE:

ALP policies D DM1 and D SP1 are relevant in respect of design and character. Policy AH SP2 seeks to ensure that affordable housing is visually indistinguishable from market housing and that layouts avoid large clusters. BNDP policies ES1, ES5, HDQ2 and HDQ5 are relevant seeking high-quality design and development in character with its surroundings. The National Design Guide (NDG) is a material consideration in the determination of this application, as well as the Arun Design Guide (ADG).

The layout is broadly similar to the approved submission, BE/109/19/OUT. The differences are relatively minor (as set out in the description section above) and represent improvements on the previous scheme. The former layout remains appropriate to the site and its surroundings. It is material that the ADG was at an advanced stage at the time the report for BE/137/19/RES was drafted (having been through initial formal public consultation in Jan/Feb 2020). There have been no other changes in planning policy in respect of design since that time.

According to the Councils "Open Space, Playing Pitches & Indoor & Built Sports Facilities" SPD, the Public Open Space (POS) requirement is 3098m<sup>2</sup>. The layout provides POS in a number of areas around the site with a total provision of 3180m<sup>2</sup>, which exceeds the requirement and is acceptable.

Concerns were raised with how some of the parking spaces had been allocated on the previously submitted reserved matters application (BE/131/22/RES). The applicant has addressed these concerns as part of the current application by redistributing parking where possible and by introducing car barns with green roofs in order to break-up some of the larger areas of parking. Allocation of parking spaces has also been improved by siting spaces directly outside dwellings where possible.

The flatted buildings fronting Shripney Road have been redesigned as 2 storeys to address concerns raised in relation to massing and character on the previously submitted reserved matters application (BE/131/22/RES). As a result, the buildings will not be particularly visible in the Shripney Road streetscene and so any visual harm will be minimal. There are no levels changes indicated by the proposal.

The street scenes are mixed with assorted designs, heights, building lines and materials. Most houses have shallow front gardens or buffer strip areas, and the layout is open plan with no front boundaries. The materials palette is based around slate and clay-effect roof tiles, red and buff brick, and timber weatherboarding. This is appropriate to the context of the area and it is not necessary to impose a materials condition.

The applicant provided a design rationale and response to the Arun Design Guide in Part 2 of the Design & Access Statement (page 15). The applicant states the proposal is reflective of the guidance and this is agreed.

Matters of layout, appearance and scale are appropriate for the characteristics of the site and the character/appearance of the surrounding area. The proposal accords with ALP policies D DM1 & D SP1, BNDP policies ES1, ES5, HDQ2 & HDQ5, the ADG and NPPF guidance.

#### LANDSCAPING & TREES:

ALP policy LAN DM1 requires that development respect the particular characteristics and natural features of the relevant landscape character areas. In addition, policy D DM1 requires developments to incorporate new tree planting and to improve upon character through landscaping. ALP policy ENV DM4

states TPO protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity shall not be damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland. BNDP policy ES6 also seeks to protect important trees.

The application is accompanied by an illustrative landscape strategy plan and detailed planting plans which provide a comprehensive and varied planting scheme. The application is also accompanied by an Arboricultural Impact Appraisal and Method Statement which sets out measures to protect existing trees. It is proposed to plant 52no. trees and new hedgerows throughout the site and the scheme proposes the planting of new shrubs, wildflower meadow and flowers.

The submission has not attracted comments from the Tree Officer, but it is material that no objection was raised in relation to the outline application.

The scheme accords with ALP policies LAN DM1, D DM1 and ENV DM4 and with BNDP policy ES6.

#### OTHER MATTERS:

The reserved matters of scale, layout, appearance and landscaping have been assessed above. There are other issues to consider which relate to the detail of the scheme, but which do not neatly fall under the above headings.

#### (A) Housing Mix:

ALP policy H DM1 provides for a mix of housing to meet local needs and requires all housing development to provide a mix of dwelling types and sizes to address this need and demand. The policy acknowledges that the final mix will be negotiated on a site-by-site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

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

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

Separate ratios are given for affordable rented and intermediate/starter homes however this element of the mix is governed by the s106 legal agreement. BNDP policy HDQ4 requests a mix based on Bersted's specific needs to address the needs of current and future households. The following mix is proposed for the market dwellings on the site:

- 6 x 1-bed dwellings (13.6%).
- 20 x 2-bed dwellings (45.3%).
- 11 x 3-bed dwellings (24.9%); and
- 7 x 4-bed dwellings (15.9%).

The range is broadly acceptable with reference to the advice in the SHMA and ALP policy H DM1. Whilst there is no response to the BNDP policy, it is material that the mix is the same as was approved previously and that the BNDP policy was in force at that time. In addition, any conflict between the two policies would, due to age, be resolved in favour of compliance with the ALP.



(B) Housing for Older People:

BNDP policy HDQ4 requires that a proportion of the housing proposed is required to meet Lifetime Homes standards. These standards no longer exist and have been replaced by parts M4(2) and M4(3) of the Building Regulations.

Arun has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but has some weight as a material planning consideration and is supported by references in ALP policies D DM1 & D DM2. This sets out a requirement for 13 homes meeting the M4(2) standard and an additional 2 homes meeting the M4(3) standard. The applicant has proposed 16 units as M4(2) and 2 units as M4(3), which is consistent with the relevant ALP and BNDP policies and guidance.

(C) Residential Amenity & Space Standards:

ALP policies D DM1, D DM2 and QE SP1 are relevant. The ADG sets out guidance on interface distances between houses:

- Back-to-back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/ front to side: min. 14m between habitable rooms and side gable of adjacent property; and
- Front to front: min. 16m between habitable rooms and site boundary to existing landscaping.

All plot-to-plot relationships meet the standards and the relationships to existing residential properties are also acceptable in most cases. It is however noted that four of the site's eight three-storey units (plots 31-34) back onto the side elevation of the conservatory to the existing dwelling immediately to the north. Whilst the interface distances involved comfortably meet the minimum distances set out within the ADG and the existing boundary tree planting will help screen the majority of views, the current arrangement would introduce windows to habitable rooms at a third-storey level with potential views towards a habitable room of an adjoining property and the private amenity space serving the existing neighbouring dwelling. Officers are exploring potential revisions to room layouts and the fenestration to the rear of these units with the applicant, in this respect, and any progress/amended drawings will be relayed to Members as part of an update report to Committee.

The ADG also includes guidance on garden sizes as follows:

- Private Rear Garden: min. 10.5m depth.
- Private Front Garden: min. 2m depth.
- Private Amenity Space for flats: at least 3sqm of useable space; and
- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony/patio/terrace.

All of the houses have private rear gardens and although not all gardens are the full 10.5m depth (plots 31 and 32 only have around 9.5m), they are all useable private spaces particularly having regard to their widths. The depth requirement is not so important as it is required to ensure a back-to-back distance of 21m and there are no back-to-back relationships on the site or with adjoining land.

The standards also require 150m<sup>2</sup> of communal amenity space for the flatted buildings and this is met by the 200m<sup>2</sup> grassed area to the rear of the buildings.

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

in the Governments Technical Housing Standards (Nationally Described Space Standard or NDSS) to determine if the buildings will be suitable for future residential occupiers. The floorplans of each house have been cross referenced with the NDSS and the minimum gross internal floor areas of the houses (market and affordable) clearly meet the standards.

**(D) Parking, Roads, and Public Footpaths:**

ALP policy T SP1 and BNDP policy HDQ8 are relevant although the latter has reduced weight due to the adoption of the Arun Parking Standards SPD.

As part of the outline approval plans, a new pedestrian crossing on the A29 with a tactile paved dropped kerb island in the carriageway was shown, connecting the existing pavement on the west side of the A29 with a new footpath on the east side leading into the site and then out again via a footpath to the south, which then connects with existing pavement on the east side of the A29. This proposal makes improvements for pedestrian movements and facilitates safer access to bus stops. The road layout whilst not having designated footpath in places (being shared surface), will be safe to use due to low anticipated traffic speeds and plenty of visibility. WSCC Highways have raised no further objections in terms of the movement of vehicles or safety of pedestrians.

The parking requirement according to the Arun Parking Standards SPD is 95 plus 9 visitor spaces. The scheme shows 92 allocated spaces plus 12 visitor spaces, with a shortfall for the 1-bed units and some of the 4-bed units, but this is acceptable as (a) the SPD allows for flexibility with flats as not all 1-bedroom flats will be occupied by two car owning people and (b) the overall provision meets the requirements.

Whilst WSCC Highways consider that the previous points in regard to car and bicycle parking and internal layout have been addressed, they advise that the hatched visitor spaces east of plot 42 be set back as disabled access within the carriageway is not ideal. This small modification has been requested and it is anticipated that this issue will be resolved prior to Committee. An update will be provided.

Pending minor revision to the layout in relation to visitor spaces and disabled access, the proposal accords with ALP policies T SP1 & T DM1, BNDP policy HDQ8 and with the Parking Standards SPD.

**(E) Waste Management:**

ALP policy WM DM1 is relevant but, in this case, there are no issues with refuse vehicles accessing the site from Shripney Road, and the application is supported by refuse vehicle tracking (to which WSCC raise no concerns) as well as details of individual bin storage and communal bin stores. The layout enables refuse vehicles and fire appliances to enter and exit the site in a forward gear. The application achieves sufficient provision for the storage of waste and kerbside collection is possible for all of the dwellings. The development accords with policy WM DM1 of the ALP.

**(F) Surface Water Drainage:**

Members should note that detailed drainage matters are already covered by conditions 8 and 9 of the outline planning permission and will be agreed through the discharge of such conditions. ALP Policy W DM3 and BNDP policy ES2 are both relevant. The applicant indicates the drainage scheme will include the use of permeable paving, underground attenuation tanks, potential infiltration techniques along the northern edge and a small pond on the site frontage.

Whilst no objections were raised by either the WSCC Flood Risk Management team or ADC Drainage, concerns were raised over the lack of open features, which were discounted in favour of permeable

paving and an underground attenuation tank on the basis of limited space available within the site. As approval of layout was not sought as part of the outline application, a standard condition (PCENGD2) was requested, requiring separate approval of full details of the proposed surface water drainage scheme.

This application has attracted an objection from WSCC Drainage. 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. It is material that the layout was previously found to be acceptable, and that County did not object to the previous scheme at the site. On this basis, this reserved matter application can be determined without the support of County drainage engineers and therefore it is not necessary to demonstrate compliance with the relevant policies at this time. The applicant is aware that if this layout is approved and it becomes clear that the drainage condition cannot be agreed due to the layout not providing sufficient space, they will need to submit a new Reserved Matters application. An informative has been included. On this basis, there is no conflict with ALP policy W DM3 or BNDP policy ES2.

(G) Climate Change:

Condition 6 on the outline requires the approval of measures to provide 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources. With the condition in place and subject to the proposed plans the proposal would accord with ALP policy ECC SP2. In addition, condition 15 requires the separate approval of details of electric vehicle charge points, and this satisfies the requirements of ALP policy QE DM3(c).

(H) Biodiversity Net Gain:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. Biodiversity was assessed at outline stage and the Council's Ecologist raised no objections at that time, subject to mitigation measures secured by suitable planning conditions.

The Council's Ecological advisor has reviewed the submitted Ecology Addendum submitted with this reserved matters application, which updates the Preliminary Ecological Appraisal, Bat Activity Surveys and Dormouse Survey results submitted 2018/2019, raising no objection.

The Dormouse Survey undertaken in 2019 found no evidence of Dormice; however, a full composite of surveys was not carried out. Condition 11 of the outline permission therefore requires the separate approval of precautionary mitigation methods, which include the need to protect the boundary features during construction were recommended.

A Tree Protection Plan has been submitted as part of this reserved matters application, which details where protective barrier fencing will be located to protect boundary features, although the plan does not include details of enhancement measures, as detailed within the condition. The Council's Ecological advisor is currently satisfied that boundary features which could be utilised by Dormice will be safeguarded during the development.

Condition 20 of the outline permission relates to external lighting details. The Council's Ecological advisor states that any external lighting should avoid illuminating boundary features such as hedgerows and recommends the need for a wildlife sensitive lighting scheme, which should be secured within the submission to discharge this condition to avoid impacts on Dormice.

Condition 12 of the outline permission requires the separate approval of a wildlife protection, enhancement and mitigation plan prior to any works above slab level.

As the application clearly demonstrates biodiversity enhancements as per the previous conditions, which satisfy the requirements of ALP policy ENV DM5.

(l) Heritage:

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

ALP policy HER SP1 states that development likely to prejudice heritage assets including designated and non-designated heritage assets and their settings will be refused. The site lies outside of the Shripney Conservation Area (a designated heritage asset) but is located a short distance away from it and the setting of the Conservation Area, therefore, needs to be considered. It is of note that the conservation area itself is separated from the application site by more recent development. This prevents intervisibility between the asset and the site. Accordingly, the development will not impact upon the setting of the conservation area, and as a consequence, there is no harm to the overall significance of the heritage asset. On the basis of no harm to the significance of the heritage asset, it is not necessary to consider further the public benefits of the development in this regard.

Heritage was not considered at the outline planning stage as only access was applied for. All other matters (including layout, appearance and scale) were reserved, making it inappropriate to consider heritage impacts at that time. Now that these reserved matters have been applied for, the Council's Conservation Officer has reviewed the reserved matters application and states that it will not cause harm to the significance of the heritage assets or their setting and, as a consequence, it should be determined in accordance with the relevant policies within the Development Plan. On that basis, the proposal complies with policy HER SP1 of the ALP and the relevant paragraphs in the NPPF that deal with heritage matters.

SUMMARY:

The reserved matters scheme is broadly consistent with the illustrative layout submitted at the outline stage, albeit two fewer dwellings overall are now proposed, and the application accords with development plan policies. Therefore, it is recommended permission be granted subject to the following additional conditions, which will apply alongside the conditions imposed on BE/109/19/OUT.

#### **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.



<b>DUTY UNDER THE EQUALITIES ACT 2010</b>
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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.

<b>RECOMMENDATION</b>
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APPROVE CONDITIONALLY

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

- C9\_22\_19\_PL\_111 Site Layout GF
- C9\_22\_19\_PL\_112 Site Layout Roofplan
- C9\_22\_19\_PL\_113 Site Sections
- C9\_22\_19\_PL\_114 Site Sections
- C9\_22\_19\_PL\_300A Plot 1 Plans and Elevations
- C9\_22\_19\_PL\_301 Plot 2/5/6/7/8 Plans and Elevations
- C9\_22\_19\_PL\_302 Plot 3 Plans and Elevations
- C9\_22\_19\_PL\_303 Plot 4 Plans and Elevations
- C9\_22\_19\_PL\_304 Plot 9-10 Plans and Elevations Rev A
- C9\_22\_19\_PL\_305 Plot 11/12 Plans and Elevations
- C9\_22\_19\_PL\_306 Plot 13-15 Plans and Elevations
- C9\_22\_19\_PL\_307 Plot 16-17 Plans and Elevations
- C9\_22\_19\_PL\_308 Plot 18-22 Plans
- C9\_22\_19\_PL\_309 Plot 18-22 Elevations
- C9\_22\_19\_PL\_310 Plot 23-26 Plans
- C9\_22\_19\_PL\_311 Plot 23-26 Elevations
- C9\_22\_19\_PL\_312 Plot 27-28 Plans and Elevations
- C9\_22\_19\_PL\_313 Plot 29-30 Plans and Elevations
- C9\_22\_19\_PL\_314 Plot 31-32/33-34 Plans and Elevations
- C9\_22\_19\_PL\_315 Plot 35-37/42-44 Plans and Elevations
- C9\_22\_19\_PL\_316 Plot 38-39 Plans and Elevations
- C9\_22\_19\_PL\_317 Plot 40-41 Plans and Elevations
- C9\_22\_19\_PL\_320 Car barns / Cycle Stores
- 500-02 Rev D Engineering Details Drained Areas & Exceedance Flow Routes
- 503-01 Rev E Engineering Details Longitudinal Sections
- 602-01 Rev H Engineering Details Drainage Layout
- DD598L01 Rev D Illustrative Landscape Strategy Plan
- DD598L03 Rev A Detailed Planting Plan 1 of 3
- DD598L04 Rev A Detailed Planting Plan 2 of 3
- DD598L05 Detailed Planting Plan 3 of 3
- 2261-4 Tree Protection Plan
- Micro Drainage Calculations for Surface Water Drainage and Site Investigation Results Ref KNC2212/MDC-A
- Surface Water Drainage Proposal Checklist
- Drainage Statement



- Manual for Managing Trees on Development Sites
- Installing Services in Root Protection Areas
- Arboricultural Impact Appraisal and Method Statement
- Transport Statement Ref DS/LI-ITB18131-003A
- Design and Access Statement Rev B (Parts 1 & 2)
- Ecology, Tree Protection Fencing, Site Preparation & Clearance and Habitat Management & Enhancement

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

- 2 All activity at the site is to be carried out in strict accordance with: - Arboricultural impact appraisal and method statement, Barrell Tree Consultancy, ref. 22161-AA4-LF; Installing Services in Root Protection Areas, Barrell Tree Consultancy, ref. SGN 11; Manual for Managing Trees on Development Sites, Barrell Tree Consultancy; and Tree Protection Plan, ref. 2261-4.

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 the installation of these, 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 Utility Service Route connections are implemented on the site.

Reason: To comply with BS5837 and Arun Local Plan policy ENV DM4 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.

- 3 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place, a site meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan, ref. 2261-4.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the local planning authority.

Reasons: To comply with BS5837 and Arun Local Plan policy ENV DM4 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. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 4 No houses or flats shall be occupied until the approved cycle storage associated with them has been implemented. The cycle storage shall be maintained in perpetuity.

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

- 5 No dwelling shall be first occupied until the car parking serving the respective dwelling has

been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

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

- 6 Prior to the occupation of any dwelling, details of a fire hydrant, its connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting together with its maintenance, or a suitable, alternative arrangement, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, and the hydrant, or the alternative arrangement, shall be retained thereafter.

Reason: In order to provide adequate infrastructure for emergency services, in accordance with Policy INF SP1 of the Arun Local Plan.

- 7 All bathroom and toilet windows hereby approved shall be glazed with obscured glass and permanently retained as such thereafter.

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

- 8 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.

- 9 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.

- 10 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.

- 11 INFORMATIVE: The applicant should note that this layout has been approved without agreement by Drainage Engineers to the scheme layout and therefore if it subsequently becomes clear that the drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage then a new Reserved Matters application (and potentially also a new outline or full application) will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non Material Amendment process.

- 12 INFORMATIVE: This permission does not in any way discharge condition 15 (electric car charge points) on the outline planning permission and as such you will need to apply separately to discharge this condition. Please ensure that the submission of details complies with the guidance in the SPD which sets out that: - 100% of parking spaces of houses with a driveway or garage require an active charge point. - At the current rate until 2028, 30% of all other parking spaces require an active point; and - Ducting is provided at all remaining spaces where appropriate to provide 'passive' provision for these spaces to be upgraded in future.

**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](#).

**BE/61/23/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: BN/25/23/OUT

LOCATION: Eastmere Stables  
Eastergate Lane  
Eastergate  
PO20 3SJ

PROPOSAL: Outline permission with all matters reserved, other than access, for 4 No self-build dwellings (resubmission following BN/99/22/OUT). This application is a Departure from the Development Plan.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION The application proposes the demolition of all buildings, and the construction of four self-build dwellings. The indicative layout plan shows the footprint of four dwellings in an informal arrangement along the access road with two small communal spaces in the middle. The application is in outline, with all matters reserved, other than means of access. Permission is sought in principle for the development with the detailed design considerations reserved.

SITE AREA 6879.66sqm.

RESIDENTIAL DEVELOPMENT DENSITY 5.8 dwellings per hectare.

TOPOGRAPHY Predominantly flat, sloping slightly up from lane to the north.

TREES There are established hedges and trees on site and around the access point which will be affected by the proposal.

BOUNDARY TREATMENT The north-eastern boundary open to grassland, the rest of the site is screened by a mix of trees and hedging. This is particularly prevalent along the western boundary. The site is bordered by residential development to elements of its southern and eastern boundaries, however, access is taken from this southern boundary, where it meets the road.

SITE CHARACTERISTICS The site is equestrian land, including stables, stores, and workshops; areas of hard standing and bare gallops and sand school; areas of introduced shrubs and amenity grassland; and a section of improved grassland paddock. The western section of site is semi-improved grassland with, shrubs and scattered trees.

CHARACTER OF LOCALITY A rural location with sporadic housing on Eastergate Lane. Farming and equestrian uses are in the vicinity. There is a dwelling opposite, but this is some distance away (29m back from Eastergate Lane). Eastmere House sits to the east of the site and 'The Oak', previously a dwelling for permanent agricultural workers, to its immediate west. There is a



horticultural nursery to the east.

The wider area is rural with varying land uses including arable and recreational. The surrounding fields consist of a mixture of tree and hedge bound fields.

## RELEVANT SITE HISTORY

BN/99/22/OUT	Outline permission with all matters reserved, other than access, for 9 No residential dwellings. This application is a Departure from the Development Plan.	Refused 12-09-22  <b>Appeal: Allowed+Conditions 04-07-23</b>
BN/7/21/PL	Change of use of existing equestrian yard to storage (Use Class B8). This site is in CIL Zone 3 (Zero Rated) as other development & is a Departure from the Development Plan.	ApproveConditionally 08-04-21
EG/102/16/PL	1No. Dwelling for permanent agricultural worker following temporary approval EG/62/15/PL	ApproveConditionally 18-04-17

BN/99/22/OUT was allowed on appeal on 4th July 2023. The conclusions in the Inspectors decision letter will be set out in the conclusions section.

The Oaks was granted permission (EG/102/16/PL) for agricultural workers on a site immediately adjoining the southern boundary. This restriction was lifted by BN/66/21/PL. This permission relates to a much smaller site area (0.16 ha) with a frontage to Eastergate Lane.

## REPRESENTATIONS

Barnham and Eastergate Parish Council: A strong objection.

- Against the Barnham and Eastergate Neighbourhood Plan, policies ES1A, ES1B, ES14, ES16 and ES10.
- The development is outside of the Barnham and Eastergate built-up area boundary and is near to the green infrastructure corridor.
- There is a high level of bat activity in this area.
- The site was not offered for sale on the open market.
- There are concerns over further pressures on local services such as schools and GP services.

## COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. All planning issues will be addressed in report.

## CONSULTATIONS

**CONSULTATION RESPONSES RECEIVED:**

**ECOLOGIST:** The applicant provided an Updated Ecological Impact Assessment (Lizard, May 2023). The Ecology Consultant is satisfied there is sufficient information to determine this application. They are satisfied that the updated Biodiversity Net Gain Assessment has estimated net gains in both Habitat Units (HU) and Linear Units (LU), estimating an increase of +3688.27 HU (+44.47%) and +45.22 LU (+80.75%).

**DRAINAGE ENGINEERS:** The site is in the Lidsey Treatment Catchment Area and the site is in an outer groundwater protection zone therefore the EA and Portsmouth Water should be consulted about proposals to infiltrate surface water. Recommend a standard condition.

**PORTSMOUTH WATER:** No concerns regarding impacts to groundwater quality and does not recommend planning conditions to be included.

**SOUTHERN WATER:** Requires a formal application for a connection to public foul. Full comments are online.

**WEST SUSSEX FIRE & RESCUE SERVICES:** The nearest hydrant is 350m away. The supply of water for firefighting for a domestic premises should be within 175m. Suggested a condition for an additional fire hydrant.

**WSCC HIGHWAYS:** No objection. The proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 111), and that there are no transport grounds to resist the proposal.

**ENVIRONMENTAL HEALTH:** No objection subject to conditions relating to potentially contaminated land, construction, and external lighting.

**SOUTH DOWNS NATIONAL PARK AUTHORITY:** Although outside of the National Park, the Council has a statutory duty to consider the purposes of the National Park when making its determination.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

**POLICY CONTEXT**

Designation applicable to site:

Outside Built-Up Area Boundary;  
Source Protection Zones;  
Prone to Groundwater Flooding;  
Lindsey Treatment Catchment Area;  
Within 12km of the Singleton & Cocking Tunnels Special Area of Conservation (SAC);  
WSCC Mineral Consultation Area.

**DEVELOPMENT PLAN POLICIES**

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality

DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
ENVSP1	ENV SP1 Natural Environment
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
EQUDM1	EQU DM1 Equine Development
LANDM1	LAN DM1 Protection of landscape character
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk

<a href="#">Barnham &amp; Eastergate Neighbourhood Plan 2019</a> <a href="#">POLICY ES5</a>	Quality of design
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES10	Trees and Hedgerows
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES14	Development on Agricultural Land
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES16	Dark night skies
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES17	Singleton and Cocking Tunnels SAC
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES1a	Flooding
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES1b	Reducing Flood Risk
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H8	Settlement boundary
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES15	Green Infrastructure and Ecosystem Services
Barnham & Eastergate Neighbourhood Plan 2019 POLICY GA4	Parking and new development

#### PLANNING POLICY GUIDANCE:

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

#### SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

SPD13 Arun District Design Guide (SPD) January 2021

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan (ALP) 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 in the Barnham and Eastergate Neighbourhood Development Plan (BENDP2) 2019-2031 have been considered in the determination of this application.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal conflicts with relevant Development Plan policies in that it would be a form of development that would be contrary to the countryside policies in the development plan.

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 namely the allowed appeal for outline planning permission for nine residential dwellings (BN/99/22/OUT) at the same site.

**CONCLUSIONS****PRINCIPLE**

The Council published its Authority Monitoring Report (AMR) for 202/22 in January 2023 and this shows the Housing Land Supply (HLS) has decreased from 2.42 to 2.36 years. Based on this, the policies most important for the determination in the ALP have reduced weight as Arun cannot demonstrate an adequate supply of housing land (HLS). Due to the HLS being below 3 years and despite its age, the BNDP2 does not benefit from the support in para 14 of the NPPF. The NPPF presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

In the appeal decision on BN/99/22/OUT the Inspector concluded at paragraphs 6 and 7.

" 6 The appeal site is not designated within the development plan, however Policy C SP1 of the Arun Local Plan (LP) sets out specific types of development appropriate to the countryside. The proposal is for a residential use, and this is not one of the specified development types in LP Policy C SP1. Nor has it been shown that the proposal would comply with any other specific spatial or use policies within the development plan. On this matter the Council consider it a departure from the local plan and the appellant has not contested this point.

7 Consequently, the proposal would fail to comply with LP Policy C SP1, and therefore regarding relevant local policy the proposal is not a suitable land use for the appeal site's countryside location. However, the Council is unable to demonstrate a 5-year housing land supply (5YHLS), as required by the National Planning Policy Framework (the Framework), and this is a material consideration which I will return to below."

Arun Local Plan:

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. The proposal conflicts with ALP policy C SP1.

Barnham and Eastergate Neighbourhood Development Plan (BENDP2):

The BENDP2 sets a BUAB, and the site lies outside of this. Policy H8 refers to development in the countryside and has a similar wording to ALP C SP1. Policy H2 allows for windfall sites but only where these are in the BUAB. The proposal conflicts with these policies. Other policies in the BENDP2 will be referred to in following sections.

The site is outside the built-up area boundary and some distance from adjoining settlements. It is exceptionally unlikely that trips from this site will be made by modes other than the private car. Walking and public transport accessibility is poor. There would be very limited social and economic benefits of the proposals.

The conclusions of appeal BN/99/22/OUT stated that the residential development was in a sustainable location. The Inspector applied the presumption in favour of sustainable development and concluded that this was not outweighed by significant negative impacts.

A number of other permissions in the locality have been granted recently including WA/75/17/PL (allowed at appeal in June 2019), WA/26/18/OUT, BN/46/20/PL (allowed at appeal in March 2021) and BN/112/21/PL.

This application needs be determined on its own relative planning merits which includes the recently allowed appeal for 9 dwellings on the site.

The principle of development on this site conflicts with the development plan. This conflict is overridden by the identified material consideration (appeal APP/C3810/W/22/3312864). As the Council cannot demonstrate an appropriate HLS, the policies most important for determining the application are out-of-date and so the application must be determined by the NPPF presumption in favour of sustainable development under paragraph 11 (d). Footnote seven does apply for the proposed development. The policies referred to are those in this Framework (rather than those in development plans) relating to habitats sites (and those sites listed in paragraph 181).

**CHARACTER AND APPEARANCE**



ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the characteristics & natural features of the relevant landscape character areas.

The Arun Design Guide (page 130 states development in rural locations should integrate seamlessly into its setting, use simple/unobtrusive design, respond to the scale of nearby development, maintain existing landscape features, use hedging for boundaries and restrict areas of hard surfacing on frontages).

Policy ES5 of the BENDP2 would require development to contribute to the distinctive character of an area. Development will not be permitted where it would reduce the biodiversity, landscape and amenity value and character of historic rural roads. Historic rural roads are defined as those outside towns which have not undergone significant widening or straightening in the intervening period. Eastergate Lane is one of them.

Part 4 of the Barnham and Eastergate Design Guide (BEDG), an appendix to the BENDP2, refers to housing design policies and requires the density and character of each part of the parish should be respected.

The National Design Guide in Part C1 maintains that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture, and heritage.

The character of the area is one of scattered development set amongst open grazing land and horticultural glasshouses, which are a feature of the area. Where there is residential development, it contains large, detached houses set in extensive grounds fronting the lane. Other uses include equine establishments, storage yards and small workshops. Notwithstanding these commercial operations, Eastergate Lane and the land around it retains a rural character and appearance.

Existing buildings on site are single storey and only exist sporadically on much less than half of the site. The proposals would introduce a significant scale of new residential development into a rural location whose character remains largely one of open grazing land or horticulture. The number of dwellings has reduced from the allowed appeal and whilst not for consideration at this time, indicative dwellings are one and half storey and significantly greater in scale than buildings on the site. They would not be enclosed on site boundaries by natural features and would not be adjoined by built development. Given the terrain of the site, slowly rising from lane, the dwellings would stand up against the open grassland resulting in impact on the character of the countryside.

The Inspector's report in paragraphs 11 and 12 (APP/C3810/W/22/3312864) states: 'I am satisfied that the proposed 9 dwellings are unlikely to intensify the usage of the front portion of the appeal site beyond that existing, in terms of traffic movement and general activity on the site. However, when considering the rear section of the appeal site, the proposed use would not be appropriate. The open nature of the paddocks contributes to the rural setting of Eastergate Road, where pockets of development are surrounded by fields, hedges, and patches of woodland. The paddocks create one such pocket and provides the buffering between development which is characteristic of this area. The proposal would encroach into this space, reducing its capacity to provide a buffer, and harm both the character and appearance of the surrounding area.' In paragraph 15 the Inspector concludes: 'When considering the appeal site as a whole, the proposal would cause harm to the character and appearance of the area. It would, therefore, fail to comply with LP Policies D SP1 and D DM1 and Policies ES5 and ES6 of the Barnham and Eastergate Neighbourhood Development Plan (NP), as far as they seek to maintain an

area's character and local distinctiveness.'

The general conclusion of the Inspector stated above is agreed with for this application. As there would be fewer dwellings there would be less harm to the character of the area.

#### **MINERALS SAFEGUARDING**

The site is in a Sharp Sand and Gravel Mineral Safeguarding Area as defined by the West Sussex Joint Minerals Local Plan. Policy M9(b) of that Plan states that proposals for non-mineral development within the Minerals Safeguarded Areas will not be permitted unless: (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, or (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

It is material that on a similar scale nearby site (BN/147/21/OUT for eight dwellings), WSCC Minerals & Waste advised that due to the small scale of the proposal, no significant levels of mineral sterilisation would occur if the development was permitted and as such, they raised no objections. It is material that there is a need for new housing to counter the council's HLS deficit although the proposal's contribution will be very minor. On this basis, there is no conflict with this policy.

#### **HIGHWAYS & TRANSPORTATION**

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 in easy access of established non-car transport modes/routes.

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 application is outline with all matters reserved other than access. A single two-way access point onto Eastergate Lane with a 5.5m access road into the site and 2.4m x 120m visibility is proposed. WSCC Highways conclude visibility to the west will only be achieved if vegetation is trimmed back. They state that swept path tracking is acceptable and that there are no transport grounds to resist the proposals. The trimming back of vegetation would have the same impact as the allowed appeal decision.

The proposals are considered to accord with development plan polices and the NPPF.

#### **BIODIVERSITY/ECOLOGY**

ALP policy ENV SP1 encourages and promotes the preservation, restoration and enhancement of biodiversity and the natural environment and policy ENV DM1 stresses that proposed development likely to have an adverse effect on land with the designated features of any Site of Biodiversity Importance will not normally be permitted. Policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site.

BENDP2 policy ES15 states development within, or adjacent to the Biodiversity Corridors identified on

Map B and Appendix A must assess the impact of development proposals on the natural environment. Development proposals should contribute to, increase, and enhance the natural environment by providing additional habitat resources for wildlife and demonstrate that any potential impacts upon priority species and habitats have been fully assessed and mitigated to deliver at least a 10% net gain in biodiversity using the Defra approved biodiversity metric.

Paragraph 174 of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment recognising the intrinsic character and beauty of the countryside. According to paragraph 181, the same protection as habitats sites should be given to the sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

The site is in the 12km buffer zone for the Singleton and Cocking Tunnels Special Area of Conservation (SAC). BENDP2 policy ES17 requires assessment of proposals on foraging habitat and commuting flight lines qualifying bat species in this area. It is in the Biodiversity Corridor (2) identified on Map B and Appendix A where new development must not give rise to any significant harm to the integrity or function of the Biodiversity Corridors.

The applicant provided the Updated Ecological Impact Assessment (Lizard, May 2023) which was reviewed by the Ecology Consultant, and they are satisfied that there is sufficient information available to determine this application. They are satisfied that the updated Biodiversity Net Gain Assessment has estimated net gains in both Habitat Units (HU) and Linear Units (LU), estimating an increase of HU (+44.47%) and LU (+80.75%). They recommend the Biodiversity Net Gain Plan is submitted which demonstrates how net gain will be achieved on site, this should be secured by a condition.

The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition. It is recommended that this could also include provision of integrated bat and bird boxes, reptile hibernacula and native species rich hedgerow planting. The Inspector in BN/99/22/OUT found no harm to ecology and imposed conditions.

The development complies with requirements of the ALP policies ENV SP1, ENV DM1 and ENV DM5, BENDP2 policies ES15 and ES17 and paragraphs 174 and 181 of the NPPF.

## FLOOD RISK AND DRAINAGE

The site is not affected by any current or future flooding from rivers/sea and is in Flood Zone 1. 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. BENDP2 policy ES1a and b are consistent with policies in the Local Plan.

The site is in a water source protection zone with an extraction borehole being within 400m. Policy W DM1 seeks to protect existing water supplies from foul & surface water discharges. Portsmouth Water are content that water pollution can be controlled by way of conditions. This includes the prevention of any piling associated with foundations. On this basis, there is no conflict with the relevant policies.

The site is in the Lidsey Wastewater Treatment Works Catchment Area. Policy W DM1 (ALP) states although minor developments are unlikely to raise significant flood risk, due to the cumulative impact all development within this area must be accompanied by a Drainage Impact Assessment (DIA).

The surface water drainage strategy is disposal via infiltration. A Drainage Impact Assessment as required by the policy W DM1 was not submitted, however, it is material that Arun District Council's Drainage Engineers have not objected subject to pre-commencement condition and informatives which

are imposed. No concerns regarding the impact of surface water discharge in the Lidsey area have been raised.

The development would comply with those aspects of policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan and policy ES1 of the BENDP2 and paragraph 167 of the NPPF.

#### 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 Arun Design Guide sets out guidance on garden depths and interface distances between houses.

Notwithstanding the outline nature of the application, it is appropriate to ensure the development can be finalised without giving rise to harm to existing residential properties. Adjoining uses are unlikely to cause significant levels of noise and disturbance.

#### TREES

ALP policy ENV DM4 (Protection of Trees) requires development to demonstrate 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 the three criteria is adhered to. BENDP2 policy ES10 states development that damages or results in the loss of ancient trees or trees or hedgerows of arboricultural & amenity value should demonstrate that the benefits clearly outweigh the harm or loss.

Paragraph 131 NPPF highlights the important contribution which trees make to the character and quality of urban environments and can also help mitigate and adapt to climate change.

The established hedges in and around the stable complex and the trees on the site would be removed. The applicant in their Planning, Design and Access Statement, paragraph 7.5, states that 'all development on site would sit outside of the root protection areas of the existing trees which are sited in various locations within the vicinity of the site.' As a result of proposal, all trees and hedges would be removed. Even the mature tree on the site of The Oaks, not subject of this application, is shown on submitted 'Tree Protection Plan' to be removed due to new access to The Oaks.

The applicant provided a 'Tree Survey and Impact Assessment'. The development proposes the removal of 3 mature trees and hedges. There would be adverse impact on the character, appearance of the area and the natural habitat given the location of the site inside the 12km buffer zone as shown in the Sussex Bat SAC Planning and Landscape scale Enhancement Protocol.

The development would cause a loss of three mature trees, however, the applicant provides documents required by the Local Plan policy ENV DM4 and the proposal broadly comply with policy ENV DM4 of the Arun Local Plan. The Inspector on BN/99/22/OUT did not identify harm regarding tree loss.

#### 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.

A condition would be required to secure the specification of these proposals and to ensure compliance post planning decision. A condition would be required to ensure the provision of electric vehicle charge



points. On this basis, there would be no conflict with the relevant policies.

## **DARK SKIES**

Policy ES16 of the Neighbourhood Plan states that new development that detracts from the unlit environment will not be supported. It is considered that an appropriate lighting scheme would be required to accord with this policy requirements.

## **B8 USES & EQUESTRIAN**

Approximately half of the site is in B8 use (approved by BN/7/21/PL). This was granted permission as it accorded with EMP DM1. Under this policy, the use would be protected where there remains a reasonable prospect of continued employment use. The application makes no mention of this use and the policy requirements and have not sought to demonstrate that such uses could not continue this part of the site.

The equine use of part of the site is appropriate in a countryside location. The application submission fails to make any reference to the loss of these uses and whether they would need to provide elsewhere or if the scale of equine uses retained would be sufficient to accord with EQU DM1. The Inspector on BN/99/22/OUT did not identify harm on this issue.

## **PLANNING BALANCE/CONCLUSION**

The Council cannot demonstrate a 5 year HLS with the current housing land supply 2.36 years. As such paragraph 11 of the Framework applies. The housing policies which are most important for determining the application, including ALP policy C SP1, are out of date. As the site is not within, nor would affect any protected areas or assets, as set out in footnote 7 of the Framework, Paragraph 11 indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The proposal provides four dwellings in an area of countryside where other residential dwellings are present, although it is acknowledged not highly accessible. The Framework seeks to significantly boost the supply of housing and has a positive approach to alternative uses of currently developed land. Whilst a small-scale development, the number of dwellings has been reduced from nine to four, this would provide a small contribution towards housing supply. The proposal would provide very limited social and economic benefits. The cumulative benefits of the scheme carry marginal weight.

The development would not accord with the development plan when taken as a whole because it would lie outside any built-up area and would impact on the character and appearance of the countryside. However, this conflict is overridden by the identified material consideration (appeal: APP/C3810/W/22/3312864). The Inspector (for the same site for 9 dwellings) concluded their report stating: 'Although I have found the proposal would conflict with the development plan, for the reasons given above the presumption in favour of sustainable development is an important material consideration that, in this case, outweighs the limited conflict with the development plan.'

The same conclusion is reached in this case. NPPF paragraph 11(d) ii applies and the application is recommended for approval subject to conditions and informatives.

<b>HUMAN RIGHTS ACT</b>
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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**

Outline application with all matters reserved, other than access.

**RECOMMENDATION**

**APPROVE CONDITIONALLY**

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

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

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

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

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

3 The development hereby approved shall be carried out in accordance with the following approved plans insofar as they relate to access only:

Location Plan;

Dwg No 001, Proposed Site Plan Layout.

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

4 The layout details to be submitted pursuant to condition 1 shall include:

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

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

5 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and are an overriding factor in terms of requirements. Winter groundwater monitoring to establish highest annual ground water levels and winter percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No building / 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 development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

6 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.

7 No part of the development shall be first occupied until the access with visibility splays of 2.4m by 120m have been provided at the site access onto Eastergate Lane, in accordance with the approved drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.

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

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

Prior to the first occupation of any dwelling forming part of the 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.

- 9 Demolition or construction works shall take place only between 0800 and 1800 on Monday to Friday, between 0800 and 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

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

- 10 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Updated Ecological Impact Assessment (Lizard, May 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 enhance the environment for local wildlife and result in net biodiversity gain, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan. and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 11 No development shall commence unless and until a Biodiversity Gain Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the Secretary of State's biodiversity metric as applied in the area in which the site is situated at the relevant time.

The content of the Biodiversity Gain Plan should include the following:

- a) Proposals for the on-site biodiversity net gain;

b) A management and monitoring plan for onsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Gain Plan.

Reason: To allow the development to demonstrate measurable biodiversity net gains and allow Local Planning Authority to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with policy ENV DM5 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the biodiversity goes to the heart of the planning permission.

12 No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with policy ENV SP1 and ENV DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the conservation of protected species goes to the heart of the planning permission.

13 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 NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with policy ENV SP1 and ENV DM1 of the Arun Local Plan.

- 14 Any contamination found during construction that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment & prevention of harm to human health and to ensure that risks from land contamination to drinking water supplies is controlled and mitigated in accordance with Arun Local Plan policies QE SP1, QE DM4, W SP1 and W DM1.

- 15 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) in accordance with policy ENV SP1 and ENV DM1 of the Arun Local Plan.

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

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



methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

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

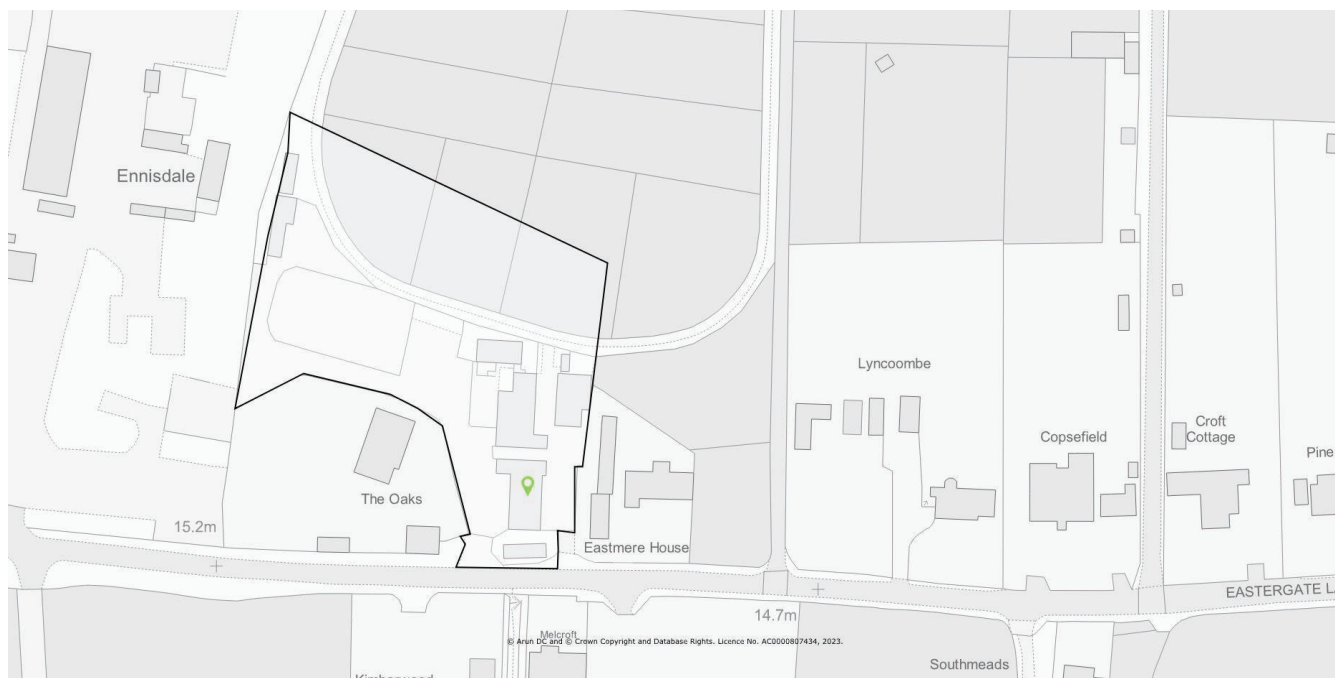
Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions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

- 17 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 representations that may have been received and determining to grant planning permission in accordance with the presumption in favour of sustainable development set out in 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)

**BN/25/23/OUT - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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## PLANNING APPLICATION REPORT

REF NO:	BR/142/23/PL
LOCATION:	Regis Centre and adjoining land Belmont Street Bognor Regis PO21 1BL
PROPOSAL:	Application under Regulation 3 of the Town & Country Planning Act (General Regulations) 1992 for partial demolition of existing theatre and erection of extension to provide new studio/performance space, cafe/bar/restaurant, foyer, back of house space, outside seating area, new and replacement landscaping and new plant on roof space. This application may affect the setting of listed buildings and is in CIL Zone 4 (Zero Rated) as other development.

### SITE AND SURROUNDINGS

#### DESCRIPTION OF APPLICATION

The scheme involves the partial demolition and extension of the theatre and various external/internal improvements. The back-of-house areas and auditorium will be retained and refurbished. The front-of-house area (excluding main auditorium) is to be demolished and replaced with an extension to provide an improved foyer, studio, cafe/bar, toilets, and seating. The key elements of the project are:

- Refurbished main auditorium: improved sightlines, more legroom, displacement air systems and technical infrastructure.
- Additional seating in the main auditorium from 364 to 386.
- A total of 2,700m<sup>2</sup> of arts/cultural floorspace, including 1,455m<sup>2</sup> of new and re-provisioned floorspace. The increase in floor area between the existing and the proposed is 843m<sup>2</sup>.
- A fully accessible double-height foyer/exhibition space with bar & cafe connected by two passenger lifts to a new upper level.
- A space in the foyer areas for use as an on-site/pop-up art gallery/display space; with the added facility for this in any of the studios when required ensuring an ever-evolving and changing art display subject to external provider/interest.
- Improved catering and bar facilities.
- Five new studios (in place of the existing two) with sprung floors and technical facilities. Some will be performance studios with staging & seating, with the potential for audio/visual connection to the main auditorium, allowing access for larger audiences to keynote performances.
- A contemporary and transparent facade fronting Place Saint Maur des Fosses.
- Relocation of the theatre entrance to the western elevation.

- Improved energy efficiency measures.
- New and replacement landscaping in planters, fronting Place Saint Maur des Fosses; and
- A new zinc roof to replace the existing (including to the unaffected areas of the theatre part of the building).

No new parking provision is proposed but none is to be lost. No external lighting is proposed.

SITE AREA	0.28 hectares
TOPOGRAPHY	Predominantly flat.
TREES	There is a small area of non-native landscaping at the north-west corner which will be lost as a result of the extension.
BOUNDARY TREATMENT	None.
SITE CHARACTERISTICS	The Alexandra Theatre is the northern part of a larger building known as the Regis Centre. The southern part of the Regis Centre was most recently occupied by Brewers Fayre but has closed and the lease has returned to the Council.
CHARACTER OF LOCALITY	It has been suggested that the roofscape was originally designed to resemble a Seagull. The roof is very complicated and the building has a tired appearance with no clearly defined frontage. The site area includes a very small piece of landscaping at the northwest corner, some pavement on the northern edge and an 8-bay parking area on the east side.  The site lies in the heart of Bognor Regis. Surrounding building heights are predominantly two or three storeys but there is a five-storey building (Mountbatten Court) on the west side of the adjacent Place St Maur Des Fosses. The site lies opposite the Bognor Regis Arcade and is flanked on the east and west sides by open areas including the large car park.

#### RELEVANT SITE HISTORY

BR/225/18/PL	Change of use of land to allow events & associated temporary structures & equipment & portable buildings for use by businesses associated with those events.	ApproveConditionally 12-12-18
BR/156/16/PL	Redevelopment of the Bognor Regis Centre to provide 6358 sqm of commercial space (including leisure facilities) for mixed development, 64 room hotel, 192 apartments with the provision of 30% Affordable housing units compliant with policy Car parking, creation of a new board walk & conversion of Place St Maur des Fosse into a Plaza, soft & hard landscaping. Redevelopment of the Hothampton car park to provide a 1100 seat theatre, with a 48 bed hotel & conference facilities, the provision of 2 retail units facing onto the Queensway, relocation of	Refused 01-02-17

childrens play area & upgrading of the facility, plus hard & soft landscaping. Redevelopment of the Esplanade Theatre site to provide a 200 cover Destination Restaurant and relocation & upgrade of the existing skate park to adjacent to the Pier. Provision of 3 new kiosks along the Promenade to provide retail, toilets & showers. This application is a resubmission of BR/26/15/PL. This application affects the setting of a Listed Building & may affect the character & appearance of The Steyne Conservaton Area

**Appeal: Allowed+Conditions  
05-07-18**

BR/225/18/PL allowed the Place St Maur Des Fosses site on the western side of the site to hold events including for associated temporary structures, equipment, and portable buildings. BR/156/16/PL was allowed on appeal but has lapsed. It proposed total demolition of the Regis Centre (including the theatre) with a replacement 6-storey building comprising a mix of uses across the wider site.

## REPRESENTATIONS

Bognor Regis Town Council: No objection - "Following a brief discussion about seat numbers and the consultation process, Members agreed to support the development of this key asset in Bognor Regis."

5 letters of support and 2 letters of no objection. The following is a summary of the points raised:

- Fantastic addition to Bognor Regis.
- Will increase visitors to the town centre and the immediate surroundings.
- Boost for the local economy.
- Will result in more complex productions being staged.
- Community Space is positive; and
- Not appropriate to go from 4 to 2 gents toilets given the increase in seats.

## COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The amount of gents toilets is not a planning consideration. The submission states "The number of WCs has been calculated in accordance with British Standard 6465".

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

THE THEATRES TRUST - support and recommend permission is granted. State it would be less disruptive and more coherent if building works to both parts of the building proceed at the same time. Strongly encourage additional investment and refurbishment in back of house areas (which do not form part of the proposals). Request blinds be incorporated in the glazed areas to prevent overheating.

WSCC HIGHWAYS - request a transport statement to enable proper consideration of the proposal.

ADC CONSERVATION OFFICER - advise that no harm would arise to the overall heritage significance of the affected assets, via a change in their setting. The application should be determined in accordance with relevant policies In the Development Plan. State:



- The development has the potential to affect: (a) The Bognor Regis Town Hall (Grade II Listed Building), Bognor Regis and District War Memorial (Grade II Listed), The Arcade and 6, 8 & 10 York Road (Locally Listed Buildings), and Belmont Lodge (a non-Designated Heritage Asset).
- The existing building is poor quality in terms of design and materials and the opportunity to improve it is positive and welcomed. The demolition of parts of the building are acceptable.
- Whilst the extensions would be closer to locally listed buildings and would be taller than the existing, the rear elevation of the Arcade is not the most important (the principal elevation being to the High Street).
- The new elevations of the Regis Centre are an improvement on the existing, which is positive.
- Whilst the proposal would create a larger building, elevations are simple and appear better considered than the existing.
- The intention to remove essentially blank/blind facades and replace them with something better articulated that better presents itself to the road, the covered arcade, and Belmont Lodge, is positive.
- The improved elevations will reflect the simple appearance of Belmont Lodge.
- Such an approach will improve the relationship between the building and the arcade, whilst allowing for a better view out from the arcade.
- Whilst the extended building will be visible in views of the Town Hall & Memorial, the existing building is already in this view and has a negative impact.
- The simple nature of the elevations will ensure they do not dominate in views of the town hall, especially in the context of the principal elevation. It is positive that the east elevation of the building is to be improved so that it better reflects the new extensions; and
- It is recommended that specific details of the materials are supplied as part of any application, along with details of how they relate to the existing buildings.

ADC ECONOMIC DEVELOPMENT - support. Request a condition for an Employment & Skills Plan.

ADC DRAINAGE ENGINEERS - formal comments are on hold pending a meeting with the applicants to discuss the application. The drainage engineer has verbally advised:

- The applicant has not submitted enough detail to show the current design meets our requirements and the WSCC policy for the management of surface water.
- The major points of discussion relate to WSCC Policy 5 (The Management of Surface Water)\*, specifically para 5.4.4 and the physical constraints of the site in the red line boundary and the invert levels of the existing surface water sewers.
- Para 5.4.4 requires schemes on brownfield land achieve a betterment on the existing drainage; and
- The agreed runoff rates, and how these are met with on-site storage, need to be considered now, prior to approval to ensure that there is adequate space to meet the policy requirements on the site.

\* The WSCC Policy does not form part of the Development Plan but would be a material planning consideration in the determination of applications.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted and conditions applied except as discussed below:

THE THEATRES TRUST - the condition requiring the incorporation of blinds is not included as it is not considered reasonable. The other issues raised are not planning considerations.

WSCC HIGHWAYS - there was no requirement in the validation list for a Transport Statement for the use. The applicants have prepared a highway note and WSCC have been re-consulted. Any further comments will be reported at the meeting.

ADC DRAINAGE ENGINEERS - engineers are meeting with the applicant to discuss the matters but the

issues are such that there is unlikely to be a resolution by the time of the meeting. Further comment on this matter is provided in the conclusions section.

## POLICY CONTEXT

The following designations are relevant:

- Within the Built-Up Area Boundary (BUAB).
- Mix of current Flood Zones 1, 2 & 3.
- The site is indicated to be FZ3a by 2061.
- CIL Zone 4.
- Within the Pagham Harbour Zone B area.
- Economic Growth Area & Town Centre Boundary.
- Affects the setting of nearby Grade II Listed Buildings.
- Affects the setting of nearby non-designated heritage assets; and
- Asset of Community Value.

The site forms part of a Bognor Regis Neighbourhood Development Plan (BRNDP) designation (Policy 8f - Regis Centre & Mountbatten Court Site). The BRNDP promotes the redevelopment of this area with a high-quality low carbon mixed use development that could include leisure, culture, and entertainment.

## 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
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPSP2	EMP SP2 Economic Growth Areas
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
RETSP1	RET SP1 Hierachy of Town Centres
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

<a href="#">Bognor Regis Neighbourhood Plan 2015 Policy 1</a>	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 8	Pre-Application Consultation
Bognor Regis Neighbourhood Plan 2015 Policy 8A	Design Excellence
Bognor Regis Neighbourhood Plan 2015 Policy 8B	Car Parking
Bognor Regis Neighbourhood Plan 2015 Policy 8F	Regis Centre & Mountbatten Court Site

**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
SPD9	Buildings or Structures of Character

**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 Bognor Regis Neighbourhood Development Plan (BRNDP) policies have been taken into account.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is in the built-up area boundary where development is acceptable in principle however there is conflict with relevant Development Plan policies in that the extensions are not subservient to the building in terms of height and there are outstanding drainage issues.

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.

<b>CONCLUSIONS</b>
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**BACKGROUND:**

The council has held a long-term vision to see the Regis Centre site improved and developed. The 2003 Bognor Regis Masterplan recognised the site as the 'jewel in the crown' and its potential to become the leisure heart of the town, providing a 'first class building and public realm'. Public consultation supported the proposal to retain the Alexandra Theatre on the site and ensure it continues to be an active and inclusive local theatre. Various development schemes and proposals have been considered over the years, but these have not been progressed usually due to financial viability.

Early in 2021, the government announced the Levelling Up Fund (LUF). This fund would provide grants to Councils to deliver major capital schemes that support regeneration. In April 2021, a LUF working party of Arun District Council councillors was formed to consider which projects should be included in a bid to the LUF. It was decided the refurbishment of the Alexandra Theatre and improvement to the public realm on the seafront at Littlehampton should be the focus of the bid.

The details of the proposed bid to LUF were presented to the Economy Committee 8th June 2021. The Committee resolved that (1) they endorse the submission of a bid for funding to the LUF for funding to support projects in Bognor Regis and Littlehampton to this report; and (2) they authorise the Director of Place to finalise the bid documentation and make changes as considered appropriate without changing the core messages or details and to seek letters of such from interested parties and partners.

In November 2021, it was confirmed that the council had been successful with their bid application and a grant of £19.4m had been awarded to deliver extensive improvements to projects in Bognor Regis & Littlehampton. A sum of £13m was specifically allocated to improve and extend the Alexandra Theatre. It was announced at Full Council in November 2021 that the bid had been successful, and this was welcomed by members.

Members should be very clear that it is the purpose of this committee to determine the merits of the planning application as according to the policies of the development plan and any other material considerations. It is not appropriate for the Planning Committee to seek to re-visit the previous decision of full council to progress an application to extend and improve the theatre.

**PRINCIPLE OF DEVELOPMENT:**

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

ALP policy RET SP1 states Bognor Regis and Littlehampton will be the main focus for retail, leisure, commercial, office, tourism, cultural, community and residential development. Policy EMP SP2 states knowledge and culturally based employment as well as retail, leisure and office developments will be directed to the Economic Growth Areas to promote their vitality, viability, and regeneration.

BRNDP policy 8f states that the Plan promotes a high-quality low carbon mixed use development on the site that could include leisure, culture, and entertainment. It supports active ground floor/street level uses. The proposal complies with the policy criteria.

There is no conflict with relevant development plan policies that relate to the principle of development.

## MARINE PLAN POLICIES:

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

## FLOOD RISK:

The council's mapping (from Environment Agency (EA) data) shows the site is predominantly Flood Zone 1 with the west and south margins affected by Flood Zones 2 & 3. As per the council's Strategic Flood Risk Assessment (SFRA), it is predicted that the entire site will be Flood Zone 3a by 2061.

ALP policy W DM2 requires proposals in areas of high risk of flooding meet the sequential and exceptions tests, provide sustainability benefits to the wider community, demonstrate that the development will be safe and do not increase flood risk elsewhere. The purpose of the sequential test is to ensure land use planning takes due regard of flood risks and to ensure that areas at low or no risk of flooding are developed in preference to areas at higher risk. The exception test seeks to ensure wider sustainability benefits. The NPPF and associated guidance define theatre developments as 'Less Vulnerable' and state the exception test is not required for less vulnerable development in Flood Zone 3.

Whilst in practice future flood risk will be mitigated by existing sea defences (as these are proposed by the Shoreline Management Plan to be maintained) and to some extent by topography, government guidance in the NPPF (paras 159, 162) and NPPG (33 - Reference ID: 7-033-20140306) make it clear that a sequential site assessment is required where a site is at high risk of current or future flooding. As per para 168 of the NPPF, a sequential assessment is required for non-residential extensions where the footprint of the extensions is greater than 250m<sup>2</sup>.

Arun District Council are in the process of updating the SFRA flood maps in line with the latest EA data which are based on more recent modelling. The latest EA maps indicate up to 240mm of potential tidal flooding in 2070 in the defended state in the western and southern part of the site.

The applicant provided a form of sequential site analysis, which states a full analysis is not required because the application concerns extensions to a development whilst the purpose of the sequential test is to guide new developments to areas of lower flood risk. The statement advises none of the new (improved) facilities can be accommodated off-site. The statement analyses the reasons why the extensions have to be on the west of the building (the west side being affected by future flood risk) as opposed to the safer eastern side. The reasons given are accepted and no objection is raised to the conclusions of the sequential assessment.

It is clear that safe access/egress to and from the development will be possible in flooding conditions for the lifetime of the development given the presence of alternative exits on the eastern side. On the basis of the above, there is no conflict with relevant planning 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 reported above, the council's drainage engineers currently have concerns with how the current design meets the



ADC and WSCC policy requirements. Engineers will be meeting with the applicant's consultant to discuss the scheme and seek to resolve these issues.

The issues principally relate to how the scheme will provide for a betterment on the existing situation as this is a policy requirement for all brownfield development. It is expected that the meeting will resolve the matter as it will allow the applicant to explain the data that they have provided and how the scheme meets the relevant policies. It may be necessary to provide further attenuation to limit discharge rates or provide additional surface water flood storage within the site area. This may result in amendments to the submitted drainage statement and plans but these are matters of detail and do not relate to the principle of the development. Therefore, delegation back to the Group Head of Planning is appropriate.

#### HERITAGE ASSETS:

The proposal may affect the setting of the Grade II listed Town Hall and accompanying War Memorial, as well as the setting of existing nearby non-designated heritage assets (NDHA) including some designated by the Local Plan Buildings of Character policy.

ALP policy HER DM1 requires proposals to protect and enhance the setting of Listed Buildings. Policy HER DM2 refers to locally designated buildings of character but only in respect of physical alterations or demolition. Buildings of character are described as NDHA and policy HER SP1 refers to the need to protect the setting of these - and the setting of all heritage assets.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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."

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

It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (set out in para 202). Para 203 states that in weighing applications that directly or indirectly affect NDHA, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. BRNDP policy 1 follows the NPPF advice stating proposals must identify the significance of any affected heritage asset and assess any harm & benefit.

The applicants provided a Planning and Heritage Statement which concludes the development will provide significant townscape improvements to the wider area, from which all buildings and uses will benefit. The council's conservation officer reviewed this and undertook his own assessment. The advice is that the design of the extension will have a positive impact such that there will be no harm to the overall heritage significance of the affected assets, via a change in their setting. On this basis, there is no requirement, per the NPPF to assess the public benefits of the proposal.

The proposal accords with relevant development plan policies and the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 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. D DM4 sets out criteria for which applications relating to extensions and alterations of buildings must be assessed against. These seek to minimise the impact of proposals on the character of the host building, its neighbours, and the locality. Extensions should be visually subservient to the host building.

BRNDP policy 8a states key priority sites (such as this) should demonstrate design excellence and use high quality materials. The previously (appeal) allowed but time expired development scheme proposed a 6-storey building on this corner of the Regis Centre/Car Park site. The Inspector's decision raised no concerns regarding the design of that building.

The Arun Design Guide (ADG) is a material consideration. It is predominantly focused on residential development and does not contain guidance specific to theatre developments but requires development to respond to the distinctiveness & characteristics of their surroundings in terms of scale, massing, and materials, protect the amenities of occupants & neighbours and seek to minimise energy consumption and improve environmental performance. Part T covers mixed & town centre uses and states:

- Ground floor frontages should incorporate active uses with inactive uses located above or to the rear. The maximum length of inactive frontage should not exceed 15m; and
- The height of buildings should be appropriate to context but may include taller 'landmark' buildings which provide a focal point and aid legibility.

The building is of a poor quality in terms of design/materials and the opportunity to improve it is welcomed. The demolition of parts sections to achieve the whole development are accepted. The design has a contemporary but classic style. Light-coloured materials reflect materials prevalent locally. Elevations are simple and represent an improvement on the presently blank/blind elevations of this part of the building. Existing elevations have a mix of roof forms, pitches, heights, and fenestration.

The extensions result in a taller building than at present and this partly conflicts with ALP policy D DM4 as extensions should be subservient additions. This conflict is outweighed by other material considerations such as visual improvements to the building, the better use of the space and the resultant community benefits. It should also be noted that subservience is not just related to height, it also relates to the overall scale of the building and its location. It is also material that the scheme previously allowed on appeal proposed a 6-storey building on this site and no objections were raised by the Inspector on design.

The conservation officer comments refer to building design and in short, raise no concerns and consider the changes to be positive. It is clear that the proposal accords with policy in that it establishes a sense of place, uses good quality materials, responds to the scale/distinctiveness/characteristics of the area, and establishes new active frontages at street level. Whilst there remains conflict with policy D DM4, the proposal is otherwise acceptable in respect of the relevant development plan policies.

#### **RESIDENTIAL AMENITY & POLLUTION:**

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. Policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. Policy QE DM1 requires noise generating development be accompanied by an acoustic assessment. The ADG sets out guidance on interface distances between dwellings, but this does not cover relationships between commercial buildings and other uses.

There are offices above 9-11 York Road (on the corner with Belmont Street) and the nearest dwellings

are to the west (Mountbatten Court). There will be at least 28m between the extended building and the closest elevation of these flats. This exceeds the 21m distance set by the ADG. There will be no loss of privacy or harmful loss of day or sun light.

At pre-application stage a noise assessment was requested. This has been provided. It states:

- A Construction Management Plan will be prepared to control noise during construction.
- The refurbishment work will see the roof replaced but the new Zinc roof construction is predicted to provide a higher level of sound insulation than the existing slate roof. Noise break-out will therefore remain below the current level.
- The rating level of mechanical plant will not exceed representative background noise level at the nearest residential receptors.
- Noise limits will be achieved with the plant equipment by including attenuation measures including plant screen and attenuators.

Should comments be received from the environmental health officer then these will be reported at the meeting. As it stands there is no conflict with any of the relevant policies.

#### **HIGHWAY SAFETY & PARKING:**

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate efficient delivery of goods and supplies; give priority to pedestrian 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. BRNDP policy 8b refers to parking but only for major development which this is not.

The council's Parking SPD does not include guidance on theatre parking provision. It is clear there is no specific parking provision with the use sharing facilities the adjacent public car park. There is no space to provide additional parking. Whilst the proposals increases the capacity of the building (in terms of seats, new bar/cafe areas and workshop/studio space), it is material that this is a highly accessible location with good bus/rail links and other public car parks in the area.

There are 719 car parking spaces in the town centre boundary at The Regis Centre, Hothampton and Fitzleet car parks. There are other car parks just beyond the town centre boundary at Lyon Street, Gloucester Road and London Road providing 278 spaces. There is cycle parking close to the site on Belmont Street and York Road, with more secure spaces on High Street - a 2 minute walk from the site. It is material that the application area includes limited areas of vacant space around the building. On this basis, the lack of new parking provision should not be regarded as a policy conflict.

The other aspects of policy T SP1 are met by reference to the existing nature/use of the building/site. Notwithstanding the current position of WSCC Highways, the proposal complies with the relevant policies of the development plan.

#### **WASTE MANAGEMENT:**

ALP policy WM DM1 does not refer to commercial development. Section H.07 of the ADG advises that the waste arrangements should meet the requirements of the users of buildings while being as unobtrusive as possible. It should be convenient and safe for users to access and ensure efficient collection by waste vehicles. The submission sets out that the existing east facade where the stage access and the scene dock door are, is intended to be used as the removal route for refuse. This reflects the existing situation and so waste vehicles can collect refuse from the adjacent car park.

**TREES & BIODIVERSITY:**

ALP policy ENV DM4 states trees contributing to local amenity should not be damaged or felled unless the benefits of the development outweigh the loss. ALP policy ENV DM5 requires proposals achieve a net gain in biodiversity and protect existing habitats on site.

Landscaping at the north-western corner of the site will be lost. Given the size of this area and the type (non-native species), no objection is raised in respect of ALP policy ENV DM4. New landscaping in the form of 6 tree planters is proposed on the west side of the site. This will help to compensate for the lost planting whilst providing a welcoming addition to the hard surfacing of the Place Saint Maur des Fosse and generally softening the appearance of the extension. The species proposed are non-native (Dwarf Fan Palm), but this is necessary given the coastal location (need for a drought and soil tolerant species) and reflects the existing landscaping.

Given the size, location, and use of the site, it is unlikely to have any potential as habitat for protected species. The applicants provided a Biodiversity Enhancement Plan which aside from the new trees also proposes a new bat box on the south wall of the existing building, and two bird boxes on walls on the north and east elevations. The plan concludes that "where the recommendations are implemented, there will be an overall increase in biodiversity and connectivity across the site, which will also be beneficial for the wider landscape." The measures will be enforced by a condition.

Policy ENV DM5 requires a net gain is demonstrated but does not set a specific amount. The proposal accords with the policy requirement. It is material that there is limited space on site for new habitat.

**CLIMATE CHANGE/SUSTAINABLE CONSTRUCTION:**

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 submission states the proposal will improve the sustainability of the theatre and reduce its carbon footprint. Existing heating/ventilation equipment will be replaced, and modern design techniques will be incorporated to reduce the embodied carbon in the building. A condition will be imposed to seek the detail of the energy saving features and, on this basis, the proposal complies with the relevant policies.

**SUMMARY:**

The proposal should be determined in accordance with the development plan policies and paragraph 11c of the NPPF which states "approving development proposals that accord with an up-to-date development plan without delay".

This report identifies that the proposal results in some conflict with policy D DM4 in that the extensions are not subservient to the building in terms of height. There is current conflict with drainage policies, but these will be resolved separately by officers.

On the other hand, the proposal represents sustainable development, and the rejuvenation of the theatre represents a significant boost to the town's cultural and tourism status, bringing in new visitors and increasing the attractiveness of Bognor Regis. The regeneration may act as a catalyst for other regeneration projects which will, in turn, improve the economic prosperity and wellbeing of residents.

**RECOMMENDATION:**



The recommendation is for Planning Committee to delegate to the Group Head of Planning in consultation with the Chair or Vice Chair of the committee with authority to satisfactorily resolve drainage issues between the applicant and the local planning authority and then grant the full planning permission subject to the agreed conditions (including any new ones requested by drainage engineers) and any new or amended plans relating to drainage.

**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 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 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 positive impact on the protected characteristics of age and disability through the provision of accessible lifts and toilets.

**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 and documents:

LOCATION PLAN AT-NHA-00-ZZ-D-A-00010 REV P01  
LOCATION PLAN AT-NHA-PL-00-D-A-PL010 REV P03  
SITE PLAN AT-NHA-ZZ-03-D-A-00020 REV P01



SITE PLAN AT-NHA-PL-00-D-A-PL020 REV P03  
 GENERAL ARRANGEMENT PLAN LEVEL 00 AT-NHA-ZZ-00-D-A-00100 REV P06  
 GENERAL ARRANGEMENT PLAN LEVEL 00 AT-NHA-PL-00-D-A-PL100 REV P01  
 GENERAL ARRANGEMENT LEVEL 01 AT-NHA-PL-01-D-A-PL101 REV P01  
 GENERAL ARRANGEMENT PLAN LEVEL 02 AT-NHA-PL-02-D-A-P102 REV P01  
 GENERAL ARRANGEMENT PLAN ROOF AT-NHA-PL-03-D-A-PL103 REV P01  
 GENERAL ARRANGEMENT ELEVATION NORTH AT-NHA-PL-ZZ-D-A-PL200 REV P02  
 GENERAL ARRANGEMENT ELEVATION WEST AT-NHA-PL-ZZ-D-A-PL201 REV P01  
 GENERAL ARRANGEMENT ELEVATIONS EAST AND SOUTH SHEET 1 OF 2 AT-NHA-PL-ZZ-D-A-PL201 REV P01  
 GENERAL ARRANGEMENT ELEVATIONS EAST AND SOUTH SHEET 1 OF 2 AT-NHA-PL-ZZ-D-A-PL202 REV P02  
 GENERAL ARRANGEMENT ELEVATIONS SOUTH SHEET 2 OF 2 AT-NHA-PL-ZZ-D-A-PL203 REV P02  
 GENERAL ARRANGEMENT SECTIONS AA & BB AT-NHA-PL-ZZ-D-A-PL301 REV P01  
 GENERAL ARRANGEMENT SECTIONS CC & DD AT-NHA-PL-ZZ-D-A-PL302 REV P01  
 VIEW FROM ARCADE AT-NHA-PL-ZZ-VS-A-PL400 REV P01  
 VIEW FROM THE CROSSING AT-NHA-PL-ZZ-VS-A-PL401 REV P02  
 VIEW FROM BELMONT STREET AT-NHA-PL-ZZ-VS-A-PL402 REV P02  
 VIEW FROM TOWN HALL AT-NHR-PL-ZZ-VS-A-PL403 REV P01  
 VIEW FROM PLACE ST MAUR AT-NHA-PL-ZZ-VS-A-PL404 REV P01  
 VIEW FROM ENTRANCE AT-NHA-PL-ZZ-VS-A-PL405 REV P01

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

- 3 The development shall be carried out in full accordance with the recommendations of the submitted Noise Survey and Noise Impact Assessment (ref 1511-TCP-AC-R01) unless otherwise agreed in writing. The proposed noise mitigation measures shall be retained and thereafter maintained in good working condition.

Reason: To protect the amenity of nearby residential occupiers in accordance with policy QE DM1 of the Arun Local Plan.

- 4 All proposed biodiversity enhancement measures and/or works shall be carried out in accordance with the details contained in the Biodiversity Enhancement Plan (ref 1052204 / SET69105-129 (00) rev 01) as 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 Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 5 No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) and accompanying Site Setup Plan have been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- Risk assessment of potentially damaging construction activities.
- 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).
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.
- The anticipated number, frequency and types of vehicles used during construction,
- The method of access and routing of vehicles during construction,
- The parking of vehicles by site operatives and visitors,
- The loading and unloading of plant, materials and waste,
- The storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding,
- The provision of wheel washing facilities/other works needed to mitigate the impact of construction on the public highway (including the provision of temporary Traffic Regulation Orders),
- Details of public engagement both prior to and during construction works. This shall include details of how measures will be put in place to address any environmental problems arising from any of the above. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

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

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

Reason: In the interests of highway safety & the amenities of the area, to conserve and enhance protected and priority species and allow the Local Planning Authority to discharge its duties under Arun Local Plan policies ENV DM5, T SP1 & QE SP1. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 6 Prior to commencement of development the applicant shall prepare and submit for approval an Employment and Skills Plan. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. This must be a pre-commencement condition as it relates to the construction phase and to ensure measures are in place so that local crafts people and apprentices are employed on the development.

- 7 Prior to the commencement of any demolition taking place, a copy of any asbestos register held for the building, and any remedial strategy (where appropriate), must be provided to the Local Planning Authority for approval in writing. The demolition should thereafter proceed in accordance with the approved details.

Reason: To protect future residents in accordance with policy QE DM4 of the Arun Local Plan. This is required to be pre-commencement condition because otherwise there could be a risk to human health including that of neighbouring residents and persons in the vicinity.

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

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

- 9 The 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.

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

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

- 11 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 representations received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development set out in the National Planning Policy Framework.

- 12 INFORMATIVE: The owner(s) of any commercial property built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. The Local Planning Authority need to be satisfied that if any asbestos previously identified is still present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure.

- 13 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 06/07/23) as available on the council's website.

- 14 INFORMATIVE: Flood proofing of the proposed development shall be incorporated, where necessary, in accordance with flood resilience and resistance techniques to be included in accordance with 'Preparing for floods' (ODPM 2003)

**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](#).

**BR/142/23/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: CM/48/21/RES

LOCATION: Land to the West of Church Lane  
South of Horsemere Green Lane  
Climping

PROPOSAL: Approval of reserved matters following the grant of CM/1/17/OUT for the erection of 300 No dwellings & a building within use class E, together with public open space, LAPs, LEAP & ancillary works, including car parking & drainage arrangements, with access off Church Lane & Horsemere Green Lane. This application may affect the setting of listed buildings & is in CIL Zone 4 (HSP2) & is not CIL Liable.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application seeks approval of Reserved Matters for the erection of 300 dwellings, a Community Building and associated works following the granting of CM/1/17/OUT at appeal. The reserved matters that are being applied for comprise appearance, scale, layout, and landscaping. Means of access has been granted approval at the Outline stage.
SITE AREA	27.01 hectares (gross site area).
RESIDENTIAL DEVELOPMENT DENSITY	Based on the residential areas (10 ha) the density is 30 dph.
TOPOGRAPHY	Predominantly flat.
TREES	Mature trees form the southern, western and part of the eastern boundary of the site. TPO/CM/1/04 covers the western and southern tree belts.
BOUNDARY TREATMENT	The southern boundary consists of a woodland tree belt, adjacent to the A259. The eastern boundary, adjacent to Church Lane, also has mature trees and hedgerow becoming more sporadic towards the north-eastern corner of the land. The northern boundary is formed by residential development except for a section that fronts directly onto Horsemere Green Lane.
SITE CHARACTERISTICS	The site is flat agricultural land.
CHARACTER OF LOCALITY	The site lies to the south of Climping. The village has been extended through residential development along sections of Horsemere Green Lane. The village includes a church, church hall and the Rudford Industrial Estate. The settlement of Ford lies further to the north. The surrounding areas to the east, south and west consist of agricultural land except for sporadic development to the south along the A259 including Baird's Farm Shop, housing along Climping Street and St Mary's Church of England School. The Oyster Catcher Public House

and Grange Holiday Lodge Park are to the west of the site across the B2233. A village hall and sports pitches are to the east of Church Lane.

**RELEVANT SITE HISTORY**

CM/1/17/OUT      Outline application for the erection of up to 300 dwellings & ancillary development comprising open space, a building within use class D1 (Non- Residential Institutions) of up to 875 square metres net, a building for A1 (Shops) use having a floor area of up to 530 sq. metres net, together with open space & ancillary works, including car parking & drainage arrangements, with appearance, landscaping, layout & scale wholly reserved for subsequent approval. The access detail, showing the points of access to the development, & indicated on Bellamy Roberts drawings numbered 4724/004 & 4724/005 are access proposals to be determined at this stage of the application. For the avoidance of doubt all other access detail within the site is to be determined as a reserved matter at a later stage. This application is a Departure from the Development Plan & affects the setting of Listed Buildings.

**Appeal: Allowed+Conditions  
28-09-18**

There was no pre-application correspondence prior to the submission of this reserved matters application.

**REPRESENTATIONS**

Climping Parish Council objects to the proposal, with their concerns summarised as follows:

- Impact on existing residents
- Design and scale of the development
- Traffic and unsuitable access
- Archaeology
- Sustainable transport
- Poor public open spaces and play areas, potential issues with management
- Drainage
- Landscaping and boundary treatments
- Unfunctional community buildings
- Poor contribution to local services
- Construction times and disruptions

36 public representations have been submitted objecting to the proposal. It should be noted that multiple objections have been submitted under one address, these count as one comment. The main points of concern raised include:

- Development should take place on brownfield land
- Climping coastline is eroding northwards towards the site

- Concern over planting for the northern boundaries
- Concern over loss of historic value of the site
- Concern that the access has changed
- Unhappy with the landscape scheme it will block sunlight out of my garden
- Infrastructure demand
- Traffic, highways safety and car parking
- Impact on residents
- Impact on heritage and archaeology
- External lighting
- Loss of farmland
- Good agricultural land used for food production
- Climate change
- Loss of habitat and impact on ecology
- Increase in crime
- Too much affordable housing
- Lack of sustainable transport options
- Poor public space provision and landscaping
- Concerns with construction times
- Flooding, drainage, and sewage
- Increased crime
- Noise, pollution, and dust
- Impact on landscape character
- Broadband connection
- Lack of infrastructure
- Poor footpath and cycle links
- Poor design
- Outline condition timeframes

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

Material planning related comments noted and addressed in the 'Conclusions' section below. It is noted that many of the issues raised in representations are not relevant to an application for reserved matters as they relate to matters of principle that were established through the outline permission.

<b>CONSULTATIONS</b>
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#### **CONSULTATION RESPONSES RECEIVED:**

**DRAINAGE ENGINEER** - Objection. Further information is required to assess the proposal. If permission be granted an additional condition and informative should be added.

**CONSERVATION OFFICER** - Initial concerns were raised that the proposed northern and north-eastern buffer has been depleted, causing development to encroach on the historic core. Concerns have been raised about the choice of some materials. Additional information and plans were submitted: Concerns remain with regard to the layout of development and its proximity to the historic core of the Parish which is in contrast with the illustrative masterplan of the outline application. Concerns still raised over the design of some of the houses and choice of materials.

**LANDSCAPE OFFICER** - Objection. Initial details provide a poor locally equipped area of play (LEAP) and local area of play (LAP) offer throughout the site, and there is inadequate soft landscape provision within the revised information. No revised comments have been received on the updated plans at the

time of writing the report. These will be provided as an update to committee.

NATURAL ENGLAND - No objection

WSCC Lead Local Flood Authority - No comment

WSCC Waste and Minerals Safeguarding - No comment

NATIONAL HIGHWAYS - No comment

SUSSEX POLICE - General comments received referring to guidance. The development should be designed to Secured by Design Standards. The locally equipped area of play (LEAP) and local areas of play (LAPs) should be surrounded with railings with self closing gates. Communal parking must be within view of an active room. Ground planting should not be higher than 1.0 metre, with tree canopies no lower than 2.0 metres. The local shop should include the provision of CCTV. Lighting throughout should conform to BS 5489-1:2013. Apartments should be provided with access controls.

HISTORIC ENGLAND - No comment

ECOLOGY - No objection

WSCC Fire and Rescue Services - No objection subject to the inclusion of conditions.

ENVIRONMENTAL HEALTH - No objection. Environmental Health have assessed the Noise Report dated March 2022 by Phlorum (Ref 9709 dated 7/3/22) and have no further comments on the Noise Assessment, providing that all mitigation measures detailed in this assessment are implemented. EH also have not comments on the Construction Management Plan.

ADC HOUSING: Objection. Request that there is a higher number of 2 bed rented dwellings at the expense of 1 bed dwellings, subject to this amendment, there would be no objection.

ARCHAEOLOGY - No objection. It is agreed that the proposed layout, when combined with further investigation of the rest of the site (to be secured via the condition (13) imposed on permission CM/1/17/OUT), would provide a suitable conservation strategy.

ADC Economic Development - No objection

SOUTHERN WATER - No objection

WSCC Highways - No objection

#### **COMMENTS ON CONSULTATION RESPONSES:**

All comments noted and either discussed in the report's conclusion or dealt with by conditions.

<b>POLICY CONTEXT</b>
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Designation applicable to site:  
Strategic Allocation in the Arun Local Plan (SD10)  
Within the Built-Up Area Boundary in the Arun Local Plan.

#### **DEVELOPMENT PLAN POLICIES**

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
ENVDM4	ENV DM4 Protection of trees
GISP1	GI SP1 Green Infrastructure and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
HDM1	H DM1 Housing mix

<u>Clymping Neighbourhood Plan 2015 Policy CPN11</u>	Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN13	Retain buildings or structures of character
Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment
Clymping Neighbourhood Plan 2015 Policy CPN7	Protection of open views
Clymping Neighbourhood Plan 2015 Policy CPN8	Protection of Trees and Hedgerows
Clymping Neighbourhood Plan 2015 Policy CPN9	Protection of Natural Habitats

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

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, 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 Clymping Neighbourhood Plan (CNP) was made on 13th January 2016. Relevant CNP policies have been taken account of and are addressed in the Conclusions section of this report.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(5) states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, the Arun Local Plan would take precedence over the Clymping Neighbourhood Plan, should there be any conflict between the two.



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

Section 70(2) of TCPA provides that:-

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

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

The proposed residential development of 300 dwellings and community buildings would result in a well-designed high-quality scheme combining traditional and contemporary architectural styles which would integrate with existing development. The attenuation ponds and swales which form part of the surface water drainage scheme are acceptable, however, drainage is not a reserved matter and these details will be reviewed and assessed at discharge of condition stage. The proposed open spaces and areas of additional planting, fitness trails and play spaces soften the built form and provides buffers between the existing residential development and the proposed dwellings. The details contained within this application in relation to appearance, layout, scale and landscaping are acceptable and are in accordance with the approved Outline Permission, Development Plan Policies, and the NPPF.

#### OTHER MATERIAL CONSIDERATIONS

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

#### CONCLUSIONS

This application seeks to secure reserved matters approval for appearance, landscaping, layout and scale. All other matters were considered through the determination of CM/1/17/OUT with conditions included in relation to the following matters, which will require discharge prior to the commencement of development:

- Phasing Programme
- Tree Protection and Management
- Surface Water
- Drainage
- Flood Management & Mitigation
- Ecology Management and Mitigation
- Archaeology
- Construction Method Statement
- Travel Plan
- Energy Efficiently Measures
- Acoustic Barrier Measures
- Noise Assessment
- Highway Improvements
- Employment and Skill Plan,
- Broadband

PRINCIPLE

The principle of development at this site was established through outline planning application CM/1/17/OUT for the erection of up to 300 dwellings and ancillary development comprising open space, a building within use class D1, and a building for A1 use.

The outline permission also considered matters in regard to flood risk, impact on wildlife, loss of agricultural land, countryside location, heritage assets, provision of affordable housing, public open space, children's play and other infrastructure.

### COMPLIANCE WITH OUTLINE

It has been established by case law that applications for the approval of reserved matters must be in the ambit of the outline planning permission and must be in accordance with the conditions annexed to the outline planning permission.

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

A number of conditions imposed on the outline approval (CM/1/17/OUT) set parameters for the nature and form of the proposed development and these have been summarised and considered below:

Condition 4 states, development shall be carried out in general accordance with approved plans which consist of:

- Location Plan (Drawing No. P14 4899-01 REV B),
- Access Plans (Drawing Nos. GDB 4724/005 and GDB 4724/013),
- Illustrative Master Plan (Drawing No. P14 4899 01 REV F), and
- Acoustic Barrier/ Noise Bund (Drawing No. P14 4899 03).

The proposed development is broadly inline with the illustrative masterplan apart from to the north and north east. These deviations are discussed in more detail later in the report.

Condition 5 relates to the submission of the reserved matters, this being appearance, landscaping, layout and scale. This application seeks the discharge of these elements.

Detailed plans accompany the application in specific regard to the four criteria requirements set out within condition 5. These are: design, form and architectural feature of the buildings (criteria 5i). A design code masterplan accompanies the application providing details of the street hierarchy, character areas, building typologies, key buildings, car parking, structural planting, street furniture, and treatment of the public realm (criteria 5ii). Details of hard and soft landscaping (criteria 5iii) and details of external lighting strategy (criteria 5iv) have also been submitted all of which are considered in more detail further in this report.

Whilst some information/technical reports have been submitted in relation to pre commencement/prior to occupation conditions, these matters are to be considered separately via the discharge of those conditions.

### CHARACTER AND APPEARANCE

Arun Local Plan (ALP) policies D DM1 and D SP1 are relevant in respect of character. In addition, Policy AH SP2 seeks to ensure that affordable housing is visually indistinguishable from market housing and that it is provided in small clusters throughout the development. Policy CPN 7 of the Climping Neighbourhood Plan (CNP) is relevant relating to the protection of open views.

The site falls within National Character Area Profile, South Coast Plain. This area is characterised by plain gentle slopes to the south towards the coast, there are stretches of farmland between developed areas. Large arable fields defined by low hedges or ditches are common, and the area has significant urban development, with development along the coastline dominated by suburban villages.

The Arun Landscape Study (2006) identifies that the site lies within the Climping Lower Coastal Plain (31) and states that the area "includes the only substantial area of undeveloped coastline, largely rural, within the floodplain and provides separation between Middleton-on-sea and Littlehampton."

Views of the proposed development are largely confined to vantage points located to the north, east and west, with views restricted by woodlands, shelterbelts, hedgerows and existing residential dwellings surrounding the site. The new boundary vegetation will include additional trees, thicket and hedgerow planting which will reinforce the boundaries and create a strong landscaped edge to the development which respects the mature tree belt to the south of the site.

The Climping Character Assessment notes five character areas which are Parish and Countryside, Coastal, Traditional Climping, Horsemere Green Lane and A259 corridor. The site lies to the south of Horsemere Green Lane character area, part of the site sits immediately to the south of Traditional Climping (north eastern corner of the site), with the remainder of the site falling within the A259 Corridor.

Climping comprises an eclectic mix of historic development ranging from the Church, dating from 1220, to 19th century buildings of brick and flint construction with mainly slate tiled gabled roofs. Some are single storey or chalet style dwelling but the majority are two storey buildings. Horsemere Green Lane, comprises a mix of one and two storey detached and semi-detached dwellings of varied designs with tiled roofs, some of which are traditional slate. Most dwelling in this area are built with brick, some are rendered or tile hung and some faced with Sussex flint.

The A259 Principal road runs east - west, severing the village. The A259 has grassed verges and hedges and trees that partially screen the countryside and the residential areas. There is a footway along the northern side of the A259 (Crookthorn Lane) leading east from the Yapton Road junction towards Littlehampton. Beyond Church Lane this footway opens out to include a cycleway. The south side, and some of the north side of the road, is designated strategic gap in the Arun Local Plan. It is important that a screened and wooded effect along the road is maintained.

There are five modern estates of houses within the Parish area. These estates are laid out in more regular patterns, with houses built on smaller plots with open front gardens and pavements. Most of the houses are detached with only smaller numbers of semi-detached houses. Most are brick built with pitched tiled roofs and some modern thatches, with some reference to traditional flint and render in their construction details. Of particular relevance is Crophorne Drive a development of 28 five bed two and three storey detached houses comprising a mix of brick, rendered and Sussex flint facings.

The development includes a variety of house types ranging in size from 1 bedroom apartments to 4 bed roomed houses. The proposal consists of apartments, terraces, semi-detached and detached dwellings predominately of two and two and half storey in height. This is reflective of the character of the immediate locality of the site.

Some dwellings propose quoining detailing to corners and/or arched window detailing together with porch canopies to front doors, occasional built out porches to match local precedent. Other detail such as grey banding (house type C - Detached House) is proposed to match The Well House.

Roof forms comprise a mix of gable and hipped to reflect the more traditional dwellings and half-hipped roofs to mimic local barn conversions with front-back pitched roofs.

Brick and flint will be present throughout the development, with a variety of brick colour to match existing dwellings such as Church Farm Cottages, The Laurels, and The Barn. Flint blocks will also draw from the existing material pallet, reflecting existing dwelling on Climping Street and Mayfield House. The majority of front gardens are framed by low planting to emphasise the green and open nature of the site.

The appearance of the proposed dwellings recognises the importance of the local character, ensuring key features prevalent in Climping are incorporated into the detailed design.

The development would not result in unacceptably adverse harm to the character of the locality by virtue of the developments restricted visibility within the wider landscape due to the existing landforms, development and existing planting coupled with the additional proposed planting within this submission. Therefore the proposal accords with the requirements of LAN DM1 of the ALP and policy CPN 7 of the CNP.

#### DESIGN AND LAYOUT

Arun Local Plan policies D DM1, D SP1 and LAN DM1 are relevant in respect of design and layout. Policy CNP 11 of the CNP is relevant to high quality design.

Chapter 12 "Achieving well-designed places" of the NPPF is relevant. It recognises the need for high quality design, and if development is not well designed it should be refused. Paragraph 126 states "the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should be achieved."

Since outline permission was approved, the Arun Design Guide (ADG) has been adopted. Upon analysis, it would appear that the outline masterplan did not conform with certain areas of the ADG. Therefore the drawings submitted as part of the reserved matters application have been amended to conform with the adopted design guide. These changes are reflected in the submitted layout plan and are one of the reasons why the proposed layout plan differs from the illustrative masterplan approved at outline stage.

Changes were also made to the illustrative masterplan in regard to archaeology and drainage constraints. Following further community engagement it was also revealed that the back-to-back gardens with existing properties was strongly objected to by local residents and in particular residents on Crothorne Drives wished to avoid new houses being built immediately adjacent to them. By making amendments to the illustrative masterplan these matters have be addressed.

Based on the residential areas, the density of the development is 30 dwellings per hectare (dph), which is consistent with the submitted documents which accompanied the outline application (CM/1/17/OUT.) The predominance of two storey, and two and a half storey dwellings on the site is in accordance with the approved outline masterplan. The layout provides for a density and scale which is appropriate to the context, and accords with Policy D DM1 of the ALP, the NPPF and the Arun Design Guide.

The submitted Design Code identifies four-character areas - The Arrival, The Avenue, Countryside Cottages, and The Lanes. The principles of the character areas provide distinct areas which will help distinguish the different parts of the site from one another and will reflect the established character of Climping.

The Arrival - forms the entrance to the site which comprises of a series of rural Georgian houses, seen through gaps in the trees. Turning the corner into the site the apartments at the entrance provide a gateway and key feature which positively address Church Lane.



The Avenue - comprises mainly detached two storey dwellings which frame the main tree lined avenue through the site. The character area follows the tree lined green avenue to a central green/locally equipped area of play (LAP) area and to the large open space area to the west of the site.

Countryside Cottages - is to the north of the site, comprising a series of cottage inspired dwellings overlooking a landscape buffer at the edges. Front gardens are framed by low hedges to retaining the open appearance to the site.

The Lanes - Located to the north west of the site comprise a mix of detached and semi-detached dwellings.

There are two community buildings on site which front onto the central open space toward the Locally Equipped Area of Play (LEAP). These act as a second gateway denoting the transition from The Arrival character area to The Avenue. One of the community buildings is dedicated for A2 use and the other D1 in accordance with the outline permission.

Climping Parish Council raise concerns over the appearance of the community buildings, noting that they have been designed as 'empty shells' rather than functional buildings, lacking even basic essential facilities. The community buildings have been specifically designed, i.e with no fixed internal facilities, in order to be flexible to accommodate different end uses.

The proposed materials, within these character areas respond to the existing details found within Climping, and which will help to integrate the proposal with the existing village context. Not only do the character areas draw inspiration from Climping they are also distinct from one another to provide variation throughout the site which will create visual distinctiveness, in the interests of good placemaking.

The scheme has been reworked to ensure that car parking is not a dominant feature with parking sited behind the building line. Parking which is present within the street scene is broken up by planting or set back within the street scene to mitigate the visual impacts.

Affordable housing is well distributed across the site with clusters of single tenure types largely avoided. Given the designs and sizes of the dwellings these will appear indistinguishable from the market dwellings.

The proposed design and layout provides a form of development that is of high quality which will reflect the established character of the locality. The proposed layout and design accords with the principles established within the outline permission, as well as policies D DM1, D SP1, LAN DM1 and AH SP2 of the ALP, as well as CPN 11 of the CNP, the Arun Design Guide and the NPPF.

### LANDSCAPING AND TREES

Arun Local Plan policies D DM1, LAN DM1 and D SP1 are relevant to consideration of landscaping and trees.

It is noted that the proposed landscape buffer to the northeast of the site has been reduced from that which was shown on the illustrative masterplan at outline stage, this is partly due to the reconfiguration to the layout of the dwellings. The revised layout results in dwellings closer to the northern boundary. Subsequently, the 'drainage basin' which was proposed in this area, has been repositioned adjacent to the north eastern boundary, closer to the new road. This allows for an enhanced 'buffer' planting along the boundary between the development and the existing residential development to the north on Crothorne Drive.

Whilst reduced in size, a landscape buffer is provided along the northern boundary together with a



drainage basin which together seeks to create a meaningful buffer between the existing and proposed dwellings. The incorporation of the road along this boundary will provide further separation to ensure there is no potential for overlooking to existing neighbouring properties.

Trees are to be retained along the southern boundary and dwellings will face on to this woodland belt. This relationship seeks to ensure that there is no overshadowing of amenity space, which protects the trees from pressure to prune or remove post development. This addresses the concern raised by the Council's tree officer (at outline stage) who noted the dwellings shown on the illustrative masterplan face towards the 'shelterbelt' trees and the possible pressure to allow pruning or felling in the future.

A buffer is proposed along the eastern boundary adjacent to Church Lane, This provides screening for both the users of Church Lane and future residents.

The Landscape Officer originally raised concerns noting that:

"Green infrastructure appears to have been considered in the layout proposals in relation to the proposal from a north south green corridor within the eastern sections of the site, however, this could be seen as being at the expense of the green buffer areas particularly on the eastern edge, which has been depleted within the masterplan and which appears to house significant SuDs features.

The central village green area is small in relation to the POS at the western end of the development. The locally equipped area of play (LEAP) and 1 no. local area of play (LAP) have also now been included within this small village green area which doesn't assist in the formation of sense of place or providing an aesthetic green space at the centre of this development.

The masterplan appears to give greater space between the development and to existing dwellings to the north, again a swale or SuDs feature appears in this location. It was previously recommended that a good green buffer is incorporated in this location to give separation and some screening to allow privacy to the existing and new dwellings in this location. This requested enhanced green buffer to the north of the development is not apparent and does not appear to have been enhanced following previous consultation".

In addition comments were also raised in regard to the LEAP details submitted being extremely poor and not accessible or inclusive as well as concern over the poor offering of the LAP and narrow streets with little scope for meaningful planting.

In order to address concerns raised, revised landscape details have been submitted. Whilst the northern buffer has not changed, the revised landscape details incorporate general amendments together with minor changes to the Public Open Space (POS) area to the west which now incorporates a fitness trail. The main change relates to the central green, which has been redesigned to provide a more meaningful amenity area, complete with enhanced LAP, small pond with viewing area together with seating around the central green area. Overall the development would provide 6 LAPs and a LEAP located centrally within the development.

Updated comments are currently awaited from the Council's Landscape Officer and will be presented to Members as part of the written update prior to the committee meeting.

### ECOLOGY

In addition to the details submitted with the outline application, a Preliminary Ecological Appraisal (PEA) was undertaken in October 2020 to assess the potential ecological impact from the development. The PEA identified the potential for the site to support populations of bats, great crested newts and badgers, this was similar to the findings of the PEA submitted at outline stage.

Condition 12 requires an Ecology Management and Mitigation Plan to be submitted and approved prior the commencement of the development.

No objections have been raised with regard to the Ecology reports. The Council's ecology consultant noted in their consultation response that "Full details on how the habitats and enhancements onsite will be managed during the construction phase and post construction will need to be included within the Construction Environmental Management Plan (CEMP) and Landscape and Management Plan (LEMP) as part of a reserved matters application. We require that the LEMP align with Sections 6 and 7 of the Ecological Management and Mitigation Plan (Aug 2021) and Section 4 of the Great Crested Newt Report (June 2021)".

Ecology have been re-consultant on the receipt of the amended landscape plans. Comments are currently awaited and will be presented to Members as part of the written update prior to the committee meeting.

#### PUBLIC OPEN SPACE/PLAY PROVISION

Arun Local Plan policies OSR DM1 and HWB SP1 are relevant to the consideration of public open space and play provision. However, there are no applicable policies contained within the Climping Neighbourhood Plan (CNP). The Council's Supplementary Planning Document (SPD) for 'Open Space Playing Pitches, Indoor and Built Sports Facilities' (January 2020) sets out specific requirements for on-site public open space (POS).

In this case the play provision and overarching strategy for POS was established through the outline approval and secured via a Section 106 agreement. The Section 106 agreement secures a provision of 14.38ha of open space/greenspace/landscaping including a locally equipped area of play (LEAP), 6 local areas of play (LAP's), six pieces of equipment in the semi-natural green space area to the west of the site to form fitness trail and the provision for a central village green and a northern green.

Six local areas of play (LAPs) are proposed within the site layout, and these are well distributed. A locally equipped area of play (LEAP) is proposed within the central POS area, which incorporates a combination of timber and metal play equipment consisting of swings, climbing, jumping, and turning play experiences as well as bin and seating facilities.

The fitness trail has been amended and is located within the large open space at the west of the site. This is acceptable and is of an appropriate standard and amounts of equipment.

The play provision has been amended in line with the comments received by the Landscape Officer in July. The play provision now provides inclusive, accessible, and varied play experiences.

The POS provision allows future residents to have adequate access to open space and play provision. Therefore, the proposed development is in accordance with policies OSR DM1 and HWB SP1 of the ALP and the Open Space SPD.

#### HOUSING MIX AND AFFORDABLE HOUSING

Arun Local Plan policy H DM1 provides for a mix of housing to meet local needs and requires all housing development to provide a mix of dwelling type and sizes to address this need and demand. The supporting text (12.2.4) acknowledges that the final mix will be negotiated on a site-by-site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

Arun District Councils Updated Housing Needs Evidence Report (2016) highlights the local need;

5-10% 1 bedroom,  
40-45% 2 bedrooms,  
35-40% 3 bedrooms,  
10-15% and 4+ bedrooms.

There is a higher need for 2- and 3-bedroom market dwellings in the local in area.

In this case, the total development comprises:

31 x 1 Bed Units (10.3%), 82 x 2 Bed Units, (27.3%) 72 x 3 Bed Units (24%) and 115 x 4 Bed Units (38.3%)

In regard to affordable housing this equates to 90 units comprised as follows:

Rent (69 units)

25 x 1 Bed Flats (36%), 23 x 2 Bed Houses (33.3%), 17 x 3 Bed Houses (24.6%) and 4 x 4 Bed Houses (5.7%)

Shared Ownership (21 units)

6 x 1 Bed Flats (28.5%), 9 x 2 Bed Houses (42.8%), 5 x 3 Bed Houses (23.8%) & 1 x4 Bed House (4.7%)

The proposed mixed would deviate from the suggested broad mix identified through the Council's 'Updated Housing Needs Evidence - September 2016'. However, with regard to affordable housing the Council's housing officer notes that there is high demand for affordable housing throughout the Arun District for all types of housing. The Council's housing officer suggests only a slight amendment to the affordable housing mix to include a higher number of 2 bed rented at the expense of 1 bed properties. This would see a reduction in 1 beds from 25 to 21 a decrease of just 4 with an increase in two beds from 23 to 27.

Notwithstanding the comments from the Council's Housing officer, the proposed housing mix is in line with the indicative dwelling mix set out in the seventh schedule of the Section 106 agreement associated with the outline permission (CM/1/17/OUT) and as such the mix is acceptable and ensures that the provision of housing will meet local needs whilst respecting the setting of the site.

Policy AH SP2 seeks to ensure that affordable housing is visually indistinguishable from market housing and that it is provided in small clusters throughout the development. Affordable housing is well distributed across the site with clusters of single tenure types largely avoided. Given the designs and sizes of the dwellings these will appear indistinguishable from the market dwellings. Therefore, the proposals would accord with policy AH SP2 of the Arun Local Plan.

#### RESIDENTIAL AMENITY

Arun Local Plan policies D DM1, D DM2, QE SP1 and QE SP2 are relevant to the consideration of residential amenity. The Council's Design Guide also sets out guidance on interface distances between houses in order to ensure a high standard of amenity for future occupiers. The following standards are established through the design guide:

- 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.
- Rear Gardens: Min 10.5m from house to boundary.
- Front Gardens: Min 2m at the front of properties.

The proposed layout and orientation of the dwellings ensures that the scheme accords with these

interface distances and as such the development will not give rise to unacceptable adverse impacts on the residential amenities of future occupiers through the loss of privacy due to overlooking, overshadowing or overbearing impacts. The proposed site plan confirms that the layout accords with the Arun Design Guide interface distances and there is no conflict with policies D DM1 and QE SP1 of the ALP.

In addition the Council's Design Guide sets out a garden depth requirement of 10.5 metres. The proposed site layout indicates that the proposed dwellings would meet this requirement.

The floor areas of each of the dwellings and apartments proposed have been reviewed and are in accordance with the Nationally Described Space Standards (NDSS). Therefore, the internal size of the dwellings is appropriate to ensure an acceptable standard of amenity.

As such the proposal would not result in any adverse impact to residential amenity and complies with policy D DM2 and the Arun Design Guide.

#### **PARKING, ROADS, AND PUBLIC FOOTPATHS**

Arun Local Plan policies T DM1 and T SP1, and Clymping Neighbourhood Plan policies CPN 11 and CPN 14 are relevant although the latter has reduced weight due to adoption of the Arun Parking Standards Supplementary Planning Document (SPD).

The access arrangements and wider highway impacts were assessed and agreed through the determination of the Outline permission. The latest Transport Statement (TS) looks at areas that have been agreed previously with the Local Highway Authority (LHA) and notifies the small changes proposed as part of this application.

The primary vehicular access from Church Lane and a secondary access onto Horsemere Green Lane was agreed as part of the approved outline scheme. A major improvement to the Church Lane/A259 roundabout which incorporates a realignment of Church Lane to the new roundabout was also agreed as part of the consented scheme.

The reserved matters seeks to adjust the secondary access requirements onto Horsemere Green Lane by proposing that the secondary access, once constructed, is only used for emergency vehicles, cyclists and pedestrians, this results in all vehicular access movement to and from the site being from the approved Church Lane access point. This amendment follows further consultation with the Parish Council and local residents.

West Sussex County Council raise no objection to this amendment noting, "The Transport Statement (TS) provided has undertaken some additional modelling and this demonstrates that the proposed access onto Church Lane still can operate within capacity to the future 2026 year scenario. The modelling also demonstrates that no changes are likely within the distribution and movement of the traffic on the network".

The highway authority conclude, "Based on the information within the TS the Local Highway Authority (LHA) would not consider that the changes to the access arrangements would result in an 'Severe' residual impact on the adjoining highway network in accordance with Paragraph 111 of the National Planning Policy Framework (NPPF)".

The site is located within Parking Behaviour Zone 1 of the Arun Parking Standards Supplementary Planning Guidance. Based on the number of dwellings proposed, the Council's guidance requires a total of 724 parking spaces.



The application proposes a total of 774 allocated parking spaces, 60 visitor spaces, and 23 community building parking spaces, which accords with the requirements of the Arun Parking SPD. The level of parking provision has been confirmed by WSCC as the Local Highways Authority as acceptable and would not result in significant overspill car parking within the development or the surrounding roads. The distribution of visitor parking spaces has been amended so that they are more evenly distributed throughout the site, as such the parking provision is acceptable.

The proposed parking layout should also incorporate 5% of the total spaces, or at least 5% of the total parking provision (most likely visitor spaces) should be capable of conversion to disabled spaces. Revised plans have been received which demonstrate the provision for at least 5% of the proposed parking to incorporate disabled parking can be achieved.

Electric Vehicle (EV) charging points will be made available for visitors of the community building to encourage the use of electric cars and vehicles. In line with Arun District Councils guidance, EV charging points will be provided for all properties that incorporate a driveway and garage and at a rate of 20% for all remaining properties. EV details will be secured by a condition imposed on the outline application.

The proposed garages are shown as measuring 6m x 3m which meets the minimum size standard established through the Arun District Council Parking SPD. The garages are also of sufficient size to incorporate cycle parking whilst garden sheds will make provision for this where garages are not provided. The proposed apartment blocks incorporate communal bike stores to ensure residents can securely store their bicycles.

In addition to this, a condition has been applied to ensure that no-dwelling shall be occupied until the roads, footways and parking serving that dwelling have been constructed and are available to use.

Road widths align with the principles established through the Design Code and ensure that a hierarchy of streets is created through the development. The road widths as proposed are deemed acceptable and will adequately serve the proposed development. Below is a summary of the road types, their widths and design.

- Primary Streets: the road widths are proposed as 6.0 with 2.0m footway on at least one side of the street.
- Secondary Streets: the carriageway would be at least 4.8m width, incorporating 2.0m footways on at least one side.
- Shared Space Drives: these areas will provide access to multiple plots within the site.

The internal road layout and design as well as parking provision is acceptable and is in accordance with policies T DM1 and SP1 of the ALP and CPN 11 and CPN 14 of the CNP.

### HERITAGE

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states "that in considering whether to grant planning permission for development which affects listed buildings or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Paragraph 199 of the NPPF (2021) requires great weight to be given to the conservation of heritage assets. Any harm resulting from the proposed development should be weighed against the public benefit in accordance with paragraph 202 of the NPPF. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate securing its optimum viable use.



Church Farmhouse East and Church Farmhouse West are Grade II Listed Buildings directly adjacent to the site. The Barn to the west of No 1 and 2 Church Farm Cottage is a Grade II Listed Building located 40m from the site boundary, and approximately 240m northeast of site lies St Marys Church and the Vicarage. The site itself does not contain any designated heritage assets.

Historic England raises no objection to the proposal. When assessing the impact on Climping's historic core at outline stage, Historic England noted:

"Whilst Climping's Historic Core should be shielded visually from the development by the same screening which shields St Mary's Church and the Scheduled Monument, the development may have some effect upon its setting due to impact that it would have on the approach along Church Lane.

As highlighted within the Additional Heritage Assessment (AHA), the Landscape and Visual Assessment (LVA) finds that the approach along Church Lane will witness some negative effect, as (due to the road's fragmentary tree and hedge eastern boundary) some views towards the development will be possible and some impact through increased lighting will be felt. It states that, with proposed additional planting, this effect should be slight negative in 5 years, and negligible in 10-15 years. As a lot of green space is proposed within the design, it also highlights the scope which exists to introduce linear open space within the development to maintain the character of Church Lane. We agree that these mitigation methods should reduce harm to the setting of Climping's Historic Core (at least in the medium-long term), but also agree with the LVA assessment that the proposed mitigation is currently based on a broad brush stroke approach and would need to be subject to refinement and detail design at a later stage".

The appeal Inspector raised no concerns in regard to heritage noting that Historic England's initial concerns had been addressed.

The Council's Conservation Officer has been consulted on the proposed development and has raised concerns, mainly in regard to the extent of the buffer on the north-eastern boundary of the site and the proposed materials.

With regard to materials, whilst these details have been provided, due to the concerns raised over some materials proposed, it has been agreed that materials can be dealt with via a condition.

It has already been acknowledged that the buffer on the north eastern corner has been reduced from that which was shown on the illustrative masterplan due to a change in the layout of the dwellings. However, the plans still show enhanced planting on the north eastern boundary coupled with a drainage basin which together is considered to create a meaningful buffer between the proposed dwellings and the Church Farmhouse East and West. These two Listed Buildings are approximately 80m (back-to-back) from the closest proposed dwelling. The incorporation of the road along this boundary will provide further separation.

Due to the proximity of the proposed dwellings to the adjacent Listed Buildings, the proposed development will result in some harm to the setting and significance of the listed buildings/Historic Core. However, given the separation distance between the proposals and the designated heritage assets it is considered that this impact would sit on the lower level of harm resulting in less than substantial harm. Therefore, in accordance with paragraph 202 of the NPPF it will be necessary to weigh the less than substantial harm against the public benefits of the development.

Weighing in favour of the proposal are, the delivery of housing in the light of housing supply shortfall and the delivery of affordable housing; delivery of development on a strategic allocated site; biodiversity improvements; and employment provision. Each carries substantial weight. Improvements to pedestrian

access and contributions towards cycle connection and infrastructure contributions attract moderate weight.

On balance, it is considered the public benefits of the proposed development sufficiently outweigh the less than substantial harm caused to the setting of the Listed Buildings/Climping's historic core. Therefore the proposals impact upon designated heritage assets accords with Policy HER DM1 of the ALP and the NPPF.

#### **WASTE MANAGEMENT**

Policy WM DM1 of the ALP is relevant but, in this case, there are no issues with refuse vehicles accessing the site from Church Lane and the application is supported by refuse vehicle tracking as well as details of individual bin storage and communal bin stores. The application achieves sufficient provision for the storage of waste and demonstrates that kerbside collection is possible for all dwellings. As such, the development accords with policy WM DM1 of the ALP.

#### **SUMMARY**

The proposed residential development of 300 dwellings and community buildings would result in well-designed high-quality scheme combining traditional and contemporary architectural styles and the proposed development would integrate with the existing settlement. The open space provision along with the incidental street planting will make an important contribution towards the softening of the built form and breaking up the parking provision where present within the street scene. The details contained within this application which relate to appearance, layout, scale and landscaping are acceptable and are in accordance with the approved details from the Outline Permission, as well as relevant Development Plan Policies, and the NPPF.

It is therefore recommended that this reserved matters application is approved subject to the conditions below

#### **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 approval 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 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.

<b>RECOMMENDATION</b>
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APPROVE CONDITIONALLY

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

20.050.01 - Location Plan  
 20.050.02 - Site Plan Rev Z  
 20.050.03 - Block R Plots 1-16 Elevations Rev G  
 20.050.04 - Block R Plans Rev E  
 20.050.05 - Block S Plots 10-13 - Elevations Rev G  
 20.050.06 - Block S Plans Rev E  
 20.050.07 - Block B (CA1) (Formally block T Rev C  
 20.050.08 - Block C (CA1) Rev E  
 20.050.09 - Block F (CA1) Rev E  
 20.050.10 - HT C (CA1) Rev D  
 20.050.11 - HT A (CA2) Rev C  
 20.050.12 - HT B (CA2) Rev C  
 20.050.13 - HT C (CA2) Rev C  
 20.050.14 - HT D (CA2) Rev D  
 20.050.15 - HT E (CA2) Rev C  
 20.050.16 - HT F (CA2) Rev C  
 20.050.17 - Block B (CA2) Rev C  
 20.050.18 - Block C (CA2) Rev F  
 20.050.19 - Block E (CA2) Rev D  
 20.050.20 - Block K (CA2) - Elevations Rev C  
 20.050.21 - Block K (CA2) - Floorplans Rev D  
 20.050.22 - HT B (CA1) Rev B  
 20.050.24 - HT D (CA2) Wayfinding Rev C  
 20.050.25 - Block A (CA2) Rev D  
 20.050.26 - HT F (CA1) Rev C  
 20.050.27 - Block D (CA2) Rev F  
 20.050.30 - Block D (CA1) Rev E  
 20.050.31 - Block F (CA2) Rev D  
 20.050.32 - Block H (CA2) Rev D  
 20.050.33 - Block H - Plans (CA2) Rev D  
 20.050.34 - Class D1 - Plans Rev C  
 20.050.35 - Class D1 - Elevations Rev D  
 20.050.36 - Class A1 - Plans Rev D  
 20.050.37 - Class A1 - Elevations Rev E  
 20.050.38 - Block O - Elevations(CA2) Rev D  
 20.050.39 - Block O - Plans (CA2) Rev D  
 20.050.40 - HT D (CA2) Wayfinding Rev C  
 20.050.41 - Block Q - Elevations (CA2) Rev C  
 20.050.42 - Block Q - Plans (CA2) Rev D  
 20.050.43 - HT G (CA4) Rev C  
 20.050.44 - HT B (CA4) Rev D  
 20.050.45 - HT C (CA4) Rev B  
 20.050.46 - HT Cv (CA4) Rev F

20.050.47 - HT E (CA4) Rev C  
 20.050.48 - HT F (CA4) Rev E  
 20.050.49 - Block A (CA4) Rev D  
 20.050.50 - Block D (CA4) Rev E  
 20.050.52 - Block F (CA4) Rev C  
 20.050.53 - Block L (CA4) Rev E  
 20.050.55 - HT A (CA5) Rev D  
 20.050.56 - HT B (CA5) Rev C  
 20.050.57 - HT C (CA5) Rev D  
 20.050.58 - HT E (CA5) Rev C  
 20.050.59 - Block A (CA5) Rev F  
 20.050.60 - Block B Wayfinding (CA5) Rev F  
 20.050.61 - Block C (CA5) Rev F  
 20.050.62 - Block E (CA5) Rev D  
 20.050.63 - Block F (CA5) Rev D  
 20.050.64 - Block G (CA5) Rev G  
 20.050.65 - Block H - Elevations (CA5) Rev D  
 20.050.66 - Block H - Plans (CA5) Rev C  
 20.050.68 - Block D Rev G  
 20.050.69 - Key Building HT F Rev D  
 20.050.70 - Key Building HT C Rev D  
 20.050.71 - Single garage Rev A  
 20.050.72 - Single Plus garage Rev A  
 20.050.73 - Twin Garage Rev A  
 20.050.75 - Key Building HT F (CA2) Rev C  
 20.050.77 - Key Building HT C (CA4) Rev c  
 20.050.79 - House Type Key Plan Rev L  
 20.050.80 - Street Scenes page 1 Rev G  
 20.050.81 - Street Scenes Page 2 Rev G  
 20.050.82 - Street Scenes Page 3 Rev G  
 20.050.83 - Street Scenes Page 4 Rev G  
 20.050.84 - Materials Key Plan Rev J  
 20.050.85 - Affordable Housing Plan Rev J  
 Design Code - Climping Design Code Rev C  
 20.050.86 - Street Scenes Page 5 Rev G  
 20.050.87 - Street Scenes Page 6 Rev G  
 20.050.88 - Street Scenes Page 7 Rev F  
 20.050.89 - Character Areas Plan Rev F  
 20.050.90 - Rev F - Section 106 Open Space Plan  
 20.050.92 - Parking Plan Spaces for Disabled Persons  
 DD406L01 Rev H - Landscape General Arrangement Plan 1/7  
 DD406L02 Rev H - Landscape General Arrangement Plan 2/7  
 DD406L03 Rev H - Landscape General Arrangement Plan 3/7  
 DD406L04 Rev H - Landscape General Arrangement Plan 4/7  
 DD406L05 Rev H - Landscape General Arrangement Plan 5/7  
 DD406L06 Rev H - Landscape General Arrangement Plan 6/7  
 DD406L07 Rev H - Landscape General Arrangement Plan 7/7  
 DD406L08 Rev A - Illustrative Landscape Plan  
 DD406L09 Rev A - Local Area of Equipped Play LEAP design  
 DD406L10 Rev D - Local Area of Play Strategy Plan  
 DD406L11 Rev A - Fitness Trail  
 DD406L12 to 41 Rev C - Detailed Planting Plans Sheet 1 to 30

DD406L42 Rev C Central Green Illustrative Landscape Plan

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

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

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

- 3 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.

- 4 No development above damp proof course (DPC) level shall take place until a statement of architectural detail has been submitted to and been approved in writing by the Local Planning Authority. The 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The 'statement of details' so approved shall be used in the construction of the buildings.

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

- 5 No dwelling shall be occupied until the roads, footways, and parking areas serving it have been constructed, surfaced and drained in accordance with the approved plans and details.

Reason: To secure satisfactory standards of access for the proposed development, in accordance with Policy D DM1 of the Arun Local Plan.

- 6 No dwelling shall be occupied until the garages and parking areas for that dwelling shown on the approved plans have been provided and constructed for the dwelling to which they relate.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in accordance with Policy D DM1 of the Arun Local Plan.

- 7 Prior to occupation of any of the dwellings, details of the proposed electric vehicle charge points to serve the development shall be submitted to the Local Planning Authority for approval and thereafter installed in accordance with the approved details. The charge points shall be retained and maintained in good working condition. Charge points should be Mode 3, 7kw fast chargers as a minimum standard.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, 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 Parking Standards SPD (January 2020) and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because of the need to install the wiring in the ground.

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

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.

- 9 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 (as approved under Condition 8 of this approval) 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.

- 10 A scheme for external lighting shall be submitted and approved in writing by the Local Planning Authority. The scheme shall ensure that the lighting is sensitive to bats by minimising the lighting of the woodland along the southern and western boundaries and shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.

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

- 11 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

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

- 13 INFORMATIVE: The applicant is required to enter into a Section 59 Agreement under the 1980 Highways Act to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process. Note this is only required if HGV traffic exceeds 20 movements per working day.

- 14 INFORMATIVE: Section 278 Agreement of the 1980 Highways Act - Works within the Highway

The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works if they affect the existing public highway. The applicant should contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

- 15      INFORMATIVE: The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant should to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
- 16      INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
- 17      INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>, this clearly sets out our requirements for discharging this condition

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

**CM/48/21/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: P/71/23/S73

LOCATION: 57 Harbour Road  
Pagham  
PO21 4TF

PROPOSAL: Application under section 73 of the Town and Country Planning Act 1990 to vary condition 2 - materials on P/90/06 to state ' The materials used in the construction shall be as follows: Roof tile Marley Interlocking concrete tiles in slate grey; plinth bricks-Staffordshire blue bricks; windows-slate grey uPVC, rainwater services all black uPVC. The wall (except of plinth) will be white render with a vertical cedar board cladding to gables.'

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	<p>This application seeks to vary condition 2 of P/90/06 (which approved a replacement dwelling with a single storey 3-bedroom bungalow).</p> <p>Condition 2 states: 'No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.'</p> <p>The proposal seeks to vary the wording to change the schedule of materials and finished originally approved. This wording is to be changed to: 'The materials used in the construction shall be as follows: Roof tile Marley Interlocking concrete tiles in slate grey; plinth bricks-Staffordshire blue bricks; windows-slate grey uPVC, rainwater services all black uPVC. The wall (except of plinths) will be white render with a vertical cedar board cladding to gables.'</p>
SITE AREA	380sqm.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	26 dph.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	Fencing and mature hedges.
SITE CHARACTERISTICS	A corner plot covered with grass and bushes with some ground works of the dwelling.
CHARACTER OF LOCALITY	Residential area characterised by detached dwellings, single storey bungalows and converted carriages of mixed design. The beach estate is a recognised area of character.



## RELEVANT SITE HISTORY

P/90/06/ Replacement dwelling (Resubmission following P/57/05) ApproveConditionally  
27-09-06

## REPRESENTATIONS

Pagham Parish Council: Objection.

- Proposed materials would not be in keeping with other properties in the area and were not in keeping with the wider beach estate, which is a recognised area of character.

One letter of support:

- Happy to support the minor alterations. Change from red to slate grey is appropriate.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

### CONSULTATION RESPONSES RECEIVED:

None.

### COMMENTS ON CONSULTATION RESPONSES:

The change of materials used in the construction was checked and agreed with agent.

## POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Flood Zone 3a climate change 2111

Area of Character Pagham Beach Estate

Pagham Harbour Access Management Zone A

2km Buffer for Site of Special Scientific Interest

### DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
HERDM4	HER DM4 Areas of Character
SDSP2	SD SP2 Built-up Area Boundary

### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

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

**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 73 provides for the determination of applications to develop land without compliance with conditions previously attached. It only provides for the variation of conditions attached to an existing permission; it does not provide a means of varying the development permitted (other than through the imposition of new/varied conditions). Given the previous permission, the principle of the development is considered to be acceptable.

**OTHER MATERIAL CONSIDERATIONS**

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

**CONCLUSIONS****PRINCIPLE**

P/90/06 was implemented within the original three year deadline. The form states works commenced in July 2009 and this is supported by Building Control records. The policies of the Arun Local Plan are different to the time of the original decision. The only aspect to consider under this application is whether the wording of condition 2 imposed to P/90/06 in order to change the schedule of materials and finished approved can be varied.

**SUMMARY**

The applicant provided information and the photos of materials to be changed:

- Marley interlocking tiles - slate grey.
- Plinth bricks - Staffordshire blue bricks.
- uPVC window frames - slate grey.
- uPVC rainwater goods - black.

Materials relating to the original condition 2 (bold roll red/orang Mediterranean tiles, white render and red stock brick with window frames and rainwater goods) were approved by exchange of email in April 2009.

Arun Local Plan policy D DM1 expects new buildings to be harmonious with their surroundings and successfully integrate with the surrounding environment.

Policy HER DM4 (ALP) sets out a 3-point criteria against which development should be assessed. Such criteria include the preservation and enhancing the special character of these areas.

The Arun Design Guide Supplementary Planning Document (SPD) advocates that new designs should respond to the frontages of existing buildings in their immediate surroundings.

The Village Design Statement seeks to exercise strict control over any roof development, including garages, in accordance with previous development guidelines and to maintain special unspoiled character of The Beach Estate and preserve character of the area.

The approved plans show concrete interlocking tiles and half round ridges for the roof (colour to be approved) and walls through colour and low-level brick plinths with vertical cedar board cladding to gables. The colour of fenestration and rainwater goods is not specified.

There is a mix of single storey properties on Harbour Road characterised by roofs with red and grey tiles. The proposed materials would not detract from the character of the area and acceptable. The dwelling would integrate with the immediate streetscape and would maintain character of The Beach Estate.

#### **NON-DESIGNATED HERITAGE ASSETS (NDHA)**

The site is in the Area of Character and consideration must be given to para 203 of the NPPF as these are NDHA's. The change of materials would not be out of character with the area and there is no harm caused to the NDHA. For the same reason the proposal complies with policy HER DM4.

#### **OTHER MATTERS**

As this is a Section 73 application any new permission sits alongside the original permission, which remains intact and unamended. Government guidance states that for the purpose of clarity conditions imposed on earlier permissions that continue to have effect should be re-imposed. As the original permission commenced in July 2009 a time condition will not be added.

It is not necessary to impose a condition relating to surface water drainage because details of this were submitted prior to commencement of the development and were deemed to be acceptable in writing by the Environment Agency.

#### **CONCLUSION**

Having considered the new materials in the context of the character of the area it is recommended that planning permission be approved subject to conditions.

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

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

## DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

## RECOMMENDATION

### APPROVE CONDITIONALLY

- 1 The materials used shall be: Roof tile Marley Interlocking concrete tiles in slate grey; plinth bricks-Staffordshire blue bricks; windows-slate grey uPVC, rainwater services all black uPVC. Walls (except plinths) will be white render with vertical cedar board cladding to gables.

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

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

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

- 3 Finished floor levels should be set at 4.5m AODN or 600mm above existing ground levels (whichever is the highest). The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development

Reason: To protect the development from flooding in accordance with requirement of policy W DM2 of the Arun Local Plan and relevant paragraphs of the NPPF.

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority 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 set out in the NPPF.

## BACKGROUND PAPERS

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

**P/71/23/S73 - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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## APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

### Appeals Awaiting a Decision

**AL/178/22/OUT**

**Original Decision** = Refused

**Received:** 03-07-23

Land to the rear of Meadow Way Westergate

**Decision Level** = Delegated

Outline planning application with all matters reserved, except principal means of access and demolition of 24 Meadow Way, for the construction of up to 89 No residential dwellings, with access taken from Meadow Way, together with the provision of open space, landscaping and associated infrastructure.

**Informal Hearing**      **17-10-23**

**PINS Ref:** APP/C3810/W/23/3323858

---

**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

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**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

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**AW/170/22/T**

**Original Decision** = Refused

**Received:** 14-07-23

47 Pinehurst Park Aldwick

**Decision Level** = Delegated

Fell 4no. Lombardy Poplar trees (T1, T2, T3 and T4) and replace them with 3 Cherry Blossom trees.

**Written**

***Representations***

**PINS Ref:** APP/TPO/C3810/9286

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**AW/171/22/T**

***Original Decision*** = Refused

***Received:*** 14-07-23

49 Pinehurst Park Aldwick

***Decision Level*** = Delegated

Fell 1no. Lombardy Poplar tree.

***Written***

***Representations***

**PINS Ref:** APP/TPO/C3810/9300

---

**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

---

**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

---

**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

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FG/124/22/PL  
*Original Decision* = Refused  
*Received:* 26-07-23

Lansdowne Nursery, The Barn Littlehampton Road Ferring

*Decision Level* = Delegated

Demolition of existing buildings and erection of 70 No. dwellings with associated works (site relocation to Clapham). This application affects a Public Right of Way, is a Departure from the Development Plan and is in CIL Zone 3 (CIL Liable) as new dwellings.

*Informal Hearing*

**PINS Ref:** APP/C3810/W/23/3323939

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K/22/22/PL  
*Original Decision* = Refused  
*Received:* 25-05-23

Land East Of Kingston House Kingston Lane Kingston

*Decision Level* = Committee

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/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*      **30-08-23**

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

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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*      **30-08-23**

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

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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.

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R/276/22/HH  
*Original Decision* = Refused  
*Received:* 03-08-23

15 The Martlets Rustington

*Decision Level* = Delegated

Erection of boundary fence.

*Written  
Representations*

WA/101/22/PL

*Original Decision* = Refused

*Received:* 13-07-23

Brookfield Farm Eastergate Lane Walberton

*Decision Level* = Delegated

2 x detached 4 bedroom dwellings

*Written  
Representations*

PINS Ref: APP/C3810/W/23/3318743

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WA/107/22/PL

*Original Decision* = Refused

*Received:* 04-07-23

Morelands Arundel Road Fontwell

*Decision Level* = Delegated

4 No dwellings, associated car parking and access. This site is in CIL Zone 2 and is CIL Liable as new dwellings.

*Written  
Representations*

PINS Ref: APP/C3810/W/23/3315568

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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

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WA/87/22/PL

*Original Decision* = Refused

*Received:* 19-07-23

Brookview Nursery Eastergate Lane Walberton

*Decision Level* = Delegated

Removal of outdoor storage, including caravan and polytunnels and the erection of 7 No flexible E (g) flexible units comprising of offices and workshops, associated parking, drainage and turning spaces (resubmission following WA/98/21/PL). This site is in CIL Zone 3 (Zero Rated) as other development.

*Written  
Representations*

PINS Ref: APP/C3810/W/23/3316638

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Y/127/22/PL

*Original Decision* =  
ApproveConditionally

*Received:* 10-08-23

Lintels Bilsham Road Yapton

*Decision Level* = Delegated

Change of use of existing garage to 1 No 3 bed dwelling, separate to the main dwelling, including side extension. This site is in CIL Zone 2 and is CIL Liable as new dwelling.

*Written  
Representations*

PINS Ref: APP/C3810/W/23/3317622

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Y/139/22/PL  
*Original Decision* = Refused  
*Received:* 12-07-23

Bilsham Manor Bilsham Lane Yapton

*Decision Level* = Delegated

1 No dwelling including the reuse of part of the existing outbuilding, existing leylandii boundary hedge will be removed and replaced with a 1.8m close boarded fence, planted with native hedgerow and garden redesign. This application is a Departure from the Development Plan, affects the setting of listed buildings and is in CIL Zone 3 and is CIL Liable as new dwelling.

*Written  
Representations*

**PINS Ref:** APP/C3810/W/23/3319337

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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

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ENF/258/22  
*Received:*

Ridgeway Park Road Barnham West Sussex

*Written Representations*

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

ENF/366/21  
*Received:*

15 South Terrace Littlehampton West Sussex

*Written Representations*

**PINS Ref:** APP/C3810/F/23/3322586



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## Arun District Council

<b>REPORT TO:</b>	<b>Planning Committee – 9 August 2023</b>
<b>SUBJECT:</b>	<b>Key Performance Indicators 2022-2026 – Quarter 1 performance report for the period 1 April 2023 to 30 June 2023.</b>
<b>LEAD OFFICER:</b>	<b>Jackie Follis, Group Head of Organisational Excellence</b>
<b>LEAD MEMBER:</b>	Councillor June Hamilton, Chair of Planning Committee
<b>WARDS:</b>	N/A
<b>CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:</b>	
The Key Performance Indicators support the Council's Vision and allows the Council to identify how well we are delivering across a full range of services.	
<b>DIRECTORATE POLICY CONTEXT:</b>	
This report is produced by the Group Head of Organisational Excellence to give an update on the Q1 Performance outturn of the Key Performance Indicators.	
<b>FINANCIAL SUMMARY:</b>	
Not required.	

### 1. PURPOSE OF REPORT

- 1.1. In order for the Committees to be updated with the Q1 Performance Outturn for the Key Performance indicators for the period 1 April 2023 to 30 June 2023.

### 2. RECOMMENDATIONS

- 1.2. As this report is an information paper, there are no recommendations for the Committee to consider. This report is to be taken as read only with Members having the opportunity to ask questions at the meeting on service performance. Members can also submit questions or comments on the indicators relevant to their Committee and these will be considered by the Policy and Finance Committee on 26 October 2023.

### 2. EXECUTIVE SUMMARY

- 2.1. This report sets out the performance of the Key Performance indicators at Quarter 1 for the period 1 April 2023 to 30 June 2023.

### 3. DETAIL

- 3.1. The Council Vision 2022-2026 was approved at Full Council in March 2022. To support the Vision we need a comprehensive and meaningful set of performance measures which allow us to identify how well we are delivering across a full range of services. Two kinds of indicators were agreed at the Policy and Finance Committee on 17 March 2022. The first of these are annual indicators and will primarily update the progress against strategic milestones. In addition to this 'key performance indicators' (KPIs) will be reported to committees every quarter. These KPIs are known as our Corporate Plan.
- 3.2. A short report and appendix will go to each of the other Committees in the cycle of meetings after each quarter has ended. This appendix will only contain the indicators which are relevant to each Committee.
- 3.3. A full report showing quarterly performance against all indicators (which are measured at that quarter) will go to the relevant Policy and Finance Committee meeting at the end of the cycle of the other Committee meetings. Members of the other Committees will be able to give comments or ask questions about the KPI indicators that are relevant to their Committee and these will be submitted to the Policy and Finance Committee for consideration.
- 3.4. This is the quarterly report covering performance from 1 April 2023 to 30 June 2023 and will cover only those indicators that are due to be measured at this point.
- 3.5. Thresholds are used to establish which category of performance each indicator is within.

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

- 3.6. There are 42 Key Performance indicators. 10 of these indicators relate to this Committee and all 10 are measured at Q1.
- 3.7. This report gives the status of the indicators at Q1. Appendix A gives full commentary for each indicator.

Status	Number of Key Performance indicators in this category at Q1
Achieved target	3
Didn't achieve but within 15% range	2
Didn't achieve target by more than 15%	5
<b>TOTAL</b>	<b>10</b>

3.8. Actions to be taken

CMT are monitoring the indicators which are not achieving at Q1. The Interim Chief Executive and Director of Growth will specifically monitor all indicators to encourage improved performance during 2023/24.

**4. CONSULTATION**

4.1. No consultation has taken place.

**5. OPTIONS / ALTERNATIVES CONSIDERED**

5.1. To review the report

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

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

6.1. None required.

**7. RISK ASSESSMENT CONSIDERATIONS**

7.1. None required

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

8.1. None required

**9. HUMAN RESOURCES IMPACT**

9.1. Not applicable.

**10. HEALTH & SAFETY IMPACT**

10.1. Not applicable.

**11. PROPERTY & ESTATES IMPACT**

11.1. Not applicable.

**12. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE**

12.1. Not applicable.

**13. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE**

13.1. Not applicable.

#### **14. CRIME AND DISORDER REDUCTION IMPACT**

14.1. Not applicable.

#### **15. HUMAN RIGHTS IMPACT**

15.1. Not applicable.

#### **16. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS**

16.1. Not applicable.

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#### **CONTACT OFFICER:**

**Name:** Jackie Follis

**Job Title:** Group Head of Organisational Excellence

**Contact Number:** 01903 737580

**BACKGROUND DOCUMENTS:** *None*



No.	Indicator	Council Vision Theme	Service Committee to consider this	CMT Member	Assess by	Target 2023	Q1 Status	Q1 Commentary
CP26	Major applications determined in 13 weeks or agreed extension of time	Fulfilling Arun's economic potential	Planning	Karl Roberts	Higher is better	80%	Not achieving <b>Outturn for Q1 64%</b>	7 out of 14 applications determined within time. Of those that were unable to be determined within time, 3 were either needed to be determined at Planning Committee or required a legal agreement.
CP27	Minor applications determined in 8 weeks or agreed extension of time	Fulfilling Arun's economic potential	Planning	Karl Roberts	Higher is better	90%	Not achieving <b>Outturn for Q1 75%</b>	39 out of 61 applications determined within time. There have been some resource issues at this level that would have some impact on this performance. These resource issues should be resolved over the coming months. However, more still needs to be done in case management to manage the timely determination of these applications.
CP28	% of other applications determined in 8 weeks or agreed extension of time	Fulfilling Arun's economic potential	Planning	Karl Roberts	Higher is better	90%	Achieving <b>Outturn for Q1 97%</b>	Performance in this area remains excellent.
CP29	Average number of days to determine householder application	Fulfilling Arun's economic potential	Planning	Karl Roberts	Lower is better	55 days	Achieving <b>Outturn for Q1 54 days</b>	Target achieved.
CP30	Average number of days to determine other applications	Fulfilling Arun's economic potential	Planning	Karl Roberts	Lower is better	55 days	Not achieving but within 15% range <b>Outturn for Q1 56 days</b>	See CP28
CP31	Average number of days to determine applications - Trees	Fulfilling Arun's economic potential	Planning	Karl Roberts	Lower is better	40 days	Not achieving <b>Outturn for Q1 46 days</b>	Target not achieved by an average of 6 days.
CP32	Average number of days to determine application - Discharge of Condition	Fulfilling Arun's economic potential	Planning	Karl Roberts	Lower is better	40 days	Not achieving <b>Outturn for Q1 73 days</b>	Against a target of 40 days, this performance is not near the target. Performance in this area is adversely affected by the ability of internal consultees (due to resource issues) to provide consultation comments in good time. Officers will also be reminded of the need to ensure that DOC's are progressed to determination much earlier with opportunities to address consultee comments still needing to be reduced.
CP33	Average number of days to determine major planning applications	Fulfilling Arun's economic potential	Planning	Karl Roberts	Lower is better	120 days	Not achieving but within 15% range <b>Outturn for Q1 131 days</b>	See CP26
CP34	Average number of days to determine minor planning applications	Fulfilling Arun's economic potential	Planning	Karl Roberts	Lower is better	55 days	Not achieving <b>Outturn for Q1 64 days</b>	See CP27
CP35	% of planning applications registered within 5 days	Fulfilling Arun's economic potential	Planning	Karl Roberts	Higher is better	70%	Achieving <b>Outturn for Q1 91%</b>	Target achieved.

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