



Public Document Pack

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27 July 2023

PLANNING COMMITTEE

A meeting of the Planning Committee will be held in **Council Chamber at Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** on **Wednesday 9 August 2023 at 2.00pm** 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: Where public meetings are being held at the Arun Civic Centre, to best manage safe space available, members of the public are encouraged to watch the meeting online via the Council's [Committee pages](#).

1. Where a member of the public wishes to attend the meeting or has registered a request to take part in Public Speaking physically at the Planning Committee, they are to enter the Civic Centre via the front reception and then make their way up to the Council Chamber on the second floor and take a seat in the Public Gallery [the Blue Room].
2. We request members of the public do not attend any face-to-face meeting if they have Covid-19 symptoms

For further information on the items to be discussed, please contact Committees@arun.gov.uk.

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

PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION ONLINE AT www.arun.gov.uk/planning

AGENDA

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

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

Members and officer should make their declaration by stating:

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

3. **VOTING PROCEDURES**

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

4. **MINUTES**

(Pages 1 - 8)

To approve as a correct record the Minutes of the meeting held on 12 July 2023.

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

DEFERRED ITEM

6. **Y/31/23/PL, LAND ADJACENT TO LITTLE MEADOWS, BILSHAM ROAD**

(Pages 9 - 34)

PLANNING APPLICATIONS

7. **WA/27/23/PL, MORELANDS, ARUNDEL ROAD, FONTWELL, ARUNDEL BN18 0SB** (Pages 35 - 54)
8. **P/80/23/PL, LAGNERSH HOUSE, LOWER BOGNOR ROAD, LAGNESS PO20 1LW** (Pages 55 - 70)
9. **FG/67/23/PL, 5 GRANGE PARK, FERRING BN12 5LS** (Pages 71 - 82)
10. **CM/24/23/PL, BRAMLEYS, HORSEMERE GREEN LANE, CLIMPING BN17 5QZ** (Pages 83 - 98)
11. **BE/1/23/RES, NURSERY FIELDS, LAND NORTH OF CHALCRAFT LANE, BERSTED** (Pages 99 - 132)
12. **A/122/23/PL, LAND NORTH OF MAYFLOWER WAY, ANGMERING** (Pages 133 - 148)
13. **A/121/23/PL, LAND EAST OF 22 SPEEDWELL CHASE, ANGMERING** (Pages 149 - 164)
14. **A/11/23/PL, BMW HOUSE, CHANDLERS GARAGE LTD, WATER LANE, ANGMERING BN16 4EH** (Pages 165 - 196)

PLANNING APPEALS

15. **APPEALS** (Pages 197 - 202)
16. **KEY PERFORMANCE INDICATORS 2022-2026 - QUARTER 1 PERFORMANCE REPORT FOR THE PERIOD 1 APRIL 2023 TO 30 JUNE 2023** (Pages 203 - 208)

This report sets out the performance of the Key Performance indicators at Quarter 1 for the period 1 April 2023 to 30 June 2023.

OFFICER REPORT UPDATES

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

BACKGROUND PAPERS

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

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

Contact Officers :

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

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

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

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

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

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Agenda Item 4

Subject to approval at the next Planning Committee meeting

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PLANNING COMMITTEE

12 July 2023 at 2.00 pm

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

138. APOLOGIES

There were no apologies received for the meeting.

139. DECLARATIONS OF INTEREST

Councillor Long declared personal interests in agenda item 8 [A/91/23/PL - Rustington Golf Centre, Golfers Lane, Angmering, BN16 4NB] as a member of the Lanes Health Club and item 12 [Y/31/23/PL - Land Adjacent to Little Meadow, Bilsham Road, Yapton, BN18 0JY] because she knew two of the public speakers, who spoke to the application.

Councillor Wallsgrove declared a personal interest and made an open minded declaration on agenda item 11 [BN/58/23/PL - Land Rear of Clare Court, 67 Barnham Road, Eastergate, PO22 0EP] as she was the Chair of Planning Committee for Barnham and Eastergate Parish Council.

140. MINUTES

The minutes from the Special Meeting of the Planning Committee held on 28 June 2023 were approved by the committee and signed by the Chair.

141. 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

There were no urgent items to be considered at this meeting.

Planning Committee - 12.07.23

142. A/71/23/PL - LAND ADJACENT TO CRETE HOUSE, THE BEECHES

There were no public speakers on this item due to public speakers being heard at the meeting on 7 June 2023.

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

The Vice-Chair advised that a panel of members attended the site visit that took place on 20 June 2023 where they viewed the site and were able to consider the over impact that would be had on the site should the application be approved. She then invited members who were present at the visit to make any additional comments. The comments made confirmed that the site visit was a valuable insight for members and that any previous concerns, in relation to the site's footprint and the impact on the street scene had been addressed.

The recommendation was proposed by Councillor McDougall and seconded by Councillor Bower.

The Committee

RESOLVED

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

143. A/58/23/RES - LAND OFF ARUNDEL ROAD, BN16 4ET

The public speaker registered to speak was not in attendance at the meeting.

Approval of reserved matters following A/122/19/OUT and varied by A/207/21/PL pertaining to the layout, scale, appearance and landscaping for a commercial building of 15,000 sqft (1,393 sqm) that can be used for either Class E(g)(l) (formally Class B1) and or Class B2, with associated landscaping and parking.

The Principal Planning Officer presented the report with updates. Members raised a number of concerns with the application including had the applicant been aware of the need for them to show the future road connection to the adjacent Sports Hub land to ensure that the site integrates with the surrounding land and had this been clearly documented during the outline application. It was confirmed that the access requirements had been made clear by the council and unfortunately the applicant was not providing the certainty the council needed.

The recommendation was proposed by Councillor Patel and seconded by Councillor Bower.

The Committee

RESOLVED

That the application be REFUSED.

144. A/91/23/PL - RUSTINGTON GOLF CENTRE, GOLFERS LANE, ANGMERING, BN16 4NB

(Councillor Long redeclared her personal interest in this item as a member of the Lanes Health Club)

As only one of the two public speakers registered to speak was in attendance at the meeting only one public speaker was heard.

1 Public Speaker

Kirsty King, Agent

Temporary Sales Cabin and associated Landscaping.

The Planning Area Team Leader presented the report. This was followed by 1 public speaker. The Planning Team Leader was invited to address any of the points raised by the public speaker where he made a suggestion to amend condition 3 to state “the sales building **and fencing**”, rather than just the sales building.

The recommendation was then proposed by Councillor McDougall and seconded by Councillor Woodman

The Committee

RESOLVED

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

Planning Committee - 12.07.23

145. AL/42/23/PL - LAND WEST OF WESTERGATE LODGE, WESTERGATE STREET, WESTERGATE

1 Public Speaker

Sarah Hockin, Agent

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

The Principal Planning Officer presented the report with updates. This was followed by 1 Public Speaker. Members raised a number of concerns with the application including, that the site came very close to the bat corridor that had been identified to the west of the site, had bat roosts been investigated and considered. There was additional concern highlighted as the site was situated close to the Cocking and Singleton Tunnels. The Principal Planning Officer confirmed that the ecology report had been included with the application and the Council's Ecologist had reported no objection to the conditions included to secure biodiversity mitigation/enhancement measures. The Principal Planning Officer also advised that the Cocking and Singleton Tunnels were approximately 11.5km away from the site and the Natural England consultation had come back with no comment.

As the debate continued it was clear that members were uncomfortable with the decision to be made on the application, it was stated that members felt that their hands were tied in terms of finding planning grounds to refuse the application due to the appeal process that would follow. It was then stated by Councillor Lury that given the sensitivity of the site and turning to page 46 of the report where it states that the biodiversity net gain would only be 4.63%, this was poor as it should be nearer 10%.

In turning to proposing and seconding the recommendations put forward by the officer, all members were reluctant to do this, legal advice was then sought from the Legal Services Manager who advised that should members want to propose and second an alternative motion they could. The Chair then returned to members for further discussion where it was advised by Councillor Bower that there were no planning grounds to refuse the application. Further discussion then saw two members reluctantly propose and second the officer recommendation.

The recommendation was proposed by Councillor Wallsgrove and seconded by Councillor McDougall.

The Committee

RESOLVED

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

146. BE/57/23/PL - HOLLY COURT, TAMARISK CLOSE, BERSTED, PO22 9JG

No Public Speakers

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

The Planning Area Team Leader presented the report. Members raised the following points with the application that the cladding would provide embellishment to the area and was the fire service happy with the cladding. The Planning Area Team Leader confirmed that there was no requirement to consult with the Fire Service, as the building was less than 18 years old, however, he had spoken with the Building Regulations Team who had advised that if the work involved a thermal element, it may require a submission under the Building Regulations.

The recommendation was proposed by Councillor Lury and seconded by Councillor Patel.

The Committee

RESOLVED

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

Planning Committee - 12.07.23

147. BN/58/23/PL - LAND REAR OF CLARE COURT, 67 BARNHAM ROAD, EASTERGATE, PO22 0EP

(Councillor Wallsgrove redeclared her personal interest in this item as Chair of Barnham and Eastergate Parish, Planning Committee.)

1 Public Speaker

Matthew Utting, Agent

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

The Planning Area Team Leader presented the report. This was followed by 1 Public Speaker. Members raised the following concerns with the application including clarification regarding the NPPF and building out into the garden of the site, the access road would remove 2 car parking spaces causing a reduction from 8 spaces to 6 was this considered by officers and where would those cars now park? This Planning Area Team Leader confirmed that there were no restrictions within the NPPF that states garden land could not be built on. He also confirmed that there was sufficient parking for the site as well as the additional available space for on-street parking.

The recommendation was proposed by Councillor Lury and seconded by Councillor Patel

The Committee

RESOLVED

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

148. Y/31/23/PL - LAND ADJACENT TO LITTLE MEADOW, BILSHAM ROAD, YAPTON, BN18 0JY

3 Public Speakers

Dilys Lownsborough, Objector
Carol Inglis, Objector
Jacob Goodenough, Agent

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

The Principal Planning Officer presented the report with updates. This was followed by 3 Public Speakers. The Principal Planning Officer responded to a comment made regarding potential access to the crematorium by one of the public speakers, where he advised that when the crematorium application was approved there was a legal agreement implemented that stated bollards would need to be placed on Grevatts Lane west, to prevent vehicles moving in a north westerly direction, due to the safety concerns of the junction. With the new access in this application, whilst it could potentially be an alternative, the current state of Grevatts Lane west between the site and the crematorium was too rough and broken and not considered suitable for heavy traffic use, therefore currently he did not believe it could be used for access. Members raised a number of other concerns with the application including, expressing sympathy for the residents of Yapton for the level of development in the area, concern regarding the inspector's report where it mentioned substantial harm to the character and appearance of the area, the impact and significance on the Grade II listed Hobbs Farmhouse and the loss of agricultural land. Because of these concerns raised by Councillor Lury he proposed that a site visit be undertaken and asked for a seconder from the committee, where Councillor Woodman agreed to second this proposal.

Further debate was requested before any vote was taken on the proposal put forward. Throughout that debate it was commented that should the application be approved would this then prompt a further application later on for an additional 69 dwellings. It was then asked for the Group Head of Planning to give members some advice regarding the weighting the committee should give in their decision making to the emerging neighbourhood development plan for the area, that had been mentioned by one of the public speakers. The Group Head of Planning advised members that as set out in the report the emerging neighbourhood plan did have sufficient weight to outweigh the presumption in favour. However, when the plan is made the policies that would be most relevant in respect of this application would be considered as out of date, due to the housing land supply being less than 3 years, he then referred to paragraph 14 of NPPF.

Councillor Lury then readdressed the committee and reoutlined his reasoning for a site visit to be held before any decision was made. The Chair then moved to the vote to defer the decision on the application pending a site visit.

The Committee

RESOLVED

That the application be DEFFERED to allow for a site visit for members to assess the area.

Subject to approval at the next Planning Committee meeting

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Planning Committee - 12.07.23

149. APPEALS LIST

The Committee noted the Appeals list.

(The meeting concluded at 3.35 pm)

REF NO: Y/31/23/PL

LOCATION: Land adjacent to Little Meadow
Bilsham Road
Yapton

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

SITE VISIT:

This application was deferred on the 12th of July Meeting to allow Members to undertake a site visit to further consider the application.

The site visit was undertaken on the 25th of July and was attended by the following Members:

Cllr Blanchard-Cooper.
Cllr Ricky Bower.
Cllr Kelly.
Cllr Lury.
Cllr McDougall.
Cllr Partridge.
Cllr Wallsgrove.
Cllr Woodman; and
Cllr Amanda Worne.

With the aid of the application plans, Members carried out an internal inspection of the application site and surveyed its surroundings.

Members raised/highlighted the following concerns:

- Precedent.
- Impacts associated with HGV movements from the industrial units.
- Relationship of Residential to Industrial - noise and highway safety.
- Character and Sustainability.
- Proximity to the Grade II Listed Building.
- Extra Traffic at Comet Corner; and
- Impact on local infrastructure.

OTHER MATTERS:

Members should also note that part of the site is proposed to be allocated by the Gypsy and Traveller and Travelling Showpeople Site Allocations Development Plan Document (Preferred Options) (October 2020) as a future location for a Travellers Showmen yard and/or permanent pitches in the period beyond 2028.

This proposal is not yet part of the development plan and has been objected to by several parties so it cannot yet be afforded significant weight. However, it is nevertheless a site which the council is keen to safeguard. The proposed new access to Bilsham Road cuts through the proposed allocation but this would improve access and hence the deliverability of the proposed allocation. This should have been

referred to in the original report.

PLANNING APPLICATION REPORT

REF NO: Y/31/23/PL

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

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

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The proposal is for 2 no. 4-bedroom detached and 4 no. 3-bedroom semi-detached 2-storey dwellings on land associated with Little Meadow and located to the rear of existing dwellings along Grevatt's Lane West (GLW) to the south and Bilsham Road to the west.</p> <p>All dwellings vary in terms of their design and materials palette. Plots 1-5 utilise combinations of facing brick and knapped flintwork, with gable roofs constructed using clay tiles and with cream coloured-windows and doors. Plot 6 is markedly different in that its design is more consistent with that of an agricultural barn conversion, with the extensive use of timber cladding, full height glazing and aluminium windows and doors. Each dwelling will have its own access and on-plot parking to the front and side, with lawns to the front and rear.</p> <p>The layout plan indicates bin storage in each individual garden (although there are no elevations of either), cycle storage for plots 2-5, and detached garages for plots 1 and 6. Refuse collection is shown to take place at the kerbside, as per the existing situation within the immediate area.</p> <p>A substantial 'wildlife area' containing a pond and surrounded by trees is shown to the southwest of plot 6.</p>
SITE AREA	0.77 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	8 dwellings per hectare.
TOPOGRAPHY	Predominantly flat, with a slight incline between Bilsham Road and Grevatt's Lane West.
TREES	There are a number of trees located on and adjacent to the

site boundaries, including a large group of Leylandii along the western side of the access from Grevatt's Lane West. No trees or hedges are scheduled for removal as part of the proposals.

BOUNDARY TREATMENT
Boundaries mainly comprise closeboard fencing, mature trees and headgerows to the north, south and west, with an open post and rail fence to the east.

SITE CHARACTERISTICS
The site is currently a detached field on land associated with a dwelling known as 'Little Meadow'. It is located to the south of an existing industrial compound, comprising a dwelling ('Oak Trees') three buildings in a mix of light industrial/storage and distribution uses, with hardstanding, storage containers, open storage).

The site is bisected by a private drive, which connects the industrial units to Grevatt's Lane West to the south and currently functions as the main access route.

CHARACTER OF LOCALITY
Semi-rural. The surrounding open land is used for agricultural or equestrian purposes. There are dwellings alongside the eastern edge of Bilsham Road and the northern edge of Grevatt's Lane West in a linear arrangement. Some of these border the western and south western edges of the site. There is good screening to the edges of the site with those dwellings in the southwestern corner.

Nos. 84 and 85 Bilsham Road (which amongst others adjoin the rectangular piece of land to the south of the industrial units) are designated as Buildings of Character. There are also Grade II Listed Buildings to the west of Little Meadows. The adjoining land to the east has the benefit of a planning permission for a new Crematorium (Y/103/18/PL). To the south, Bilsham Road has a junction with the A259 with this junction known locally as "Comet Corner".

RELEVANT SITE HISTORY

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

buildings as part of an enlarged employment site, Public Open Space & a new Village Hall. The existing junction of Grevatts Lane West & Bilsham Road will be closed & Grevatts Lane West diverted to a new access point to the South. This application may affect the setting of Grade II Listed Buildings & is a Departure from the Development Plan.

Y/16/13/

Workshop/Storage Unit Building

Refused
29-05-13**Appeal: Dismissed**
20-02-14

The most recent application (ref. Y/71/21/OUT) was refused in September 2021 and subsequently dismissed at appeal in April 2022 (ref. APP/C3810/W/22/3293935).

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

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

REPRESENTATIONS

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

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

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

following grounds:

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

COMMENTS ON REPRESENTATIONS RECEIVED:

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

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

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

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

CDC ARCHAEOLOGY ADVISOR - No objection.

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

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

ADC ENVIRONMENTAL HEALTH - Objection on the grounds that the findings of the noise assessment are unrepresentative and its conclusion that windows must be kept closed to meet guideline noise

values. However, the response goes on to recommend a number of planning conditions to address the concerns raised, should planning permission be granted.

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

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

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

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

COMMENTS ON CONSULTATION RESPONSES:

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

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

POLICY CONTEXT

Designations applicable to site:

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

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

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

	Character
LANDM1	LAN DM1 Protection of landscape character
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM3	W DM3 Sustainable Urban Drainage Systems
Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E9	Listed Buildings and Buildings or Structures of Character
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

POLICY COMMENTARY

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

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: "In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special

regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

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

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

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

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

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

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

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

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The Arun Local Plan (ALP):

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

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

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

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

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

The Yaptan Neighbourhood Plan (YNP):

The YNP was made in November 2014 on the basis of saved policies in the 2003 Arun District Local

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

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

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

The NPPF:

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

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

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

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

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

Conclusion on Matters of Principle:

The principle of development conflicts with the ALP and the current YNP. It is material that the Council cannot demonstrate an appropriate HLS and that it supports applications on sites adjacent to settlements in sustainable locations. Due to the HLS position, the application as a whole, falls to be determined by the NPPF presumption in favour of sustainable development.

AGRICULTURAL LAND

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term.

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

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

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

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

TRAFFIC & ROAD SAFETY

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

(January 2020) sets out the parking requirements for residential developments.

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

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

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

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

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

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

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

HERITAGE

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

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

Para 194 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and

decide there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in paras 199-202).

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

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

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

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

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

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

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

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

VISUAL AMENITY AND CHARACTER

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

ALP Policy D SP1 requires development to make efficient use of land and reflect local character. Meanwhile, LAN DM1 states that development should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. There are no relevant YNP policies.

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

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

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

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

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

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

RESIDENTIAL AMENITY

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

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

There will be minimum interface distances of 57m between the rear elevations of plot 1 and No. 85 Bilsham Road to the west and 34m between the side elevation of plot 1 and the rear elevation of Bilsham Cottage to the south. The ADG sets out minimum separation distances of 21m from rear elevation to rear elevation and 14m from rear elevation to side elevation, which are comfortably achieved in all cases. Furthermore, owing to the location of the proposed dwellings and the interface distances involved, neighbouring properties will not experience any detrimental loss of light.

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

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

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

NOISE AND AIR QUALITY

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

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

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

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

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

The amendments recommended by Environmental Health have also been made to the Planning Stage

Air Quality Assessment.

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

BIODIVERSITY AND TREES

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

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

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

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

FLOODING & SURFACE WATER DRAINAGE

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

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

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

ENERGY AND CLIMATE CHANGE

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

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

SUMMARY

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

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

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

The recommendation is to approve the application subject to conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

L01 Rev F Location Plan
 01 Rev C Site Layout Plan
 02 Plot 1 Floor Plans, Elevations, Site Plan
 03 Plots 2 & 3 Floor Plans, Elevations, Roof Plan
 04 Plots 4 & 5 Floor Plans, Elevations, Roof Plan
 05 Rev A Plot 6 Floor Plans, Elevations, Roof Plan
 06 Plot 1 Garage Floor Plans, Elevations, Roof Plan
 07 Plot 6 Garage Floor Plans, Elevations, Roof Plan
 08 Site Elevations
 ITB17438-GA-006 Rev C Site Access Arrangements
 Planning Design and Access Statement and Affordable Housing Statement (Nova Planning)
 Flood Risk Assessment (GeoSmart)
 Sustainable Drainage Assessment (GeoSmart)
 Extended Phase 1 Ecological Assessment and Phase 2 Surveys (Phillips Ecology)
 Transport Statement (i-Transport)
 Arboricultural Implications Assessment and Method Statement (eco-urban Arboricultural)
 Planning Stage Air Quality Assessment (Anderson Acoustics)
 Planning Noise Assessment (Anderson Acoustics)

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

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

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

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

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

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

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

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

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

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and policy ENV DM5 of the Arun Local Plan. This has to be a pre-commencement condition because This is required to be a pre-commencement condition as otherwise there would be a risk of harm to protected species and their habitats.

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

- a) An indicative programme for carrying out of the works;
- b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e) The parking of vehicles of site operatives and visitors;
- f) Loading and unloading of plant and materials, including permitted times for deliveries;

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

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

- 7 Prior to any works above damp-proof course (DPC) level, a Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

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

- 8 Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

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

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

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

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

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

10 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.

- 11 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.

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

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

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

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

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

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

- 14 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and

approved in writing by the Local Planning Authority prior to construction above damp-proof course (DPC) level in that phase or sub phase. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

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

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

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

- 16 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 ITB17438-GA-006 Rev C "Site Access Arrangements".

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

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

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

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

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

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

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

- 20 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.

- 21 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.

- 22 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 23 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

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

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

support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

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

- 24 **INFORMATIVE:** Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

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

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

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

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

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

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

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

BACKGROUND PAPERS

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

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



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PLANNING APPLICATION REPORT

REF NO: WA/27/23/PL

LOCATION: Morelands
Arundel Road
Fontwell
Arundel
BN18 0SB

PROPOSAL: 4 No. residential dwellings with associated car-parking and access, This application is in CIL Zone 2 and is CIL Liable as new dwellings. (Re-submission of WA/107/22/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application is a resubmission of application WA/107/22/PL which was refused and is currently at appeal.

The refused scheme showed the dwellings arranged in awkward layout that created an overly dense block of housing along the eastern boundary, and appeared overly engineered.

Permission is now sought for 4 new dwellings but with a completely different layout, organised in the style of a courtyard with a central access spine. A new vehicular access on Arundel Road is proposed. The site is accessed via a 70 m long driveway parallel to the Ridings.

SITE AREA 2558.00

RESIDENTIAL DEVELOPMENT DENSITY (NET) 16 dwellings per hectare

TOPOGRAPHY Predominantly flat, slightly sloping down from the north to the south.

TREES Mature trees on site have been removed and the site 'cleared'. Hedgerows and trees on the site boundaries have been retained.

BOUNDARY TREATMENT Fence and overgrown hedgerows and trees on the eastern, southern and western boundaries, with farm gates in the entrance to the site.

SITE CHARACTERISTICS A cleared area with dwelling, remains of a felled tree and tree stumps, small outbuildings and trees and hedgerows along the boundaries. The majority of these are third party trees which overlap the development site all along the eastern, southern and western boundary.

CHARACTER OF LOCALITY The area is on the edge of residential development which fronts Arundel Road where the well set back dwellings vary in form and design; from bungalows to 2 storey dwellings and

detached and semi detached properties with long rear gardens. Developments to the north-west of the site have a different pattern with a row of detached and semi-detached houses set along the Ridings adjacent to Arundel Road, and a cul de sac arrangement in Fontwell Close behind the dwellings facing Arundel Road. To the north-east is a large two storey dwelling with hipped roof and gabled 2 storey front projection in a spacious plot, pushed well back of the existing building line with a large and open front garden underlining the open feel of the area. The site would be bordered by allotments (to the west) and a public open space area of the approved development (WA/48/19/RES).

RELEVANT SITE HISTORY

WA/42/22/PL	Demolition of existing dwelling and erection of 5 No. residential dwellings, associated car parking and access. (Resubmission of WA/5/22/PL). This application is in CIL Zone 2 and is CIL Liable as new dwellings.	Refused 17-08-22 Appeal: Dismissed 03-04-23
WA/107/22/PL	4 No dwellings, associated car parking and access. This site is in CIL Zone 2 and is CIL Liable as new dwellings.	Refused 22-12-22
WA/5/22/PL	Demolition of 1 No dwelling & erection of 5 No dwellings with associated car parking and access. This site is in CIL Zone 2 and is CIL Liable as new dwellings.	Withdrawn 18-03-22

Application ref WA/107/22/PL was refused on the following grounds:

1. By reason of the siting and size of the dwellings and the limited area and configuration of the site, the proposal appears cramped, represents overdevelopment of the site, and fails to reflect the established pattern and layout of development in the area resulting in harm to the visual amenity and character of the area and in significant harm to residential amenities of prospective occupiers due to the awkward relationship between dwellings, in conflict with policies D SP1 and D DM1 of the Arun Local Plan, policies HP 11 and HP 13 of the Walberton Neighbourhood Development Plan, the Arun Design Guide and relevant paragraphs of the NPPF.

2 Insufficient ecological information on European Protected Species (bats) and Protected species (reptiles) has been provided. The Preliminary Ecological Appraisal and Bat Survey have not identified that the site is inside the 12km buffer zone of Singleton and Cocking Tunnels Special Area of Conservation (SAC) and so have not assessed the impacts. The proposal is contrary the the ALP policy ENV DM1, policy VE 10 of the WNDP 2 and relevant paragraph of the NPPF and associated Government advice.

REPRESENTATIONS

Walberton Parish Council: Object on the basis of overdevelopment of the site, insufficient parking, narrow access and insufficient drainage

4 letters of objection which raise the following points:

- The site is not large enough to accommodate 4 houses and associated parking.
- Insufficient access along narrow drive for emergency vehicles.
- Loss of wildlife / no wildlife provision.
- Concerns over the drainage system and flooding.
- Insufficient parking.
- Proximity to neighbouring dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The issues are discussed in the conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER: No objection. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the development is finalised.

DRAINAGE ENGINEERS: Whilst agreeable to the strategy, does not support the detailed design. If approved, suggested conditions should be applied.

PORTSMOUTH WATER: No objection subject to suggested condition.

ENVIRONMENTAL HEALTH: No objection subject to conditions relating to 'potentially contaminated land' and 'construction'.

SOUTH DOWNS NATIONAL PARK AUTHORITY: No objection.

WSCC HIGHWAYS: No objection subject to imposition of conditions.

ARCHAEOLOGY ADVISER: A program of archaeological investigation and recording should be secured via condition.

ECOLOGY CONSULTANT: No objection subject to the imposition of conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

- Within Built Up Area Boundary (BUAB);
- Lidsey Treatment Catchment Area;
- The Source Protection Zone 1c for the local Public Water Supply Source;

Archaeological Notification Area;
 WSCC Mineral Safeguarding Area;
 Singleton & Cocking Tunnels Special Area of Conservation 12km Buffer;

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
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
HERDM6	HER DM6 Sites of Archaeological Interest
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Walberton Neighbourhood Plan Policy 2019-2031</u> <u>HP1</u>	Built up boundary (BUAB)
Walberton Neighbourhood Plan Policy 2019-2031 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2019-2031 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2019-2031 VE3	Protection of Trees and Hedgerows
Walberton Neighbourhood Plan Policy 2019-2031 VE7	Surface Water Management
Walberton Neighbourhood Plan Policy 2019-2031 VE8	'Unlit village' status

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

The revised Walberton Neighbourhood Development Plan 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 would comply with relevant development plan policies.

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

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

Policy HP1 of the Walberton Neighbourhood Development Plan 2 states proposals for development within the built-up area boundary of Walberton, defined in Schedule 2 will be supported.

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

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

Given the above, as concluded previously, the principle of the development of the site is therefore acceptable.

DESIGN AND VISUAL AMENITY:

Policy D SP1 of the Arun Local Plan stresses that successful development should respond to local distinctive pattern of development. Policy HP 13 of the Walberton Neighbourhood Development Plan stresses that new development must contribute to local character by creating a sense of place appropriate to its location and policy HP 11 requires the densities of new development to be appropriate to its location by virtue of size, siting, and relationship to existing properties. Policy VE 3 emphasises that development proposals must be designed to retain wherever possible ancient trees, trees of good arboricultural and amenity value and hedgerows.

Although the NPPF does not prevent development on garden land in principle, it does require new developments to respond to local character and history and to reflect the identity of local surroundings.

While the layout of the proposal does not accord with the pattern of development predominantly found along Arundel Road, it is recognised that the site sits a distance away from it, is separated by the existing dwelling to its North, and also that the courtyard type layout does somewhat reflect that found to the North West of the site in Fontwell Close and in The Chase.

The revised layout presents a greater spatial quality than that previously refused and makes a better use of the available space within a more coherent and responsive manner. The site appears less overly engineered than the refused scheme and allows for the introduction of greater green space and landscaping. Having two pairs of dwellings facing each other across a shared access road more closely resembles the configuration of nearby Fontwell Close and The Chase and as such is more closely reflects the character of the surrounding area terms of massing, siting, layout and density, as per local plan policy D DM1.

While units 4 and 3 would be visible from outside the site, the altered layout would now present at an oblique angle and further away from the site boundaries and would therefore not appear unduly prominent, especially given the scope for additional boundary planting. This would accord with the guidance detailed above in part J.07 of the Design Guide.

Improvements have been made to the design and appearance of the individual dwellings, although it is recognised that no objection was raised to this previously and as such, refusal could not be justified on this basis. Regardless the design would accord with the prevalent character of the locality.

In light of the above considerations, the design of the development would satisfactorily relate to the context of the site, would not cause harm to the character and visual amenity of the area, in accordance with policies D DM1 and D SP1 of the Arun Local Plan, policies HP 13, HP 11 and VE 3 of the WNDP 2, the NPPF the Arun Design Guide (SPD) and the National Design Guide.

RESIDENTIAL AMENITY

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

One of the 'core planning principles' of the NPPF is to create places that are safe, inclusive and

accessible and which promote health and well-being, with a high standard of amenity for existing and future, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (paragraph 130 f).

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

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

The layout of the dwellings has been altered from that previously refused so that rather than sitting predominantly in a line, they are now spaced around the perimeter of the site. The revised layout results in a more spacious arrangement, increasing the distance between all four dwellings compared to the refused scheme. The closest gap is 2.6 metres between Units 3 and 4, (an increase on the previous 2 metre gap). Units 1 and 2 would be a minimum of 5.7 metres apart, with this gap widening to 8.4m at the front of the houses.

A minimum of 4 metres would be maintained between the dwellings and the southern boundary, and 5 metres with the eastern boundary. The layout makes an efficient use of the available space as is appropriate within the built confines, spacing the units more regularly within the site.

The proposed layout addresses the previous objections regarding the cramped nature of the development and provides a more regular and spacious layout that would not be seen as incongruous or dominant when viewed from the public open space to the south.

Given the distance of the dwellings from neighbouring occupiers, and the revised layout with greater space between and around the dwellings, the proposals would provide an acceptable level of amenity to neighbouring occupiers and future occupiers of the development in accordance with policies D DM1 and QE SP1 of the Arun Local Plan and paragraph 130(f) of the NPPF.

INTERNAL and EXTERNAL SPACE STANDARDS

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

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

Distances between habitable elements of the front to front dwellings would exceed 16m. All four dwellings have a private amenity space of at least 10.5 metres deep, with Unit 3 having a side garden which is 15 metres deep at its longest point. Units 1 and 2 have 10.5 metre deep rear gardens. Unit 1's angled rear garden is compensated with the addition of a larger side garden, which is also private outdoor space. This is an acceptable alternative,

Units 1, 2 and 3 would have a GIA of 169sqm, exceeding the 124sqm for a 4-bed, 8-person dwelling in the technical standards. Unit 4 would have a GIA of 130sqm, exceeding the minimum required 93sqm.

On this basis, the proposals would accord with the guidance in the ADC Design SPD and policies D DM2 and QE SP1 of Arun Local Plan which requires all development to contribute positively to the quality of the environment.

SITE ACCESS, PARKING AND HIGHWAYS IMPACT

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

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

The site will utilise an existing vehicular access from Arundel Road, with an internal access road connecting the route to the highway. WSCC Highways (the LHA) have advised that there are no apparent visibility issues with the existing point of access on to Arundel Road.

On-site turning for both a private car and refuse vehicle has been demonstrated via swept path track to the satisfaction of the LHA. Cycle parking for each lot has been demonstrated in accordance with Arun Parking Standards.

The plans demonstrate a parking provision of 10.5 parking spaces, consisting of 10 parking bays and one single-bay garage (garages are considered 0.5 parking space under Arun Parking Standards). A development of this size and location should provide 11 car parking spaces.

Notwithstanding the above, the LHA has advised that they do not anticipate that marginal shortfall in parking would give rise to an adverse highway safety impact in this location. Overspill parking is not anticipated to be displaced on to the maintained highway in this instance, given there may be room to accommodate additional parking within the site boundary.

With regard to parking access and highways impact, the proposal would accord with the ALP policies T SP1 and T DM1, and the ADC Parking SPD (2020). Electric vehicle charging points (EVCP) provision can be secured via condition.

PROTECTION OF TREES

The site has been cleared of many trees so that those that remain are along the boundaries. There are off-site/3rd party trees which overlap the development. An Arboricultural Impact Assessment has been submitted. Units 2 and 3 are set back from site boundaries allowing existing trees sufficient space for future growth.

The Tree Officer has been consulted and no comments have been received.

The previous scheme was considered to broadly accord with the ALP policy ENV DM4. This revised layout is an improvement and therefore continues to be acceptable.

NATURAL ENVIRONMENT

Arun Local Plan policy ENV SP1 encourages and promotes the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. The Council will ensure through policy ENV DM1, that the intrinsic features of particular interest are safeguard or enhanced.

Policy VE 10 of the Walberton Neighbourhood Development Plan states development in the Singleton

and Cocking Tunnels SAC Wider Conservation Area should evaluate the potential loss of suitable foraging habitat and/or severance of commuting flight-lines such as semi-natural meadows, mature treelines, hedgerows and watercourses. Such features should be preserved where it is demonstrated that they are used by barbastelle bats. Policy VE 8 stresses that development proposals which detract from the unlit environments of the Parish will not be supported.

The site is approximately 10.7km from the Singleton and Cocking Tunnels Special Area of Conservation (SAC) which is inside the 12km buffer zone as shown in the Sussex Bat SAC Planning and Landscape scale Enhancement Protocol. Application WA/107/22/PL was refused partly due to a lack of information relating to suitable mitigation measures for bats and reptiles.

The Council Ecologist has reviewed the documents now supplied by the applicant, relating to the likely impacts of development on designated sites, protected & priority habitats and species and identification of proportionate mitigation, and have advised that they are satisfied that there is sufficient ecological information available for determination of the application. Having assessed the submitted information, they recommend the submission for approval subject to the imposition of conditions.

Given the sites proximity to the SAC it will be necessary to undertake an Appropriate Assessment (AA) as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). Conditions have been incorporated as part of this recommendation which the Council view to be acceptable to overcome any unacceptable impacts upon the conservation objectives of the SAC. However, the AA will assess the suitability of the avoidance and mitigation measures and will be the subject of consultation with Natural England. It is anticipated that this process will be resolved prior to the Committee meeting on the 9th August and an update will be provided to Members on this matter as part of the written update or verbally if required.

Subject to conditions and the conclusion of the AA process, the development would accord with Arun Local Plan policies ENV SP1 and ENV DM1, policy VE 10 of the WNDP 2 and paragraph 174 of the NPPF.

CLIMATE CHANGE

ALP policy ECC SP2 requires residential development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. There are no decentralised, renewable and low carbon energy supply systems proposed, however, compliance with the policy can be secured via a condition.

WATER, FLOODING & SURFACE WATER DRAINAGE:

The site is currently not affected by flooding from rivers/sea and is in Flood Zone 1. The Council's climate change mapping shows it would not be affected by 2111.

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).

Policy VE 3 of the WNDP stresses that new development should aim to reduce the overall level of flood risk.

The submission advises that majority of the hard surfaces across the site would be permeable, with only the roofs and patio areas formed of impermeable materials. Runoff from the proposed the dwelling roofs will be directed into individual cellular soakaways. The soakaways will be located within the garden

extents except for the south eastern dwelling, which will be located beneath the access road. The cellular storage of the soakaways has been calculated to accommodate all runoff from the roof areas.

Arun District Council's Drainage Engineer has advised that while they have no objection to the proposal, they require the imposition of conditions relating to surface water drainage design. Portsmouth Water have reviewed the 'FRA and Surface Water Drainage Strategy' and are satisfied with the design subject to condition.

Subject to the imposition of conditions, 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 VE 3 of the WNDP and paragraph 167 of the NPPF.

CONCLUSION

The proposal overcomes the reasons for refusal of application ref WA/107/22/PL and represents an appropriate redevelopment of land and does so without compromising the visual amenity of the area or the amenities of existing neighbouring residential occupiers and without detrimental highways, flooding or ecology impacts.

Paragraph 11 of the NPPF requires that decisions should apply a presumption in favour of sustainable development. As per paragraph 11 c and d, the proposals accord with the development plan. Additionally given the lack of a 5 year housing land supply, there are no adverse impacts arising from the development that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this National Planning Policy Framework taken as a whole.

On this basis, it is recommended that planning permission be granted for the proposal.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby 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 statements:

A.001 Rev B Location Plan
 A300 Rev A Building A Section AA
 A102 Building A Roof Plan
 A101 Rev C Building A Floor Plans
 A103 Rev C Building B Floor and Roof Plans
 A104 Rev C Building A Floor Plans (left handed)
 A202 Rev C Building B Elevations
 A203 Rev C Building A Elevations
 A201 Rev C Building A Elevations
 A002 Rev P Development Plan and Landscaping
 11636_1700 P9 Vehicle Tracking
 Arboricultural Implications Assessment 13th March 2023
 Transport Statement dated April 2023
 Archaeological Desk Based Assessment March 2023
 Reptile Survey 16.10.21
 Preliminary Ecological Appraisal 14.10.21
 Detail of Mitigation Relating to Bats 24.4.23
 Bats Roost Characterisation Survey, Emergence/Activity 15.10.21

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

- 3 All works shall be carried out in accordance with measures detailed in the Arboricultural Implications Assessment 13th March 2023.

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

- 4 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been approved by the local planning authority.

Reason: The site is of archaeological significance in accordance with Arun local plan policy HER DM6

- 5 No development above damp proof course (DPC) level shall take place unless and until details of hard and soft landscaping, including site boundary treatments, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the dwellings. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the first occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development and to protect the amenity of local residents in accordance with policy D DM1, ENV DM4 and QE DM1 of the Arun Local Plan.

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

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

- 7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

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

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

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

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

- 10 No piling or any other foundation construction using penetrative methods shall be carried out other than with the express written consent of the Local Planning Authority in consultation with Portsmouth Water. The development shall be carried out in accordance with the approved details. The method statement should detail the equipment, methodology, grout, control measures and monitoring that will be implemented to ensure there is no increased risk to

controlled waters or drinking water supplies. Thus, it should be demonstrated that any proposed piling;

- a. Will not result in contamination of groundwater. This is in accordance with National Planning Policy Framework paragraph 109.
- b. Nor any increased risk to drinking water supplies (including turbidity).
- c. Nor deterioration in the transmissivity of the aquifer.

Reason: Piling or any other foundation construction methods using penetrative methods could allow hazardous substances and non-hazardous pollutants to enter groundwater by for example, mobilising contamination and creating preferential pathways

- 11 If, during development, contamination not previously identified is found to be present at the site then the Local Planning Authority must be notified immediately. No further development (unless otherwise agreed in writing with the Local Planning Authority in consultation with Portsmouth Water) shall be undertaken in that phase until the developer has submitted and had approved a site investigation, risk assessment and remediation strategy report, detailing how to mitigate the contamination identified. The remediation strategy approved by the local planning authority shall be implemented in full before development in that phase recommences.

Reason - To ensure that risks from land contamination to drinking water supplies are remediated.

- 12 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.

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

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

- 14 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Epoch Ecology, October 2021) and the Ecological Addendum Letter (Epoch Ecology, 24th April 2023) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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

with the approved details.

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

- 15 Prior to commencement of development, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on biodiversity during construction (may be provided as a set of method statements).
- d) All pollution mitigation measures to be adopted during the construction phase. This should include management of overland runoff, storage of hazardous materials, chemical and hydrocarbons on site and temporary drainage infrastructure to ensure that water resources are not put at risk from leaks or spillages.
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species). Fugitive emissions from the site during construction could pose a significant threat to groundwater and therefore the local public

- 16 Prior to occupation of the dwellings, 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 LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

- 17 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme 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.

The lighting approved shall only be installed and maintained in accordance with the approved details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

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

In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

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

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

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

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

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

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

action.

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

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

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

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

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

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

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

- 22 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.

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

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

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

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

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

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

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided.

Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extent of ground water monitoring with the council's engineers.

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

- 27 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.
- 28 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.
- 29 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.

BACKGROUND PAPERS

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

WA/27/23/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: P/80/23/PL

LOCATION: Lagnersh House
Lower Bognor Road
Lagness
PO20 1LW

PROPOSAL: Use of land for the stationing of 4 No. mobile homes for occupation by people unable to afford rented housing. This application is a Departure from the Development Plan and may affect the setting of a Listed Building. (Resubmission of P/150/22/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This is a retrospective application seeking permission to retain four mobile homes (caravans) used for permanent residential accommodation. The reference in the description to "occupation by people unable to afford rented housing" refers to the fact that the residents have not been able to save a deposit to rent a house elsewhere. The homes may be a temporary steppingstone for occupiers towards securing permanent 'brick-built' housing but whilst they are occupied, they will be as permanent occupation. Whilst the description refers to this being low cost housing, it should be considered in the same way as any other application for housing would be. The applicant is not claiming gypsy or traveller status.

SITE AREA 0.1 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 40 dwellings per hectare.

TOPOGRAPHY Predominantly flat but lower than Lower Bognor Road.

TREES None affected.

BOUNDARY TREATMENT Mix of hedging and low fencing.

SITE CHARACTERISTICS Mix of gravelled hardstanding and grassed areas interspersed with trees, hedges, and other planting. To the immediate south lie the curtilages of Lagersh Barn and Lagnersh House and there is a further dwelling beyond Lagnersh Barn. The access to Lagnersh House goes past the access to the fourth caravan whereas the other three front onto a shared hardstanding. There is a further mobile home in the curtilage of Lagnersh House and this is understood to be used for purposes incidental to the residential dwelling. To the north is a camping/touring caravan site for which retrospective planning permission has been refused. The site is accessed by a hardstanding track from Lower Bognor Road.

CHARACTER OF LOCALITY This is a rural area with agricultural fields to the north, east,

west, and (beyond the road) to the south.

RELEVANT SITE HISTORY

P/45/23/PL	Use of land for up to 12 camping pitches (including up to 2 yurts), 3 No touring caravan / camper van pitches and associated toilet and washing facilities (resubmission following P/145/22/PL). This application affects a Public Right of Way and is in CIL Zone 5 (Zero Rated) as other development.	Refused 23-06-23
P/150/22/PL	Use of land for the stationing of 4no mobile homes for occupation by people unable to afford rented housing. This application is a Departure from the Development Plan and may affect the setting of a Grade II Listed Building.	Refused 20-04-23
P/145/22/PL	Use of land for up to 12 camping pitches (including up to 2 yurts); 3no touring caravan / camper van pitches, warden caravan and associated toilet and washing facilities. This application affects a Public Right of Way.	Refused 20-02-23
P/95/19/CLE	Lawful development certificate for the existing use of building as a single dwellinghouse.	Approve 13-11-19
P/119/18/PL	Erection of agricultural barn for storage of farm machinery & hay along with associated hardstanding.	ApproveConditionally 15-05-19
P/28/16/HH	Replacement outbuilding	ApproveConditionally 21-04-16

P/79/05 permitted the conversion of a barn into a separate dwelling (Lagnersh Barn). That dwelling applied for a replacement outbuilding (P/28/16/HH), but a site visit has confirmed that this permission has not been implemented and the existing one remains. P/119/18/PL allowed an agricultural storage building, but this was not implemented and the site of that is occupied by three of the mobile homes. P/95/19/CLE allowed an annex to Lagnersh House to be used as a separate dwelling. P/150/22/PL was refused under delegated powers for the following reasons:

(1) Based on the information submitted it has not been satisfactorily demonstrated that the site can be accessed by fire appliances or that adequate firefighting water sources are available to serve the site and so the proposal conflicts with Arun Local Plan policies D DM1 and T SP1, the Arun Design Guide and the

NPPF.

(2) The application has failed to provide sufficient ecological information in respect of the impact on designated sites and in respect of impacts on European Protected Species (bats). There is insufficient information to determine the impact on protected species and habitats contrary to policy ENV DM5 of the Arun Local Plan, the NPPF and associated Government advice. There is no information on biodiversity net gain.

P/145/22/PL and P/45/23/PL (both retrospective applications for the associated camping and touring caravan pitches) have been refused under delegated powers.

REPRESENTATIONS

One objection stating that the owner and her tenants do not have the right to access the mobile homes and use the neighbours land as a driveway. The objection alleges that the mobile homes have affected water pressure in the neighbouring property.

COMMENTS ON REPRESENTATIONS RECEIVED:

The presence of a planning permission does not allow the person/s benefiting from that permission to use or misuse land that does not belong to them. Matters relating to the use of such land are not capable of being material planning considerations and are instead governed by civil law. Water supply is discussed in the conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - no objection and recommend a cycle storage condition. State no known issues with the use of the access and that the site offers plentiful car parking.

WSCC FIRE & RESCUE - no objection on the basis that the applicant install a water tank to provide water for firefighting.

WSCC PUBLIC RIGHTS OF WAY - no objection. State that the public footpath must not be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works.

COUNCIL's ECOLOGIST - no objection subject to conditions

COUNCIL's ARCHAEOLOGIST - require a standard archaeology condition should any further groundworks be undertaken.

On the previous application environmental health officer requested conditions related to lighting, max of 4 caravans and electric vehicle charge points. The drainage engineer raised no objections and requested no conditions previously.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built-Up Area Boundary.

Pagham Harbour Zone B.

Class B Road.

Current/Future Flood Zone 1.

Area of Advert Special Control.

Adjacent a PRow (PAG/133/2).

Archaeological Notification Area; and

Strategic Gap.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SDSP3	SD SP3 Gaps Between Settlements
DDM1	D DM1 Aspects of form and design quality
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment
QEDM2	QE DM2 Light pollution
TOUDM1	TOU DM1 Tourism related development
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM1	W DM1 Water supply and quality

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's

Waste and Minerals Plans, 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.

Where applicable, Neighbourhood Development Plans, once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. There is no Pagham Neighbourhood Plan to consider, as the emerging Plan was withdrawn in September 2020.

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 will authorise the location of residential dwellings in the countryside and in a designated strategic gap.

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

INTRODUCTION:

A mobile home is another term for a caravan but is associated with those used residentially (known as park homes) as opposed to those for holiday use (commonly known as static caravans). A caravan must be in accordance with the statutory definition of the caravan as set out in Section 29 (1) of the "Caravan Sites and Control of Development Act" 1960 and Section 13(1) of the "Caravan Sites Act" 1968 (as amended). Statutory Instrument no. 2006:2374 amended the 1968 Act in respect of the maximum dimensions for a caravan and these are now: (a) width of 6.7m; (b) length of 20m; and (c) internal floor to ceiling height of 3.05m.

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. In January 2023, the council published its Authority Monitoring Report (AMR) for 2021/22 and this shows that the Housing Land Supply (HLS) is now 2.36 years. On the basis of the new AMR, the policies most important for the determination of housing applications in the Arun Local Plan (C SP1) have reduced weight as

Arun cannot demonstrate an adequate supply of housing land.

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 policies C SP1 and SD SP2.

The site is in a designated Strategic Gap and ALP policy SD SP3 states development in such areas will only be permitted where it does not undermine the physical and/or visual separation of settlements, does not compromise the integrity of the gap (including with reference to other existing development), cannot be located elsewhere and maintains the character of the undeveloped coast.

The proposal would predominantly comply with this policy as it has no physical or visual impact on the coalescence of settlements. There is no justification for why it has to be sited here other than the land being connected to the owner's dwelling. However, this conflict only results in a low level of harm.

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

This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. Part (i) does not apply to this determination as the site does not lie in a protected area. The part (ii) test will be applied at the end of this report.

Other Material Considerations:

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 has not been proposed through the HELAA 2021. The adjoining land to the east was considered (ref 18P3) and was concluded to be 'developable' (not deliverable). The presence of the adjoining HELAA site lends no support to the site.

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 only applies to sites adjacent to settlement boundaries and this site does not meet this requirement.

The applicant alleges that the ALP makes no attempt of identifying the need for affordable temporary housing such as residential mobile home accommodation in the area. Similar arguments were made in respect of an enforcement appeal concerning a residential mobile home at Hales Barn Farm, Arundel Road, Aldingbourne. The Inspector made no determination on this as the appeal succeeded on a different matter. The council's view at that time was that:

- Whilst we do not suggest that the current occupiers of the mobile home have a gypsy or traveller background, it should nonetheless be noted that the Coastal West Sussex Gypsy and Traveller Accommodation Assessment (GTAA) of October 2018 includes an assessment of the additional need for

Gypsy and Traveller households in Arun that did not meet the Planning Definition for such users. This set out a need for 13 mobile home/caravan pitches between 2018 and 2036 (of which 8 are needed between 2018 and 2023). This assessment was undertaken to aid the local housing authority in planning for such needs through assessing the wider housing needs of the area.

- The local housing authority is under a duty (section 8 of the Housing Act 1985) to periodically assess wider housing needs or people resorting to live in the area - including for non-Gypsy & Traveller and Travelling Showperson households living in caravans and those other households living in houseboats.

- It is the Council's view that the Objectively Assessed Needs (OAN) for the Local Plan were based on a census of households present in the authority and that projections forward will include the range of needs (including for Gypsy & Travellers and those others who wish to live in a mobile home), therefore the OAN and housing targets will reflect this and so accommodation types including mobile homes will count towards the housing target.

- The Local Plan was found to be sound and NPPF compliant by an independent examiner and adopted on that basis.

These arguments still hold true and the applicant's arguments re the failure of the ALP to plan for low-cost housing do not carry any weight.

The applicant refers to an appeal decision concerning three residential mobile homes at Pippins (WA/86/17/PL). This site was in the countryside and the application was retrospective. The Inspector found no harm to character. In the absence of other harm, the Inspector stated the conflict with countryside policy did not weigh significantly against the development. The Inspector found that whilst future occupiers would be dependent on the car to access facilities/services, the NPPF is clear that solutions to maximise sustainable transport may vary between urban and rural areas.

Sustainability:

ALP policy SD SP1 "Sustainable Development" states the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (para 8) which itself sets out that in order to achieve sustainable development; economic, social, and environmental gains should be sought jointly and simultaneously through the planning system.

The site is outside the BUAB but is only 420m from the settlement boundary (direct to the closest point). Lower Bognor Road is not suitable for pedestrians due to having no separate footpath and no lighting however it is possible to cycle to/from the site. The nearest bus stops are at the Royal Oak Pub to the north-west which is a walk (on roads) of approximately 800m. Whilst residents at the site are likely to be reliant on the private car, cycling is a viable alternative.

Whilst unlikely to meet any modern standards for energy efficiency, the mobile homes will be suitable for older people being entirely on one level. Whilst mobile homes do not represent affordable housing, they are widely considered to be a form of "low cost" housing and are more affordable than traditional bricks & mortar market housing. The retention of the homes will result in additional Council Tax revenues. There is a slight impact on wildlife habitat, but this has already taken place. No trees are to be felled or pruned.

The proposal as a whole just meets the economic, social, and environmental aspects of sustainable development and the presumption in favour of sustainable development would apply.

PUBLIC FOOTPATHS, HIGHWAY SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access 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 and to ensure access to Public Rights of Way. There is a public footpath running through the site.

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."

WSCC Highways raise no objections. They are solely concerned with the safety of the junction with Lower Bognor Road and the impact of the use of existing roads. They do not comment on the dimensions or use of the access roads in the site. Given WSCC advice, a refusal on grounds of highway safety and conflict with policy T SP1 would not be sustainable.

There may be some impact on the use of the public footpath, but this will be due to vehicle movements on the access track. Vehicles will be travelling slowly allowing plenty of warning to pedestrians and there are places along the track to step off should a large vehicle be passing. A refusal based on such concerns would not be sustainable. Although the first camp site application was partly refused on this basis, this was due to the potential for tent pitches to be sited on the footpath line and this is not the case with this application. There is no conflict with the respective policies.

FIRE ACCESS:

ALP policy T SP1 states schemes should accommodate the efficient delivery of goods and supplies. The NPPF which is a material consideration states at para 112 that "... applications for development should: d) allow for the efficient delivery of goods, and access by service and emergency vehicles". ALP policy D DM1 requires that development comply with the Arun Design Guide (ADG) which states "All development should include access routes suitable for emergency vehicles, including fire engines. These routes should be easy to maintain, and applicants may be required to provide appropriate management arrangements."

The WSCC Fire officer previously had concerns regarding access to the site by fire vehicles plus the availability of water supplies for firefighting. The fire officer has visited the site and is satisfied that access can be achieved with fire engines able to turn on site and drive away in a forward gear. The fire officer has discussed with the owner the need to provide a water supply tank on the site. This can be conditioned. There is no conflict with relevant policies and the previous refusal reason would no longer apply to this application.

LANDSCAPE & CHARACTER:

ALP policy D DM1 requires development to reflect or improve on the character of the site/surrounding area. The ADG does not refer to caravan development. Policy LAN DM1 states development should respect the particular characteristics and natural features of the relevant landscape character areas. As per the Arun Landscape Study 2006 (ALS), the site forms part of the "Five Farms Coastal Plain" landscape character area (LCA5). This is defined as having a slight landscape value and a low to medium capacity.

The development does not result in any significant impact on local character or the wider landscape as the mobile homes are entirely contained in the site and are well screened by trees (and other features) from external views of the site. They are single storey compact structures which further limits their visibility. The homes are some distance from the road and although the traffic movements may be noticeable, these will only be slight given the low number of mobile homes. Whilst the presence of the public footpath on the western side of the access track will allow the public to view the site at close hand, the site is not unattractive such that this would be harmful to public amenity. The use will not result in any significant harm to the countryside in visual terms and there are no conflicts with the policies.

HERITAGE ASSETS:

Lagnersh Farmhouse is a Grade II Listed Building dating from 1740. Whilst the neighbouring Lagnersh Barn has no historical designation, the owner has asserted it dates to 1725. Both buildings are present on the council's tithe maps. Lagnersh Barn should be treated as a Non-Designated Heritage Asset (NDHA). This building has some historical significance given it is of a similar age to the listed farmhouse and has a traditional Sussex Barn design. It is distinctive building which has been tastefully converted into a dwelling.

ALP policy HER SP1 states development likely to prejudice designated or non-designated heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. The NPPF provides guidance on how to determine impacts on heritage assets.

Para 194 requires applicants to describe the significance of affected designated heritage assets, including any contribution made by their setting. Para 195 then requires Local Planning Authorities (LPAs) to identify and assess the particular significance of the heritage asset that is 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 'less than substantial harm' with the level of public benefits associated with the proposal (as set out in para 202). The test for NDHA's is set out at para 203 stating that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The submission includes a Heritage Environment Desktop Assessment, but this refers to the impact of the campsite on the heritage asset (so not the mobile homes). The council's conservation officer has not commented. Whilst there is a case for an insufficient information argument, it is clear that the mobile homes are some distance from Lagnersh House (the closest being circa 65m), that they are single storey compact structures and there are trees and a further permitted mobile home in the intervening space. The mobile homes will not harm the significance of the listed building or its setting. It is not necessary to weigh up public benefits and there is no conflict with the NPPF or ALP policy HER DM1.

In respect of the impact on the NDHA Lagnersh Barn, whilst this is closer to the nearest mobile home (32m), both the aforementioned permitted mobile home and a storage building lie in between. There is no harm or loss to the significance of this asset. Although the access to the mobile homes does run right past the building, the associated vehicle movements are likely to be low and so will not themselves result in harm to the heritage asset. There is no conflict with the relevant policies.

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 with the application.

The application is accompanied by a Heritage Environment Desktop Assessment which the council's archaeologist has reviewed. No objection is raised subject to a condition to ensure any further ground works are subject to assessment. It would not be reasonable to require removal of the mobile homes to allow surveys to take place. There is no conflict with policy HER DM6.

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. This would include consideration of noise and air pollution where not covered by policies QE DM1 and QE DM3. Para 130 of the NPPF requires that development ensure a high standard of amenity for existing and future users.

The nearest mobile home the subject of this application is some 32m from the neighbouring property Lagnersh Barn. There is a storage barn and a further (permitted) mobile home in between. Although the neighbour has previously alleged noise disturbance from the mobile homes, this is likely arising from the permitted home which is closer. There would be no significant amenity impacts associated with the mobile homes subject of this application.

The access to the site effectively adjoins the side elevation and enclosed rear garden of Lagnersh Barn. The occupiers of this property previously alleged that their amenities had been compromised by way of large vehicles moving slowly or waiting whilst negotiating the access road and being able to see into their garden above the fence line, by way of vehicles exhausting fumes into their lounge window and by noise disturbance from passers-by/vehicles in the vicinity of their property. There are additional impacts arising from the passing over their wider garden land (which the access runs through), but these are tied in with land ownership issues which are not capable of being determined through planning.

The neighbour has extensive photographic evidence of large vehicles in the vicinity of his property due to the presence of a CCTV system and alleges that such instances are so regular that they can no longer open their lounge window or enjoy the enclosed part of their garden. These concerns give rise to the argument that the use of the access into the site is adversely affecting the amenities and living conditions of the occupier of Lagnersh Barn in conflict with the stated policies.

These impacts are greatest in summer when combined with the use of the camp site, but it is not appropriate to consider the camping use as it is a separate application and both applications have already been refused including for amenity reasons. The impacts of the mobile homes alone are likely to be slight given the small number of homes and limited vehicle movements. Their permanent residential nature is in character with existing approved uses in and around the site.

The proposal is acceptable with regard to policies designed to protect residential amenity.

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. There is no information on existing or proposed lighting but there does not appear to be any existing lighting on the site or physically on the mobile homes. A condition will be imposed to control the details of any future lighting, and this will be worded to ensure that any new lighting does not adversely affect bats or other wildlife species.

CRIME:

ALP policy D DM1 requires that developments provide security measures that make places feel safer and ensure natural surveillance. The neighbouring resident has previously alleged that the use of the site has led to instances of criminal damage and trespass to their property. Some of these issues relate to alleged trespass on their land (which the access passes through) and which is not capable of being a material planning consideration.

This does not generate a conflict with policy as it is clear that the mobile homes are not hidden from view and are subject to natural surveillance from communal areas and the public footway. Case law has held that the fear of crime is only a material consideration where the use, by its very nature, would provide a reasonable basis for concern. The use of residential accommodation would not normally be of concern, rather it is the location and use of its access that is the issue. For these reasons, it is not possible to determine a conflict against policy D DM1.

WATER SUPPLY:

ALP policy W DM1 states development must provide sufficient water supplies prior to occupation. The neighbouring resident alleges that the campsite does not have permission to use the water supply that serves existing dwellings and as a result of the camp site and other unauthorised development, the water pressure in their property is now so low that at certain times of the day, normal water based daily activities are not possible.

The water pressure has been observed in the neighbour's property, but it is not possible to confirm that it is 'low' or that this is the result of the mobile homes. The application does not comment on water supplies, but it is clear that there is a water supply to serve the use and in the absence of any evidence from the water supplier that there is no agreement for the supply to be shared then there is no case for conflict with policy W DM1.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. The previous application was partly refused as despite this being a countryside site bordered by hedgerows, the application was not accompanied by ecological information, and this resulted in an objection from the council's ecologist.

There are formal records of rare bat species in the local area. The occupier of Lagnersh Barn has alleged that there are rare bat species in the structure of their home. The case officer observed the presence of droppings on the building and the ecologist having seen a photo of this has, previously confirmed it indicates the presence of a bat roost.

This time around, the applicant has supplied a Bat Scoping Survey which states:

- Overall, the suitability of the buildings to support roosting bats is rated as low and the trees as moderate.
- The site was assessed to have low potential for foraging and commuting bats, with the highest suitability found at the hedgerows on the site boundaries.
- To mitigate disturbance to roosting, foraging, and commuting bats from artificial lighting, the proposed development should include an ecologically sensitive lighting scheme.
- The site can be enhanced for bats and birds by incorporating roost and nest boxes on the trees; and
- There are ecological buffer zones running alongside the eastern and western boundaries which will be planted up species-rich wildflower, providing a wider variety of invertebrate prey for foraging bats.

The council's ecologist has assessed the bat scoping survey and now advises no objection subject to conditions. On this basis, the second refusal reason is also now withdrawn and there is now no conflict with policy ENV DM5.

PAGHAM HARBOUR:

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

The site lies in zone B and so it is necessary to apply this requirement. The net increase in 4 homes results in a contribution of £3,484 at the current rate which will then go towards agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area. The application is accompanied by a draft s106 legal agreement which, once signed, will secure this contribution, and, on this basis, there will be no conflict with policy ENV DM2. The agreement will be signed by the time of the committee meeting. The position will be checked with Natural England and any comments from them will be reported to members at the meeting.

SUMMARY:

The proposal concerns an unauthorised development presently operating in conflict with planning policies designed to protect the countryside and the integrity of a strategic gap. Given the lack of visual harm, the removal of the two previous refusal reasons and the material considerations (including the planning appeal that the applicant refers to), it would not be sustainable to refuse on the basis of inappropriate development in the countryside/strategic gap.

As per para 11(d) of the NPPF (the 'presumption' for sustainable development), the benefits of the proposal would be such that any harm arising from this small development in the countryside would be outweighed. It is recommended the application be approved subject to the following conditions and the signed Pagham agreement.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This recommendation is made subject to a Section 106 legal agreement relating to a contribution of £3,484 towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

Location Plan Dwg 1; and
Block Plan Dwg 2 Rev A.

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

- 2 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Scoping Report (The Ecology Co-op, June 2023) as 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).

- 3 No more than four caravans shall be stationed on the site at any time.

Reason: In order to protect the visual amenity of the local area, the character of the countryside and the amenities of local residents in accordance with policies D DM1, QE SP1 and C SP1 of the Arun Local Plan.

- 4 Within 3 months of the planning permission being granted, the owner/applicant shall submit to the Local Planning Authority for approval in writing, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Bat Scoping Report (The Ecology Co-op, June 2023). The enhancement measures shall thereafter be implemented within a further 3 months in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats in accordance with policy ENV DM5 of the Arun Local Plan and allow the Local Planning Authority to discharge its duties under the NPPF 2021 and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 5 Within 3 months of the planning permission being granted, the owner/applicant shall submit to the Local Planning Authority for approval in writing, a "lighting design strategy for biodiversity" designed to prevent light spill upon boundary features or provide confirmation that no lighting is present on the application site. The strategy shall:

(a) 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
(b) show how and where external lighting will be installed (through 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 the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed within a further 3 months 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 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).

- 6 Within 3 months of the planning permission being granted, the owner/applicant shall submit details of covered and secure cycle storage spaces for each mobile home for approval in writing by the Local Planning Authority. Thereafter, these storage spaces shall be provided within a further 3 months in accordance with the approved details and retained in perpetuity.

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

- 7 Within 3 months of the planning permission being granted, the owner/applicant shall submit details of a water tank for approval in writing by the Local Planning Authority. This must be located on the site and provide a supply of water for firefighting to meet with the requirements of The Building Regulations 2010 (as amended) Approved Document B - Volume 1, B5, section 14. Thereafter, the water tank shall be provided within a further 3 months in accordance with the approved details and retained in perpetuity.

Reason: In the interests of amenity and in accordance with policies D DM1 and T SP1 of the Arun Local Plan and with reference to the Fire & Rescue Service Act 2004.

- 8 Within 2 months of the planning permission being granted, the owner/applicant shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. 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.

- 9 Any new ground works below 300mm in depth shall be subject to observation, throughout the excavation works, by a qualified archaeologist and any discoveries of archaeological interest shall be recorded by a qualified archaeologist and reported to the Local Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6.

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

- 11 **INFORMATIVE:** This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £3,484 towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area.

- 12 **INFORMATIVE:** The granting of this 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.

- 13 **INFORMATIVE:** Each unit should be stationed a minimum of 6m from another unit. No caravan should be positioned within 3m of the site boundary.

- 14 **INFORMATIVE:** In addition to the above, the supporting documents declare that the site has been used for the proposed purpose since 2021; the applicant is advised that a licence under the Caravan Sites and Control of Development Act, 1960, is required. The applicant should note that it is an offence to operate a site without an appropriate licence in place. More information, including application forms and fees, can be found online: <https://www.arun.gov.uk/camping-and-caravan-sites/>.

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](#).

P/80/23/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: FG/67/23/PL

LOCATION: 5 Grange Park
Ferring
BN12 5LS

PROPOSAL: Demolition of existing dwelling and erection of 1 No new dwelling. This site is in CIL Zone 4 and is CIL Liable as new dwelling (resubmission of FG/94/22/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to construct 1 No. new dwelling to replace an existing dwelling. This site is in CIL Zone 4 and is CIL Liable as new dwelling. It is a resubmission of FG/94/22/PL.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	None to the front of the property, abutting the highway. Block wall of around 1.8m to the western boundary, and low brick wall to the east, extending to the side of the existing property, where it rises to a wall at around 1.8m high.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

PAA/88/22/	1 New Dwelling	Refuse Pre App 29-11-22
FG/94/22/PL	Demolition of existing dwelling and erection of 1 No new dwelling with detached garage. This site is in CIL Zone 4 and is CIL Liable as new dwelling.	Withdrawn 12-07-22

An application for a new dwelling was submitted in 2022, under reference FG/94/22/PL. This was subsequently withdrawn due to Planning Officer's opinion that the scheme was out of keeping with its context.

A pre-app for a similar dwelling was submitted in 2022, under PAA/88/22. The decision for the pre-app was refusal, as the proposed dwelling would represent an out of character development in terms of materials, design and massing on site; and would also adversely affect the amenity of neighbouring

occupiers due to overlooking.

The current scheme is similar to those above but has sought to address the issues raised previously. These reasons for refusal will be assessed below to consider whether they have been sufficiently overcome.

REPRESENTATIONS

Ferring Parish Council - Objection:

- The design would be out of keeping and visually harmful to the residential setting.
- It does not respect or enhance local distinctiveness or character of the surrounding area.
- It would present an un-neighbourly impact on adjacent residential dwellings due to its scale and close proximity to the boundary.
- The adverse impact on the street scene fails to take account of Arun's Local Plan criteria contained within policies D DM1 for new developments to reflect, or improve on, the character of the site and surrounding area.

2 letters of objection received from nearby occupiers:

- The scale and size of the property would dominate both the street and the neighbouring properties as well as being inconsistent with the other properties in the road.
- The proposal would mean a significant loss of their privacy, particularly from the first-floor balconies and the roof space.
- It fails to accord with the Arun Design Guide.
- Will result in overlooking and a loss of privacy.

1 letter of objection received from Ferring Conservation Group:

- The dwelling is oversized, and in a style inappropriate for the local neighbourhood.
- The Council's policy is to respect and enhance local distinctiveness; this development does not respect the character of Grange Park any more than the previously withdrawn application.
- Its design is brash and strident.
- Highlight a need to conserve the built environment in Ferring, just as much as its open spaces.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Built Up Area Boundary
CIL Charging Zone 4

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1 D DM1 Aspects of form and design quality

DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

Ferring Neighbourhood Plan 2014 Policy 1A A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that it would not have a materially adverse impact on the residential amenities of nearby properties, nor would it have a significant adverse impact upon the established character of the surrounding area.

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site benefits from being within the Built-Up Area Boundary where the principle of residential redevelopment is acceptable subject to consideration of other relevant policies of the within the Arun Local Plan. Furthermore, it is of relevance that this application is for a replacement dwelling.

The key Development Plan policy considerations for this proposal are D SP1 (Design), D DM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards), T SP1 (Transport and Development), ECC SP2 (Energy and Climate Change mitigation), QE SP1 (Quality of the environment), W DM1 (Water Supply and Quality), W DM3 (Sustainable Urban Drainage Systems) and ENV DM5 (Development and Biodiversity) of the Arun Local Plan (ALP). Furthermore, Policy 1A of the Ferring Neighbourhood Plan (FNP) which concerns proposals within the Built Up Area Boundary, and sections H & J of the Arun Design Guide.

This proposal for a replacement dwelling within the BUAB is acceptable in principle and would be considered 'sustainable development', according with the ALP and policy 1A of the FNP.

DESIGN AND VISUAL AMENITY

Policy D SP1 of the ALP states development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including character, appearance, density, scale, innovation, adaptability, residential amenity impact, trees, and crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the surrounding environment.

Arun District Council Design Guide SPD provides detailed design guidance for developments in the district. This includes Section P.01 on Infill Development which provides detailed guidance on the redevelopment of sites, and Section J.01 which concerns building design, in particular Form and Character.

There are no specific policies in the Ferring Neighbourhood Plan in respect of design except for site allocations, in Conservation Areas and Areas of Special Character. However, its objectives promote "Appropriate well designed development in accordance with policies in this Plan and the Arun District Plan and South Downs Plan", "To plan and deliver a range of well-designed housing mix and types" and "Sustainable, well designed development and reduction in resource use".

The proposal seeks to demolish an existing two-storey hipped roof detached dwelling, brick built of a traditional design and dating from the 1930s/40s; and replace with a two storey flat roof property, rendered white and of an art deco/modern design. As the scheme seeks the redevelopment of the whole building and site, this will be highly visible from the street scene.

Grange Park Road is characterised by other traditionally built detached dwellings, on large plots and all set back around 15m from the street itself. All buildings within the road vary in design, but share common architectural features, primarily being hipped roofs. All are similar in terms of their footprints but have differing massing. Those to the north of No.5 are all two storey, and those to the east are low rise chalet style bungalows, of one and a half storeys. Nos 3 and 4 to the west are of slightly different form, but still integrate with the traditional style of the street. The properties to the east are characterised by open frontages with occasional low brick walls, to the west low built fences with mature planting behind can be seen.

The proposal will see the construction of a two storey art deco style dwelling, with a footprint of around

17.2m wide and 18m deep, measuring 7.4m high. The width, height and building line of the property will retain that of the existing dwelling, and in terms of massing within its street context, will not appear as an unduly different built form to that already there. It will retain the ridgeline of the existing and its neighbouring properties, and not appear as an unduly dominant form against its context. The proposal will see in an increase in the footprint on site than that existing. This has raised concern that this increase in size from the existing dwelling will appear as an overdevelopment of the site and be inconsistent in size and scale with its context. The scale of the proposal, when viewed from the street scene, will be consistent with that existing, and will follow the established building line of all buildings on this southern side of the street. Its size and footprint, when compared to other neighbouring properties within the vicinity, is not significantly larger than any other plot within the street. It fills an appropriate amount of area on the land, whilst retaining sufficient external amenity space to the front and rear of the building and will not appear as an overdevelopment on the site. In terms of scale and massing, this proposal is an appropriate replacement for the existing.

The main concern raised by the proposal is that of its character and design. Objections have been raised that the art deco/modern design would be out of keeping with the traditional character of the locality and will not enhance the distinctiveness of the area. Arun Local Plan policy, and the Arun Design Guide do not oppose the use of innovative or contemporary design and do not require all in fill or replacement development to be a pastiche of its surroundings. Part J.01 of the Arun Design Guide states 'Good contemporary design that takes cues from well-designed elements of its existing environment by incorporating architectural features and detailing such as chimneys, dormer windows or half-hipped roofs while also expressing its own complementary character will be supported.' Whilst the design of the dwelling does not follow the obvious design cues of its surroundings, such as the use of traditional brick or hipped roof, it does reflect similar characteristics of other properties within the street, and that of the wider locality. Nos 14, 15 and 16 to the northeast of the site all exhibit white render to their external elevations, of which will be followed by the proposal. No.16 in particular, has a 1930s character, with art deco style windows to its front elevation. The proposal itself will reflect a far more modern 1930s character than this, yet will reflect elements of its immediate vicinity, and will not be wholly out of keeping.

In the wider context of Ferring, there are a number of art deco/modern style buildings, such as 1 to 8 South Point, and Ocean Parade around 300m south west of the site. Whilst not in the immediate vicinity of the site, these two properties do set an example of more contemporary design within Ferring, as part of its diverse and distinctive character. The proposal therefore would not appear out of keeping within the wider context of the character of Ferring and would be a positive addition to its varied form and character.

It should also be noted that permission has been recently granted for various works to No.3 to the west (reference FG/54/23/HH), which will significantly alter its appearance and character. The proposal will see this single storey bungalow of traditional design changed to that of a very modern and contemporary design, with timber cladding, white render, stone and aluminium cladding, and a flat roof. The design of this scheme is significantly more contemporary than that existing within the street, and also that of the proposed at No.5, and was primarily granted due to its limited visibility from the street scene.

The proposal will see an overall improvement to the site, both in terms of the dwelling and its landscaping. At present, the design of the existing is dated and declining, and appears quite unattractive against its neighbours. There is limited boundary treatment to the front, and the front garden appears overgrown. The proposal will see new boundary treatment and landscaping, including a low white rendered brick wall to the front east, west and north boundaries, with hedging to the west and north boundaries above the wall. Gravel will be used to the front of the property, to provide a more permeable driveway surface than the existing concrete. Grass with plants, trees and hardstanding will be used to landscape the rear garden. Green roofs, by way of meadow turfs will be installed to the flat roofs of the

property. Notwithstanding its alternative character to the traditional nature of the street, these changes to the appearance of the site will be a significant improvement to the existing and appear far more attractive against its context. This will enhance both the visual amenity of the plot, and the street.

The proposal has drawn upon existing examples within the street and wider area, and will be a positive improvement to existing site, and an enhancement to the character of the locality. This is in accord with D DM1 of the Arun Local Plan, and the Arun Design Guide.

RESIDENTIAL AMENITY

The proposal will see the replacement of a 7.4m hipped roof dwelling with a new flat roof dwelling, with parapet roof also measuring 7.4m high. This will also include a single storey projection to the east elevation, measuring 3.7m high, and two single storey projections to the rear, to create balconies at first floor level. These balconies will be 3.2m high, with screening to the east and west sides at 5.2m high to reduce risk of overlooking. The dwelling will retain a minimum of 13.4m to the northern boundary, 0.3m to the east, 22.9m to the south and 1m to the west. These distances will follow that of the existing dwelling, the only difference being that of the distance retained to the northern and southern boundaries. The proposed will project deeper than the existing, and as such be slightly more overbearing to the sides of Nos 4 and 6. However, the proposal will not project further than their rear building lines. The proposal will project past a rear building line of No.6 to the east, and result in some overshadowing of their rear garden and elevation. This overshadowing will not be adverse however, given its single storey height. This projection also has no conflict with the 45 and 60 degree rules usually implemented for assessing extensions as part of the Arun Design Guide. Therefore, the dwelling will not have a significant or detrimental overbearing or overshadowing effect on neighbouring amenity.

Concern has been raised in regard to the risk of overlooking and harm to privacy the proposal may result in. This is due primarily to the two rear balconies. Screens have been added to the side of each balcony, to prevent any direct overlooking of No.4 and No.6. These are acceptable and will reduce direct harm to the privacy and amenity of neighbours. It is noted that the plans show the screens stopping a short distance before the end of the balconies on either side. A condition will be added requiring these screens to cover the full depth of the balconies, to prevent residents looking round the screens. Whilst the balconies will result in some minimal overlooking, the resulting harm has been reduced to an acceptable level and will not be detrimental to the privacy and amenity of neighbouring properties.

The proposal also includes two portholes to the east elevation, which will overlook the western side of No.6. These portholes serve two bathrooms, and therefore will be conditioned to be obscure glazed to prevent any potential overlooking.

The development will not be unduly harmful to residential amenity and is in accord with D DM1 of the Arun Local Plan, and Arun Design Guide.

SPACE STANDARDS

The proposed elevations identify the internal floor to ceiling heights as being greater than 2.3m at both ground and first-floor of the dwelling and the internal floor area is substantially greater than that of the minimum required for a dwelling of this size. The dwelling also boasts a substantial front amenity space and private rear amenity space far greater than the minimum 10.5m depth required by Section H of the Arun Design Guide.

The proposed dwelling is, therefore, compliant with policy D DM2 of the ALP and Section H of the Arun Design Guide.

PARKING, EV CHARGING, CYCLE SPACES

Arun Local Plan Policy T SP1 seeks to ensure that development: provides safe access on to the highway

network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian, and bridleway network.

Arun District Council adopted a Parking Standards SPD (Jan 2020). For a 4 bed property in Parking Behaviour Zone 2 a minimum of 3 car parking spaces on site are required. In the interests of sustainability electric vehicle (EV) charging points should be provided for all new homes. The Arun Parking Standards SPD and policy T SP1 require new dwellings to provide electric vehicle charging points if they feature driveway or garage. The SPD also requires the provision of 2 cycle spaces for 3+ bed houses.

Access to the property will be via an existing driveway to the eastern side of the site. The dwelling at present provides 4 parking spaces for the property. This will be increased to 8 with the replacement dwelling, and potentially include a car port with green roof, however this has not been included within the current permission. This far exceeds the minimum required parking spaces outlined in the Arun Parking Standards, and as such is acceptable. It is also stated in the application form that an Electric Car Charging Point will be installed to the front garden, and 4 cycle spaces. This is in accord with both the SPD and policy T SP1 of the ALP.

All access, parking, cycle and charging provisions are acceptable and in accord with T SP1 of the Arun Local Plan and the Arun Parking Standards SPD.

BIODIVERSITY

Policy ENV DM5 of the Local Plan requires development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. The scheme proposes two meadow roofs to the dwelling: one to the roof of a ground floor side projection, and the other to the main flat roof of the house. The main roof of the property will also include a set of three insect boxes, and the garden will be landscaped to encourage insects to use these boxes. Trees will also be planted to the rear and hedging installed to the western corner of the front boundary. Whilst positive additions towards biodiversity, it is unclear whether these additions will meet the 10% net gain in biodiversity.

However, in terms of Policy ENV DM5, the applicant has endeavoured to include multiple biodiversity based schemes throughout the site and is therefore in accord with the Arun Local Plan.

CLIMATE CHANGE

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

The proposal includes four rows of solar panels to the roof of the property. This will provide a renewable energy source to sustainably power and heat the dwelling. It is also proposed from the application form that the new house will obtain passive house status. These are positive low carbon and renewable additions for the new dwelling, which will help to ensure that the property has limited impact in terms of climate change. This is therefore in accord with ECC SP2 of the ALP.

SUMMARY

The proposal has successfully addressed all previous reasons for refusal of FG/94/22/PL as outlined above. The development is now in accordance with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun

District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Block Plan
- Proposed Location Plans
- Proposed Streetview
- Proposed Roof Plan
- Proposed Ground Floor Plan
- Proposed First Floor Plan
- Proposed Side (East) Elevation
- Proposed Side (West) Elevation
- Proposed Rear Elevation
- Proposed Front Elevation

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

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

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

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

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

5 Prior to the balconies hereby permitted first being used, privacy screens extending the full depth of the balconies (obscured and to minimum height of 1.7m - max 2.0m) on the east and west sides should be installed. The screen shall be permanently retained in perpetuity.

Reason: To safeguard the amenities of the occupiers of neighbouring property in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

6 The two bathroom porthole windows on the first floor of the east elevation of the building shall be glazed with obscured glass and fixed to be permanently non-opening up to 1.7m high. These shall be permanently retained in perpetuity.

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

7 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.

8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The spaces so provided shall be retained in perpetuity.

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

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

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.

FG/67/23/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/24/23/PL

LOCATION: Bramleys
Horsemere Green Lane
Climping
BN17 5QZ

PROPOSAL: Removal of caravan site and 4 static holiday caravans and erection of 2No. new detached dwellings with garages along with car parking and use of existing access. This application is in CIL Zone 3 and is CIL Liable as new dwellings and is a Departure from the Development Plan. (Resubmission of CM/10/23/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal is to construct 2 No. 1.5 storey dwellings on the site following the removal of the existing 4 No. static holiday homes on the site.

Plot 1 includes a 4-bedroom 1.5 storey dwelling with 3 No. small front and rear, pitched gabled dormers, single storey rear projection and detached garage.

Plot 2 is a 1.5 storey, 3-bedroom bungalow with a lower height than that of plot 1. It includes 3 No. front rooflights and 2 No. small rear, gabled dormers.

Access for both dwellings is to emanate from the existing site access point from Horsemere Green Lane, in the north-eastern corner of the site, and both plots include rear amenity spaces and driveways.

Both dwellings will be traditionally styled and include brick with tile-hanging to elevations.

SITE AREA 0.1 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 20 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES No protected trees on site. Mature trees to front site boundary.

BOUNDARY TREATMENT Wooden boundary fencing with sporadic hedging.

SITE CHARACTERISTICS Static caravan park for holiday use.

CHARACTER OF LOCALITY Residential and caravan parks to the South-west of Horsemere Green Lane. Agricultural land to the North.

RELEVANT SITE HISTORY

CM/10/23/PL	Removal of caravan site and 4 No. static holiday homes and erection of 2No. new detached dwellings with garages along with car parking and use of existing access. This application is in CIL Zone 3, is CIL Liable as new dwellings and is a Departure from the Development Plan.	Refused 20-04-23
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REPRESENTATIONS

Clymping Parish Council - Objection:

- This is an infill and an overdevelopment of the site contrary to the local plan and Clymping Neighbourhood Plan.
- Concerns of inadequate density.
- Concerns of relationships to existing dwellings.
- Concerns of the loss of greenspace.
- Concerns of sewer drainage and surface water drainage.
- Unsure if drainage issues are adequately addressed in the absence of engineer comments.
- Concerns of highway safety.
- Concerns of lack of visitor parking.

1 No. No objection from nearby occupier:

- Concerns regarding the impacts of biodiversity, with particular regard to the hedge at the shared West site boundary.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Material planning issues are discussed in the conclusions section below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Please see full comments on the Arun website.

WSSC Highways - Advice:

- The proposal utilises the existing vehicular access which appears unmade. The applicant may wish to alter the access to a hardstanding. Any access alterations at the adjoining point with Horsemere Green Lane would require a license from WSSC Highways and agreed with them.
- The width of the access would only allow one vehicle at a time but given the number of units this is not detrimental.
- The existing access has been used for some time and is absent of any evidence of highway safety issues. There is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate any existing safety concern.
- The access gate is a replacement. The new gate should open inwards.
- The proposed parking provision is in accordance with Arun Parking Standards and relevant internal garage dimensions per WSSC parking guidance.
- There is adequate turning provision on site.
- EV Charging points may be covered by Building Regulations. Conditions for such facilities are for the

planning department to consider whether necessary.

- The proposed cycle storage is acceptable.
- The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.
- Conditions regarding vehicular parking and turning and cycle storage requested.

ADC Engineers - No objection:

- Whilst the applicant has supplied a Drainage Strategy Report, this does not meet our design requirements to avoid conditions being applied to the permission.
- If you are minded to approve the application, please do not list the drainage strategy and apply standard conditions PCENGD2 and PCENGD3 to ensure that the development is adequately drained and does not increase flood risk elsewhere.
- The 3m easement from the watercourse on the northern boundary is shown on the plans and the existing vegetation and trees within the banks of the watercourse are proposed for removal. We are supportive of this and are pleased to see that there is no proposed planting within the easement. However, please consult the tree officer to ensure that the proposal is acceptable in arboricultural terms.

Ecology advisor - No objection:

- We have reviewed the submitted ecological information and are satisfied that there is sufficient ecological information available for determination of this application.
- This submission has now addressed previous concerns.
- We recommend non-licensed precautionary mitigation measures relating to the works and Great Crested Newts are detailed within a Construction Environmental Management Plan (CEMP): Biodiversity and secured by a condition of any consent. Additionally, as stated within the revised PEA, the CEMP: Biodiversity should include mitigation details relating to reptiles, dust, noise, vibration, lighting, site clearance and ditch preparation.
- We are satisfied with the documents assessment of the ditch in relation to the absence of Water Voles and Otter.
- The mitigation measures identified in the Revised Ecological Assessment (Peach Ecology, April 2023) should be secured by a condition of any consent and implemented in full.
- We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. It is recommended that this could also include provision of integrated bat and bird boxes, and Hedgehog friendly fencing.
- We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.
- Should any external night-time lighting be required, then a wildlife sensitive lighting design scheme should also be secured by a condition of any consent.
- Recommended conditions regarding submitted mitigation and enhancement measures, Construction environmental management plan, and a Biodiversity Enhancement Strategy.

Tree Officer - No response.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions regarding drainage, EV charging, cycle and parking provision have been attached as recommended.

After the Ecologists advice was received, the submitted ecological information was found to have inconsistencies regarding the planting to the North of the site relative to other documents. As such, an amended ecological assessment has been provided and the Council's Ecologist have since been re-consulted. We await further comments to confirm whether or not the amended ecological assessment remains sufficient.

POLICY CONTEXT

Designation applicable to site:
Outside Built-up Area Boundary.
Special control of adverts.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

SDSP2	SD SP2 Built-up Area Boundary
CSP1	C SP1 Countryside
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

Clymping Neighbourhood Plan 2015 Policy CPN8 Protection of Trees and Hedgerows

Clymping Neighbourhood Plan 2015 Policy CPN11 Quality of Design

Clymping Neighbourhood Plan 2015 Policy CPN12 Reducing the risk of flooding

Clymping Neighbourhood Plan 2015 Policy CPN14 Traffic and the Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

All relevant policies from the Clymping Neighbourhood Development Plan have been considered.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that it constitutes an acceptable infill and back-land development that is in keeping with the visual amenity and character of the area, and does not compromise residential amenity.

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The key development plan policy considerations for this proposal are SD SP2 (Built-up Area Boundaries), C SP1 (Countryside), D SP1 (Design), D DM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards), T SP1 (Transport and Development), ECC SP2 (Energy and Climate Change mitigation), W DM2 (Flood Risk), W DM3 (Sustainable Urban Drainage Systems), QE SP1 (Quality of the environment), ENV DM4 (Protection of trees), ENV DM5 (Development and Biodiversity) of the Arun Local Plan (ALP), and policies CPN8, CPN11, CPN12 & CPN14 of the Clymping Neighbourhood Development Plan (CNP).

Policy SD SP2 states that 'Development should be focused within the Built Up Area Boundaries (BUAB) and will be permitted, subject to consideration against other policies of this Local Plan'. The village of Clymping does not have a Built-up Area Boundary and so the site is not in a BUAB and in conflict with Policy C SP1. However, the site is adjoined by residential development on all sides and is currently in residential use.

Policy C SP1 states that Outside the Built-Up Area land will be defined as countryside and will be recognised for its intrinsic character and beauty. There are then six caveats which allow development to be permitted, or it can be permitted where development refers to a specific use or type of development that is covered by another policy. This application for new dwellings does not meet any of the criteria thus it does not accord with Policy C SP1 of the ALP.

The NPPF directs authorities to have a presumption in favour of sustainable development when

determining applications. For decisions this means approving an application where it accords with an up-to-date Development Plan (paragraph 11(c)), or, where policies of most relevance are out of date, approving applications unless the level of harm significantly and demonstrably outweighs their benefits (paragraph 11(d(ii))). The Council cannot demonstrate a 5-year supply of deliverable housing sites, and policy SD SP2 of the ALP is, therefore, out of date and triggers the NPPF 'tilted' balance.

The Arun Design Guide (ADG), Section P in particular, is also of relevance. This Guidance seeks to ensure that development:

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

Matters relating to Design and Character, Amenity, Quality of Accommodation, Access and Parking, Biodiversity, Flooding are discussed below to allow a determination as per the tilted balance.

DESIGN AND CHARACTER

Policy D DM1 of the ALP requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of character and appearance. Section P of the ADG provides additional context for this assessment.

Policy CPN11 of the CNP seeks to ensure that development is in keeping with its location so as to protect and enhance the character of the locality. Good design is considered to mean 'responding to and integrating with the local built environment and landscape context as described in the Clymping Character Assessment'. The policy then sets out various other characteristics of good design for Clymping.

The site, positioned on the south side of Horsemere Green Lane, is surrounded on three sides by residential accommodation and long-term holiday letting accommodation. Existing properties fronting the lane vary in character, to the east is a pair of low-pitched roof bungalows, open fronted with built form situated adjacent to the highways edge. To the west is a two-storey detached (with dropped eaves) dwelling, set back from the road frontage (Kimberley).

Proposed Plot 1 is designed to mimic Kimberley in all design details including an equal ridge and eaves height, 3 small front dormers and central porch covered by a catslide roof. The frontage of Plot 1 will create a balanced appearance to the street scene, with the two existing bungalows creating a pair and Kimberley and Plot 1 creating a second pair of matching properties to this immediate location. In terms of character Plot 1 is well integrated into the street scene as a result of an appropriate design, scale and space about the building. It is noted that Plot 1 would feature facing brickwork, contrasting the off-white render at Kimberley however, facing brickwork is a common material within the locality and this will serve to add an element of contrast and interest within the pair, as opposed to being a direct copy.

As back land development, the ADG requires Plot 2 to be a subservient form of development relative to its neighbours whilst retaining an appropriate level of amenity space. Unlike Plot 1, Plot 2 will have a limited influence on the character of the area. Proposed Plot 2 would be set behind Plot 1 and bungalows on Wooldridge Walk to the East and South (Pippins & No.26 Wooldridge Walk). Plot 2 is a low height 1.5 storey dwelling at approx. 6.3m in height which is approx. 0.6m higher than either of the bungalows along Wooldridge Walk. When viewed from Horsemere Green Lane, Plot 2 would be entirely hidden from view by Plot 1. It is to note that the separation of Plot 2 from the other neighbouring dwellings would also contribute to limiting any views of the dwelling from Wooldridge Walk. There would be very limited views

of Plot 2 from Wooldridge Walk as it would be hidden by Pippins and No.26 Wooldridge Walk. No significant harm on the character of the area will arise given it is predominantly hidden from view.

In terms of appearance, Plot 2 differs to those surrounding it as a chalet bungalow with two bedrooms in the roof space. Given Plot 2 does not have a street presence no harm will arise from this. In terms of materials the property will be constructed of brick elevations and a tiled roof (as is Plot 1). These materials are common to the area.

Boundary treatments which are noted as being existing and retained. As 1.8m fence/wall are a feature of the area, proposed rear and side boundaries which are of similar appearance and scale will not be incongruent. To the front of the site, the boundary boasts tree and hedge planting which is to be removed to facilitate appropriate drainage measures. The front boundary proposed is to be a 1.2m post and rail fence, this is complementary to the semi-rural local and is a feature found to the frontage of Kimberley.

In terms of design and character, the proposed development causes no significant harm and accords with policies D DM1 & D SP1 of the ALP, Policy 11 of the CNP, and Section P of the ADG.

RESIDENTIAL AMENITY

ALP policies D DM1(3) and QE SP1 indicate that development will be permitted if it does not result in significantly adverse impacts on adjoining occupiers, land, use or property, and requires development to contribute positively to its environment.

Section P of the ADG states 'back land developments should demonstrate an understanding of any potential effects on the character and amenities of the neighbouring urban area. Generally, back land developments should be subservient to existing properties, and their layout should seek to maximise the outlook of neighbours.'

Section H of the ADG states that amenity spaces should be of an appropriate size with rear garden depths of 10.5m but smaller gardens with adequate daylight and privacy may also be acceptable in certain circumstances, when justified.

In this instance rear garden depths are 11.5m. Their depth is above recommended levels and comparable to other gardens in the area. They also boast substantial widths and are clearly functional amenity spaces.

In terms of protecting privacy and reducing overshadowing, the ADG sets out recommended separation distances between dwellings. There is a front to rear relationship between Plot 2 and Pippins of 15.7m and a side to rear relationship between Plot 2 and Nos 25 and 26 Wooldridge Walk of approx. 12m. The ADG does not set out front to rear separation gaps, however in rear to rear relationships 21m is required as a minimum to protect the privacy of both properties. The 15m is considered sufficient in this instance. There are rooflights serving habitable rooms which would face toward the rear rooms of Pippins, however these rooflights are above 1.7m from finished floor level and as such, do not provide harmful views. The side to rear relationship is slightly lower than the distance of 14m stipulated within the ADG, however, there are no first-floor side facing windows to Plot 2, so the privacy of Nos. 25 and 26 will not be compromised. Additionally, the separation distances and height of Plot 2 are such that there would not be any significantly adverse impacts of overshadowing on these neighbours.

To the west, the dormer windows of Plot 2 face towards an existing holiday mobile home park, with one mobile home within 12.9m. This mobile home did have a section facing the application site which could be compromised by the proposed first floor windows. As the caravan park is for seasonal use only, despite ADG separation guidelines being breached the impact will not be regular and uninterrupted due

to the temporary use of the mobile homes.

The proposed buildings are orientated at right angles to each other so as not to compromise each other's privacy. Additionally, the rear to side relationship between Plot 1 and 2 is approx. 16m and views into Plot 2's garden from Plot 1 would be sheltered by their garage, which is located to the southern boundary of Plot 1.

Due to the reduced ridge height and northerly orientation, Plot 2 will not be overbearing on Nos. 25 and 26 Wooldridge Walk as per the effects of the proposal on Nos. 27 and 28 from Pippins.

The proposed dwellings will therefore, not significantly and negatively impact adjoining neighbours. The proposal accords with policies D DM1 & QE SP1 of the ALP, and sections P & H of the ADG.

QUALITY OF ACCOMODATION

Policy D DM2 requires new dwellings to accord with the Nationally Described Space Standards. For a 4-bedroom, 7 person dwelling over two floors it requires there to be 115sqm, Plot 1 is 145sqm approx. For a 3-bedroom, 5 person dwelling over two floors it requires 93sqm, Plot 2 is approx. 114sqm. Additionally, both dwellings feature floor to ceiling heights that are over 2.3m.

Both dwellings exceed the standards and as such the proposal accords with Policy D DM2 of the ALP.

HIGHWAY SAFETY & PARKING

Policy T SP1 of the ALP discusses transport issues including safe highway access. Policy CPN14 of the CNP seeks to reduce traffic impact from development on the local community and its environment and improve accessibility and safety for travel around the parish for drivers, pedestrians and cyclists.

Regard should also be had to paragraph 111 of the NPPF which states that: '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 proposals would utilise an existing access onto Horsemere Green Lane measuring 3.2m wide. WSCC Highways have noted that this measurement is lower than the required distance of 4.1m to allow two vehicles to pass one another. Given the access point will serve only two dwellings this will not result in unacceptable conflict. No visibility splays have been provided however, it is noted that the access has served 4 caravans without incident for many years and is therefore acceptable.

The scheme provides adequate turning and parking provision for each house in accordance with the Arun Parking Standards. Plot 1 has a garage with 2 parking spaces and Plot 2 a garage and 1 parking space. The garages have an internal floor area of 6m by 3m which also accords with Section I of the ADG.

Adequate cycle storage space is accommodated next to the proposed garages and electric vehicle charging points are required and to be secured by way of condition.

The proposal accords with Policy T SP1 of the ALP, The Arun Parking Standards, Section I of the ADG, and with the NPPF.

FLOODING & DRAINAGE

Policies W SP1 and W DM3 of ALP and CPN12 of CNP require inclusion of appropriate sustainable

drainage systems in developments to prevent flooding.

Policy W DM2 of the ALP & Paragraph 167 of the NPPF requires proposals not to increase flooding elsewhere.

The Council Engineers have not objected to the proposal however, they have identified that the proposed surface water drainage system does not meet our policy requirements. They have therefore requested that conditions be attached for the submission of a drainage scheme that does meet these requirements before the development starts. It is noted that the previous engineer comments identified that there were trees out side of the site within the watercourse to the North of the site that would likely require removal. This has been proposed in this revised scheme however, being outside of the curtilage of this site, consent from the owner of these trees will be required prior to removal. The requested conditions and informatives from the drainage engineers have been attached to this recommendation, along with an informative identifying the need for consent to be sought from the owner of these trees prior to their removal.

Subject to the attached conditions, the proposal would adequately manage surface water drainage and flood risk both on the site and elsewhere. The proposal is in accordance with policies W SP1, W DM2, W DM3 of the ALP, CPN12 of the CNP, and paragraph 167 of the NPPF.

TREES

Policy ENV DM4 of ALP states where there are existing trees on or adjacent to a development site developers will be required to provide (d) tree surveys, (e) a tree constraints plan and (f) an Arboricultural Impact Assessment inclusive of a tree protection plan and arboricultural method plan. Policy CPN 8 of CNP refers to protection of trees and hedgerows and states that development proposals should be accompanied by a survey that establishes the health and longevity of any affected trees or hedgerows and a management plan to demonstrate how they will be so maintained.

An Arboricultural Implication Assessment and Method Statement has been provided. There are no protected trees on site, there are various trees off-site that have been considered in the design proposal. It shows that 4 No. category C trees, from the site will be removed, including 1 No. tree within the ditch to the North of the site (outside the site). Various Category U (poor condition/little amenity) trees have also been proposed for removal which include 2 No. trees to the front of the site that are in poor condition. Trees to be retained have been considered, 6 No. new trees have been proposed for planting, and new native hedging is proposed to the East & South boundaries. The defunct hedge to the West and the hedge to the North of the site are proposed for removal.

The proposal accords with Policy ENV DM4 of the ALP and CPN8 of the CPN.

ECOLOGY

Policy ENV DM5 of the Arun Local Plan relates to development and biodiversity. It states that development should seek to achieve a net gain in biodiversity and protect the existing habitats on site. Development should also seek to facilitate the emergence of new habitats. This can be done by a variety of different measures. Where there is evidence of an existing species on site, surveys should be undertaken, detailing the measures that will be incorporated in order to protect said species.

After receiving comments from the Council's Ecologist, it was found that the submitted ecological assessment displayed an inconsistency relative to the Drainage and Arboricultural information. Whilst the original Ecological assessment has addressed the previous reasons for refusal on ecological grounds, the inconsistencies brought into question the Ecologist comments on this proposal (No objection). As

such, an amended Ecological assessment has been submitted and the Council's Ecologist has been re-consulted to ascertain whether the amended Ecological assessment remains sufficient.

At this stage the amended ecological assessment has not been reviewed by the Council's ecologist and as such, we await their comments to ensure that protected species are protected and Biodiversity Net Gain is achieved. Any comments that are received will be reported to the Planning Committee.

At this time it cannot be satisfactorily determined that no significant harm will arise to protected species on the site or whether a biodiversity net gain is achieved, the proposal therefore, conflicts with Policy ENV DM5 of the ALP unless otherwise declared by the Council's Ecologist prior to the committee date.

SUMMARY

The proposal is not in accordance with Policy C SP1 of the ALP, but as the Council cannot demonstrate an adequate 5-year housing land supply, Paragraph 11(d(ii)) of the NPPF applies and the 'tilted balance' is triggered.

Subject to the amended ecological assessment being assessed and deemed adequate, the presumption in favour of sustainable development would remain (as noted in Paragraph 182 of the NPPF) and the proposal would be in accordance with the remainder of the relevant Development Plan policies. As such, on balance, the proposal would have no significant or demonstrably harmful impacts and the benefits would therefore, outweigh any harm. The proposal is, therefore, recommended for approval subject to the following conditions, informatives, together with the assessment of the amended Ecological Assessment and any additional conditions as may be required.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Proposed Site Section, 20.
- Site Location Plan, 10.
- Proposed Street Scenes, 16.
- Proposed Site Sections, 19.
- Proposed Site Plan, 12.
- Block Plan, 11.
- Proposed Floor Plans & Elevations (Garages), 15.
- Proposed Floor Plans & Elevations (Plot 2), 14.
- Proposed Floor Plans & Elevations (Plot 1), 13.

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

- 3 Prior to 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.

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

- 5 No part of the development shall be first occupied until the car parking has been constructed

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

Reason: To provide adequate parking provision for the use in accordance with Policy T SP1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the plans and details hereby approved by the Local Planning Authority.

Reason: To provide sufficient cycle storage provision and sustainable alternative travel options in accordance with Policy T SP1 of the Arun Local Plan.

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

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

- 8 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.

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

capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

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

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

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

- 10 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 11 INFORMATIVE: The trees and hedging to the North of the site appear to be outside of the curtilage and may therefore, be under the ownership of another party. Consent should be sought from the proprietor of the land and therefore, this vegetation prior to its removal.

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

BACKGROUND PAPERS

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

this link.

CM/24/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: BE/1/23/RES

LOCATION: Nursery Fields
Land North of Chalcraft Lane
Bersted

PROPOSAL: Approval of reserved matters following BE/148/20/OUT for 225 No dwellings. This site affects a Public Right of Way and falls within Strategic Site SD3 CIL Zone 1 (Zero Rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks approval of reserved matters (layout, landscaping, scale and appearance,) following the approval of the Outline application BE/148/20/OUT . This development affects a Public Right of Way and falls within Strategic Site SD3 CIL Zone (Zero Rate).

The Outline Application was allowed on Appeal for 225 residential units, associated infrastructure, open space, vehicular and pedestrian access at Nursery Fields. The Appeal Decision, reference APP/C3810/W/21/3275040, issued on 8th April 2022, included a Schedule of Conditions and made reference to the fact that whilst the development affected a public right of way that did not relate to the development of the site itself, reference to it was deleted from the description of development (paragraph 3). The Decision is also subject to a Planning Obligation by way of a Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990.

This Reserved Matters application is accompanied by plans relating to Storey Heights, Tenure, Parking, Refuse Strategy, Fire Strategy, Materials, Open Space Proposals, Landscape Proposals, Junction Arrangements, Engineering and Drainage details, Housing and Garage Types - Elevations and Plan, and Street Sections.

Supporting Statements include a Planning Statement Design and Access Statement, Heritage Statement, Transport Statement, Transport PROW Improvement Note; Drainage Statement, Arboricultural Impact Assessment (AIA) and Method Statement, Noise Impact Assessment, Schedule of Accommodation, Soft Landscape Management and Maintenance Plan, Soft Landscape Specifications and Biodiversity Net Gain Assessment.

Updated Information was submitted by the applicant in response to comments made by the Housing Officer, Drainage, WSCC ProW, Highways and Case Officer. The changes included reallocation of affordable housing across the site, some design amendments to provide an entrance statement and wayfinding to assist with legibility including moving through to the adjacent site to the north that falls under the same policy designation roofscape interest and reduce the dominance of the car where practicable. The play areas within the scheme were also reviewed and updated play equipment provided.

As a package of information, this Reserved Matters Application seeks to reflect the Inspector's findings and the decision to grant Outline Planning Permission. The determining Inspector confined the decision to access and the details shown in drawing no. ITV14224-GA-009 Rev B relating to the proposed junction with Chalcraft Lane and the proposed road into the south western portion of the site. Conditions were imposed with this in mind.

The access approved under the Outline Application is also intended to serve the development of the current Chalcraft Nursery site, approved for Outline Planning Permission under reference BE/81/20/OUT for 20 residential dwellings, 2,240 sqm of commercial space (Use Class A1, B1(b), B1(c) and B8 with landscape, access, parking and associated infrastructure. This application is also the subject of a Section 106 Planning Agreement. The approved 'access' plans indicate that the existing entrance serving Chalcraft Nursery would be occupied by 2 no. dwellings with two new access points provided off the 'access' approved under BE/148/20/OUT between Chalcraft Nursery and the cemetery.

This Reserved Matters application builds upon the 'illustrative' and 'indicative' drawings provided at the Outline stage. Full detailed plans are provided to include a range of single storey, two-storey and two-and-a-half storey dwellings arranged as either detached, semi-detached or terraces of three and four units as well as Flats over Garages (FoGs). Affordable Housing is provided in accordance with policy requirements and the S106 Agreement as well as the appropriate percentage of Self Build serviced plots (subject to a Deed of Variation to the S106 Planning Agreement).

The development provides an internal movement network for vehicles, pedestrians and cyclists taking advantage of the existing Public Rights of Way Network. It also includes provision for a future connection to the adjacent site that is currently being considered under Outline Planning Application reference BE/134/22/OUT which also includes a north-south link road.

Infrastructure including surface water drainage and foul sewerage disposal has been revised to take account of the amendments to the layout. The quantum of public open space and play space including LAPS's, LEAP's and NEAP's complies with the requirements for a development of this scale and the provisions of the S106 Planning Agreement pursuant to the Outline permission granted. The level of detail in terms of the proposed planted areas, planting schedule and tree protection measures are also considered to be suitable.

SITE AREA	13.46 hectares
RESIDENTIAL DEVELOPMENT DENSITY	16.6 dwellings per hectare
TOPOGRAPHY	The southern third of the site is predominantly flat with levels varying by only about 0.5m. The northern two thirds of the site gently slope northwards with levels varying by up to 2.5m between the bottom and top parts of this section. There are ditches bordering the three parcels of land.
TREES	<p>The site consists of three parcels of land which are bounded by hedgerows and trees.</p> <p>There is a blanket Tree Preservation Order (TPO) across the entire Strategic Site identified under Policy SD3 West Bersted, reference TPO/BE/3/20. This includes some notable trees such as:</p> <p>T1 Oak on southern boundary with Chalcraft Nurseries site Cluster of Oaks (T2, T3, T4) on edge of PRow 136 T5 Ash on eastern boundary of western parcel T6 Oak in northern corner of western parcel T7, T8 and T9 along eastern boundary of site</p> <p>And on the adjacent Chalcraft Nurseries site: T1 Pedunculate Oak on northern boundary with Nursery Fields T2 Pedunculate Oak on western boundary with Nursery Fields</p>
BOUNDARY TREATMENT	Bounded by trees, hedgerows, ditches and some post and wire fencing. In certain locations, the ditches/boundaries are crossed by Public Footpaths as noted in the Public Right of Way (PRow) mapping.
SITE CHARACTERISTICS	<p>The site comprises three parcels of agricultural land known as 'Nursery Fields', which are contained by trees, hedgerows, ditches and some fencing. There is an existing agricultural access from Tara Perry Close. Part of the site comprises Grade 2 Best and Most Versatile agricultural land.</p> <p>The site borders and wraps around the north and west of the Chalcraft Nurseries (horticultural nursery) site, and is located to the west of Chalcraft Lane, Bersted.</p>

There are a number of TPOs on the site as well as adjoining it.

PRoW 136 path passes through the centre of the site with PRoW 137 passing to the west of the site and PRoW 134 passing to the north of the site. PRoW 136 and 137 merge with PRoW 134 providing an east-west pedestrian route between the Chichester Road (B2259) to the east and the Lower Bognor Road (B2166) to the west.

The site is within Flood Zone 1 (low risk) but experiences ground water flooding and pooling during winter months and during periods of sustained and heavy rainfall.

The site is within an Archaeological Notification Area for an Iron Age, Roman and Medieval Settlement Site at Bersted.

The site is within the Built-Up Area Boundary, and forms part of a wider strategic allocation, Policy H SP1 and SP1a, SD3 - West of Bersted, which was allocated in the Arun Local Plan for at least 2,500 new dwellings, education, healthcare, community, employment and commercial uses, and open space. Although separated by field boundaries and ditches, the undeveloped landscape is read and experienced as a large expanse of agricultural/horticultural land.

CHARACTER OF LOCALITY

The site is located to the west of Bersted, on the northern outskirts of Bognor Regis. The land to the immediate north, west and south west of the site is agricultural in nature. To the immediate north is a parcel of land off New Barn Lane which has been built out and now provides 99 dwellings approved under references BE/29/19/PL & BE/37/19/PL - Linden Homes. A further site for 50 dwellings is well advanced and nearing completion by Bellway Homes under references BE/77/16/OUT, BE/40/18/PL and BE/103/19/RES, on the north-eastern boundary of the site and south side of New Barn Lane. There is also a mobile phone mast enclosure on this boundary.

Also located to the north is an area of playing fields known as Jubilee Recreation Ground and Bersted Community Centre which are accessed off Chalcraft Lane and then Tara Perry Close. Bersted Parish Council Offices, a carpark and childrens' play area are also located in this area. PRoW 136 leads from Chalcraft Lane crossing through Tara Perry Close to the application site with Chalcraft Nurseries (horticultural nursery) located to the immediately to the southeast. The site wraps around the boundaries of Chalcraft Nursery with Chalcraft Lane Cemetery forming the south and south-western boundary with the strip of land accommodating the access road approved junction with Chalcraft Lane. As noted, this approved access would serve the application site as well as the development approved on the Chalcraft Nursery site.

Beyond the application site and aside from the Chalcraft

Nursery site, land in the immediate vicinity to the southern part of the area (northern and southern parts of Chalcraft Lane) are predominantly residential in nature including a Care Home, with development ranging from single storey to two storeys, with some rooms in the roof.

The wider area to the south and east of the site is built up in nature. Bognor Regis town centre and railway station are located approximately 2km to the southeast of the site.

The nearest statutory designation to the site is the Bognor Reef Site of Special Scientific Interest (SSSI) located approximately 2km to the south of the site. The Solent and Dorset Coast Special Protection Area (SPA) is also located approximately 2km to the south of the site. The Pagham Harbour Ramsar/SPA/SSSI is located approximately 5km to the southwest of the site.

RELEVANT SITE HISTORY

BE/81/20/OUT	Outline application with all matters, except for access, reserved for the development of up to 20 residential dwellings, 2,240 sqm of commercial space (Use Class A1, B1(b) B1(c) and B8), landscaping, access, parking and associated infrastructure.	App Cond with S106 23-03-21
BE/37/19/PL	Erection of 99 No. dwellings together with landscaping, open space & associated works. Access to be taken from New Barn Lane (alternative scheme to BE/29/19/PL).	App Cond with S106 23-08-19
BE/29/19/PL	Erection of 99 No. dwellings together with landscaping, open space & associated works. Access to be taken from New Barn Lane.	App Cond with S106 23-08-19
BE/18/17/PL	Variation of condition 3 for approved plans & 23 for vehicular access imposed under BE/142/15/OUT. This application is a Departure from the Development Plan.	App Cond with S106 05-05-17
BE/148/20/OUT	Outline application with all matters, except for site access, reserved for the development of up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access. This application affects a Public Right of Way.	Refused 01-04-21

Appeal: Allowed+Conditions

BE/113/17/RES Approval of reserved matters following outline consent ApproveConditionally
 BE/18/17/PL for appearance, landscaping, layout & scale 12-12-17
 for a mix of up to 90No. residential units, associated
 open space, landscaping, access & car parking

REPRESENTATIONS

BERSTED PARISH COUNCIL - OBJECTION (16.02.2023 and 08.03.2023):

Members require the provision of a green buffer at certain points including between proposed plots 75 - 84 and existing properties Development has been proposed in line with the approved parameters plan and gardens have been positioned to the east of the properties to maximise the back-to-back distances between existing and proposed development

08.03.2023: Comment further, to previous comments and the objection raised:

- Would like to see hedge planting and trees as part of a buffer between plots 75 to 84 that back onto nos. 48 to 68 Chalcraft Lane to integrate with the surroundings.
- Even up the distribution of green/open spaces on this part of the site giving the site a rural feeling of space for walking, cycling and dog walking.

THIRD PARTIES: OBJECTIONS

10 objections were received raising the following points:

- Loss of seclusion and peace of an area of remembrance
- Harm to character of site and wider area, due to impact on landscape and highways
- Greenbelt affected between Pagham and Bersted Brooks
- Additional homes not required with more housing meaning more traffic and queuing
- Traffic Gridlock on routes into Bognor including the A259, roads at capacity and cannot accommodate additional housing
- The 'simple' priority junction for the access to the site is totally inadequate and dangerous for this type of development. Traffic exiting the site will not be able to turn right safely due to high vehicle volumes in Chalcraft Lane
- Cycle path to Chichester could do with an upgrade
- The form of development and its location are not sustainable
- Impact on water quality and sewage system cannot cope
- Flooding has increased since the last development just finished in North Bersted
- Increased pollution - noise, dust, light
- Ecological impact and loss of wildlife and habitats
- Loss of arable / food producing land
- Lack of services - Hospitals, GPs, NHS Dentists, School Places,
- Increase in crime
- Important area for dog walkers and hikers
- Developer back tracking. Contradictory information between the initial application BE/148/20/OUT in respect of construction and operational impacts (noise, dust, light, water quality) would last for 5 years with some impacts being permanent.
- Need adequate landscape buffers as per outline
- Lack of privacy between back gardens
- Mitigation for existing residents?

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted and addressed in full in the Conclusions section of this report. In addition, Officer comments as follows:

LOSS OF GREEN BELT - Officer comment: Although this is a greenfield site, it is not located within the Green Belt nor does it carry any national landscape designations. It has been allocated for development as part of Strategic Allocation under Policy SD3 within the adopted Arun Local Plan 2011-2031 and falls within the defined Built-Up Area Boundary as indicated in the Arun Local Plan.

LOSS OF AGRICULTURAL LAND - Matters relating to the loss of agricultural land were considered when the site was allocated in the Arun Local Plan. The issue of loss of agricultural land was also considered at the Outline application stage.

PRINCIPLE OF THE DEVELOPMENT FOR RESIDENTIAL PURPOSES - The principle of the development of the site for residential purposes has already been established by its designation under Policy SD3 of the adopted Arun Local Plan 2011-2031 and the grant of Outline Planning Permission on Appeal. The site also falls within the Built-Up Area Boundary as indicated in the Arun Local Plan.

RESIDENTIAL AMENITIES - All existing residential amenity matters were taken into account by the Planning Inspectorate in the decision to allow the appeal. The residential amenities of the proposed new dwellings in terms of private residential amenity, privacy and outlook will be assessed under this Reserved Matters Application.

LANDSCAPE BUFFERS - The landscaping scheme has been revised to take account of comments received.

HIGHWAY MATTERS - The Planning Inspector, in allowing the Appeal, took account of all representations regarding traffic generation, road and junction capacity, pedestrian safety, public footpaths and connectivity, parking provision. The S106 Planning Agreement sets out the contributions required in respect of transport and highways and imposed further controls through conditions.

CONDITIONS TO CONTROL THE DEVELOPMENT - The Planning Inspector, in allowing the Appeal, imposed a number of conditions to control the development. It is only in exceptional circumstances that conditions would be recommended.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC AFFORDABLE HOUSING (31.05.2023, 12.06.2023 and 28.06.2023)

The Housing Officer raised no objection to affordable housing provision but did raise concerns in an email of 31.05.2023 in relation to the unit mix, lack of 1-bedroom units, and clustering of Affordable Housing across the site referring to planning policy.

12.06.2023: The applicant amended the layout and location of affordable housing in response to the comments. The Housing Officer recognised this is a small improvement but would welcome more 1 bed units, as supported by Policy HDM1.

28.06.2023: The Housing Officer referring to the policy for the preferred range of homes and remains of

the view that smaller units should be provided. The applicant made changes to include 2 more 1 bed units.

Case Officer response: This is reviewed in the Housing section below and the planning balance.

ADC CONSERVATION OFFICER: NO OBJECTION (16.03.2023)

The application Site is situated beyond the Bersted CA and Listed Morells Farmhouse, it is screened from view by the mature vegetation and buildings within the farmstead as well as the intervening field boundaries. As a result no impacts to the setting or harm to the overall significance of heritage assets in the site vicinity will result.

ADC DRAINAGE ENGINEER: Holding Objection (12.06.2023):

Flood Risk Assessment and Drainage Strategy do not meet detailed design requirements to avoid conditions being applied. If minded to approve, the FRA should not be listed or any of its appendices as approved plans.

To overcome the 'Holding Objection' additional information is requested to assess the drainage and flood risk attenuation proposals on the site.

The Applicant provided additional information provided as high-level review of the drainage information to inform the later detailed design. Comments were provided with no action required at this stage.

Officer Note: The Outline Permission included conditions (12-14 and 20) in relation to relation to approval of details for drainage and foul water. The Applicant has provided a Drainage Strategy Response and amended plans. Further consultation responses are awaited and the issues including the need for additional conditions.

ADC ECOLOGY (Essex Ecology): NO OBJECTION (11.06.2023)

No objection subject to securing biodiversity mitigation and enhancement measures - conditions to be applied to landscape strategy to secure BNG.

ADC ENVIRONMENTAL HEALTH: NO OBJECTION (22.05.2023)

Environmental Health has no further comments, and therefore has no objection to this planning application.

ADC LEISURE AND GREEN SPACE: RECOMMEND PART APPROVAL (27.04.2023)

Recommend Approval of the soft landscaping details

Notes that the landscape details has been submitted within the Coloured Site Layout 221001/SL09 which includes details of the location of LEAP, NEAP, 2 no. LAPs, POS areas, SuDS features and Community Orchard.

Details for NEAPS, LEAPS and LAPS and open space furniture require amendments to be resubmitted for approval.

The Applicant has submitted updated plans for the play areas for consideration of the Green Space Team, with a view to removing the objection to the play area equipment. (Schedule 3 of the s106 Legal Agreement). An update will be reported to the Committee.

ADC TREE OFFICER: No comments provided. The Outline permission included Condition 18, the condition required the submission and approval of the Arboricultural Impact Assessment and measures

to protect retained trees on the site.

NATURAL ENGLAND: NO COMMENTS (09.06.2023)

No comments to make on the reserved matters case. Natural England has not assessed this application or impacts on protected species and refers to Standing Advice. The lack of comment does not imply there are no impacts on the natural environment but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local authority to consider

SOUTHERN WATER: NO OBJECTIONS (21.03.2023)

No objections to the reserved matters application for access, appearance, landscaping, layout and scale.

SUSSEX NHS COMMISSIONER: COMMENTS AWAITED

No comments received, provision within the s106 for £33,953.37 (Index Linked) towards additional resources for policing within the vicinity.

SUSSEX POLICE (SECURED BY DESIGN): NO OBJECTION (28.02.2023)

No objection on design grounds raised, provision within the s106 for £259,522 (Index Linked) towards expansion. Design specific advice made in relation to application scheme design.

WSCC EDUCATION:

No formal comments received. Provision within the s106 Planning Agreement for contributions toward Early Years Nursery places and land costs; Primary School places and land costs; Secondary School places; Sixth Form Places and SENDs including land costs contributions. All sums are Index Linked.

WSCC FIRE AND RESCUE: NO OBJECTION (28.02.2023)

Recommends a planning condition is imposed for the provision of fire safety hydrants to ensure dwellings are within 150m of a fire hydrant for the supply of water for firefighting.

Evidence also required that Fire Service vehicle access meets the requirements identified in Approval Document B Volume 1 2019 Edition: B5 Section 13, including Table 13.1 and diagram 13.1.

The s106 Planning Agreement includes contributions toward Fire and Rescue capacity and infrastructure.

WSCC HIGHWAYS: NO OBJECTION / ADDITIONAL INFORMATION REQUIRED (09.03.2023)

Provision within the existing s106 towards highways mitigation works in the vicinity. Acknowledges that outline planning permission has been approved and this application seeks approval for outstanding matters.

The following comments have been made in relation to the layout of the proposal:

- Given the possibility for a bus servicing routing through the site and into the neighbouring development given the 6.3m width of the carriageway. Whilst, there is no certainty that this link would ever be provided, tracking should be provided to demonstrate that the layout can accommodate a bus service.
- There seems to be no reason why the access road between plots 28 and 29 could not be linked up and provided as a through road.
- It is not apparent why the access road between plots 60 and 65 was not provided as a through road, this would remove the need for a turning head.
- The layout between plots 129 and 140 would prevent a road link, but a footpath should still be provided as in its absence it is not possible to walk between these properties without crossing the landscaped

area.

- The branches from the active travel corridor between plots 1-5 (which link with the 3 metre wide shared surface route leading to Chalcraft Lane) and northwards past plots 29-31 should be widened to be consistent with the main east-west corridor. Likewise, the branch of the active travel corridor that runs outwards past plot 100 to Tara Perry Way should be widened. A consistent width would make the active travel route more legible for users.
- The active travel route should also be extended northwards past plots 29-31 rather than terminating outside plot 42.

Travel Plan

A Travel Plan has been submitted as part of the current application. The requirement to submit a travel plan is covered by a condition on the outline planning application that would be the subject of a separate discharge of condition application. The Travel Plan has not been reviewed.

ADDITIONAL COMMENTS: (12.05.2023)

Further information has been submitted in the form of a Transport Assessment Addendum dated 3rd May 2023. Whilst this includes a number of updated drawings, the highway layout otherwise appears identical to that originally commented upon by WSCC Highways (on the 8th March 2023). Those comments remain applicable. No further comments would be offered in connection with the TAA.

WSCC LEAD LOCAL FLOOD AUTHORITY: OBJECTION (21.03.2023 and 18/07/2023)

Following a review of the information submitted, including the Drainage Statement prepared by Abley Letchford Partnership (Document Reference: PLN-1-4104 (A437- R001), 20th December 2022), the application is not in accordance with NPPF Paragraph 167 and 169, WSCC LLFA SuDS Policies and Policy W DM Flood risk in the Arun Local Plan 2011-2031 (July 2018).

The applicant supplied updated SuDS and drainage drawings to address the concerns raised.

Officer Note: The Outline Permission included conditions (12-14 and 20) in relation to relation to approval of details for drainage and foul water. The Applicant has provided a Drainage Strategy Response and amended plans. Further consultation responses are awaited and the issues including the need for additional conditions. In any event, a number of these issues would require agreement through the discharge of condition process.

WSCC PUBLIC RIGHTS OF WAY:

No comments received. The s106 Planning Agreement includes provision for a scheme for phased improvement of Public Rights of Way including a section of FP136.

WSCC INFRASTRUCTURE TEAM: NO COMMENTS MADE

Contributions agreed as part of the s106 Monetary Contributions / IDP.

ADC ECOLOGY - Condition 15 imposed on the grant of the Outline Planning Permission BE/148/20/OUT refers to the respect of biodiversity, mitigation and enhancement.

ADC DRAINAGE ENGINEER - A number of planning conditions are included as part of the grant of Outline Planning Permission BE/148/20/OUT allowed on appeal including details of phasing

WSCC FIRE AND RESCUE - Condition 16 has been imposed to the grant of the Outline Planning Permission BE/148/20/OUT requiring details of a scheme showing of the position of fire hydrants for the

supply of water for the firefighting.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and considered under Conclusions section of this report.

POLICY CONTEXT

Designation applicable to site:

Strategic Housing Allocation - West of Bersted (SD3)

Built-Up Area Boundary Bersted Neighbourhood Plan

Grade 2 (very good quality) Agricultural Land

Morells Farmhouse (Grade II listed) to north west of site separated by Morells farmland Archaeological Notification Area

Provisional Tree Protection Orders (TPOs) Pagham Harbour Zone B

CIL Zone 1 (Zero Rated)

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HWBSP1	HWB SP1 Health and Wellbeing
LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

<u>Bersted Neighbourhood Plan 2014 Policy ES1</u>	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES4	Buildings and structures of character
Bersted Neighbourhood Plan 2014 Policy ES5	Building design
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy GA1	Pedestrian and Cycle Connections
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ4	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail

PLANNING POLICY GUIDANCE:

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

PLEASE ENSURE THAT THIS TEXT IS RELEVANT TO THE DEVELOPMENT BEING PROPOSED.

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/conflicts with relevant Development Plan policies in that

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

CONCLUSIONS**BACKGROUND:**

The application follows an appeal in respect of application reference BE/148/20/OUT (APP/C3810/W/21/3275040) which was allowed in April 2022. Outline planning permission was therefore granted for up to 225 residential units, establishing the principle of the development of the site. Although the description of the development referred to associated infrastructure, open space and vehicular and pedestrian access, apart from 'Access' all matters were 'reserved'.

Within the appeal decision the Inspector gave a number of pertinent comments that have relevance to the 'reserved' matters, summarised below:

Access and Infrastructure

- 'Access' goes much further than the details shown on Drawing ITB14224-GA-009 Rev B which relates to the proposed junction with Chalcraft Lane and the proposed road into the southwestern portion of the site.

- Information contained within the 'parameters plan'; "Land Use and Access Parameters Plan" is effectively replicated in the Planning Obligation but entitled "Plan 2 S106 Access Road Phasing Plan" that contains additional information considered pertinent to the outline decision.

- The site forms part of one of three planned urban extensions to Greater Bognor Regis in the Arun Local Plan, as designated "SD3 West of Bersted" which is intended to provide 2,500 dwellings over the plan period up to 2031.

- Policy H SP2 is a general policy setting out the approach to the strategic allocations, includes key requirements that developments provide for the required infrastructure that relates to that particular allocation, in accordance with Policy INF SP1 and the Infrastructure Delivery Plan, and enables strategic District wide infrastructure to be delivered at strategic sites if the location is appropriate for the District.

- Policy H SP2a states that SD3 will need to meet key design and infrastructure requirements including, insofar as relevant to this appeal: a Community Hub for shops, health care and library, and improvements to the A259 between Bersted and Drayton (essentially the single carriageway section of this road between Bognor Regis and a section of dual-carriageway leading to the Chichester by-pass to the north). The Community Hub facilities would be accommodated in two hubs in the north and south areas of the main part of the SD3 allocation outside the appeal site.

- Policy INF SP1 explains how planning obligations and financial contributions would be used to provide off-site infrastructure to mitigate development impacts.

- The proposal represents sustainable development, and that safe and suitable access to, from and within the site for all users can be provided.

- The provision of the 'Spine Road' under Policy H SP2a SD3 is an integral part of the site allocation as a whole; all development within the wider site would benefit from its provision

- Contributions to the 'Spine Road' and other road / junction improvements are on a proportionate basis.

- The provision for an area of land in the north-western part of the site adjacent to the boundary with the remainder of the SD3 allocation to allow for an access through to that site, facilitating direct access between the two sites is a necessary part of this proposal.

- Appropriate conditions were imposed to further control the development

- The S106 Planning Agreement sets out the contributions toward infrastructure improvements, road improvements, Public Rights of Way improvements, community facilities, education, health, affordable housing.

MATERIAL CONSIDERATIONS

1.1 Principle of development

This application seeks approval of reserved matters following grant of outline planning permission under reference BE/148/20/OUT, granted on Appeal 8th April 2022. Therefore, the principle of development has already been established and only the reserved matters are to be considered in the assessment of this application.

Policy H SP2 (ALP) requires development proposals within the Strategic Site Allocations to be comprehensively planned and have regard to a master plan endorsed by the Council. Policy H SP2 sets

out a 17-point criteria (a-q) for the design and infrastructure requirements for Strategic Site allocations.

The West of Bersted (WEB) Framework Masterplan was endorsed by the Council in September 2020 and provides high level development principles for the Strategic allocation which have been endorsed by the Council. Policy H SP2a (SD3 - West of Bersted) sets out a 10-point criteria which details key design and infrastructure requirements for that particular Strategic Allocation.

The main issues in the determination of this 'reserved' matters application are as follows:

- Whether the proposed development for this site supports place-making objectives and allows for the entire strategic allocation site to be comprehensively planned and to accord with the endorsed Masterplan and associated design principles.
- Delivery of required infrastructure provision including affordable housing provision.
- Acceptability of the proposed scheme in respect of drainage, trees, ecology, landscape, visual and residential amenity.
- Impact of the proposals on the Integrity of a European protected site (Pagham Harbour SPA/Ramsar).

These matters are considered in detail under the sub headings below:

1.2 DESIGN: LAYOUT, APPEARANCE AND SCALE:

General

The approved outline permission included reference to an indicative masterplan layout. The detail within the Reserved Matters proposed layout must reference and build upon this, any major diversion from it must be justified by the applicant.

The following sections in this report consider the proposals against these development criteria, the endorsed Framework Masterplan and Policies H SP2a (SD3 - West of Bersted), D DM1 (Aspects of form and design quality) and D SP1 Design of the Arun Local Plan. The requirement for high quality development and the promotion of local distinctiveness is addressed further in the Arun District Design Guide (2021) (ADG).

The ADG requires buildings and spaces be carefully arranged and take priority over roads and car parking so that highways do not dominate. New development should respond to the surrounding pattern of buildings in terms of building sizes, block sizes and patterns of plot division in order to create a natural extension to existing built up area. Open spaces should be clearly integrated in the scheme and be safe and accessible for all users. New development must ensure the existing character and sense of place of an area is respected and enhanced.

National policy considerations are contained in the NPPF, Chapter 12 as well as the National Design Guide which refers to both how developments are considered contextually and from within.

The NPPF and other supporting national guidance emphasises high quality design, respecting character, creating a sense of place, safety, accessibility, inclusivity and striving for beauty. It states, "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes."

As with the Local Plan and District Design Guide, there is a strong emphasis on positive place-making and a sense of place; promoting local distinctiveness including through architectural forms, features, details and materials, and sustainable development not only in terms of location but also fabric and sourcing materials

Design in its broadest sense also considers how places function and promotes a holistic approach to the creation of quality places where people want to live and where homes should be provided. This intention is reflected in criteria a - m of Policy H SP2 of the Arun Local Plan.

The proposed layout of the development is influenced by the Framework Masterplan and the approved Outline Application Illustrative Masterplan. Whilst the fundamentals remain grounded in the Framework Masterplan and the decision of the Planning Inspector, the scheme has clearly progressed between the Outline and Reserved Matters detailed stage. The Outline Illustrative masterplan provided an indication of how the site could be developed and the fact that it was capable of accommodating up to 225 residential units.

The key features of the proposed layout include:

- A clear street order with a main 'avenue' into and across the site that serves the new residential dwellings and connects with the adjacent strategic development site on the northern boundary. From the main road spine are connecting drives with loop road forms that provide clear structural form to the residential development.
- A network footpath/cycle route with connections to the PRoW /local cycle network are provided across the site with links to the Jubilee Fields to the north-east, Chalcroft Lane to the south and the wider strategic area to the north and west. Footpath FP126 runs north-south across the site and will be retained and enhanced, footpath 137 is located on the western boundary and will be linked to the adjoining newly created open space as will footpath FP134 just beyond the retained hedgerows to the northern edge of the site.
- The proposed residential streets will have a logic layout with clear primary and secondary road hierarchy and residential development blocks with strong frontages and traditional building patterns. The built form will be predominantly 2-storey with some 2.5-storey elements introduced to add variety to the street and roof-scape.
- A overall site layout is influenced and determined by existing field patterns and landscape features that are retained including field margins.
- The open spaces within the development are located along the site boundaries and contained by trees and hedgerows and footpath routes surrounding each original fields, they open spaces are connected via existing and new footpath links. The main open and recreation space is located at the apex of the two fields where main movement routes converge for maximum accessibility
- A network of SuDs, swales and attenuation basins are located within Open Spaces at the edges of the site, connecting to existing drainage features - this will help ensure the open spaces feels more generous and enhances the habitat value of the spaces.
- The building design is of a more traditional Sussex vernacular with a mix of red brick, tile hung and flint facade, the roofs are red tile and slate effect to provide variety within the roof form. Chimneys have been added at key corner locations to provide interest to the roof forms.
- Locations for public art at the main entrance to the development

The proposed development incorporates refinements to the 'Development Framework'.

The proposed layout has as its basis a spine-road that is accessed from Chalcroft Lane via the previously approved access point; this reflects the structure that was included within the indicative masterplan and there is minimal divergence from this. Secondary access is provided to individual areas off the spine road (approximately 6.3m with 3m footpaths) with a variation of road layout and dimensions (approximately 5m with 2m footpaths). Tracking for refuse vehicles has been undertaken and is acceptable. The applicant is to submit a drawing showing tracking for buses along the main spine route and once this is received an update will be prepared for the Planning Committee with comments from

WSSC Highways.

The approved Outline Illustrative Masterplan placed great importance on the provision of a Spine Road and with that, land for the provision of a connection at the north western boundary of the site to enable provision of a link into the adjacent site to the north. The proposed link to the larger strategic site to the northwest is provided for cars, cyclists and pedestrian in accordance with the strategic site strategy. WSSC Highways have advised that a pedestrian route is supported at this point.

There are several north-south and east-west pedestrian routes within the landscape zones on the edge of the site and within the central areas. This provides a legible and clear structure to the development with a mix and variety of housing types and visible public areas to help create a clear sense of place and arrival points within the development. The retained hedge and trees on the site boundaries are to be enhanced as a landscape feature and the existing field patterns reflected in the layout.

The proposal would create a residential development with defined street frontages, all buildings face onto the road network within the site, which provide a clear street pattern and encourages natural surveillance. Some dwellings have specifically been designed to have a presence on corners and ensure these are animated. All of the house types would be provided with private gardens of an acceptable size that provide useable amenity space to meet the evolving needs of future occupants. The flatted units have access to individual private amenity space.

Affordable rented and shared ownership units would be provided at various locations within the site, in a mix of semi-detached and terraced dwellings, discussed in more detail below. The design of the development is tenure neutral, with no differentiation across the tenure types. The self-build plots will offer the opportunity for individuality of housing design to come forward.

The layout includes areas of public open space (POS) totalling 1.79ha, with a linear amenity area on the boundary of the site that includes a Locally Equipped Area for Play (LEAP), Local Area of Play (LAP) x 2 and a NEAP. The SuDS areas and their associated maintenance areas are approximately 1.5ha, these areas are not included within the overall areas of POS.

The amenity space connects with the footpaths beyond the site which includes amenity/ecological areas. Additional amenity space is provided along the main pedestrian links. These areas are appropriately positioned near to dwellings which would afford a good degree of overlooking and natural surveillance. Table 4.1.2 on page 13-14 of the Open space SPD 2020 sets out requirements per 1,000 population. The projected population on the site is 2.2 persons per dwelling x 225 = 496 people. The open space requirements are defined below and are accommodated within the proposed scheme layout:

Public Open Space:	
Parks and Gardens	0.4 ha
Amenity Space	0.3 ha
Nat and semi natural	0.8 ha
POS Total	1.5 ha

Play Space:	
LAPs and LEAP	0.12 ha
NEAP	0.15 ha
Play Total	0.25 ha

Overall Total	1.75 ha
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The policy requirement is for Allotments of 0.13ha are to be provided either on site, or off site via a s106

payment (£4,331.25). The Inspector did not make provision for Allotments within the Outline Permission, as a result this cannot be added as part of the Reserved Matters application consideration. Officers note each property has private amenity space and the adjoining strategic development area is to include allotment provision so the needs of new residents in terms of allotments are likely to be accommodated. It should be noted that the Public Open Space includes provision of a 'communal orchard'.

The soft landscaping and boundary buffers would help interface with the public amenity areas and would be a strong and positive feature within the development. The naturalistic landscape is envisaged with semi-mature planting and use of native species to promote the bio-diversity net gain across the site. SUDS ponds are also provided at various locations within the open space network on the site, this is discussed in more detail below.

Pedestrian links to the existing community sports facilities immediately to the east of the application site will be provided to encourage use of these facilities. Pedestrian, cycle and vehicle links to the wider strategic development area to the north and west will be provided and will give future residents of the Nursery Fields site immediate access to additional open space and play environments.

As identified within the consultation response summary above, WSCC as Highway Authority have raised a number of relatively minor amendments which would enhance the layout and improve usability by future occupiers. These comments were as follows:

- Given the possibility for a bus servicing routing through the site and into the neighbouring development given the 6.3m width of the carriageway. Whilst, there is no certainty that this link would ever be provided, tracking should be provided to demonstrate that the layout can accommodate a bus service.
- There seems to be no reason why the access road between plots 28 and 29 could not be linked up and provided as a through road.
- It is not apparent why the access road between plots 60 and 65 was not provided as a through road, this would remove the need for a turning head.
- The layout between plots 129 and 140 would prevent a road link, but a footpath should still be provided as in its absence it is not possible to walk between these properties without crossing the landscaped area.
- The branches from the active travel corridor between plots 1-5 (which link with the 3 metre wide shared surface route leading to Chalcraft Lane) and northwards past plots 29-31 should be widened to be consistent with the main east-west corridor. Likewise, the branch of the active travel corridor that runs outwards past plot 100 to Tara Perry Way should be widened. A consistent width would make the active travel route more legible for users.
- The active travel route should also be extended northwards past plots 29-31 rather than terminating outside plot 42.

These changes are relatively minor but would improve the layout of the development. However, despite the request from WSCC it is disappointing that the developer has chosen not to amend the layout in order to accommodate these suggestions.

Scale

The details submitted accord with the parameter plans. The application proposes a mix of 2 and 2.5 storey dwellings with some variation to house types and their overall scale; this is a direct relationship with the footprint of the respective house type.

Taking height and scale separately from external appearance and materials, as illustrated by the street scenes /sections originally submitted with the application, Officers identified that there was scope to amend certain house types and placements to improve legibility and wayfinding particularly at key entry/gateway points, and junctions. These amendments would also provide opportunities to frame views

through from one section of the development to another. In certain locations, this would assist in creating better articulation of roofscapes in key locations.

The applicant took these views on board and has amended some of the street frontages and updated house types and forms to provide a more robust design response, with clearer enclosure for key junctions and views, greater variety in roof forms and an enhanced sense of place. Public art at key points has also been introduced, the detail of which is to be conditioned, this will help reinforce the sense of place for the scheme and build connections with the Bersted area.

Appearance

The Design and Access Statement submitted with the application explains that proposed development looks to create a distinctive development in the 'Sussex' style, that sits harmoniously with the immediate context and site conditions.

Dwelling types and designs are influenced by traditional forms, including roof types, elevational treatments and materials. The Applicant has explained that the house types, including windows and doors, detailing and palette of materials including render, brick and brick bonds, flint, slate and tile, are reflective of materials typically found in village locations, historic cores and countryside edges in this part of West Sussex.

A number of dwelling types are proposed, with varied architectural detailing that is in keeping with the design language in the area. Detailing includes corner windows, bays and fenestration of different sizes. Roof forms also vary across the site, including gable ended elevations and pitched roof forms, the use of both clay and slate tile roof materials is proposed. The inclusion of such features is considered to add interest and variety to the scheme as a whole.

The proposed appearance and architectural design of the units would be of a more traditional nature but with elements such as red brick, clay hanging and flint within the elevations,

Officers are of the opinion that such appearance would be acceptable as the design references more traditional form and materials and helps provide a varied pallet across the site area that will help provide interest and reinforce a sense of place.

It is acknowledged that the use of appropriate materials and their quality would be of great importance. As such, it is considered that it would be reasonable to require samples of materials to be submitted for approval. This would enable control over the quality and detail of the intended materials (Condition 3).

SELF-BUILD & CUSTOM BUILD PROVISION:

Arun Local Plan policy H DM1 states that 'the Council will particularly encourage the development of self-build homes' on appropriately sized, serviced/or capable of being serviced sites, and that 'such sites can be provided either as part of a development scheme or on an individual basis'. Policy H SP2 which relates to strategic site allocations states that a key requirement is to (p) consider inclusion of an area of the sites for Self-Build and Custom-Build. In addition, Principle SDP 6 of the endorsed Masterplan states "Opportunities should be considered for inclusion of an area of the site for self-build and custom build homes and community led housing such as Community Land Trusts".

Based on the number of persons on the Council's Self-Build Housing Register, this part of the strategic allocation would need to contribute 5% of its units (11 dwellings) as being provided for Self-Build/Custom-Build. This provision is included as Schedule Five within the S106 agreed as part of the Outline permission. The S106 legal agreement required the submission of a site plan denoting the location of the Self-Build plots and a Statement confirming how these will conform with the regulations.

The S106 also place a legal obligation on these units to be retained as such.

The applicants have agreed in principle to provide 5% of the total units on site as self-build plots. The self-build plots are identified on Dwg. No. SL13.

The Applicant has submitted a Deed of Variation application to amend the existing s106 (App No.BE/12/23/PO), Schedule 5 Self Build Housing. The Deed of Variation seeks to introduce plot passports, whereby the storey-height, number of bedrooms and materials pallet can be set, in so doing providing more control and guidance over what type and form of properties can come forward on the self/custom build plots. The benefit to the applicant is the new dwellings will be more in-keeping with the wider development than they may otherwise may have been. Due to other outstanding matters at the time of assessing the application and preparing the report, this S106 has not been concluded and therefore the self-build provisions within the existing s106 have not been amended at this time. In the absence of an amended S106 legal agreement, the application does make adequate provision for Self-Build/Custom-Build plots, in accordance with policies H DM1 and H SP2 part (p) of the Arun Local Plan and policy SDP 6 of the endorsed Masterplan. The self-build sites are to be provided as individual serviced plots and the new owner would then apply to construct a dwelling of their own design.

The self-build plots are to be marketed for an agreed period to members of the public on the self-build register, as set out within an 'Agreed Marketing Plan'; minimum 9 months identified in the Legal Agreement. If after this period, the plot had not been sold it can then be removed from the self-build register and built out as market housing by the applicant or an assigned developer. To facilitate the either/or scenario the custom build site plots are included as part of the detailed design build within the Reserved Matters application to enable the plot to be built out and therefore avoid the need for a new planning application for that plot.

HOUSING MIX AND AFFORDABLE HOUSING

Policy HDM1 of the Local Plan 2018 requires new housing to make provision for an appropriate range of housing types and sizes, reflecting the most up to date evidence in the Strategic Housing Market Assessment (SHMA), GL Hearn Updated Housing Needs Evidence (Sep 2016). Policy AH SP2 sets out the requirement for a minimum of 30% affordable housing of which 75% is to be social rent and 25% intermediate housing.

The development proposed for the development would provide for the following housing mix (this includes the self-build units):

	Market Housing Requirement	HDM1 Policy Requirement	Affordable Housing	AH SP2 Policy Requirement	Total
1Bed	0	5-10%	4 (6%)	35-40%	4 (2%)
2 Bed	23 (15%)	40-45%	23 (34%)	35-40%	46 (20%)
3 Bed House	33 (21%)	35-40%	36 (54%)	15-20%	69 (31%)
4 Bed +House	102 (64%)	10-15%	4 (6%)	5-10%	106(47%)
Total	158 (70%)		67 (30%)		225

At the outline stage the provision of a 30% share of affordable housing, of which 75% was for affordable rent and 25% Intermediate Housing/Shared Ownership, was secured as part of a Section 106 Agreement as identified in Schedule 2, Part 1 of the Agreement dated 7th September 2021.

The proposed development provides for 67 affordable dwellings, 30% so meet the requirement of the Outline Permission. The 67 affordable units comprise:

Social rent	Intermediate	Total Affordable
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1Bed	4	0	4 (6%)
2 Bed	19	4	23 (34%)
3 Bed House	26	10	36 (54%)
4 Bed House	2	2	4 (6%)
Total	51(76%)	16(24%)	67

The tenure split in this phase is 76% affordable rented and 24% intermediate housing for shared ownership. This complies with Policy AH SP2 and the terms of the S106 agreement.

As noted above, the Housing Team raised concern with the distribution of affordable housing across the site, as in two locations the affordable housing was unacceptably clustered. In response to this the applicant has amended the site layout to provide an improved distribution of affordable housing across the site and reduce the larger clustering.

The Housing Team have confirmed that the location of affordable housing, following the amendment to the overall layout, is acceptable. Officers are of the view that the amendment to affordable housing distribution is acceptable and no change in unit form in terms of design has occurred.

Officers acknowledge that the proposed unit mix is not in accordance with the mix suggested in policy HDM1, with under provision of 1-bed units and particularly in the affordable housing offer provided. Officers reviewed the provision with the applicant, who confirmed the social housing provider expressed a preference for larger family units in this location. The site is on the edge of Barnham with the locality of the site predominantly featuring detached, semi and terraced family housing. Therefore, the proposed mix of dwellings would reflect the established character of the locality.

The provision of 1 bed units is necessary but the application site forms part of a larger strategic allocation. Therefore, with the neighbouring site (BE/134/22/OUT) featuring a new neighbourhood centre, larger apartment buildings through which smaller 1 and 2 bedroom units could be accommodated as part of this, ensuring that the housing mix requirements were addressed across the allocation as a whole. Due to these factors Officers are of the view that a more flexible approach to the housing mix can be accepted on this occasion (with the application site forming part of the wider strategic allocation) and therefore the overall housing mix across the Strategic Site area (Policy H SP2) would ensure the requirements of policy AH SP2 and HDM1 of the Arun Local Plan are met.

LANDSCAPING

The reserved matters application was accompanied by a Landscape Master Plan, a Soft Landscape Management and Maintenance Plan, a Soft Landscaping Specification, a Biodiversity Net Gain Assessment and an Arboricultural Impact Assessment (AIA) & Management Statement as well as a Manual for Managing Trees.

Together the reports and plans provide a robust landscaping approach to the site, which as explained by the DAS, is heavily influenced by existing field patterns, boundary hedgerows and trees. The Landscape Master Plan indicates that development would be set behind proposed open space, contained by trees and hedgerows. The positioning of development is positioned outside of Root Protection Zones of existing trees and at the same time, incorporates additional planting, adding to the greening of the site, its ecological and biodiversity value.

A hierarchy of open space allows for the provision of a network of SUDs, swales and attenuation basins located around the edges of the site with pedestrian/cycle routes providing safe linkages through the development with connections to the existing public footpath network.

A central open and recreation space is provided at the apex of the two fields where main movement routes converge for maximum accessibility. The LEAPs, LAPs, NEAPs and NAPs and are in locations where they are overlooked by dwellings and as such benefit from natural surveillance.

In response to concerns raised by Bersted Parish Council, the issue of buffer planting has been addressed through the provision of amended plans. This relates to land between Plots 75 - 84 that back onto nos. 48 to 68 Chalcraft Lane to better integrate with the surroundings

Overall, the landscaping details accord with Policies LAN DM1 (Protection of landscape character), QE SP1 (Quality of the Environment) and ENV DM4 (Protection of trees) of the Arun Local Plan. Some concerns have been raised in respect of the play equipment within the NEAPS, LEAPS and LAPS. Amended plans have been submitted by the applicant in relation to LAPs, LEAPs and NEAPs and further consultation has been undertaken with the Council's Greenspace Team. Should confirmation be received that the proposals are acceptable then this will be reported as part of the report update. However, so as not to delay the progress of this application to determination, a suitably worded conditions has been proposed to secure details of the play equipment. This will be deleted should Greenspace confirm that the submitted details are acceptable.

Conditions are also recommended in respect of hard landscaping, as well as soft landscaping and management. Subject to the imposition of these conditions the development would accord with the Development Plan.

IMPACT ON RESIDENTIAL AMENITY

Policies D DM1 and QE SP1 Quality of the Environment of the Arun Local Plan seek to ensure that new dwellings are provided with satisfactory levels of residential amenity, including private garden areas, outlook, daylight/sunlight and privacy. At the same time, policies seek to ensure that residential amenities of existing dwellings are respected and not adversely affected. The Arun Design Guide provides additional advice on the provision of satisfactory separation distances which are adhered to and no loss of privacy or overlooking will arise for adjoining residents as a result of the new development.

The Design Guide is not a prescriptive document but an informative document that provides advice on various design issues including residential amenity. Guidance is provided in respect of distances between dwellings and on the whole, provides a sound baseline to ensure adequate levels of residential amenity.

In general, the proposed development meets the above guidance with some garden depths falling slightly short of the recommended minimum of 10.5 metres. Overall, the siting and arrangement of dwellings would provide satisfactory private amenity.

STANDARD OF ACCOMMODATION AND PROVISION OF AMENITY/PLAY SPACE

Policy D DM1 seeks to maximise the opportunity to improve the quality of life, health and well-being of current and future residents through the provision of appropriate private, communal and public amenity space, appropriate internal space standards for new dwellings, on site playspace provision, appropriate facilities for the storage of waste and private clothes drying facilities.

The Government Technical Housing standards - Nationally Described Space Standards (2015) require dwellings to meet certain internal space standards to ensure that an appropriate internal standard of accommodation has been provided for future occupiers. Policy D DM2 requires development to be in accordance with the Nationally Described Space Standards.

The proposed residential internal layouts and proportions have been assessed using the Nationally Described Space Standards, all of the units comply with the space standards, and most are comfortably within the suggested space requirements.

Homes and streets are designed to meet Part M of the building regulations, allowing wheelchair access, with gardens and routes being designed to be as usable as possible. This includes a minimum of 50% homes designed to meet M4(2) standards and a further 10 homes to meet M4(3) standards for wheelchair accessible homes.

Environmental Health commented on the application are raised no Objection. In reference to the Noise Impact Assessment (report R6769-1 Rev 0) Environmental Health are satisfied with the conclusions of the Assessment.

Overall, the proposal is considered to provide a good standard of accommodation and to make appropriate provision for amenity space and play areas.

WASTE, RECYCLING AND CYCLE STORES LAYOUT

A Refuse Strategy drawing has been submitted with the application (Drawing No.SL06/G) which sets out the refuse vehicle route and refuse collection points. Refuse tracking for the site is shown on Drawing ITB18395-GA-003, demonstrating that all parts of the site can be suitably accessed in accordance with ADC waste collection guidance. The tracking demonstrates that suitable turning provision is made for the shared driveways and cul-de-sacs, where the refuse vehicle is required to leave the main carriageways through the site to undertake collection and turning can be undertaken in no more than three movements.

The Council's Waste and Recycling Team recommend that the distance which residents would need to walk to drop their bins off for collection being a maximum of 30m. Guidance on the cost of refuse bin purchase is provided as an informative.

In terms of refuse and recycling storage, this is proposed within a defined area of the private garden spaces serving the dwellings, identified on Drawing SL06/G, Site Layout Refuse Strategy. Details of the refuse and recycling storage will be secured through the inclusion of a suitably worded condition.

The Parking Standards SPD also requires provision for 1 cycle parking space per dwelling up to 3 bedrooms and 2 spaces per dwelling over 3 beds. In terms of cycle parking stores, these are proposed to be located within private spaces serving the dwellings, identified on Drawing SL05/J, Site Layout Parking. Details of the cycle storage within the proposed garden shed is to be conditioned.

CAR PARKING PROVISION

Paragraph 107, NPPF supports the adoption of local parking standards for both residential and non-residential development. Arun District Council has adopted a Parking Standards SPD (2020) and also provides further guidance on how car parking can be satisfactorily accommodated within a development, and at the same time, provide a high-quality residential environment. The Arun Design Guide correlates with the advice contained in Manual for Streets and provides guidance on parking provision including layout.

All residential units are provided with parking either within the curtilage of units, forecourt or spaces to the side and includes a combination of garages and parking courts. On the whole spaces are set back sufficiently from the edge of the pavement bounding the plot to avoid conflict with other road users including pedestrians. The car parking requirements of ADC Car Parking standard are for two car parking

spaces for each 1-3 bed unit and three car parking spaces for 4-5 bed units. In total the requirement is therefore for that 556 car parking spaces are provided for the new dwellings and 110 visitor car parking spaces (20% of total units), 601 spaces in total.

Table 4.3 of the TA sets out the overall car parking provision, there are 602 spaces for the dwellings and 88 unallocated visitor spaces, 623 spaces in total. The unallocated spaces are located at several locations spread across the wider development area. The applicant has confirmed that at least 5% of overall car parking provision both on private land and visitor spaces are suitable for use and conversion to disabled parking spaces.

An additional plan (M4(2) and M4(3) Parking) has been submitted by the applicant which sets out the location of the disabled/accessible parking provision on site. The plan confirms that 10 disabled parking spaces are to be provided on parking forecourts of 10 dwellings, with 6 of these dwellings including an additional accessible parking space. In addition a number of the visitor bays have been identified as accessible and capable of adaptation when required.

Policy QE DM3 of the Arun Local Plan seeks to encourage the use of electric vehicle charging points. The Parking Standards require 30% of the overall parking provision to be fitted with Electric Vehicle Charging (EVC). This equates to 181 spaces (rounded up).

Based on Table 4.4 of the Applicants Transport Statement, and in accordance with current Building Regulations Approved Document S, all dwellings with a driveway or garage will be provided with fast charge socket infrastructure. All the properties have off street parking so an EVCP for each unit should be provided. A condition is recommended to ensure the provision of the EVC prior to the first occupation of the dwelling.

West Sussex County Council, Highways have confirmed that the level of parking provision is acceptable and as noted above, recommends a condition to secure the installation of EVCs.

FLOOD RISK AND DRAINAGE

The matter of flood risk and drainage were considered under the Appeal and specific conditions imposed to secure the submission of a surface water drainage strategy (Condition 12) and details of a site-specific maintenance manual to be submitted and agreed (Condition 13) and the requirement that future appropriate records are provided of the surface water drainage system for future maintenance with the submission of 'as built' drawings (Condition 20). The Inspector also added a condition requiring Condition 14 requires details of the proposed means of foul surface water drainage and its appropriate disposal.

At this stage, these issues are to be the subject of further consideration under application/s to discharge conditions. It was recognised and it remains the case that there are four surface water catchments draining to the ditches and watercourses that surround the site. The ground conditions and geology which has very limited infiltration, evaporation and greenfield runoff that the ground can become waterlogged with water pooling evident. As noted, Condition 12 attached to the grant of the outline permission the hierarchy of preference for different types of disposal to be taken.

The updated Drainage Statement dated 15th May 2023, does not present a surface water drainage or foul schemes but seeks to explain the approach for the proposed developed site. It also seeks to address the consultation comments made by WSCC as the Local Lead Flood Authority (LLFA) dated 21 March 2023 who considered that the information submitted in the original statement was not in accordance with NPPF Paragraph 167 and 169, WSCC LLFA SuDS Policies and Policy W DM Flood risk in the Arun Local Plan 2011-2031 (July 2018).

The Updated Drainage Statement and SUDS drawings explains that the Surface Water Drainage Strategy has been developed to manage and reduce the flood risk posed by surface water runoff from the site and are in accordance with best practice as stipulated in the ES Report SC030219. The report explains the hierarchy contained in the strategy including SuDs features including a mixture of online basins and swales designed to 'fill' in times of excess storms and in low flows, the control of water with hydrobrakes and piping our routing through low-flow channels in the online basins. In storm conditions, once a storm has subsided, flow will drain out through the pipe systems into control manholes and the hydrobrake flow and subsequent outfall.

Officers are satisfied that the Drainage System detail and Management arrangements are to be dealt with by condition discharge and that the landscape and drainage plans show adequate capacity and land allocation in terms of the SuDS requirements for the wider site.

ARCHAEOLOGY

The site is located within an Archaeological Notification Area. A Historic Environment Desk-based Assessment has been submitted with the application. At the outline stage the Council's Archaeological Advisor confirmed that they agree with the conclusions of the Assessment with regard the archaeological potential and significance of the site and its recommendation that the archaeological interest of any remains that are present could be secured by a staged programme of archaeological works. The Inspector imposed a condition on the grant Outline Planning Permission (Condition 10) to secure a written scheme of investigation and the implementation of a programme of archaeological work in accordance with the approved scheme. No additional conditions are required on this subject matter.

SUMMARY:

The principle of development has already been established through the granting of outline permission for the erection of 225 dwellings on the site and associated infrastructure and open space under reference BE/148/20/OUT.

The proposed development features an appropriate layout, scale and appearance with appropriate landscaping details which ensures an appropriate layout which comfortably accommodates 225 dwellings. Officers are of the view that there would be sufficient separation between dwellings to avoid any unacceptably adverse overbearing, overshadowing or overlooking impacts.

The level of car parking to be provided on site is acceptable and would meet the Council's Parking Guidelines; Disabled Car Parking spaces can be accommodated both within private and visitor spaces across the site if and when required. The benefits of the proposal would be the provision of 225 dwellings on site, the delivery of affordable housing, and dwellings of a visually acceptable design suitable to the site and surrounding area. There is no identified harm arising from the proposal. Officers therefore consider that, subject to conditions, the Reserved Matters of layout, scale, appearance and landscaping should be approved subject to the proposed conditions.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

- Location Plan - 221001/LP Rev A - Received 16/01/2023
- Schedule of Units - 221001 Rev Z - Received 18/07/2023
- Site Layout - 221001/SL01 Rev Z - Received 18/07/2023
- Coloured Site Layout - 221001/SL09 Rev G - Received 18/07/2023
- Site Layout Storey Heights - 221001/SL02 Rev J - Received 18//07/2023
- Site Layout Dwelling Types - 221001/SL03 Rev J - Received 18//07/2023
- Site Layout Tenure - 221001/SL04 Rev L - Received 18//07/2023
- Site Layout Parking - 221001/SL05 Rev J - Received 18//07/2023
- Site Layout Refuse Strategy - 221001/SL06 Rev G - Received 18/07/2023
- Site Layout Fire Strategy - 221001/SL07 Rev H - Received 18/07/2023
- Site Layout Materials - 221001/SL08 Rev J - Received 18/07/2023
- Sales Arena Location Plan - 221001/SL10 Rev J - Received 18/07/2023
- Boundary Treatment Plan - 221001/SL11 Rev. J - Received 18/07/2023
- Phasing Plan - SL12 Rev. F - Received 18/07/2023
- Site Layout Self Build - SL13 Rev. E - Received 18/07/2023
- House Types Floorplans & Elevations listed - 221001/ Sheets 1-41 - Received 18/07/2023
- House Types BEC Floor Plans & Elevations Plot No's: AS: 19, 82, 85, 86, 87, 88, 125; OPP: 16, 18, 83, 123, 124, 130, 134 - 221001/BEC/EP Rev E - Received 18/07/2023
- House Types BER Floor Plans & Elevations Plot No's: AS: 7, 8, 9, 10 - 221001/BER/EP Rev A - Received 18/07/2023
- House Types BER Floor Plans & Elevations Plot No's: AS: 33, 34; OPP: 69, 70 - 221001/BER/EP Rev E - Received 18/07/2023
- House Types BYS Floor Plans & Elevations Plot No's Brick: AS: 117; OPP: 114 - 221001/BYS/EP Rev A - Received 18/07/2023
- House Types CON Floor Plans & Elevations Plot No's Brick: AS: 153; OPP: 84, 107, 133, 149 - 221001/CON/EP - Received 18/07/2023
- House Types CON Floor Plans & Elevations Plot No's Flint: AS: 5, 20, 26, 29, 81, 108, 129,

- 141, 162; OPP: 1, 13, 28, 80, 89, 96, 121, 157 - 221001/CON FLINT/EP Rev E - Received 18/07/2023
- House Types CON Floor Plans & Elevations Plot No's Boarding: AS: 55, 68, 90; OPP: 37, 60, 166 - 221001/CON BOARD/EP - Received 18/07/2023
 - House Types COO Floor Plans & Elevations Plot No's: AS: 46, 48, 49, 97, 99, 101, 115; OPP: 47, 50, 98, 100, 102, 116 - 221001/COO/EP Rev E - Received 18/07/2023
 - House Types FAI Floor Plans & Elevations Plot No's Brick: AS: 2, 6, 17, 21, 22, 25, 30, 122, 151, 158, 167; OPP: 31, 93, 131, 132, 150, 152, 161 - 221001/FAI/EP Rev E - Received 18/07/2023
 - House Types FAI Floor Plans & Elevations Plot No's Tile: AS: 23, 24, 79, 92, 95, 139, 145; OPP: 91, 126, 128, 142 - 221001/FAI TILE/EP Rev E - Received 18/07/2023
 - House Types PEN Floor Plans & Elevations Plot No's: AS: 136, 137, 147, 148; OPP: 27, 140 - 221001/PEN/EP Rev E - Received 18/07/2023
 - House Types POR Floor Plans & Elevations Plot No's Brick: AS: 4, 15, 35, 51, 53, 56, 58, 143; OPP: 3, 14, 36, 52, 54, 57, 59, 144 - 221001/POR/EP Rev F - Received 18/07/2023
 - House Types POR Flint Floor Plans & Elevations Plot No's Flint: OPP: 11 - 221001/POR FLINT/EP Rev D - Received 18/07/2023
 - House Types STA END Flint Floor Plans & Elevations Plot No's Flint: AS: 12 - 221001/STA-END FLINT/EP Rev D - Received 18/07/2023
 - House Types WOO Floor Plans & Elevations Plot No's Brick: AS: 94; OPP: 135 - 221001/WOO/EP Rev E - Received 18/07/2023
 - House Types WOO Flint Floor Plans & Elevations Plot No's Flint: AS: 138, 159; OPP: 32, 127, 146, 160 - 221001/WOO FLINT/EP - Received 18/07/2023
 - House Types ALL Floor Plans & Elevations Plot No's Brick: OPP: 177, 187, 190 - 221001/ALL/EP - Received 18/07/2023
 - House Types ALL Boarded Floor Plans & Elevations Plot No's Boarded: AS: 184, 188 - 221001/ALL BOARD/EP Rev E - Received 18/07/2023
 - House Types ALL Tile Floor Plans & Elevations Plot No's Tile Hung: OPP: 211 - 221001/ALL TILE/EP Rev D - Received 18/07/2023
 - House Types LAV Board Floor Plans & Elevations Plot No's Boarded: AS: 200; OPP: 182, 193 - 221001/LAV BOARD/EP Rev D - Received 18/07/2023
 - House Types LAV Tile Floor Plans & Elevations Plot No's Tile Hung: AS: 189, 191; OPP: 208 - 221001/LAV TILE/EP Rev D - Received 18/07/2023
 - House Types LIN Brick Floor Plans & Elevations Plot No's Brick: AS: 192, 202; OPP: 201, 207 - 221001/LIN/EP Rev A - Received 18/07/2023
 - House Types Lin Tile Floor Plans & Elevations Plot No's Tile Hung: AS: 203 - 221001/LIN TILE/EP Rev A - Received 18/07/2023
 - House Types MAR Brick Floor Plans & Elevations Plot No's Brick OPP: 168 - 221001/MAR/EP Rev C - Received 18/07/2023
 - House Types MAT Brick Floor Plans & Elevations Plot No's Brick: AS: 170, 209; OPP: 169, 210 - 221001/MAT/EP Rev E - Received 18/07/2023
 - House Types ROW Floor Plans & Elevations Plot No's Brick: OPP: 183, 204, 206 - 221001/ROW/EP Rev D - Received 18/07/2023
 - House Types ROW Tile Floor Plans & Elevations Plot No's Tile Hung: AS: 185; OPP: 186, 205 - 221001/ROW TILE/EP Rev D - Received 18/07/2023
 - House Types SHE Floor Plans & Elevations Plot No's Brick: AS: 179, 181; OPP: 178, 180 - 221001/SHE/EP Rev D - Received 18/07/2023
 - House Types T54 Floor Plans & Elevations Plot No's : AS: 196, 212; OPP: 197, 215 - 221001/T54/EP Rev E - Received 18/07/2023
 - House Types SH55 Floor Plans & Elevations Plot No's : AS: 163; OPP: 38, 106, 156 - 221001/SH55/EP Rev E - Received 18/07/2023
 - House Types T52 Floor Plans & Elevations Plot No's : AS: 213, 223; OPP: 171, 214, 222,

- 224 - 221001/T52/EP Rev F - Received 18/07/2023
- House Types SH52 Floor Plans & Elevations Plot No's: AS: 40, 41, 43, 65, 66, 72, 74, 76, 113, 155, 165 OPP: 39, 42, 44, 62, 63, 67, 71, 73, 75, 112, 154, 164 - 221001/SH52/EP Rev E - Received 18/07/2023
- House Types T51 Floor Plans & Elevations Plot No's : AS: 174; OPP: 172, 173 - 221001/T51/EP Rev A - Received 18/07/2023
- House Types SH51 Floor Plans & Elevations Plot No's: AS: 104, 105, 110, 120; OPP: 103, 109, 118, 119 - 221001/SH51/EP Rev E - Received 18/07/2023
- House Types 2B FOG Floor Plans & Elevations Plot No's: OPP: 64 - 221001/2BFOG/DW/EP Rev E - Received 18/07/2023
- House Types 2B FOG Floor Plans & Elevations Plot No's: AS: 219 - 221001/2BFOG/EP Rev D - Received 18/07/2023
- House Types T75A 1BM Floor Plans & Elevations Plot No's: AS: 220; OPP: 221 - 221001/T75A/1BM/BAR/EP - Received 18/07/2023
- House Types T75A 1BM Floor Plans & Elevations Plot No's: AS: 176; OPP: 175 - 221001/T75/1BM/BAR/EP Rev A - Received 18/07/2023
- House Types 2B WC Floor Plans & Elevations Plot No's: AS: 61, 78; OPP: 45, 77, 111 - 221001/2BWC/DW/EP Rev E - Received 18/07/2023
- House Types 2B WC Floor Plans & Elevations Plot No's: AS: 194, 198; OPP: 195, 199, 225 - 221001/2BWC/EP Rev D - Received 18/07/2023
- House Types T53 Floor Plans & Elevations Plot No's: AS: 216, 217; OPP: 218 - 221001/T53/EP Rev B - Received 18/07/2023
- Single Garage Elevations & Floor Plans - 221001/AB/SG/EP Rev. A - Received 23/06/2023
- Double Garage Elevations & Floor Plans - 221001/AB/DG/EP Rev. A - Received 23/03/2023
- Twin Garage Elevations & Floor Plans - 221001/AB/TG/EP Rev. A - Received 23/03/2023
- Substation Garage Elevations & Floor Plans - 221001/AB/SUB/EP - Received 23/03/2023
- Street Scenes Sheet 1 of 2 - 221001/SS1 Rev. E - Received 18/07/2023
- Street Scenes Sheet 2 of 2 - 221001/SS/2 Rev. E - Received 18/07/2023

- Aboricultural Impact Assessment Appraisal and Method Statement - 22193-AA4-CA (13.07.2023) - Received 18/07/2022
- Tree Protection Plan - 22193-4 - Received 18/07/2023
- Landscape Masterplan - BDWS24069 10 Rev. D - Received 18/07/2023
- Landscape Proposals - BDWS24069 11D - Sheet 1 - Received 18/07/2023
- Landscape Proposals - BDWS24069 11D - Sheet 2 - Received 18/07/2023
- Landscape Proposals - BDWS24069 11D - Sheet 3 - Received 18/07/2023
- Landscape Proposals - BDWS24069 11D - Sheet 4 - Received 18/07/2023
- Landscape Proposals - BDWS24069 11D - Sheet 5 - Received 18/07/2023
- Landscape Proposals - BDWS24069 11D - Sheet 6 - Received 18/07/2023
- Landscape Proposals - BDWS24069 11D - Sheet 7 - Received 18/07/2023
- Landscape Proposals - BDWS24069 11D - Sheet 8 - Received 18/07/2023
- Landscape Proposals - BDWS24069 11D - Sheet 9 - Received 18/07/2023
- Landscape Proposals - BDWS24069 11D - Sheet 10 - Received 18/07/2023
- Landscape Proposals - BDWS24069 11D - Sheet 11 - Received 18/07/2023
- Landscape Proposals - BDWS24069 11D - Sheet 12 - Received 18/07/2023
- Landscape Proposals - BDWS24069 11D - Sheet 13 - Received 18/07/2023
- Open Space Proposals -BDWS24069 20C - Sheet 1 - Received 18/07/2023
- Open Space Proposals -BDWS24069 20C - Sheet 2 - Received 18/07/2023
- Open Space Proposals -BDWS24069 20C - Sheet 3 - Received 18/07/2023
- Open Space Proposals -BDWS24069 20C - Sheet 4 - Received 18/07/2023
- Open Space Proposals -BDWS24069 20C - Sheet 5 - Received 18/07/2023
- Open Space Proposals -BDWS24069 20C - Sheet 6 - Received 18/07/2023

- Open Space Proposals -BDWS24069 20C - Sheet 7 - Received 18/07/2023
- Open Space Proposals -BDWS24069 20C - Sheet 8 - Received 18/07/2023
- Open Space Proposals -BDWS24069 20C - Sheet 9 - Received 18/07/2023
- Open Space ProposalsBDWS24069 22A - Received 18/07/2023
- NEAP Proposals - BDWS24069 21A - Received 18/07/2023

- General Arrangement Engineering Sheet 1 of 3 - A437-RM-11 D General Arrangement Sheet 1 - Received 19/07/2023
- General Arrangement Engineering Sheet 2 of 3 - A437-RM-12 D General Arrangement Sheet 2 - Received 19/07/2023
- General Arrangement Engineering Sheet 3 of 3 - A437-RM-13 D General Arrangement Sheet 3 - Received 19/07/2023
- Long Section Sheet 1 - A437-RM-21 C - Received 19/07/2023
- Long Section Sheet 2 - A437-RM-22 C - Received 19/07/2023
- Long Section Sheet 3 - A437-RM-23 C - Received 19/07/2023
- Long Section Sheet 4 - A437-RM-24 C - Received 19/07/2023
- Long Section Sheet 5 - A437-RM-25 C - Received 19/07/2023
- Long Section Sheet 6 - A437-RM-26 C - Received 19/07/2023

- Site Layout Forward Visibility - ITB18395-GA-001 Rev. HH - Received 18/09/2023
- Site Layout Junction Visibility - ITB18395-GA-002 Rev. HH - Received 18/07/2023
- Swept Path Analysis Fire Appliance - ITB18395-GA-004 Rev. HH - Received 18/07/2023
- Swept Path Analysis Refuse Vehicle - ITB18395-GA-003 Rev. HH - Received 18/07/2023

- Planning Statement (Affordable Housing Statement) - Received December 2022
- Drainage Strategy - PLN-1-4101 (A437-R001 Rev. A), 15th May 2023 - Received 15/05/2023
- Reserved Matters Transport Assessment - DS/ITB18395-001 - Received 23 December 2022
- Transport Assessment Addendum - ITB18395-004B TAA, 14 July 2023 - Received 18/07/2023
- PROW Improvement Note - ITB18395-003 TN - Received 13 January 2023
- Barrell Tree Consultancy Manual for Managing Trees on Development Sites V3.0 - Dated 12 January 2023
- Soft Landscape Management and Maintenance PlanBDWS24069 man, 03/01/2023
- Soft Landscape Specification - BDWS24069 spec - Dated December 2022
- Biodiversity Net Gain (BNG) Assessment - 20221912 425.064617.00001, 09/02/23, Rev. 1.0
- Dated 09/02/23,

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

- 2 The residential units at the entrance to the proposed scheme, identified on Plan No. SL10/F Sales Arena Location Plan, shall be permitted to be used as Sales Homes only for the purpose of direct sales of dwellings on the application site. The use as a sales unit is restricted to a period of no longer than 3 years from its completion or to cease with immediate effect on the final sale, whichever is sooner. The units will then revert to residential use.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the area by endeavouring to achieve a development of visual quality in accordance with policies D DM1 & D SP1 of the Arun Local Plan.

- 3 The Self Build/Custom Build plots shall be provided in accordance with the details as shown in Dwg No. SL13 Rev. E received on 18th July 2023 and the Schedule of Accommodation

received on 18th July 2023 in compliance with the S106 Planning Agreement dated 7th September 2021 pursuant to Application Reference BE/148/20/OUT and Appeal Reference APP/C3810/W/21/3275040 allowed on 8th April 2022, unless otherwise agreed by way of a Deed of Variation.

Reason: For the avoidance of doubt and to clearly identify those plots that are designated for Self Build/Custom Build only and shall be the subject of individual applications in respect of 'reserved matters' having regard to Policies H SP2 and D DM1 of the Arun Local Plan.

- 4 Notwithstanding the details submitted, 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 dwellings/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 dwellings/buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenity of the development and the surroundings, by endeavouring to achieve a building of visual quality in accordance with Policies D DM1, D SP1 and QE SP1 of the Arun Local Plan.

- 5 Notwithstanding the submitted drawings and details, no development above damp proof course (DPC) level shall take place unless and until full details of the design, frame materials and finish of the proposed windows and doors of the dwellings have been submitted to and approved by the Local Planning Authority, and the windows and doors of the dwellings shall accord with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenity of the development and the surroundings, by endeavouring to achieve a building of visual quality in accordance with Policies D DM1, D SP1 and QE SP1 of the Arun Local Plan.

- 6 No dwelling shall be first occupied until the internal roads and footways/ paths serving that dwelling have been provided in accordance with the details approved in accordance with Dwg No. 221001/SL01 Rev Z received on 18th July 2023 including access arrangements to the adjacent development site approved under reference BE/148/20/OUT.

Reason: In the interests of road safety and to ensure a satisfactory standard of access or the development in accordance with policies D SP1 Design and T SP1 of the Arun Local Plan.

- 7 The turning spaces / heads shown on Dwg No. 221001/SL01 Rev Z received on 18th July 2023 shall be provide and thereafter retained for their designated use before the completion of the dwellings hereby approved.

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

- 8 No dwelling shall be first occupied until the car parking serving the respective dwelling, including garages, have been constructed in accordance with the following approved plans:

- Site Layout Parking - 221001/SL05 Rev J - Received 18/07/2023;
 - Single Garage Elevations & Floor Plans - 221001/AB/SG/EP Rev. A - Received 23/06/2023;
 - Double Garage Elevations & Floor Plans - 221001/AB/DG/EP Rev. A - Received 23/03/2023;
- and
- Twin Garage Elevations & Floor Plans - 221001/AB/TG/EP Rev. A - Received 23/03/2023.

Once provided the spaces and garages shall thereafter be retained at all times for their designated purpose.

Reason: To provide car parking space for the use and in accordance with policy T SP1 of the Arun Local Plan, and Adopted Parking Standards SPD.

- 9 No dwelling shall be first occupied until details of the covered secure cycle storage serving the respective dwelling has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Once provided the cycle storage shall be provided in accordance with the approved details 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, the Arun Design Guide and Adopted Parking Standards SPD.

- 10 Prior to occupation of any of the approved dwellings details of the manufacturer/model and position of the electric vehicle charging points (EVC) for each dwelling, as stated in the submitted Transport Statement, shall be submitted to and approved in writing by the local planning authority and thereafter permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 11 Prior to the occupation of the final residential unit of an individual parcel/phase (as approved under Condition 6 of outline planning permission BE/148/20/OUT and Appeal Reference APP/C3810/W/21/3275040 allowed on 8th April 2022) the visitor parking spaces within that phase shall be provided in accordance with Dwg No. 221001/SL05 Rev J received on 18th July 2023 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, the Arun Design Guide and Adopted Parking Standards SPD.

- 12 Prior to first occupation of the approved dwellings details for the refuse and recycling storage serving each dwelling shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained at all times.

Reason: To ensure that each dwelling has satisfactory refuse and recycling storage in accordance with policy WM DM1 of the Arun Local Plan.

- 13 All planting, seeding and turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the last dwelling contained within a phase (as approved under Condition 6 of outline planning permission BE/148/20/OUT and Appeal Reference APP/C3810/W/21/3275040 allowed on 8th April 2022), and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 14 Prior to the occupation of the first residential unit, full details of hard landscape and street furniture (including benches and bins) which shall include details of all fencing, lighting, walling

and other boundary treatments, steps, retaining walls and surface finishes shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping and street furniture relevant to each phase shall be implemented in full prior to the occupation of the last residential unit of the relevant phase and thereafter retained.

REASON: In the interests of visual and residential amenity and the provision of a high quality environment in accordance with policy D DM1 and ENV DM4 of the Arun Local Plan.

- 15 Prior to the commencement of development a 5m buffer strip which features protective fencing around the existing hedging and trees which are to be retained must be installed and maintained in situ for the duration of the construction works in that phase in accordance with the Tree Protection Plan Dwg No. 22193-4r the Arboricultural Impact Appraisal and Method Statement ref 22193-AA4-CA (13/07/2023) received on 21st July 2023, Barrell Tree Consultancy Manual for Managing Trees on Development Sites V3.0 received on 12th January 2023.

Reason: To ensure adequate protection of trees and hedgerows on or near the site, in the interests of amenity and local wildlife including protected species, and in accordance with policies ENV 4 and ENV DM5 of the Arun Local Plan. It is necessary for this to be a pre-commencement condition to ensure that trees and hedgerows and local wildlife are protected as necessary prior to construction works commencing.

- 16 All activities at the site shall be carried out in strict accordance with the measures and methods included in the "Arboriculture Implications Appraisal and Method Statement (Ref: 22193_AA-CA) received on 18th July 2023 and the 'Manual for Managing Trees on development Sites' V3.0 received on 12th January 2023 including the Tree Protection details, excavation, installing services and utilities in Root Protection Areas/Zones

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

- 17 Notwithstanding the details submitted, and prior to first occupation of any dwelling on site, details of play equipment and surfaces to be used in the LEAPs, LAPs and NEAPs shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

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

- 18 No development above damp proof course shall take place on any phase until such time as full details of the lighting strategy, for that phase, including roads, paths and play areas, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of siting, light standard, luminaires, luminance, light spread and measures to avoid light spill and shall comply with the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations (GN01:2011). The lighting scheme should take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The approved lighting installations shall be implemented before the occupation of the last dwelling in the phase, and shall be maintained and operated at all times in accordance with the approved scheme.

Reason: To control and protect residential amenities, the local environment and protected

species in accordance with Policies QE SP1, QE DM2 and ENV DM5 of the Arun Local Plan.

- 19 INFORMATIVE: The Applicant is advised that the Flood Risk Assessment including its Appendices do not form part of the decision to grant planning permission for the 'Reserved Matters'.
- 20 INFORMATIVE: The Applicant is advised that the Flood Risk Assessment including its Appendices do not form part of the decision to grant planning permission for the 'Reserved Matters'.
- 21 INFORMATIVE: The Applicant is reminded of the need to address conditions attached to the grant of Outline Planning Permission under Appeal Reference APP/C3810/W/21/3275040 allowed on 8th April 2022 and the Obligations contained in the S106 Planning Agreement dated 7th September 2021.
- 22 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.
- 23 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 24 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

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

BE/1/23/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: A/122/23/PL

LOCATION: Land North of Mayflower Way
Angmering

PROPOSAL: Erection of 1 no. dwelling with associated access, parking, fencing and landscaping. This application is in CIL Zone 2 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to construct 1 No. 1.5 storey dwelling with associated access, parking, fencing and landscaping.
SITE AREA	Approx. 543sqm.
RESIDENTIAL DEVELOPMENT DENSITY	15 dwellings per Hectare.
TOPOGRAPHY	Predominantly flat.
TREES	A small group of low amenity unprotected trees to the South-east of the plot.
BOUNDARY TREATMENT	Excluding the access road (Speedwell Chase), the site is enclosed by close boarded fencing approx. 1.8m high along the West and North edges of the site, as well as chain-link fencing and gates to the East.
SITE CHARACTERISTICS	A section of vacant land running sandwiched between a recent housing development to the West and Roundstone car centre to the East. North of the car centre is Roundstone Boarding Kennels and Cattery.
CHARACTER OF LOCALITY	The site is located on the North side of Mayflower Way which lies to the West of Roundstone Lane and North of the A259. Mixed residential and industrial. There are new housing developments to the North and West, a busy car sales and workshop to the East. There are also recreational greenspace fields to the West.

A/144/22/PL - This was a previously refused scheme on this site and an adjoining site to the South, for 3 No. new two storey dwellings. It was refused on the following grounds:

- Detriment to the character and amenities of the neighbouring area by failing to be subservient to existing properties or maximise the outlook of neighbours
- Unsatisfactory relationship with the occupants of the existing houses to the southwest and northwest, particularly from inter and overlooking of their rear elevations and rear gardens resulting in a detrimental loss of privacy and amenity.
- Activity and disturbance generated by use of the access way and parking adjacent to neighbour dwellings being detrimental to the amenity of neighbours.
- The applicant had not adequately demonstrated that future occupants would be adequately protected from noise from the nearby commercial dog kennels.

This application seeks to address these reasons for refusal.

A/73/19/PL - This was an application approved for a large workshop in the commercial site to the East of this plot. This permission has now lapsed and no building works or indication of commencement were apparent upon the site visit for this application.

REPRESENTATIONS

Angmering Parish Council - Objection:

- The application does not address the previous reasons for refusal.
- This proposal is still overdevelopment, overbearing, and will cause harm to the surrounding neighbourhood.

14 No. Objections from nearby occupiers:

- Concerns of surface water drainage schemes being needed.
- Concerns of access rights/ownership.
- Concerns of dangers during construction.
- Concerns of damage to roads by construction vehicles.
- Concerns of overshadowing.
- Concerns of overlooking.
- Loss of value to homes.
- Concerns of construction pollution.
- Concerns of Knotweed.
- Concerns regarding rights of way and access during construction.
- Detrimental to the character of the area.
- Concerns of disturbance during construction.
- Noting it does little to contribute to housing needs.
- Concerns of biodiversity.
- Noting the removal of some trees.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. All matters relevant to planning are considered in the conclusions section below. It is noted that loss of house value, land ownership, access rights, and the potential for damage to be caused by developers/third parties during the construction phase are not material planning considerations to which weight can be afforded.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - Advice:

- Conditions requested regarding a Construction Management Plan, construction hours, lighting details, contamination, EV charging points, noise levels, and other informatives.

Further advice from Environmental Health advised that the noise level conditions originally requested should not be attached, but instead, a post completion noise testing condition be attached to ensure the acoustic assumptions made within the submitted acoustic assessment are achieved.

Drainage Engineers - No objection:

- Whilst the applicant has supplied a Drainage Statement this does not meet our design requirements to

avoid conditions being applied to the permission.

- Condition regarding Surface Water Drainage and preventing flood risk elsewhere requested.
- It is acknowledged that we would not normally consult or request conditions for a single dwelling outside of the Lidsey Treatment Catchment. However, it is noted that this application coincides with another at the neighbouring site, 'Land North of Mayflower Way' (ref A/121/23/PL) made by the same applicant. On this basis, both sites are being considered as a two-dwelling application with the standard level of scrutiny for applications of that scale.

WSCC Highways - No objection:

- The proposed development is not anticipated to give rise to a significant material intensification of use of the existing access point.
- The proposed amount of parking is sufficient in line with the Arun Parking Standards.
- Secure cycle parking is proposed in accordance with Arun Parking Standards.

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

- Conditions regarding cycle parking and car parking requested.

Ecologist Advisor - No objection:

- The Preliminary Ecological Appraisal and we are satisfied that there is sufficient ecological information available for determination of this application.
- With appropriate mitigation measures secured, the development can be made acceptable.
- The mitigation measures proposed within the Preliminary Ecological Appraisal should be secured by way of condition.
- The biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should also be secured by a condition. It is recommended that this also includes provision of integrated bat and bird boxes, Hedgehog friendly fencing, Invertebrate hotels, and native species rich hedgerow planting.
- Impacts will be minimised such that the proposal is acceptable, subject to the recommended conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Slightly conflicting responses regarding acoustics have been received from Environmental Health on this site and the adjacent site to the North (currently being considered under A/121/23/PL). Further advice was sought from Environmental Health in relation to this. Subsequently, a condition regarding a post completion noise assessment was requested.

POLICY CONTEXT

Designation applicable to site:
Built-up Area Boundary.
Prone to Groundwater Flooding.
Allocated Housing Site in the Neighbourhood 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

ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
QEDM4	QE DM4 Contaminated Land
SDSP2	SD SP2 Built-up Area Boundary
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

Angmering Neighbourhood Plan 2014 POLICY HA2 Field in Mayflower Way
 Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary
 Angmering Neighbourhood Plan 2014 POLICY HD2 Parish Housing Allocation
 Angmering Neighbourhood Plan 2014 POLICY HD4 Materials
 Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form
 Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design
 Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density
 Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

All relevant policies from the Angmering Neighbourhood Development Plan have also been considered.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that it constitutes an acceptable infill development that does not compromise the visual amenity or character of the area, or have any significantly adverse impacts on neighbouring amenity.

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 proposal would contribute, albeit to a limited degree, to the housing stock in the District. There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The key development plan policy considerations for this proposal are SD SP2 (Built-up Area Boundaries), D SP1 (Design), D DM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards), T SP1 (Transport and Development), ECC SP2 (Energy and Climate Change mitigation), W DM3 (Sustainable Urban Drainage Systems), QE DM1 (Noise Pollution), QE DM4 (Contaminated Land), QE SP1 (Quality of the environment), ENV DM4 (Protection of trees), and ENV DM5 (Development and Biodiversity) of the Arun Local Plan (ALP).

Angmering has made a Neighbourhood Plan (ANP) of which policies HD1, HD2, HD4, HD5, HD6, HD7, HD8 & HA2 are the most relevant.

Policies HD2 & HA1 identifies this area for residential development (66 No. dwellings minimum). Whilst the wider site is being, and has already been, developed under application references AB/46/19/PL & A/64/21/PL, these applications have, and will provide 64 No. units. This section of the site remains vacant land and the proposal would provide an additional unit toward the 66 total. These policies are relevant as they set the context of the site which has been identified as a residential development opportunity.

The site benefits from being within the Built-Up Area Boundary where the principle of residential redevelopment is acceptable subject to the consideration of other relevant policies within the Arun Local Plan. Being sited within the Built-Up Area Boundary means that the proposal complies with policies SD SP2 of the ALP and Policy HD1 of the Angmering Neighbourhood Development Plan.

The Arun Design Guide (ADG), Section P (infill development) in particular, is also of relevance. This Guidance seeks to ensure that development:

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

CHARACTER & DESIGN

Policy D DM1 of the ALP requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of character and appearance. The recommendations set out by Section P of the ADG as noted in the principle section above provides additional context for this

assessment.

Policies HD4, HD5, HD6 & HD7 of the ANP support development proposals provided that their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape.

The proposed dwelling is a 1.5 storey unit with half-hipped roofs, forward gable end projection, 1 No. small front dormer and 2 No. small rear dormers. The dwelling would feature facing brickwork, uPVC fenestrations, roof tiles, and tile hanging at first-floor level. The building occupies approx. 100sqm of a 540sqm plot that boasts a private rear amenity space and front driveway with car port and planting. The density of this plot is acceptable relative to its locality.

Being of 1.5 storeys, the proposed dwelling is of a lower scale than houses to the West which this proposal would appear related to by virtue of its siting. Many of the units within the Speedwell Chase development feature forward gable projections and small front dormers at first floor. The materials proposed are typical for the locality as are close boarded fences which are proposed for the boundary treatment. The architectural features and materials are reflective of the locality and would not appear inharmonious. The lower height of the unit would result in the dwelling contrasting the surrounding two storey houses including the dwellings immediately adjacent on Mayflower Way. However, the dwelling would retain a clear visual relationship with the Speedwell Chase development, when taken as a whole, by virtue of some of its architectural features and its materials. Additionally, the unit is set back from Mayflower way by approx. 25m, reducing its visual prominence within the street.

It is noted that the inclusion of half-hipped roof features to the East and West ends of the ridge were an amendment made during the lifetime of the application. The use of half-hips is supported by policy HD6 of the ANP and whilst this feature is not reflected within Speedwell Chase, it is not such a drastic visual change that would make the dwelling appear incongruous with the locality.

The dwelling does not follow established forward building line front line of the dwellings to the Southeast along Mayflower Way. However, owing to the irregular shape of the plot, constructing a dwelling of an appropriate design would not be achievable alongside No. 2 Mayflower Way and it is set back such a way from this row of dwellings, that it would not read as part of this row of dwellings.

This is a form of gap infill development, and it is subject to the guidance of Section P of the Arun Design Guide. By virtue of remaining 1.5 storeys in height and appropriate separation distances, the design has clearly sought to minimise the impact on neighbouring units whilst providing a scale and design that does not appear incongruous with the dwellings to the West.

The proposed bin store would consist of facing brickwork and wooden doors, is appropriately sited, and minor in scale. This too would have no significant adverse impact on the visual amenity of the locality.

The proposal is in accordance with policies D SP1 & D DM1 of the ALP, and policies HD4, HD5, HD6 & HD7 of the ANP.

RESIDENTIAL AMENITY

Policies D DM1(3) & QE SP1 of the ALP indicate that development will be permitted if it does not result in significantly adverse impacts on residential amenity, land, use or property, and requires development to contribute positively to its environment.

Section H.04 of the ADG states that amenity spaces should be a minimum of 10.5m deep but smaller gardens with adequate daylight and privacy may also be acceptable when justified. It also sets out

minimum separation distances between dwellings which includes 21m back-to-back and 14m back-to-front/side. These minimum separation distances are relevant for two storey dwellings as illustrated within the ADG and so remain appropriate for use in the context of a 1.5 storey dwelling.

The proposed dwelling retains a back-to-front separation distance from the dwelling to the South (No. 2) of approx. 9m. Whilst this is significantly lower than the minimum of 14m, the North to South relationship between these dwellings are such that they do not overlap and it, therefore, remains acceptable. The overlap of the West elevation of the proposed dwelling and the rear gardens of Nos. 2 & 4 Speedwell Chase is a primary point of concern. The rear-to-side separation between the proposed dwelling and the rear elevations of these units is 14.1m. It is accepted that there will be some impact by way of overshadowing and overbearing on these units however, this separation is greater than that of the minimum required and there is no breach of the 25-degree light accessibility rule owed to the height of the proposed dwelling. The inclusion of half-hipped roof ends was an alteration made during the course of this application and it was made in order to reduce the prominence of the ridgeline when viewed from the rear of the East neighbour dwellings. Whilst this alteration does not remove all impacts of amenity, it will have gone some way to reduce any impacts of overbearing and overshadowing. The rear-to-side relationship of the proposed and existing units remain acceptable.

Whilst not an existing dwelling, the proposed dwelling to the North under app ref: A/121/23/PL (if approved) would retain a rear-to-rear separation from the proposed dwelling of approx. 23m which is also acceptable. By virtue of acceptable separation distances, scale, and siting of the proposed dwelling, the proposal retains an acceptable relationship with neighbouring dwellings. Whilst it is accepted there would be some adverse impact on neighbouring amenity, the proposed dwelling would not have any significantly adverse impacts by way of overshadowing or overbearing on neighbouring units. Additionally, when compared to existing spatial relationships within the development to the West such as those of No. 6 Mayflower Way and No. 2 Speedwell Chase, No. 12 Mayflower Way and No. 1 Speedwell Chase, and Nos. 9 and 5 Speedwell Chase, it is clear that the spatial relationship of the proposed dwelling is of an acceptable standard and is not incoherent with the established spatial pattern of the vicinity.

With regards to privacy, there are no side facing windows proposed and so the privacy of neighbours to the West would be preserved. The 2 No. first-floor rear facing dormers would look out to the rear amenity space which is of an appropriate 11.5m depth in accordance with Section H of the ADG and would preserve neighbouring amenity. The 2 No. front facing first-floor windows serve bathrooms. As such, they are to be conditioned to be obscure glazed and non-opening up to a minimum height of 1.7m from finished floor level.

The proposal minimises its impact on neighbouring residents and is in accordance with policies QE SP1 & D DM1(3) of the ALP and Section H & P of the ADG.

INTERNAL SPACE STANDARDS

The proposed dwelling has three bedrooms with six bed spaces. The gross internal floor space is far greater than that of the 102sqm minimum for a two-storey dwelling with this capacity and the proposed section drawing identifies floor to ceiling heights of more than or equal to 2.3m throughout the property. The dwelling also features an appropriate rear and front amenity spaces in excess of the standards identified by Section H of the Arun Design Guide.

The proposed dwelling is, therefore, compliant with policy D DM2 and Section H of the Arun Design Guide.

QUALITY OF THE ENVIRONMENT & NOISE

Policy QE SP1 of the ALP requires development not to have significantly negative impact on residential amenity, and policy QE DM1 of the ALP states that noise sensitive development will not normally be permitted where it is likely to experience high levels of noise throughout the night, and/or where there is a likelihood of complaints about noise from industrial development so as to safeguard the continued use of existing industrial and commercial uses and to protect amenity.

Environmental Health have not raised any objection to this proposal but have requested conditions regarding construction hours, a Construction Management Plan, a lighting scheme, EV charging, noise levels, and contamination on the site.

Construction Management Plans are not necessary for minor developments such as this therefore, this will not be added. An informative has been added regarding the guidance for minor developments which seeks to minimise the environmental impacts of such works on the local community. This is meant to guide developers in such a way that aims to prevent statutory nuisance complaints during the development process.

No external lighting is proposed within this application. Outdoor lighting is covered by separate legislation, and it is not necessary to seek additional control by way of planning conditions.

The proposed dwelling is within proximity to commercial/industrial uses. Of particular note is the Kennels and Cattery to the Northeast. Inadequate consideration of the proximity to the Kennels and Cattery was a reason for refusal under the previous application on this site in line with Environmental Health guidance. The previous Officer's Report identifies that this was primarily a concern for the dwellings in the North of the site, not to the South as proposed under this application. It is noted that multiple dwellings in Speedwell Chase and No. 1 Platinum Way (currently under construction) are in closer proximity to the Kennels and Cattery than the proposed dwelling and so it has previously been considered acceptable, in planning terms, dwellings to be built within a closer proximity to the Kennels and Cattery.

The applicant has submitted an updated acoustic assessment for consideration under this application and Environmental Health have not raised any concerns in respects to this. They have requested a condition for acoustic testing to be undertaken following the completion of the site to ensure the acoustic assumptions made within the submitted acoustic assessment are met. A condition to this effect would not be enforceable and so does not meet the test of a necessary condition. As the principle and viability of the acoustics assessment has been considered acceptable by Environmental Health, it has been included as one of the approved documents for the development to be built in accordance with.

The proposal is in accordance with policies QE DM1 & QE SP1 of the ALP.

TREES & BIODIVERSITY

Policy ENV DM5 requires development seek to achieve a net gain in biodiversity and protect existing habitats on site.

Policy ENV DM4 requires the consideration of all trees particularly those of local amenity and protected trees. Those to the Southeast of the site are of little amenity value and are not protected. Their removal is acceptable, and it is noted that the plans include the planting of hedging and small trees to compensate for their loss. The proposal is in accordance with policy ENV DM4 of the ALP.

Currently, the site is overgrown with small shrubs. The submitted ecological assessment has been reviewed by the Local Planning Authority's ecological advisor and is sufficient. The ecologist has raised no objections to the submitted assessment and requested that conditions be attached to ensure

biodiversity mitigation and enhancement measures are secured. This will allow the development to reach a biodiversity net gain in accordance with Policy ENV DM5 of the ALP.

PARKING & ACCESS

Policy T SP1 of the ALP requires new development to be well integrated with existing transport networks, promote non-motor vehicle transport such as cycling, and to be in accordance with the Arun Parking Standards. Policy HD8 also requires proposals to be in accordance with the WSCC parking standards (which are in this instance, equivalent to that of the WSCC Parking Standards for the purposes of this assessment).

The proposed dwelling would be well integrated with the existing highways network and is near cycle and pedestrian networks. It is also within a reasonable walking distance from the Angmering Train Station.

The host dwelling would provide 2 No. vehicle parking spaces and secure and sheltered cycle storage in accordance with the Arun Parking Standards. The Arun Parking Standards and policy T SP1 requires the provision of Electric Vehicle charging points. A condition has been attached to this decision to require the provision of charging points in accordance with the Arun Parking Standards SPD.

There is no unacceptable impact on highway safety, or severe cumulative impacts on the road network. It is therefore compliant with Para 111 of the NPPF and there are no transport grounds to refuse the proposal.

The proposal is compliant with policy T SP1 of the ALP and HD8 of the ANP.

ENERGY EFFICIENCY

Policy ECC SP2 requires all new residential and commercial development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels. The inclusion of energy efficient materials such as double glazing is expected. To ensure that adequate decentralised, renewable, and low carbon energy supply systems are provided, a condition has been attached to this decision requiring details of such systems to be provided.

Subject to the relevant condition, the proposal is in accordance with relevant Development Plan policy ECC SP2 of the Arun Local Plan.

DRAINAGE

The previously refused application on this site (A/144/22/PL) was for 3 No. dwellings but was inclusive of a section of land adjacent to the South of this site. Subsequently, the proposal has been split into two separate applications for 1 No. dwelling each. This application (A/122/23/PL) concerns to 1 No. dwelling on the North end of the previous site, and A/121/23/PL (currently under consideration) concerns the 1 No. dwelling on the Southern end of the previous site. The Council's drainage engineers would not normally consult or request conditions on applications for a single dwelling outside of the Lidsey Treatment Catchment Area however, these two applications (A/121/23/PL & A/122/23/PL) are linked based on the site history and that the applicant and agent have remained the same. They have therefore provided a response and requested conditions accordingly.

Policies W SP1 and W DM3 of the ALP require inclusion of appropriate sustainable drainage systems in developments to prevent flooding.

Policy W DM2 of the ALP & Paragraph 167 of the NPPF requires proposals not to increase flooding elsewhere.

The Council's Engineers have not objected to the proposal however, they have identified that the submitted Drainage Statement does not meet our policy requirements. They have therefore requested that conditions be attached for the submission of a drainage scheme that does meet these requirements before the development starts.

Subject to the relevant drainage conditions, the proposal is in accordance with policies W SP1 & W DM3 of the ALP.

FLOOD RISK

The site is in Flood Zone 1. It is also located in an area at low risk of groundwater flooding and would result in the land being changed to a more vulnerable use. Whilst the previous application on this site, and the development recently constructed to the West were not required to consider flood risk, the agent has supplied a limited Flood Risk Assessment in line with Paragraph 167 and footnote 55 of the NPPF. Owing to the context of the site and proposal, this Flood Risk Assessment does not meet the requirements to be assessed by any consultee. Given the site is at low risk of flooding, not within Flood Zones 2, 3, or any future flood risk zone, and that other applications in the area have not required additional planning control regarding Flood Risk, no further consideration of flood risk has been given.

The proposal is in accordance with W DM2 of the ALP.

LAND CONTAMINATION

Policy QE DM4 supports the redevelopment of previously used land if contamination concerns are adequately addressed both at the pre-application stage and/or, when necessary, after determination but prior to the works.

The applicant has submitted various documents pertaining to the remediation of contaminants including hydrocarbons and Japanese Knotweed. Environmental Health have considered these but despite these details, Environmental Health have requested a condition regarding the submission of a detailed risk assessment concerning potential land contamination. This condition has been attached to adequately consider and remediate any potential land contamination issues.

Subject to this condition, the proposal is in accordance with QE DM4 of the ALP.

SUMMARY

The proposal is in accordance with the relevant Development Plan policies and as such, it is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Streetscape Elevation 019_P_40_02, P2 (Accepted: 13/07/23).
- Proposed Dwelling Elevations 019_P_40_01, P2 (Accepted:13/07/23).
- Proposed Dwelling Plans 019_P_20_01, P2.
- Location Plan 019-X-10-01, P2.
- Bin and bike stores 019_P_40_03, P2.
- Proposed section 019_P_30_01, P1.
- Proposed Block Plan 019_P_10_01.
- ProPG Stage 2 Acoustic Design Statement (Report ref: AS11957.230309.ADS-S, Dated: 12/04/23).

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

- 3 The 2 No. first-floor bathroom windows on the South elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening up to a minimum height of 1.7m from the finished floor level of the rooms which they serve. They shall remain as such in perpetuity.

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

4 Prior to commencement of the development hereby approved, 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, 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.

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

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy

QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 6 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the occupation of the dwelling 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.

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

Reason: To provide adequate parking provision for the use in accordance with Policy T SP1 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the plans and details hereby approved by the Local Planning Authority.

Reason: To provide sufficient cycle storage provision and sustainable alternative travel options in accordance with Policy T SP1 of the Arun Local Plan.

- 9 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (The Ecology Partnership, April 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To conserve and enhance protected and Priority species and ensure Biodiversity Net Gain in accordance with policies ENV DM5 of the Arun Local Plan.

- 10 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 conserve and enhance protected and Priority species and ensure Biodiversity Net Gain in accordance with policies ENV DM5 of the Arun Local Plan.

- 11 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Design considerations must take full account of the 'Supplementary

Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and are an overriding factor in terms of requirements. Winter groundwater monitoring to establish highest annual ground water levels and winter percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

- 12 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

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

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

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

- 13 INFORMATIVE: INFORMATIVE: With reference to condition 9, you may wish to appoint an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person could undertake all activities, and works shall be carried out, in accordance with the approved details.

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

d e v e l o p m e n t s i n A r u n ' , a s a v a i l a b l e f r o m :
<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n12193.pdf&ver=12201>

- 15 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken in the event that substantiated complaints within the remit of the Environmental Protection Act 1990 are received. For further information, please contact the Environmental Health Department on 01903 737555.
- 16 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

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

A/122/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: A/121/23/PL

LOCATION: Land East of 22 Speedwell Chase
Angmering

PROPOSAL: Erection of 1 no. dwelling and car port with associated access, parking, fencing and landscaping. This application is in CIL Zone 2 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to construct 1 No. 1.5 storey dwelling and 1 No. car port with associated access, parking, fencing and landscaping.
SITE AREA	Approx. 640sqm (Residential plot).
RESIDENTIAL DEVELOPMENT DENSITY	15 dwellings per Hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Excluding the access road (Speedwell Chase), the site is enclosed by close boarded fencing approx. 1.8m high along the West and North edges of the site, as well as chain-link fencing to the East.
SITE CHARACTERISTICS	A section of vacant land sandwiched between a recent housing development to the West and Roundstone car centre to the East. North of the car centre is Roundstone Boarding Kennels and Cattery.
CHARACTER OF LOCALITY	The site is located North of Mayflower Way which lies to the West of Roundstone Lane and North of the A259. Mixed residential and industrial. There are new housing developments to the North and West, a busy car sales and workshop to the East, and recreational greenspace fields to the West.

RELEVANT SITE HISTORY

A/144/22/PL	Erection of 3 no. dwellings and 2 no. car ports with associated accesses, parking, fencing and landscaping. This application is in CIL Zone 2 and is CIL liable as new dwellings.	Refused 27-10-22
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can be afforded.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - Advice:

Conditions requested regarding a Construction Management Plan, Lighting details, Hydrocarbon Contamination, and other informatives.

Following further advice from Environmental Health, a condition requiring a post completion noise assessment has been recommended.

Drainage Engineers - No objection:

- Whilst the applicant has supplied a Drainage Statement this does not meet our design requirements to avoid conditions being applied to the permission.
- Condition regarding Surface Water Drainage and preventing flood risk elsewhere requested.
- It is acknowledged that we would not normally consult or request conditions for a single dwelling outside of the Lidsey Treatment Catchment. However, it is noted that this application coincides with another at the neighbouring site, 'Land North of Mayflower Way' (ref A/122/23/PL) made by the same applicant. On this basis, both sites are being considered as a two-dwelling application with the standard level of scrutiny for applications of that scale.

WSCC Highways - No objection:

- The site will be accessed via Speedwell Chase - Any access works will be subject to formal approval from the proprietor of the unadopted road.
- There are no apparent visibility concerns with the existing point of access on to the maintained highway and the proposed development is not anticipated to give rise to a significant material intensification of use of the existing access point.
- The proposed amount of parking is sufficient in line with the Arun Parking Standards.
- The proposed parking bays have approx. 5m of space behind. Therefore, on-site turning may require a multi-point manoeuvre, although this is not anticipated to result in a highway safety concern.
- Secure cycle parking is proposed in accordance with Arun Parking Standards.
- The site is located in a sustainable location within walking/cycle distance of local services and amenities. Cycling is a viable option in the area. Hourly bus services on Roundstone Lane. Lane provide links to Arundel and Shoreham. Angmering Train Station is an approx. 14-minute walk from the site.

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

Conditions regarding cycle parking and car parking are recommended

Ecologist Advisor - No objection:

- The Preliminary Ecological Appraisal and we are satisfied that there is sufficient ecological information available for determination of this application.
- With appropriate mitigation measures secured, the development can be made acceptable.
- The mitigation measures proposed within the Preliminary Ecological Appraisal should be secured by way of condition.

- The biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should also be secured by a condition. It is recommended that this also includes provision of integrated bat and bird boxes, Hedgehog friendly fencing, Invertebrate hotels, and native species rich hedgerow planting.

Impacts will be minimised such that the proposal is acceptable, subject to the recommended conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Slightly conflicting responses regarding acoustics have been received from Environmental Health on this site and the adjacent site to the South (currently being considered under A/122/23/PL). Further advice was sought from Environmental Health in relation to this and, subsequently, a condition regarding a post completion noise assessment was requested.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary.

Prone to Groundwater Flooding.

Allocated Housing Site in the Neighbourhood Plan.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QEDM4	QE DM4 Contaminated Land
SDSP2	SD SP2 Built-up Area Boundary
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

Angmering Neighbourhood Plan 2014 POLICY HA2 Field in Mayflower Way

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD2 Parish Housing Allocation

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

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

All relevant policies from the Angmering Neighbourhood Development Plan have also been considered.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that it constitutes an acceptable infill development that does not compromise the visual amenity or character of the area, or have any significantly adverse impacts on neighbouring amenity.

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 proposal would contribute, albeit to a limited degree, to the housing stock in the District. There are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and legislative background.

CONCLUSIONS

PRINCIPLE

The key development plan policy considerations for this proposal are SD SP2 (Built-up Area Boundaries), D SP1 (Design), D DM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards), T SP1 (Transport and Development), ECC SP2 (Energy and Climate Change mitigation), W DM3 (Sustainable Urban Drainage Systems), QE DM1 (Noise Pollution), QE DM4 (Contaminated Land), QE SP1 (Quality of the environment), ENV DM4 (Protection of trees), and ENV DM5 (Development and Biodiversity) of the Arun Local Plan (ALP).

Angmering has made a Neighbourhood Plan (ANP) of which policies HD1, HD2, HD4, HD5, HD6, HD7, HD8 & HA2 are the most relevant.

Policies HD2 & HA1 identifies this area for residential development (66 No. dwellings minimum). Whilst the wider site is being, and has already been, developed under application references AB/46/19/PL & A/64/21/PL, these earlier permissions have, and will, provide 64 No. units. This section of the site remains vacant land and the proposal would provide an additional unit toward the 66 total. These policies are relevant as they set the context of the site which has been identified as a residential development opportunity.

The site benefits from being within the Built-Up Area Boundary where the principle of residential redevelopment is acceptable subject to the consideration of other relevant policies within the Arun Local Plan. Being sited within the Built-Up Area Boundary means that the proposal complies with policies SD SP2 of the ALP and Policy HD1 of the Angmering Neighbourhood Development Plan.

The Arun Design Guide (ADG), Section P (infill development) in particular, is also of relevance. This Guidance seeks to ensure that development:

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

CHARACTER & DESIGN

Policy D DM1 of the ALP states that development proposals should reflect the characteristics of the local area in terms of character and appearance amongst other things. This is a form of gap infill development and as such, the recommendations set out by Section P of the ADG as noted in the principle section above provide additional context for this assessment.

Policies HD4, HD5, HD6 & HD7 of the ANP support development proposals provided that their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape.

The proposed dwelling is a 1.5 storey unit with a pitched roof and side gable ends, forward gable end projection, 1 No. small front dormer and 2 No. small rear dormers. The dwelling would feature facing brickwork, uPVC fenestrations, roof tiles, and tile hanging at first-floor level. The building occupies approx. 94sqm of a 630sqm plot that also boasts a private rear amenity space and front driveway with car port and planting. The density of this plot is appropriate for its locality.

Being of 1.5 storeys, the proposed dwelling is of a lower scale than those to the West which this proposal would appear related to by virtue of its access and siting. Many of the units within the Speedwell Chase development feature forward gable projections and small front dormers at first floor. The materials proposed are typical for the locality, as is the 1.8m close boarded fence that is proposed to the southern boundary. It is noted that a 2.4m wooden close boarded boundary fence is proposed to the East site boundary to further mitigate noise impacts from the commercial uses to the East & Northeast. The 2.4m fence is acceptable and would not be readily visible from the street. The architectural features and materials are reflective of the locality and would not appear inharmonious. It is noted that the lower height of the unit would result in a contrast to the two storey designs of surrounding houses however, the dwelling would not be readily visible from the street owing to its siting and it would retain a clear visual relationship with the Speedwell Chase development when take as a whole by virtue of its architectural

features and materials.

The dwelling does not follow the established front building line of the dwellings to the Northwest that share the Speedwell Chase access road. However, owing to the irregular shape of the plot, constructing a dwelling of an appropriate design would not be achievable alongside No. 22 Speedwell Chase. It is also set back from the street by approx. 23m from the street and would therefore, not appear as part of this row of dwellings.

By virtue of remaining 1.5 storeys in height and retaining appropriate separation distances, the design has sought to minimise the impact on neighbouring units whilst providing a design that does not appear incongruous with the dwellings to the West and respects the surrounding context.

The proposed car port is minor in scale and would be hidden from view by the dwellings to the West when viewed from the main section of Speedwell Chase and most of the access road that serves the dwelling. It's design is more functional than of high quality but in being of a predominantly timber frame, it would not appear out of place against the tall timber acoustic fencing to it's rear.

The proposed bin store would consist of facing brickwork and wooden doors, is appropriately sited, and minor in scale. This would have no significant adverse impact on the visual amenity of the locality.

The proposal is in accordance with policies D SP1 & D DM1 of the ALP, and policies HD4, HD5, HD6 & HD7 of the ANP.

RESIDENTIAL AMENITY

Policies D DM1(3) & QE SP1 of the ALP indicate that development will be permitted if it does not result in significantly adverse impacts on residential amenity, land, use or property, and requires development to contribute positively to its environment.

Section H.04 of the ADG states that amenity spaces should be a minimum of 10.5m deep but smaller gardens with adequate daylight and privacy may also be acceptable when justified. It also sets out minimum separation distances between dwellings which includes 21m back-to-back and 14m back-to-front/side. These minimum separation distances are relevant for two storey dwellings as illustrated within the ADG and so remain appropriate for use in the context of a 1.5 storey dwelling.

The proposed dwelling retains a back-to-front separation distance from the dwelling to the North (No. 22) of 13m. Whilst this is lower than the recommended minimum of 14m, the spatial relationship between these dwellings is such that they almost do not overlap, and so this remains acceptable. The rear-to-side separation between the proposed dwelling and No. 14 Speedwell Chase is 17.3m, which is greater than the minimum recommended distance and is acceptable.

Whilst not an existing dwelling, the proposed dwelling to the South under app ref: A/122/23/PL (if approved) would retain a rear-to-rear separation from the proposed dwelling of approx. 23m which is also acceptable. By virtue of acceptable separation distances, scale, and siting of the proposed dwelling, the proposal retains an appropriate relationship with neighbouring dwellings. Whilst it is acknowledged there would be some adverse impact on neighbouring amenity, the proposed dwelling would not have any significantly adverse impacts by way of overshadowing or overbearing on neighbouring units. Additionally, when compared to existing spatial relationships within the development to the West such as those of No. 6 Mayflower Way and No. 2 Speedwell Chase, No. 12 Mayflower Way and No. 1 Speedwell Chase, and Nos. 9 and 5 Speedwell Chase, it is clear that the spatial relationship of the proposed dwelling is of an acceptable standard and is not incoherent with the established spatial pattern of the vicinity.

With regards to privacy, there are no side facing windows proposed and so the privacy of neighbours to the West would be preserved. The 2 No. first-floor rear facing dormers would look out to the rear amenity space which is of an appropriate 11.5m depth in accordance with Section H of the ADG and would preserve neighbouring amenity. The 2 No. front facing first-floor windows serve bathrooms. As such, they are to be conditioned to be obscure glazed and non-opening up to a minimum height of 1.7m from finished floor level. There is some element of perceived overlooking of the neighbouring rear amenity space to the North (No. 22) from the westernmost first-floor front dormer window however, this window is offset from the neighbouring amenity space and would, subject to the aforementioned condition, negate any actual impact of overlooking from this window.

The proposal minimises its impact on neighbouring residents and is in accordance with policies QE SP1 & D DM1(3) of the ALP and Section H & P of the ADG.

INTERNAL SPACE STANDARDS

The proposed dwelling has three bedrooms with six bed spaces. The gross internal floor space is greater than that of the 102sqm minimum for a two-storey dwelling with this capacity and the proposed section drawing identifies floor to ceiling heights of more than or equal to 2.3m throughout the property. The dwelling also features appropriate rear and front amenity spaces in excess of the standards identified by Section H of the Arun Design Guide.

The proposed dwelling is, therefore, compliant with policy D DM2 and Section H of the Arun Design Guide.

QUALITY OF THE ENVIRONMENT & NOISE

Policy QE SP1 of the ALP requires development not to have significantly negative impact on residential amenity, and policy QE DM1 of the ALP states that noise sensitive development will not normally be permitted where it is likely to experience high levels of noise throughout the night, and/or where there is a likelihood of complaints about noise from industrial development so as to safeguard the continued use of existing industrial and commercial uses and to protect amenity.

Environmental Health have not raised any objection to this proposal but have requested conditions regarding a Construction Management Plan, a Lighting scheme, and issues of Hydrocarbon contamination on the site.

Construction Management Plans are not necessary for minor developments such as this therefore, this will not be added. An informative has been added regarding the guidance for minor developments which seeks to minimise the environmental impacts of such works on the local community. This is meant to guide developers in such a way that aims to prevent statutory nuisance complaints during the development process.

No external lighting is proposed within this application. Outdoor lighting is covered by separate legislation, and it is not necessary to seek additional control by way of planning conditions.

The proposed dwelling is within proximity to commercial/industrial uses. Of particular note is the Kennels and Cattery to the Northeast. Inadequate consideration of the proximity to the Kennels and Cattery was a reason for refusal under the previous application on this site in line with Environmental Health guidance. It is noted that No. 22 Speedwell Chase and No. 1 Platinum Way (currently under construction) are in closer proximity to the Kennels and Cattery than the proposed dwelling and so it has previously been considered acceptable, in planning terms, for dwellings to be built within this distance of the Kennels and

Cattery.

The layout of this site has been set out to mitigate noise impacts through the positioning of the forward car port and planting between the dwelling and the Kennels and Cattery. A 2.4m close boarded fence is also proposed to run along the East site boundary to further dampen noise for those in the rear garden.

The applicant has submitted an updated acoustic assessment for consideration under this application and Environmental Health have not raised any concerns in respects to this. They have requested a condition for acoustic testing to be undertaken following the completion of the site to ensure the acoustic assumptions made within the submitted acoustic assessment are met. A condition to this effect would not be enforceable and so does not meet the test of a necessary condition. As the principle and viability of the acoustics assessment has been considered acceptable by Environmental Health, it has been included as one of the approved documents for the development to be built in accordance with.

The proposal is in accordance with policies QE DM1 & QE SP1 of the ALP.

TREES & BIODIVERSITY

Policy ENV DM5 requires development seek to achieve a net gain in biodiversity and protect existing habitats on site.

There are no trees of relevance to this site. Currently, the site is overgrown with small shrubs. The submitted ecological assessment has been reviewed by the Local Planning Authority's ecological advisor and is sufficient. The ecologist has raised no objections to the submitted assessment and requested that conditions be attached to ensure biodiversity mitigation and enhancement measures are secured. This will allow the development to reach a biodiversity net gain in accordance with Policy ENV DM5 of the ALP.

PARKING & ACCESS

Policy T SP1 of the ALP requires new development to be well integrated with existing transport networks, promote non-motor vehicle transport such as cycling, and to be in accordance with the Arun Parking Standards. Policy HD8 also requires proposals to be in accordance with the WSCC parking standards (which are in this instance, equivalent to that of the WSCC Parking Standards for the purposes of this assessment).

The proposed dwelling would be well integrated with the existing highways network and is near cycle and pedestrian networks. It is also within a reasonable walking distance from the Angmering Train Station. This has been corroborated by the comments from WSCC Highways.

The host dwelling would provide 3 No. vehicle parking spaces and secure and sheltered cycle storage in accordance with the Arun Parking Standards. The Arun Parking Standards and policy T SP1 requires the provision of Electric Vehicle charging points. A condition has been attached to this decision to require the provision of charging points in accordance with the Arun Parking Standards SPD.

There is no unacceptable impact on highway safety, or severe cumulative impacts on the road network. It is therefore compliant with Para 111 of the NPPF and there are no transport grounds to refuse the proposal.

The proposal is compliant with policy T SP1 of the ALP and HD8 of the ANP.

ENERGY EFFICIENCY

Policy ECC SP2 requires all new residential and commercial development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels. The inclusion of energy efficient materials such as double glazing is expected. To ensure that adequate decentralised, renewable, and low carbon energy supply systems are provided, a condition has been attached to this decision requiring details of such systems to be provided.

Subject to the relevant condition, the proposal is in accordance with relevant Development Plan policy ECC SP2 of the Arun Local Plan.

DRAINAGE

The previously refused application on this site (A/144/22/PL) was for 3 No. dwellings but was inclusive of a section of land adjacent to the South of this site. Subsequently, the proposal has been split into two separate applications for 1 No. dwelling each. This application (A/121/23/PL) concerns to 1 No. dwelling on the North end of the previous site, and A/122/23/PL (currently under consideration) concerns the 1 No. dwelling on the Southern end of the previous site. The Council's drainage engineers would not normally consult or request conditions on applications for a single dwelling outside of the Lidsey Treatment Catchment Area however, it is clear that these two applications (A/121/23/PL & A/122/23/PL) are linked based on the site history and that the applicant and agent have remained the same. They have therefore provided a response and requested conditions accordingly.

Policies W SP1 and W DM3 of ALP require inclusion of appropriate sustainable drainage systems in developments to prevent flooding.

Policy W DM2 of the ALP & Paragraph 167 of the NPPF requires proposals not to increase flooding elsewhere.

The Council's Engineers have not objected to the proposal however, they have identified that the submitted Drainage Statement does not meet our policy requirements. They have therefore requested that conditions be attached for the submission of a drainage scheme that does meet these requirements before the development starts.

Subject to the relevant drainage conditions, the proposal is in accordance with policies W SP1 & W DM3 of the ALP.

FLOOD RISK

The site is in Flood Zone 1. It is also located in an area at low risk of groundwater flooding and would result in the land being changed to a more vulnerable use. Whilst the previous application on this site, and the development recently constructed to the West were not required to consider flood risk, the agent has supplied a limited Flood Risk Assessment in line with Paragraph 167 and footnote 55 of the NPPF. Owing to the context of the site and proposal, this Flood Risk Assessment does not meet the requirements to be assessed by any consultee. Given the site is at low risk of flooding, not within Flood Zones 2, 3, or any future flood risk zone, and that other applications in the area have not required additional planning control regarding Flood Risk, no further consideration of flood risk has been given.

The proposal is in accordance with W DM2 of the ALP.

LAND CONTAMINATION

Policy QE DM4 supports the redevelopment of previously used land if contamination concerns are adequately addressed both at the pre-application stage and/or, when necessary, after determination but prior to the works.

The applicant has submitted various documents pertaining to the remediation of contaminants including hydrocarbons and Japanese Knotweed. Environmental Health have considered these but despite these details, Environmental Health have requested a condition regarding the submission of a detailed risk assessment concerning potential land contamination. This condition has been attached to adequately consider and remediate any potential land contamination issues.

Subject to this condition, the proposal is in accordance with QE DM4 of the ALP.

SUMMARY

The proposal is in accordance with the relevant Development Plan policies and as such, it is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Proposed Dwelling Plans 019B_P_20_01, P2.
- Location Plan 019B-X-10-01, P2.
- Carport, bin and bike stores 019B_P_40_02, P2.
- Proposed Block Plan 019B_P_10_01.
- Proposed Sections AA & BB 019B_P_30_01.
- Proposed Dwelling Elevations 019B_P_40_01.
- ProPG Stage 2 Acoustic Design Statement (Report ref: AS11957.230309.ADS-N, Dated 12/04/23).

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

- 3 The first-floor bathroom & ensuite windows to the North elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening up to a minimum height of 1.7m from the finished floor level of the rooms which they serve. They shall remain as such in perpetuity.

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

- 4 Prior to commencement of the development hereby approved, 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, 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.

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

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

- 6 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the occupation of the dwelling 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.

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

Reason: To provide adequate parking provision for the use in accordance with Policy T SP1 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the plans and details hereby approved by the Local Planning Authority.

Reason: To provide sufficient cycle storage provision and sustainable alternative travel options in accordance with Policy T SP1 of the Arun Local Plan.

- 9 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (The Ecology Partnership, April 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To conserve and enhance protected and Priority species and ensure Biodiversity Net Gain in accordance with policies ENV DM5 of the Arun Local Plan.

- 10 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 conserve and enhance protected and Priority species and ensure Biodiversity Net Gain in accordance with policies ENV DM5 of the Arun Local Plan.

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

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

- 12 **INFORMATIVE:** Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables

are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

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

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

- 13 INFORMATIVE: With reference to condition 9, you may wish to appoint an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person could undertake all activities, and works shall be carried out, in accordance with the approved details.
- 14 INFORMATIVE: To prevent impacts to the amenities of future occupiers of the proposed dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', as available from: <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12193.pdf&ver=12201>
- 15 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken in the event that substantiated complaints within the remit of the Environmental Protection Act 1990 are received. For further information, please contact the Environmental Health Department on 01903 737555.
- 16 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

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

A/121/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: A/11/23/PL

LOCATION: BMW House
Chandlers Garage Ltd
Water Lane
Angmering
BN16 4EH

PROPOSAL: Demolition of all buildings and structures and erection of retirement apartments with onsite car parking including 2 No spaces for Eachways and associated highways works including footway widening (resubmission following A/110/21/PL). This application affects the setting of listed buildings, affects the character and appearance of the Angmering Conservation Area and is in CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This planning application is for the erection of 35 retirement apartments (independent living), together with the provision of 34 car parking spaces and communal space, following the demolition of the existing commercial buildings and a house ('Phares Courtledge') that currently occupy the site. Vehicular and pedestrian access to the site would be from Water Lane.
SITE AREA	0.44 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	80 dwellings per hectare.
TOPOGRAPHY	Predominantly flat with a gentle rise in height to the southwest corner. The site has embankment walls to the south and east sides and subsequently the land to the south and east is at a substantially higher level in height than the application site.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is open to its boundaries, however on the eastern and southern sides the site is bounded by embankment cuttings of up to 4.0 metres in height.
SITE CHARACTERISTICS	The site is situated in the centre of Angmering Village and was previously used as showrooms, workshops, offices and ancillary accommodation by a car dealership (Chandlers BMW) which has re-located elsewhere within the district. The site is bordered by two roads: by Water Lane to the north and by High Street to the west; and to the south and east by existing residential development. The part of the site facing High Street is located within Angmering Conservation Area; and a Grade II Listed Building, 'Eachways' is located adjacent to the site. The site is irregularly shaped. In general, the whole

site is reasonably level, having extensive retaining wall boundaries to the eastern and southern boundaries which will be fully exposed once the site is cleared of the existing structures. This is compared to the High Street which rises in a roughly easterly direction from The Square. The Water Lane frontage is open to the road and footpath with two existing access points. This frontage is made up of the existing single storey showroom buildings (with a two-storey building behind) and covered car sales areas with views through to the development land beyond as well as the rears of the stepped houses of Cumberland Crescent.

CHARACTER OF LOCALITY

The site is in a predominantly residential area. It is bound to the south west by High Street with a variety of shops and services.

RELEVANT SITE HISTORY

PAA/114/22/	Erection of retirement living apartments (Category II).	Refuse Pre App 15-02-23
A/110/21/PL	Erection of retirement apartment with 20 No. 1 Bed flats & 13 No.2 Bed flats with communal facilities & car parking, erection of a retail store with car parking & associated highway works. This application affect the character & appearance of the Angmering Conservation area, affects the setting of listed buildings and is in CIL Zone 2 (Zero Rated) as other development.	Refused 08-10-21 Appeal: Dismissed 26-07-22
PAA/141/20/	Retirement Living Apartments And Retail Store.	Refuse Pre App 12-03-21
A/45/19/PL	Demolition of existing buildings (car show room, workshops and Phares Courtledge) and erection of 19 dwellings, a convenience store, a community building, public toilets and associated car parking and landscaping - This application affects the character and appearance of the Angmering Conservation Area.	Refused 28-05-20

The most recent application (ref. A/110/21/PL) was refused in October 2021 and subsequently dismissed at appeal in July 2022 (ref. APP/C3810/W/22/3292333).

In the appeal decision, the Inspector stated that there would be a number of benefits from the development, including much needed specialist housing, a modest provision of affordable housing and the social economic and health benefits of the scheme together with the benefits of developing

previously developed land (PDL) and improving the setting of the rear of Eachways.

However, ultimately the Inspector concluded that the significant harms to the character and appearance of the Angmering Conservation Area and the adjacent listed building (Eachways) would not be significantly and demonstrably outweighed by the collective benefits of the scheme.

REPRESENTATIONS

ANGMERING PARISH COUNCIL - No objection. In principle Angmering Parish Council (APC) feels that there is now a general acceptance of this application. It feels that much effort has been made to comply with requests to consider the layout, design and materials of the Conservation Area.

However, there are still concerns relating to: -

- The increased number of apartments which could be seen as overdevelopment of the site and traffic impact on the village centre.
- Limited parking facilities, for visitors to the apartments and may be in conflict with the already poor parking facilities within the village where they could be seen as additional parking for shoppers and visitors to the village centre thereby causing a problem to residents of the apartments.
- APC requests that ADC review the height of the 2.5 storey buildings adjacent to Cumberland Crescent as APC feels that they are above the permissible height for such buildings.
- APC feels that the level of contribution to affordable housing does not meet the requirements for such large developments as laid down in the local plans etc. This should be reviewed.
- With regard to widening the footpath more information and construction is needed. APC would also like to point out that should any of the current kerb stones need to be removed for construction then they should be re-incorporated into the design and if necessary re-sourced - it must be pointed out that these kerbstones are an integral part of the Conservation Area design and material.
- It is feared that the sub-station is too close to the residents in Cumberland Crescent, the location of this should be re-considered.
- Angmering Parish Council are liaising with the developers directly over the positioning of the public toilets.

15 letters of objection from 14 individual Arun residents on the following grounds:

- Public toilets would result in impacts on residential amenity and in terms of antisocial behaviour.
- Increase in flood risk off-site and additional pressure on foul and surface water drainage infrastructure.
- Insufficient car parking spaces are proposed for the number of residents (i.e. 32 spaces for 40 apartments).
- Insufficient green space proposed within the site.
- Increase in pressure on already overstretched local infrastructure.

The Arun District Conservation Area Panel objects on the following grounds:

The Panel support the principle of the redevelopment of the site and the removal of buildings and structures which have impacted adversely on the setting and the character and appearance of the conservation area. However, there is still the requirement embodied in the NPPF and ADLP to ensure that any new development respects local distinctiveness, is of good design, and protects and enhances the character and appearance of the conservation area together with the setting of nationally and locally listed buildings.

There have been considerable improvements made in the current application in terms of layout which now provides more space about Eachways but the Panel consider that the scheme is still not up to the

standard required for this sensitive location for the following reasons:

- The proposed blocks that front the main entrance parking area still visually crowd Eachways, particularly as viewed from The Square and Water Lane and detract from the setting of the historic building. This could be alleviated to a certain extent if significant tree planting was provided immediately to the south of car parking spaces 26-29.
- The quasi-vernacular style of architecture used is a valid attempt to emulate the style of 19th/early 20th century buildings in the conservation area, however this requires a truthfulness to traditional materials, finishes and detailing in order to be successful.
- The proposed bricks and plain clay tiles are considered to be satisfactory, however the use of UPVC fenestration is inappropriate given the historical and heritage context.
- Painted timber windows are essential and should be used with the correct opening mechanisms i.e., vertically sliding (not top hung) sash windows.
- If the Council agrees to the use of UPVC for windows, eaves, bargeboards, verges, fascias, etc., then it must be of the highest quality with wood grain effect.
- All casement windows must have the same frame dimensions for fixed and opening sashes.
- Natural roofing slates should be required rather than the man-made interlocking slates shown.
- Flint panels should use the correct size, type and pattern of flintwork and be installed and pointed accurately. Sample panels need to be erected in-situ for the Council's agreement.

9 letters of support from Arun residents on the following grounds:

- The development would make good use of a vacant (brownfield) site that has been derelict for a significant period.
- The design and materials are sympathetic to the area, with good separation from Eachways.
- The development would provide much needed accommodation to cater for those wishing to move into retirement housing.
- Green frontage is a positive inclusion.
- Removal of the previous convenience store elements reduces traffic movements and associated requirement for HGV access.

COMMENTS ON REPRESENTATIONS RECEIVED:

Public toilets: A number of the objection letters received focus upon the inclusion of public toilets as part of the scheme. It should be noted that this element has been removed through the submission of updated plans and drawings, and no longer forms part of the scheme.

Parking provision: West Sussex County Council (WSSCC) Highways have commented on the 40-unit scheme originally submitted and raised no concerns regarding the level of parking provision on-site, which they consider to be appropriate in line with the evidence previously submitted to demonstrate an acceptable level of parking for this type of retirement/restricted age development. Furthermore, the subsequent reduction in the number of units from 40 to 35 can only be considered to have had a positive impact in this respect.

All other planning related comments are noted and covered in the Conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY: No objection subject to comments. The Local Highway Authority (LHA)

has previously provided various responses on the previous proposals on the site and raised no objection to the A/110/21 application. The revised scheme has removed the commercial retail store aspect of the development that was also proposed on the site, and this will significantly reduce the level of trips to/from the site in comparison. 32 parking spaces are proposed with an additional 2 for Eachways, in line with the evidence previously submitted to demonstrate an acceptable level of parking for this type of retirement/restricted age development. The LHA note that two access points will remain, and that the delivery bay aspect of the previous proposal has been removed. These access points will now only serve as access for residents and visitors, with the eastern access point serving for refuse collection. The proposed pedestrian improvement works are the same as agreed under A/110/21. There are gated paths that lead from plots 12, 13 and 14 onto the High Street where there is no pavement, and this area is almost always used for parking. It would not be ideal to introduce walking routes directly into the carriageway, specifically where parking occurs. Directing pedestrian movement to a dedicated crossing would be preferable. No new or revised Road Safety Audit (RSA) has been provided and given the changes to access for the site as detailed above and the removal of the delivery bay, the LHA would require the RSA and RSA Response Report to be updated for the site.

WSCC FIRE & RESCUE SERVICE: No objection. Further information is required showing that all parts of all dwellings are within 45 metres of a fire appliance or a dry riser outlet. Any dwelling that is more than 45 metres away would need to be mitigated by the installation of domestic sprinkler or water mist systems; but this would be covered by Building Regulations.

ENVIRONMENT AGENCY: Object in the absence of an acceptable Flood Risk Assessment (FRA). The submitted FRA does not comply with the requirements for site-specific FRAs set out in the planning practice guidance and does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to outline Floodplain Compensation related to the raising of the ground to allow the proposed finished floor level to be achieved. In order to overcome the objection, plans should be submitted detailing which areas of ground are being raised to achieve the finished floor levels and sleeping accommodation should be placed 300mm above the modelled flood levels to reduce the risk to occupants.

ADC DRAINAGE (EXTERNAL CONSULTANTS): Holding objection subject to the receipt of further information, as follows:

- A CV valve of 1 should be used in accordance with the West Sussex Councils Policy for Management of Surface Water to ensure the volume of proposed attenuation is sufficient and will not impact the proposed site layout.
- The Environment Agency's mapping indicate that the application site lays in an area with a low to high risk of surface water flooding and further information is required on how the risk of surface water flooding will be mitigated and managed ensuring the indicated surface water flooding does not impose and risk on the proposed development or surrounding areas. The information within the submitted Flood Risk Assessment unsatisfactory.
- Further information and justification is required for the proposed 50% reduction method when calculating the proposed discharge rate. The applicant should provide confirmation from the Environment Agency that they agree with the proposed discharge rate.
- Root protection Areas should be included on the drainage drawings.
- A Catchment Area Plan is required to aid in the assessment of the proposed Surface Water drainage plans.
- A proposed levels drawing is required to aid in the assessment of the proposed Surface Water plans.

ADC ENVIRONMENTAL HEALTH: No objection subject to the inclusion of conditions regarding air quality, land contamination, electric vehicle charging points, external lighting and the submission of a Construction Management Plan.

ADC ECONOMIC DEVELOPMENT: No specific comment on this application but would like to see an Employment and Skills Plan in place for the development.

ADC ARCHAEOLOGY: No objection. It is unlikely that anything of archaeological interest that this site may have held would have survived 20th century development.

ADC CONSERVATION OFFICER: Part of the site is located within the Angmering Conservation Area and the site is immediately adjacent to a Grade II Listed Building called 'Eachways'. The Lamb Public House (Grade II listed) and the war memorial are located within close proximity of the site, together with a number of locally listed buildings to the south of the site around the High Street and The Square. There has been some improvement in the design of the development since the previously refused scheme which have helped to either improve the scheme, or satisfactorily mitigate it. However, there are still some issues which would mean that some harm would still result, for instance the use of inappropriate materials. The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). As such, the public benefits that the development may achieve will need to be considered, along with the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

ADC ECOLOGY: No objection subject to conditions securing biodiversity mitigation and enhancement measures.

ADC GREENSPACE: No objection subject to the implementation of a tree protection scheme and any removal of trees being agreed with the Council's Tree Officer, alongside appropriate mitigation measures.

SUSSEX POLICE: No objection. The development should be designed to Secured by Design standards. The apartments should have access controls. Car parking must be within view of an active room within a property. Consideration should be given to secure post boxes and lighting throughout the development.

WSCC INFRASTRUCTURE: WSCC is requesting developer contributions by means of a S106 Agreement towards:

- Library: £12,781 to be used towards additional facilities at Angmering Library.
- Fire and Rescue: £924 to be used towards supply and installation of additional fire safety equipment / smoke alarms to vulnerable persons homes in West Sussex Fire Rescue Services Southern area serving Angmering.

From 1st April 2020 WSCC has implemented a S106 monitoring fee of £200 per trigger, per year of monitoring.

ADC TREE OFFICER: No response received.

NHS SUSSEX: No response received.

ADC RESIDENTIAL SERVICES: No response received.

COMMENTS ON CONSULTATION RESPONSES:

All planning related comments are noted and covered in the Conclusions section of this report. The following additional comments are provided in relation to consultation responses from the Local Highway Authority, Environment Agency and ADC Drainage:

Local Highway Authority

The gated paths leading from plots 12, 13 and 14 onto the High Street are a heritage feature and have been specified with fixed (i.e., non-opening), 'lookalike' gates as part of subsequent revisions to the scheme. As such, they will not allow access to the High Street and will prevent conflicts between pedestrians and vehicles.

An update RSA has been submitted together with a Designers Response. The RSA does not raise any fundamental concerns, with the two main comments relating to the intervisibility along Water Lane and the proposed crossing point across High Street.

Intervisibility at the crossing on Water Lane was previously addressed through the provision of a TRO to introduce double yellow line parking restrictions in the vicinity of the visibility splays. This was previously omitted from the revised application but has been reinstated. As per the previous application, the exact nature of the parking restrictions will be determined through detailed design and has been shown indicatively on drawing 034.0152-0007 submitted as part of the RSA. The proposed pedestrian crossing on the High Street is as per the previous arrangement, which was determined to be the most appropriate arrangement following a review by the LHA's road safety team.

As stated, the LHA has previously provided various responses on the previous proposals on the site and raised no objection to the previous application (A/110/21/PL). The LHA have been reconsulted on the above and it is anticipated that the outstanding issues will be resolved prior to Committee.

Environment Agency

Following receipt of comments from the Environment Agency (EA) the applicant has confirmed that the design flood level is prescribed as 6.33m above Ordnance Datum (AOD) based on the worst case 0.01% (1/1000 yr) annual probability event and 6.03m AOD based on the 1% (1/100 yr) annual probability event. The Finished Floor Level (FFL) of the proposed building is 6.4m AOD, which is 370mm above the 1/100 year flood levels and 70mm above the 1/1000 year flood levels.

Furthermore, submitted plan SO-2729-03-DE-0700 illustrates the extents of Flood Zones 1 & 2 in relation to the footprint of existing and proposed buildings and demonstrates that the proposals reduce the extent of the built footprint by 130m² in Flood Zone 1 and 50m² in Flood Zones 2.

The EA were consulted on the previous application (A/110/21/PL) and raised no objection on flood risk grounds, only requesting that a condition be imposed ensuring that FFLs are set no lower than 6.4m AOD for all apartments. The EA have been reconsulted on the above and it is anticipated that the outstanding issues will be resolved prior to Committee.

ADC Economic Development

Whilst ADC Economic Development have requested that an Employment and Skills Plan be put in place for the development, it should be noted that policy SKILLS SP1 of the Arun Local Plan (ALP) only requires this for the construction phase of residential developments of more than 50 homes. As the proposal is for 35 homes, this is not deemed to be a requirement.

ADC Drainage (External Consultants)

Following receipt of comments from ADC Drainage, the applicant has submitted an updated Drainage Strategy Report and accompanying letter, which sets out the following responses:

- A CV value of 1 has been added to the calculations within the updated Drainage Report and the Drainage Layout amended to suit.
- The majority of the site is shown to have a low or very low risk of surface water flooding, which would be managed via the site's proposed drainage strategy. The EA's surface water flood maps are indicative only and do not take account of local drainage infrastructure. Areas of the site indicated to be at medium or high risk of surface water flooding are very limited and are associated with the alignment of Black Ditch along Water Lane only; the risk of flooding from this source would be managed via the proposed fluvial flood risk mitigation measures for Black Ditch (raised FFLs, etc.).
- A request was sent to the EA for an acceptable discharge rate on the 20th June 2023 and will be forwarded on receipt.
- Root protection zones recoloured on drawing and added to Key. Drainage layout reissued and added to the Drainage Strategy Report.
- Catchment Areas shown on the micro drainage plans submitted with the calculations within the Drainage Strategy Report (Appendix E).
- Proposed site levels referenced on drawing SO-2729-03-LA-001 and added to the drainage layout drawing.

It should be noted that ADC Drainage raised a holding objection on the previous application (A/110/21/PL) pending the submission of additional information, including evidence to demonstrate the maximum storage available on site and the associated discharge rate; a gravity surface water drainage system; and details of pollution mitigation indices delivered through drainage proposals. However, it was subsequently deemed that the outstanding information could be secured via suitable conditions, as set out in the Officer's Recommendation Report, and drainage was not raised as an issue as part of the Inspector's appeal decision.

ADC Drainage have been reconsulted on the above and it is anticipated that the outstanding issues will be resolved prior to Committee.

POLICY CONTEXT

Designation applicable to site: Within the Built-Up Area Boundary in the Arun Local Plan and in the Angmering Neighbourhood Plan. The site is partly within the Angmering Conservation Area.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HDM2	H DM2 Independent living and care homes
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
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
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Angmering Neighbourhood Plan 2014 POLICY EH1 Development in the Conservation Area

Angmering Neighbourhood Plan 2014 POLICY EH3 Flood Prevention

Angmering Neighbourhood Plan 2014 POLICY ER1 Retail Provision

Angmering Neighbourhood Plan 2014 POLICY HA3 Chandlers Site

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD2 Parish Housing Allocation

Angmering Neighbourhood Plan 2014 POLICY HD3 Housing Mix

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways

Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

Planning (Local Planning) (England) Regulations 2012.

The Angmering Neighbourhood Plan (ANP) was made on 11th March 2015 and is therefore over 2 years old and has limited weight. Relevant ANP policies have been taken account of and are addressed in the Conclusions section of 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."

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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act) : "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".

Planning (Listed Building and Conservation Areas) Act 1990 Section 72 (1)

"In the exercise with respect to any buildings or other land in a Conservation Area of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

OTHER MATERIAL CONSIDERATIONS

The proposed development is located within the Built Up Area Boundary wherein the principle of residential development is accepted. It is also acknowledged that the Council cannot currently demonstrate a 5 year housing land supply and some planning weight should therefore be afforded to the fact that the proposed development would make a meaningful contribution to the Council's identified housing need.

CONCLUSIONS

PRINCIPLE

The proposed development falls within the Built-Up Area Boundary (BUAB) in the ALP and the ANP. The site is also allocated for residential development for at least 20 dwellings in Policies HD2 and HA3 of the ANP (HELAA Ref. A1513).

Policy H DM2 of the ALP supports the provision of specialist accommodation, known as sheltered housing; whether the proposed development addresses the criteria in this policy will be covered in the

relevant sections below.

The proposed residential (independent living) development would make efficient use of this previously developed site and is acceptable in principle, subject to other policies within the Development Plan.

Conclusion on Matters of Principle:

The site is allocated for residential development for at least 20 dwellings in Policy HD2 and Policy HA3 of the ANP. The proposed development of 35 retirement apartments (independent living) on the site would also contribute to the Council's Five-Year Housing Land Supply. The principle of development is therefore supported.

DENSITY

Policy D DM1(13) of the ALP requires the density of new housing to make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. It goes on to state that higher densities will be more appropriate in the most accessible locations and that proposals should take into account the density of the site and its surroundings. Similarly, policy H DM2(d) requires the design and scale of new and extended independent living care homes to be appropriate to the local context.

The proposed footprint of the development comprises 0.44 hectares, which is located entirely within the BUAB in accordance with Policy SD SP2 and Policy H DM2(a) of the Local Plan and Policy HD1 of the ANP. The site is allocated for residential development for at least 20 dwellings in Policy HD2 and Policy HA3 of the ANP, however this proposal is for 35 dwellings in the form of apartments, which would be a significant increase from the number of dwellings allocated for the site.

The development of 20 dwellings on the site (in accordance with Policies HD2 and HA3 of the ANP) would comprise a density of 45 dwellings per hectare. The proposed development of 35 apartments on the site represents a density of 80 dwellings per hectare, which is very high at nearly double that of the allocation.

At Figure 80, the Arun Design Guide (ADG) provides guidance on densities and specifies that typical densities in villages are 20-30 dwellings per hectare, with flats in villages usually around 30-50 dwellings per hectare and density of 60-100 dwellings per hectare, as is the case here, being typical of apartment developments in town centres. The ADG also states that in general, higher densities would be appropriate in town and village centres, and schemes should focus higher density areas and provision of facilities around existing focal points, such as town and village centres. The Design and Access Statement provides a justification for a higher density development in this location.

The matter of density was raised in relation to the previous application (A/110/21/PL) as part of the Inspector's appeal decision. At the Inquiry, it was established that the ANP sets a figure of at least 20 dwellings for this site, and it was not disputed that the policy requirement would not prevent a greater number of units being provided on this site. However, it was also acknowledged that the policy does not mean that the site can accommodate substantially more than that suggested number and the site's capacity is inevitably dictated by a judgement on the compliance with other policy matters. At the time, the appellant conceded that optimisation does not mean putting as much development as was physically possible rather than a site is developed 'as far as is possible within its constraints'.

The Council's reason for refusal of the previous application in this respect refers to conflict with policies HA3, HD2 and HD7 of the ANP. Policies HA3 and HD2 refer to development in excess of 20 units on the Chandlers site and include criteria to ensure that proposed development addresses flooding, provides

pedestrian crossings, and supports additional short term parking spaces for shoppers using the core facilities in the village. The Inspector found no substantive conflict with policies HA3 and HD2 in terms of the number of units or the criteria. Similarly, Policy HD7 refers to housing density with which there is conflict only in so far as it produces a building of a scale and mass which results in harm to the surrounding area in the context of other policies; in this case primarily those related to heritage impacts.

Based on the approach taken by the Inspector concerning the previous application at this site, the proposed development complies with policies D DM1(13) and H DM2(d) of the ALP and policies HD2, HA3 and HD7 of the ANP.

SCALE AND BUILDING HEIGHTS

The proposed development is for retirement living apartments in the form of Category II type sheltered housing). The development would be essentially 2-storeys in height, which is consistent with the majority of properties in this location.

The proposal comprises an apartment block, approximately L-shaped in plan, with short terraces of cottage-style apartments fronting onto High Street and Water Lane. The scale of the development is relatively responsive to the site's surroundings with two storey buildings surrounding the site on High Street, Water Lane and Cumberland Crescent. Roof forms are generally gable ended with some half-hipped roofs in order to add variety and interest to the street scene and reduce mass and bulk. Ridge heights are similarly varied and accord in general terms with the built form in the vicinity of the site.

The proposed building fronting onto High Street would sit forward of Eachways (Grade II Listed Building) and would have a higher ridge height, as shown on Drawing No. SO-2729-03-AC-320 Rev. C - Site Sections. However, this element has been scaled down substantially in comparison to the previous application, with greater separation from Eachways and a gradual stepping of the ridgeline up the hill towards Angmering Villas to the south. The building line has also been pulled back from the High Street frontage and coupled with additional tree and landscape planting, this has served to reduce the previously overbearing effect on the Listed Building.

The proposed scale of the scheme adjacent to Eachways (Grade II listed building) is therefore considered appropriate and in scale with surrounding development, in line with the requirements of policies D DM1(14) and H DM2(d) of the ALP and policy HD5 of the ANP.

LAYOUT AND APPEARANCE

The footprint of the building would be roughly an L-shape, 2 storeys in height and in a cottage style. In order to assess the proposals, the development has been divided into segments, with each denoted by its orientation and frontage.

The northern elevation onto Water Lane:

The northern elevation has a complex but traditional design comprising combinations of facing bricks, flint panels and render, with red clay tiles and natural slate on the roofs, with an active frontage within the site. This serves to break-up the frontage onto Water Lane and allows it to be read as a terrace of houses, which is reflective of other buildings found in the immediate area and is a positive feature. The development would be seen from The Square, in contrast with the existing single storey commercial development, however, this is acceptable as the height and appearance of the proposed convenience store would be in keeping with many of the buildings in The Square and in the village centre.

The western elevation onto High Street:

The existing properties on High Street, close to the site, are tight knit and create an intimate streetscape and all the existing buildings in The Square front onto it.

The proposal removes the shop element of the previous proposal and creates a fully residential scheme, which results in an amended and simplified elevation and in turn helps to improve the views towards the rear of the listed buildings. The approach taken on the High Street elevation is also followed here i.e., the use of additional doorways which create the appearance of an active frontage, which is positive. Materials again comprise a combination of facing bricks and render, with red clay tiles and natural slate on the roofs. The Water Lane frontage is also set back slightly, which increases the visibility of Eachways when approaching the village centre.

The eastern elevation onto the rear of dwellings on Cumberland Crescent:

The proposal is to have the rear elevation of the apartment block facing onto the rear of dwellings on Cumberland Crescent. This elevation would be fairly formal with construction materials for the most part facing bricks; however, this is broken-up by areas of flint blocks on the first floor. This elevation would include balconies and red clay and grey slate-effect roof tiles, which are acceptable in this location backing onto existing dwellings on Cumberland Crescent.

The southern elevation onto Woodford Villas and Angmering Villas:

The proposal is to have the rear elevation of the apartment block facing onto the retaining wall which runs along the southern boundary of the site and onto the rear of dwellings at Woodford Villas and Angmering Villas. This elevation would be fairly formal with construction materials for the most part facing bricks; however, this is broken-up by render and areas of flint blocks on the first floor. This elevation would include balconies and red clay and grey slate-effect roof tiles, which are acceptable in this location backing onto existing dwellings at Woodford Villas and Angmering Villas.

The Courtyard:

A substantial portion of the development would have an internal frontage facing onto internal parking and communal garden areas. It would use a variety of different facing materials including stock brick, flint blocks and render, with a combination of red clay tiles and natural slate on the roofs of any elevations visible from within the Conservation Area or the setting of Eachways.

Provision of Communal Space

As this proposal is for retirement apartments it does not provide public open space or play space. The communal space would be from a depth of 4 metres to 17 metres at the back of the L shape of the proposed building and 14 metres to the bottom of the L shape of the building. The proposed development includes the formation of a pergola along with seating and a barbecue area as a focal point to the garden adjacent to the residents' lounge. Raised planters on compacted gravel are proposed to the rear of the site providing activities for residents and a grass Games Area adjacent to the communal terrace. These communal spaces and gardens would be planted with trees and shrubs as indicated on the Landscape General Arrangement Plan (Drawing No. SO-2729-03-LA-001 Rev. P06). The proposed provision of residential communal shared space, garden areas and private balcony areas comply with the Arun Design Guide and Policy H DM2(e) of the Local Plan.

Boundary Treatment

The flint walls to the western boundary with Eachways and the concrete/brick retaining walls to the

eastern and south-eastern boundaries are proposed to be retained and repaired. The existing metal palisade fence along the southern boundary is to be replaced by 1.8 metre high black metal railings with matching pedestrian gates with a clipped hedgerow behind and where there is a change in site levels a low brick retaining wall topped by black metal railings, as indicated on the Hard Landscape Image Sheet (Drawing No. SO-2729-03-LA-004), which are acceptable as they would enhance the visual appearance of the development.

Conclusion on Matters of Layout and Appearance

The proposal complies with the National Design Guide and the Arun Design Guide (Chapters J & L) for the reasons set out above.

Consequently, the proposed development is consistent with policies D DM1, D SP1 and H DM2(d) of the ALP and policies HD4, Policy HD5 and Policy HD6 of the ANP.

RESIDENTIAL AMENITY

The layout of the dwellings has been considered in terms of separation distances and fenestration, so as to protect the amenities of neighbouring residential occupiers and does not result in materially adverse overlooking of neighbouring properties. The properties generally benefit from a 20 metre separation distance from primary elevation to primary elevation, with the exception of plots which face properties on Cumberland Crescent to the rear at a distance of 17-18 metres, however there are no facing windows at first floor level in the proposed apartments and there is a difference in land levels with the properties on Cumberland Crescent significantly higher in level with an embankment wall between. This would prevent any significant overlooking or loss of privacy to the existing and proposed dwellings. Separation distances between the proposed development and existing dwellings are therefore sufficient to prevent overlooking or overshadowing of neighbouring properties.

The site was previously used for commercial use, which involved HGV movements and regular movements of vehicles on and off the site, as well as the noise of the use of buildings for car mechanics. Similarly, the proposed residential development would generate traffic movements, parking and manoeuvring, however this would represent a reduction in comparison to the site's previous use. As such, the proposed use would not cause an unacceptable loss of residential amenity to existing and proposed dwellings.

The layout has been designed to take account of the amenities of neighbouring residential occupiers and is not considered to cause harm to the amenities of existing neighbouring occupiers or to those of the future occupiers of the development in accordance with Policy D DM1(3) of Arun Local Plan.

EXTERNAL SPACE STANDARDS

The Landscape General Arrangement Plan (Drawing No. SO-2729-03-LA-001) shows that communal spaces and gardens have been provided at ground floor, which is sufficient communal garden space to provide for all the apartments; and there are sufficient private amenity spaces comprising balconies measuring 3.0 metres wide and private patios measuring 3.0 metres, in accordance with Part P (Apartments) of the Arun Design Guide.

INTERNAL SPACE STANDARDS

The floor plans of each apartment where it specifies the number of bedrooms, the occupancy and the square metres of floor space have been cross referenced with the Nationally Described Space Standards (NDSS) table (Table 1) in order to provide adequate internal space. In the NDSS, the space standard for

a 1 bed 2 person flats is 50 square metres, which is met in all cases. The space standard for the two bed flats is 70 square metres, which is also met in all cases. Similarly, the scheme meets the M4(2) accessible and adaptable standards.

Consequently, the proposed residential development complies with Policy D DM2 of the Local Plan and meets the NDSS requirements in terms of minimum gross internal floor areas.

AFFORDABLE HOUSING

Policy AH SP2 of the Arun Local Plan requires that for all developments of 11 residential units or more the Council will require a minimum of 30% of the units proposed to be provided as affordable housing. There is high demand for all types of affordable housing throughout the District. Policy AH SP2 states that the provision of affordable housing on a site at less than 30% will only normally be allowed in very exceptional circumstances if supported by robust evidence including, where appropriate, viability evidence.

This application comprises the development of 35 new apartments. In order to be policy compliant, the scheme should provide 11 affordable dwellings, 8 of which should be rented and 3 should be intermediate (i.e. shared ownership); and these dwellings would need to be included in a Section 106 Agreement.

No affordable homes are proposed to be provided on this site as part of this development. The Financial Viability Assessment (dated 23rd January 2023 and prepared by Alder King) states that the proposed scheme produces a deficit of £19,282 after allowing for a fixed developer's profit of 20%.

The matter of affordable housing was raised in relation to the previous application (A/110/21/PL) as part of the Inspector's appeal decision. Whilst it was initially claimed that the proposal could not deliver any affordable housing on-site and a commuted payment of approximately £50,418 (the surplus after allowing for a fixed developer's profit of 20%) was proposed in lieu of this, an agreement was reached on an acceptable contribution of £231,247 prior to the Inquiry. However, although the agreed sum was considered a benefit of the scheme, the Inspector attached limited weight to this as it was accepted that the sum would result in only a modest provision of affordable accommodation at around 1 unit.

Although the proposals remain in conflict with Policy AH SP2 of the Arun Local Plan, it would be unreasonable to refuse the application on the grounds of a lack of an affordable housing contribution, in light of the limited weight attached by the Inspector to the contribution previously agreed and the evidence provided within the submitted Financial Viability Assessment.

TRANSPORT

Site Access

Drawing No. 034.0152-0004 Rev. P02 shows the site with split access off Water Lane in the form of vehicle crossovers, broadly in line with existing site access arrangements off Water Lane. Both access points lead into internal access roads serving the two parking areas; one to the west to the rear of Eachways measuring 5.4m wide and the other to the northeast of the site close to the entrance to Cumberland Crescent measuring 7.5m wide. Both can accommodate movements without conflict and have acceptable visibility splays for a 20mph zone on Water Lane.

Trip Generation, Distribution and Assignment

The application is accompanied by a Transport Assessment, as required by policy T SP1(e) of the Local

Plan. The initial proposed development of 40 retirement apartments was anticipated to generate 6 two-way vehicle movements in the AM peak and 5 two-way vehicle movements in the PM peak with 81 trips generated across a 12-hour period based on TRICS data and 61 trips based on the applicants own data, which was deemed acceptable. As a reduced number of 35 apartments is now proposed, this conclusion is not likely to change.

Refuse and Servicing Arrangements

A bin store is located in the apartments adjacent to the north-eastern parking area and access road for ease of access (Drawing No. SO-2729-03-AC-125 Rev. J). Refuse collection will take place on site with a refuse vehicle turning into the car park, turning and reversing towards the gated access to the bin store to the south. A vehicle tracking plan (Drawing No. 034.0152-0003 Rev. P02) has been submitted which demonstrates that refuse vehicles can make this manoeuvre safely.

Road Safety Audit

Whilst WSCC Highways have not objected to the application, they have stated that no revised RSA has been provided and that the changes to the proposals would require the RSA and RSA Response Report to be updated.

An update RSA has now been submitted together with a Designers Response. The RSA does not raise any fundamental concerns, with the two main comments relating to the intervisibility along Water Lane and the proposed crossing point across High Street.

Intervisibility at the crossing on Water Lane was previously addressed through the provision of a TRO to introduce double yellow line parking restrictions in the vicinity of the visibility splays. This was previously omitted from the revised application but has been reinstated. As per the previous application, the exact nature of the parking restrictions will be determined through detailed design and has been shown indicatively on drawing 034.0152-0007 submitted as part of the RSA. The proposed pedestrian crossing on the High Street is as per the previous arrangement, which was determined to be the most appropriate arrangement following a review by the LHA's road safety team.

Subject to confirmation from the LHA, the proposed development is deemed to comply with policy T SP1(a) of the ALP by improving access to public transport services; and with policy H DM2(b) of the ALP in terms of accessibility by public transport to community and social facilities.

Footways and Cycle Provision

The existing vehicular access from High Street would be closed-off to vehicles but remain as a pedestrian route. Site pedestrian access is also being provided directly onto High Street, via the old vehicle access being closed off to vehicles but left as pedestrian only access.

There will be a small extension to the pavement across the old BMW site access on High Street with dropped kerbs and tactile paving, then dropped kerbs and tactile paving on the opposite side of the road outside of the Parish Office building. Dropped kerbs and tactile paving is proposed outside 'Eachways' to aid pedestrian access to the pavement along the northern side of Water Lane. Additional tactile paving and dropped kerbs are proposed at the bell mouth access on Water Lane.

The existing footway along Water Lane would be widened to 1.8 metres west of the site and a minimum width of 1.65m in the vicinity of 'Eachways', which would be achieved by reducing the road width along Water Lane from 6.0m to 5.5m. Vehicle tracking has been undertaken at this point which demonstrates that two vehicles can pass. The precedent for narrow sections of useable carriageway has already been established through on street parking which reduces the effective road width from 7.2-6.5m to 5.2-4.5m

and has operated successfully for a prolonged period of time without creating a road safety issue. The proposed localised narrowing is acceptable as it would result in a significantly safer and more attractive pedestrian route along Water Lane. The Local Highway Authority is satisfied with the proposed footway widening works and the remaining carriageway widths available after the works. The Local Highway Authority is satisfied with the proposed crossings on Water Lane and High Street; the provision of a pedestrian crossing on Water Lane is a requirement of Policy HA3 of the ANP.

The proposed development complies with Policy H DM2(b) of the Local Plan and Policy HA3 of the ANP, in terms of accessibility by foot and bicycle to community and social facilities.

Parking Provision

The Transport Assessment states that there are no definite parking standards for retirement style developments such as this one. The proposed development includes 34 car parking spaces to serve the apartments, plus 2 car parking spaces to serve the Listed Building (Eachways). 32 spaces were initially proposed as part of the 40-unit scheme originally submitted, however this has increased by 2 spaces following the removal of the public toilets.

It is noted that a statement has been submitted (Transport Assessment, Appendix D: McCarthy Stone Parking Research) with justification for the proposed level of parking. The Research concluded that an average of 0.55, which includes on-site provision for visitor parking at a rate of 0.1 spaces per apartment. Using the methodology set out in the McCarthy Stone Parking Research would result in the provision of 19 parking spaces, compared to a mainstream apartment development of this size, which would require 2 parking spaces per 1- and 2-bedroom units, equating to 70 parking spaces as required by the ADC Parking Standards SPD.

As the site is situated just outside the core retail area in the ANP and in close proximity to the Railway Station, provision is made for 34 parking spaces, which equates to roughly 1 parking space per apartment. In terms of cycle parking, a combined mobility buggy/cycle store is proposed for the retirement apartments. Whilst this is below the standards set out ADC Parking Standards SPD, the proposed level of parking provision is deemed acceptable given the nature of the proposed development, coupled with the site's location to next to the Village Centre and in close proximity to Angmering Railway Station. This is consistent with the approach taken by the Inspector concerning the previous application at this site (A/110/21/PL).

Conclusion on Transport

The Local Highway Authority is satisfied with the proposed access specifications, visibility splays, parking provision, footway widening works and the remaining carriageway widths available after the works and the proposed crossings on Water Lane and High Street.

The proposed development therefore complies with policies policy T SP1 and H DM2 and policies HD8 and HA3 of the ANP.

IMPACT ON THE CONSERVATION AREA AND THE SETTING OF LISTED BUILDINGS

Angmering Conservation Area

The impact of the proposed development on the Conservation Area needs to be considered in accordance with paragraph 199 of the NPPF and if there is harm it is substantial or less than substantial, and this needs to be weighed against the public benefits of the proposal.

Angmering Conservation Area is the historic core of the village and consists of three different areas of townscape. These are: The Square, the approach from Arundel Road and The High Street. The Square is situated at the centre of the village and contains most of the village's shops and commercial premises, and the village War Memorial. Arundel Road leads from the A27 and buildings of flint and brick, most notably the old school (now the library), frame a narrow entrance to The Square. The High Street is almost entirely residential and whereas Arundel Road is narrow and straight, the High Street is wider but with a significant gentle curve which invites exploration of the fine buildings distributed along the road. The conservation area contains a number of other listed and locally listed buildings which form an attractive group, in the historic core of the village.

In accordance with paragraph 194 of the NPPF, a detailed Heritage Statement has been prepared which assesses the impact the development has on the setting of the Conservation Area and assesses how this may affect the proposed development.

With regard to paragraph 206 of the NPPF the main consideration is the effect that the proposed development could have on the appreciation of the significance of the identified nationally and locally listed buildings and their settings and the setting of Angmering Conservation Area.

Paragraph 206 of the NPPF states that Local Planning Authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance.

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (hereafter referred to as "the Act") states that 'special regard shall be paid to the desirability of preserving or enhancing the character or appearance of the area'.

The site is visible from both within the Conservation Area as well as from outside and looking into it (along Water Lane). The Heritage Statement concludes that the proposed development will enhance the Conservation Area and its setting. The removal of the existing commercial buildings and the empty house is a positive aspect of the scheme, as they detract from the various assets, being of an inappropriate design and state of repair.

The initial application identified a pallet of materials including Concrete Ridge Tiles, UPVC Facias & Soffits, UPVC Windows & Doors and UPVC Rainwater Goods. Such materials are not appropriate for a conservation area (or its setting), or the setting of listed buildings. Following further discussion with the applicant and the Council's Conservation Officer, it was advised that the elements of the building visible from the conservation area and its setting, and the setting of Eachways should be of an appropriate material, traditional design and suitable colour.

A revised material pallet has been proposed which has made some improvements in order to deal with the Conservation Officer's concerns, which includes natural slate tiling as opposed to the previously proposed grey coloured clay tiles. Whilst this is positive, a number of the proposed materials remain to be modern, mass-produced products that are unsuitable for a sensitive location, including UPVC windows and doors and Soffits & Fascia's. The proposed materials would therefore have a negative impact on the Conservation Area in conflict with paragraph 72 of the Act.

On a positive note, the design of this frontage is now more reflective of other buildings found in the immediate area and the concept of using brick and render for this frontage is acceptable as it will ensure that the much older and historic flint work is respected and ensures that the listed building forms the focal point within the square. The presence of front doors on this elevation is positive and takes into account previous comments, ensuring that the frontage feels as though it forms part of the square.

On balance, the proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF. As such, the public benefits of the development need to be considered as part of the assessment of the application, along with the contents of the 1990 Act (as amended). It is therefore necessary to consider the public benefits that the development may achieve balanced against the development of the site. These include:

- Providing much needed housing to meet the deficit in Arun's 5-year Housing Land Supply (HLS).
- Benefitting the local economy by bringing in additional customers to the village centre shops and services.
- Benefitting the streets in the vicinity of the site from increased natural surveillance, reducing crime and anti-social behaviour.
- Re-developing a derelict brownfield site in the centre of Angmering Village.
- Creating construction jobs and retail jobs.
- Creating new sources of employment and economic activity at the site.
- Additional spending by new residents on local goods and services.

In conclusion, the public benefits of the proposed development are considered to outweigh the harm caused to the Conservation Area and the proposal therefore complies with policies HER SP1 and HER DM3 of the ALP, policy EH1 of the ANP, the NPPF and Section 72 of the Act.

Listed Buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Heritage Statement states that the proposed new building re-establishes former building lines on a domestic scale and character to both High Street and Water Lane, thereby helping 'Eachways' to sit in its proper context as the 'bookend' historic building for Water Lane and High Street. It goes on to state that the design is appropriate in form, scale and character, with a good mix of vernacular materials and form that will enhance the settings of the nearby listed buildings, while also enhancing the Conservation Area and its setting.

In the refused scheme (A/110/21/PL), the Inspector considered that the rear part of the building would be visible in the gap between Eachways and the terrace fronting High Street, which would give the impression of being filled with buildings even though the front elevation of the rear block would be set back into the site. This is also acknowledged by the Design and Access Statement Addendum submitted in support of this application, which states that with the L-shaped nature of the proposed building, it is acknowledged that it may be possible to view development set further back on the site via the gap between Eachways and the proposed High Street frontage, creating what has been perceived as 'visual overcrowding' to the Grade II listed building.

The revised layout results in an increased separation between the High Street frontage and Eachways, which is generally positive as it allows for the front elevation and at least some of the side elevation of the listed building to be better experienced and appreciated, whilst also ensuring that the new High Street fronting element of the building is less dominant. However, a further result of this increased separation distance is that more of the new building would potentially be visible. This still has the potential to visually crowd the listed building and require further consideration or at least some form of mitigation.

The Heritage Statement acknowledges that opening the gap between Eachways and the new High

Street frontage of the building mean that more of the new building can be seen behind. It considers that the rear range will also have an attractive main entrance facing towards the newly-widened gap and that the variation/articulation of the redesigned elevation will present a pleasant appearance in that part of the site, which is outside the Conservation Area.

Whilst it was not previously clear if any form of landscape mitigation had been considered, revised plans have now been submitted showing a native hedge and a number of trees to be planted in the area between Eachways and the High Street frontage. This is a key revision as it will help to ensure that the building behind is screened and that part of the setting of the listed building is softened and is therefore critical for the impact of the development to be mitigated.

Another point noted within the Inspector's decision is the importance of the front elevation of Eachways being amplified by the absence of competing buildings either side or above it. At present, whilst the buildings have been moved further away from its side, it is not clear if any of the development be clearly seen above Eachways in wider views from within the square. If this is the case then it would still result in some degree of visual crowding, for which there is no form of mitigation available to reduce the impact.

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF. As such, the public benefits of the development need to be considered as part of the assessment of the application, along with the contents of the 1990 Act (as amended). It is therefore necessary to consider the public benefits that the development may achieve balanced against the development of the site. These have been set out above.

In conclusion, the public benefits of the proposed development are considered to outweigh the harm caused to the listed building and the proposal therefore complies with policies HER SP1 and HER DM1 of the ALP, the NPPF and Section 66 of the Act.

BIODIVERSITY

A Preliminary Appraisal and Ecological Impact Assessment was submitted with the previous application (A/110/21/PL), which established that there were potential bat roosting features on the carport within the courtyard area and the cottage and recommended further investigation.

An Ecological Impact Assessment (EclA) with Phase 2 Bat Survey Work was subsequently submitted following the completion of further bat surveys, which concluded that the carport and the cottage were not found to be used by bats for roosting and no further survey work was required. Further information relating to Biodiversity Net Gain (BNG) was subsequently requested by ADC Ecology in addition to that recommended in the EclA, prior to the determination of the application.

An updated version of the EclA was submitted with the current application. Whilst no further survey works are recommended prior to commencement, the report does make recommendations in terms of breeding birds, on-site enhancements and BNG.

Having considered the enhancement measures proposed in the updated report, comprising the provision of 5 bat tubes and 5 bee bricks built into the external walls of the building; the creation of a corridor for hedgehogs; the planting of 10 new trees within the site; the planting of new native hedgerows along the south western boundary; the provision of 2 hedgehog nesting boxes and creation of at least 3 log piles, it is recommended that these are conditioned and are implemented in their entirety.

Subject to ecological enhancement and BNG conditions, the proposed development complies with Policy ENV DM5 of the Local Plan and the NPPF.

TREES

A Tree Survey and Impact Assessment has been submitted with the application, which identifies the locations of the trees for removal and those for retention, together with tree protection measures to be implemented during the construction of the apartments and the retail unit and confirms that there are no Tree Preservation Orders protecting trees on the site.

The trees growing along the southeast boundary of the site including Leyland Cypress, Elm and Sycamore are proposed to be retained; but 2 trees (a Sycamore and a Monterey Cypress) are proposed to be removed from the frontage with High Street, which is acceptable due to the condition of the trees. The Proposed Site Plan (Drawing No. SO-2729-03-AC-125 Rev. J) has taken into account the root protection areas (RPAs) of the trees to be retained on the site.

The development can be accommodated without detriment to the trees that are proposed to be retained on the site and the proposal complies with Policy ENV DM4 of the Local Plan.

FLOODING AND SURFACE WATER DRAINAGE

The north-western part of the site is located within a Flood Zone 2 (Medium Probability) and Flood Zone 3 (High probability) as the Black Ditch is culverted beneath Water Lane adjacent to the site. The application is within an area at risk from both fluvial and pluvial flooding. The proposed residential development is predominantly located within Flood Zone 1.

Sequential Test and Exception Test

Paragraph 161 of the NPPF states that 'All plans should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by applying the sequential test and then, if necessary, the exception test as set out below.

Paragraph 166 of the NPPF states that where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. It is noted that the application site is allocated for residential use in the ANP (policy HA3) and therefore complies with the Sequential Test.

Paragraph 166 of the NPPF states that where planning applications come forward on sites allocated in the development plan through the sequential test, the exception test may need to be re-applied if relevant aspects of the proposal had not been considered when the test was applied at the plan making stage, or if more recent information about existing or potential flood risk should be taken into account. The site-specific Flood Risk Assessment confirms that the development passes the exception test and is compliant with Policies W DM2, W DM3 and W SP1 of the Local Plan.

Paragraph 164 of the NPPF states that to pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.'

The site is considered to be socially, environmentally and economically sustainable due to its town centre location and acceptable impact on residential amenities and visual appearance (environmental factor), as

expanded above, and the contribution it is capable of making towards construction jobs (social and economic factors). The site location passes the sustainability criteria of the Exception Test. The development of the site would reduce flood risk overall, in compliance with b) above.

Flood Risk Assessment

The application includes an FRA and a Surface Water Drainage Strategy. The EA has objected to the application as the submitted FRA does not comply with the requirements set out in the planning practice guidance and does not adequately assess the flood risks posed by the development. In particular, the FRA fails to outline Floodplain Compensation related to the raising of the ground to allow the proposed FFL to be achieved.

The applicant has subsequently confirmed that the design flood level is prescribed as 6.33m above Ordnance Datum (AOD) based on the worst case 0.01% (1/1000 yr) annual probability event and 6.03m AOD based on the 1% (1/100 yr) annual probability event, and that the FFL of the proposed building is 6.4m AOD, which is 370mm above the 1/100 year flood levels and 70mm above the 1/1000 year flood levels, in line with the EA's recommendations.

Similarly, submitted plan SO-2729-03-DE-0700 illustrates the extents of Flood Zones 1 & 2 in relation to the footprint of existing and proposed buildings and demonstrates that the proposals reduce the extent of the built footprint by 130m² in Flood Zone 1 and 50m² in Flood Zone 2, and there is subsequently no loss of storage.

It should be noted that EA were consulted on the previous application (A/110/21/PL) and raised no objection on flood risk grounds, only requesting that a condition be imposed ensuring that FFLs are set no lower than 6.4m AOD for all apartments.

Whilst the EA have been reconsulted on the additional information submitted and are expected to respond prior to Committee, it should be noted that flood risk was not a reason for refusal on the previous application and was not raised as an issue as part of the Inspector's appeal decision. It would therefore be unreasonable to recommend refusal of the application on the grounds of flood risk.

Surface Water Drainage Strategy

The Surface Water Drainage Strategy proposes storage in the form of permeable paving with subbase storage and an attenuation tank, with surface water pumped at a discharge rate equivalent to 50% of the brownfield rate.

The External Consultants for ADC Drainage have lodged a holding objection, subject to the submission of further information. The applicant has submitted an updated Drainage Strategy Report and accompanying letter in response to this.

It should be noted that ADC Drainage raised a holding objection on the previous application (A/110/21/PL) pending the submission of additional information, including evidence to demonstrate the maximum storage available on site and the associated discharge rate; a gravity surface water drainage system; and details of pollution mitigation indices delivered through drainage proposals.

Whilst ADC Drainage have been reconsulted on the additional information submitted and are expected to respond prior to Committee, it is considered that the outstanding information can be secured via suitable conditions, as per the previous application. As surface water drainage did not form part of the reasons for refusal of the previous application and was not raised as an issue as part of the Inspector's appeal decision, it would be unreasonable to recommend refusal of the application on these grounds.

Conclusions on Matters of Flooding and Surface Water Drainage

Subject to appropriate flood risk and surface water drainage conditions, the proposed development is deemed to comply with policies W DM2, W DM3 and W SP1 of the ALP and the NPPF.

FOUL WATER DRAINAGE

When consulted on the previous application (A/110/21/PL), Southern Water confirmed that they could facilitate foul sewerage disposal to service the proposed development and it is assumed that this is still the case. It is also possible that a sewer could be crossing the site and a condition is required whereby; if any sewer is found during construction, an investigation would be required to assess its ownership.

Subject to a foul water drainage condition, the proposed development complies with policy W DM1 of the ALP.

CONTAMINATION

The application is accompanied by a Ground Condition Assessment, which concludes that there are low to moderate risks to future site users and buildings related to elevated concentrations of lead within the made ground and from exposure to ground gas and radon; and there is a low to moderate risk to the underlying bedrock principal aquifer from the migration of contaminants associated with the fuel infrastructure. The Assessment makes a number of recommendations including the removal of all fuel tanks and connecting pipework; that services be laid in lined trenches; that a capping layer of 400mm of clean imported subsoil and subsoil is placed in areas of soft landscaping; the installation of suspended floor slabs and gas resistant membrane to mitigate the transmission of ground gas and radon; the removal or mitigation of the hydrocarbon impacted soils; the provision of a piling risk assessment; a watching brief should be implemented; deeper foundations due to the thickness and variable composition of the underlying made ground; and the need for a stand-alone Remedial Method Statement to be submitted.

Further to the recommendations set out in the Ground Condition Assessment, Environmental Health have requested the imposition of contaminated land conditions including the submission of an additional site investigation scheme, an options appraisal, a remediation strategy and a verification report, to ensure that the proposed development complies with Policy QE DM4 of the Local Plan to protect the amenity of local residents.

Subject to the proposed conditions, the proposed development complies with Policy QE DM4 of the ALP.

AIR QUALITY

The proposed development is not located in an Air Quality Management Area. Environmental Health has requested the imposition of a condition requiring the submission of an Air Quality Assessment as this is a major development and air quality should be considered at the design stage and incorporate appropriate and effective mitigation in accordance with the NPPF and Policy QE DM3 of the ALP.

Environmental Health have also requested a condition for the submission of a Construction Management Plan to protect the amenity of local residents; and this construction management plan condition should include a reference to the Refuse and Waste Management Plan which has been submitted with the application.

Provision should be made for electric vehicle (EV) charging points to be installed within the parking courts serving the retirement apartments, in accordance with paragraph 2.8 of the ADC Parking Standards SPD. It is recommended that this is conditioned.

Subject to the imposition of conditions for the submission of an Air Quality Assessment, a Construction Management Plan and the provision of electric vehicle charging points, the proposed development complies with Policy QE DM3 of the ALP, in terms of air quality.

NOISE

The NPPF and Policy QE DM1 of the Local Plan emphasise that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

Subject to the imposition of appropriate conditions, the proposed development complies with Policy QE DM1 of the ALP.

CLIMATE CHANGE

The proposed east/west orientation of the building accommodating the apartments store would ensure maximum solar gain and would comply with Policy ECC SP1 of the Local Plan.

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. No details of energy efficient or low carbon measures have been provided as part of the application.

SUPPORTING INFRASTRUCTURE

The proposed development would help to support the local community by providing 35 retirement apartments (independent living). The proposed development would be required to make a CIL contribution. As such, there would be a further benefit to the local community as the development site is located in Zone 2 of the Arun CIL Charging Schedule Zone Maps and would therefore be liable to pay CIL at £74.40 per square metre of net additional floorspace, which is the rate for older people's housing, sheltered housing and extracare housing.

SUMMARY

The benefits of the scheme include the provision of 35 much needed retirement apartments (independent living), together with the demolition and removal of an empty and unsightly commercial building and an empty house on the site. The proposed development is located within the BUAB, wherein the principle of residential development is accepted. The site is also allocated for residential development in the ANP.

It is acknowledged that the Council cannot currently demonstrate a 5 year housing land supply and some planning weight should therefore be afforded to the fact that the proposed development would make a meaningful contribution to the Council's identified housing need.

This report identifies some impact to heritage assets, in that the proposal would result in less than substantial harm in accordance with paragraph 202 of the NPPF, which must be weighed against the public benefits of the development. As set out within this report, the proposal will make a meaningful contribution to the HLS shortfall along with other social, economic, and environmental benefits.

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

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This is a CIL Liable development. It is in Zone 2 and a CIL amount of £244,329.60 would be payable unless the application applies for exemption subject to the requirements of the CIL Regulation 2010 (as amended). A 25% proportion of this amount (£61,082.40) would go to the Parish Council.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- SO-2729-03-AC-120 Location Plan rev C
- SO-2729-03-AC-125 Proposed Site Plan rev J
- SO-2729-03-AC-220 Ground Floor GA Plan rev F
- SO-2729-03-AC-221 First Floor GA Plan rev F
- SO-2729-03-AC-223 Roof GA Plan rev E
- SO-2729-03-AC-320 Site Sections Sheet 1 rev C
- SO-2729-03-AC-321 Site Section Sheet 2 rev B
- SO-2729-03-AC-420-3 Watercolour Elevations - North and West rev B
- SO-2729-03-AC-421-3 Watercolour Elevations - East and South rev B
- SO-2729-03-AC-422-3 Watercolour Elevations - Courtyard rev B

- SO-2729-03-AC-423-3 Watercolour Elevations - Street Views rev D
- SO-2729-03-AC-424 Materials Elevations rev B
- SO-2729-03-AC-430 Perspective Views Water Lane Approach to Angmering Square rev D
- SO-2729-03-AC-431 Perspective Views Retirement Living Main Entrance rev E
- SP-2729-03-AC-432 Perspective View Retirement Living from Angmering Square rev E
- SO-2729-03-AC-450-1 Street Scenes rev F
- SO-2729-03-AC-450-2 Street Scenes rev D
- SO-2729-03-AC-510 Illustrative Plan of Public Toilets Floor Plan and Elevations rev B
- SO-2729-03-AC-520 Substation Floor Plan and Elevations rev A
- SO-2729-03-DE-0700 Flood Areas Plan for Existing and Proposed Site rev P01
- SO-2729-03-LA-001 Landscape General Arrangement rev P06
- SO-2729-03-LA-002 Site Sections
- SO-2729-03-LA-003 Soft Landscape Image Sheet
- SO-2729-03-LA-004 Hard Landscape Image Sheet
- SO-2729-03-LA-005 Landscape Strategy
- SO-2729-03-LA-006 Planting Plan rev P03
- 1524-KC-XX-YTREE-TPP01 Tree Protection Plan rev A
- 1524-KC-XX-YTREE-TCP01 Tree Constraints Plan rev 0
- 5013719 SI Location Plan
- Utility Sheet 1 of 1 Issue 1

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

3 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.

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

Reason: To 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.

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

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, but with control exercised over potential harm to heritage assets in accordance with policies QE DM3 (c) and HER DM1/HER DM3 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

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

- a) An indicative programme for carrying out of the works;
- b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- c) Measures to minimise the noise (including vibration) generated by the construction process

to include hours of work, the careful selection of plant and machinery and use of noise mitigation barrier(s), to be in accordance with BS5228:2009;

d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;

e) The parking of vehicles of site operatives and visitors;

f) Loading and unloading of plant and materials, including permitted times for deliveries;

g) Storage of plant and materials used in constructing the development;

h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

i) A dust management plan produced in accordance with the Institute of Air Quality Management (IAQM) 'Assessment of dust from demolition and construction (2014);

j) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

k) Pest control

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 7 Finished floor levels shall be set no lower than 6.40 metres above Ordnance Datum (AOD) for all residential units. This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In line with the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to reduce the risk of flooding to the proposed development and future occupants.

- 8 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.

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with

policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 10 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment with Phase 2 Bat Survey Work (Abbas Ecology, August 2021, updated January 2023) and the Landscape General Arrangement Plan (Terrafirma, January 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

- 11 No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement for protected and Priority species (bats) has been submitted to and approved in writing by the local planning authority.

The content of the method statement shall include the following:

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

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

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

- 12 **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.

- 13 **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.

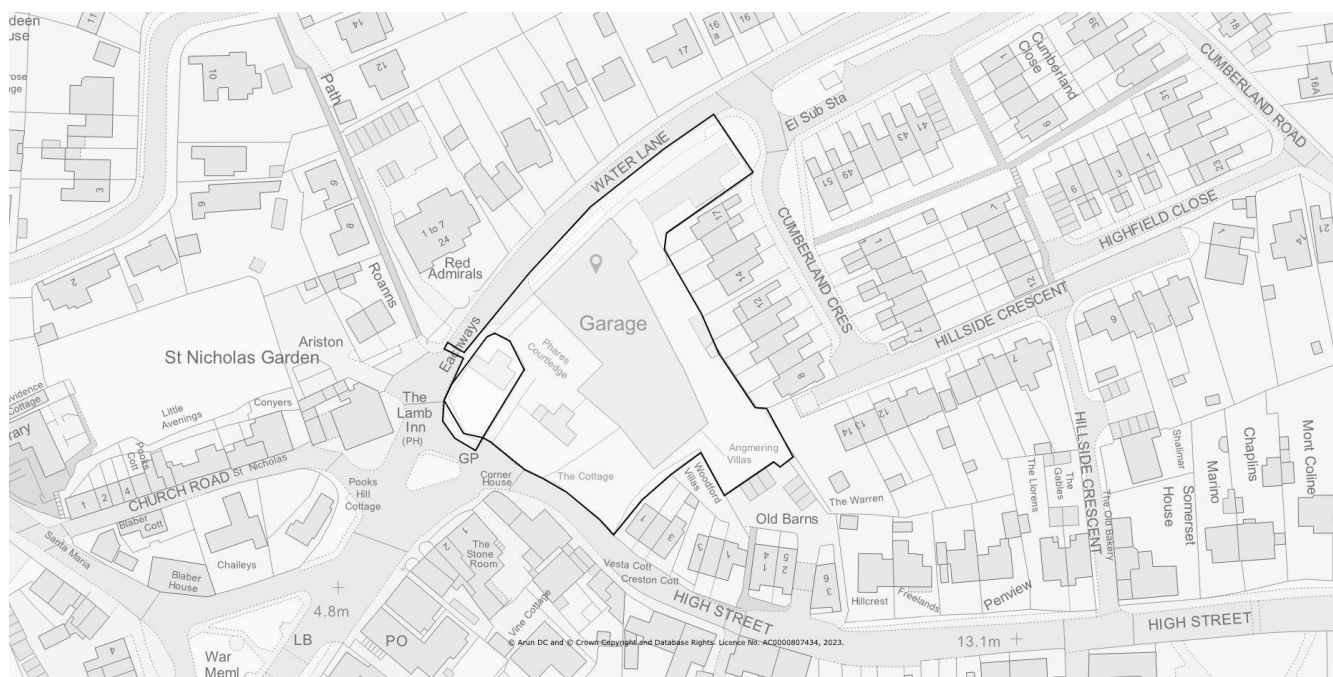
For further information, please contact the Environmental Health Department on 01903 737555.

- 14 **INFORMATIVE:** Building Regulations, Approved Document E should be applied in relation to sound insulation between the proposed separate residential dwellings.

BACKGROUND PAPERS

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

A/11/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

A/256/22/PL

Original Decision = Refused

Received: 19-05-23

Downsview Littlehampton Road Angmering

Decision Level = Delegated

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

Written

Representations

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

AL/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

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

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 of 9 No. residential dwellings. This application is

a Departure from the Development Plan.

**Written
Representations**

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

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

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/110/22/PL

Original Decision = Refused

Received: 18-05-23

1 Como Barnham Road Eastergate

Decision Level = Delegated

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

**Written
Representations**

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

BN/130/22/T

Original Decision = Refused

Received: 21-03-23

133 Farnhurst Road Barnham

Decision Level = Delegated

(A) 1 x Oak Tree to fell as leaning towards property of 131 - an application was submitted and granted but has expired
(B) 1 x Oak Tree to reduce all limbs by 2 meters height 14m to leave 12m and laterals 4m to leave 2m

**Written
Representations**

PINS Ref: APP/TPO/C3810/9444

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

FP/84/22/PL

Original Decision = Refused

Received: 22-05-23

7 Ambleside Close Felpham

Decision Level = Delegated

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

*Written
Representations*

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

K/22/22/PL

Original Decision = Refused

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/257/20/HH

Original Decision = Refused

Received: 14-01-21

2 Meadow Way Littlehampton

Decision Level = Delegated

Two storey brick side extension under tiled roof

*Written
Representations*

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

LU/347/22/PL

Original Decision = Refused

Received: 09-06-23

27 Clifton Road Littlehampton

Decision Level = Delegated

Retention of first floor 19 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

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

LU/385/22/PL

Original Decision = Refused

Received: 25-05-23

Garage Compound Colebrook Road Littlehampton

Decision Level = Delegated

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

**Written
Representations**

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

WA/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

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

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

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

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

Y/176/21/PL
Original Decision = Refused
Received: 11-01-23

Bonhams Field Main Road Yapton

Decision Level = Delegated

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

*Written
Representations*

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

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

Longacre Maypole Lane Yapton

Decision Level = Delegated

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

*Written
Representations*

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

ENF/258/22
Received:

Ridgeway Park Road Barnham West Sussex

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

ENF/366/21

15 South Terrace Littlehampton West Sussex

Received:

Written Representations

PINS Ref: APP/C3810/F/23/3322586

Arun District Council

REPORT TO:	Planning Committee – 9 August 2023
SUBJECT:	Key Performance Indicators 2022-2026 – Quarter 1 performance report for the period 1 April 2023 to 30 June 2023.
LEAD OFFICER:	Jackie Follis, Group Head of Organisational Excellence
LEAD MEMBER:	Councillor June Hamilton, Chair of Planning Committee
WARDS:	N/A
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
The Key Performance Indicators support the Council's Vision and allows the Council to identify how well we are delivering across a full range of services.	
DIRECTORATE POLICY CONTEXT:	
This report is produced by the Group Head of Organisational Excellence to give an update on the Q1 Performance outturn of the Key Performance Indicators.	
FINANCIAL SUMMARY:	
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
TOTAL	10

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.

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 Outturn for Q1 64%	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 Outturn for Q1 75%	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 Outturn for Q1 97%	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 Outturn for Q1 54 days	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 Outturn for Q1 56 days	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 Outturn for Q1 46 days	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 Outturn for Q1 73 days	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 Outturn for Q1 131 days	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 Outturn for Q1 64 days	See CP27
CP35	% of planning applications registered within 5 days	Fulfilling Arun's economic potential	Planning	Karl Roberts	Higher is better	70%	Achieving Outturn for Q1 91%	Target achieved.

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