



Public Document Pack

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2 November 2023

PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber at Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** on **Wednesday 15 November 2023 at 2.00 pm** and you are requested to attend.

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

PLEASE NOTE: 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

A G E N D A

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 18 October 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**

PLANNING APPLICATIONS

6. **A/11/23/PL, BMW HOUSE, CHANDLERS GARAGE LTD, WATER LANE, ANGMERING BN16 4EH** (Pages 9 - 42)
7. **A/106/23/PL, THE COACH HOUSE, ARUNDEL ROAD, FONTWELL BN18 0SX** (Pages 43 - 52)
8. **AW/177/23/PL, WEST PARK CAFE, SILVERSTON AVENUE, ALDWICK PO21 2RD** (Pages 53 - 60)
9. **BR/83/23/PL, REGIS CENTRE CAR PARK, BELMONT STREET, BOGNOR REGIS PO21 1LE** (Pages 61 - 94)
10. **LU/220/23/PL, THE MANSE, 2 ARUNDEL ROAD, LITTLEHAMPTON BN17 7DB** (Pages 95 - 104)
11. **R/163/23/PL, 43 OLD MANOR ROAD, RUSTINGTON BN16 3QS** (Pages 105 - 116)
12. **Y/52/23/PL, LAND WEST OF BILSHAM ROAD, YAPTON BN18 0LA** (Pages 117 - 158)

PLANNING APPEALS

13. **APPEALS** (Pages 159 - 164)
14. **SCHEME OF DELEGATION AND PLANNING PROTOCOL** (Pages 165 - 188)

The report proposes some minor changes to the Scheme of Delegation from Planning Committee to the Group Head of Planning.

OFFICER REPORT UPDATES

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

BACKGROUND PAPERS

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

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

Contact Officers :

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

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

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

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

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

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

These meetings are webcast live.

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Agenda Item 4

Subject to approval at the next Planning Committee meeting

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PLANNING COMMITTEE

18 October 2023 at 2.00 pm

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

219. APOLOGIES

There were no apologies received for the meeting.

220. DECLARATIONS OF INTEREST

Councillor Woodman declared a Personal Interest in Item 7 [LU/182/23/PL Wellesley Court, Fitzalan Road, Littlehampton, BN17 5JW] as a member of Littlehampton Town Council.

221. MINUTES

The minutes from the previous meeting held on 6 September 2023 were approved and signed by the Chair.

222. 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 presented at the meeting.

223. AL/70/23/OUT LAND WEST OF LIDSEY ROAD (A29) LIDSEY (DEFERRED ITEM)

No Public Speakers

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

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The Principal Planning Officer presented the report with updates.

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

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The Committee

RESOLVED

That the application be approved conditionally subject to a section 106 agreement.

224. LU/182/23/PL WELLESLEY COURT, FITZALAN ROAD, LITTLEHAMPTON, BN17 5JW

(Councillor Woodman redeclared a Personal Interest in this item as a member of Littlehampton Town Council.)

1 Public Speaker

Kai Penny – Agent

Subdivision of three existing flats into six flats, with the associated installation of two windows. The application is in CIL Zone 4 (zero rated) as flats and may affect the character and appearance of the Littlehampton Sea Front Conservation area. (Resubmission of LU/77/23/PL).

The Planning Area Team Leader presented the report. Members raised the following points during their debate was there anyway to apply a condition within the application to ensure that the occupation of each flat was kept to 1 person and concerns were raised regarding the amount of parking provision for the site.

The Planning Area Team Leader explained that there were 15 parking spaces on the site along with on-street parking which was in accordance with the relevant policies. Regarding the comment made in relation to a condition for single occupancy, he advised that it was not recommended this was done. The request for the room size to be of the appropriate size to meet the requirement of occupants had been made and outlined in the report where it confirmed that the six proposed unites were all compliant.

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

The Committee

RESOLVED

That the application be approved conditionally.

225. K/37/23/PL CLOUDY BAY, GORSE AVENUE, EAST PRESTON, BN16 1SF

5 Public Speaker

Kingston Parish Council
Sophie Mason – Objector
Mark Holdsworth – Objector
Simon Rogan – Applicant
George Frost – Agent

Replacement of an existing 2.5-storey detached dwelling with a new 3-storey plus basement detached dwelling including a front driveway, front and rear boundary walls, indoor and outdoor swimming pools, and a car lift.

The Planning Area Team Leader presented the report with updates. After the public speakers were heard the Planning Officer TL responded to the following points raised in terms of flood risk assessment this was detailed in the report clearly as flood zone one which meant there was no requirement for a flood risk assessment, additionally there was no consultation completed with the Environment agency as Flood Zone one did not meet their consultation requirements. A pre application submission was received from the applicant and the council did consult with its engineers on this a result of which an informative condition 11 which addressed how the basement may need to be dealt with from that point of view. Regarding comments made in relation to the SUDs scheme, the act does not come into effect until 2024. Resharing the presentation the officer addressed the comments made relating to the 45- and 70-degree rule, he confirmed that whilst these are guidelines in the Arun Design Guide, they were not Planning Policy and after consideration although there was some conflict it was deemed not enough to create significant harm that would warrant refusal. It was also confirmed that this minor conflict was at ground floor level only. In addressing comments made regarding the dwellings projection he confirmed that this was a single storey projection and would be 5.3 meters as detailed.

Members raised the following points during their debate, concerns over the size of the dwelling, in particular the basement was felt to be too big for the plot. Concerns in relation to surface water due to the impermeable surface increasing to 80%. A suggestion for a site inspection was made in order to assess the potential damage to other properties in the area, it was felt the intensity of the build would create significant damage to neighbouring properties. Further concerns raised regarding the flood risk were raised, clarification was sought regarding the impermeable surface size percentage and advice was requested on what Planning objection reason would stand up against an inspector on appeal. The Planning Area Team Leader advised there was no clear description of the permeable percentage, however, should members agree to arrange a site visit this information could be requested to be provided at this visit. The Chair then asked if the Committee were minded to approve the application where would the liability sit in terms of the large scale dig that would be needed if it impacted either neighbour on each side of the property. It was confirmed that the liability would sit with the applicant.

The Group Head of Planning advised members that the contravention of the degree lines in the design guide could be a reason for refusal, if it was felt that this was a significant breach, however officers have deemed that that it was not. Furthermore,

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permitted development rights for the existing property where the applicant could put a large, two storey extension onto the property should they wish too. He then addressed the committees' comments about the desire for a site visit to the dwelling, the reasons discussed had not yet been clear for officers as to what member would be assessing. In particular the comments regarding members flood risk concerns would provide little benefit to members as they and officers were not flood risk experts.

It was then asked regarding the permitted development rights if the application were to be approved would these rights still be in place and available to use? If yes, could a condition be added to address this. It was confirmed that a condition could be added under schedule 2, part 1, prevention of extensions and this could be tailored to single story extensions. Discussion returned to reasons for a site visit, and it was formally proposed by Councillor Bower and seconded by councillor Lury that the application be deferred to allow for a site visit in order to assess the potential damage to other properties in the area. Upon the vote being taken, the vote was tied, and the Chair used her casting vote which resulted in the deferral proposal being LOST.

The Chair then advised members that they would move to taking the vote on the officer's recommendation, the Group Head of Planning confirmed that the condition requested by Councillor Blanchard-Cooper regarding permitted development rights would be added as a condition as requested. A further request was made should the application be approved a condition be added to state that considerate building rules be applied, to ensure that the traffic going to and from Kingston could be managed. This was agreed to be included by officers.

The recommendation was proposed by Councillor Hamilton and was seconded by Councillor Blanchard-Cooper.

The Committee

RESOLVED

That the application be approved conditionally.

226. BR/268/22/PL RAVENNA, RICHMOND AVENUE WEST, BOGNOR REGIS, PO21 2YG

No Public Speakers

2 storey extension and conversion of existing property to provide 8 self-contained flats with associated car parking.

The Planning Area Team Leader presented the report and provided a verbal update advising that the S106 has been received and signed so the recommendation for members to consider was to approve, subject to conditions.

The Chair invited debate where one member raised concerns regarding the parking provisions, it was confirmed that these met the parking standards and were therefore compliant.

The recommendation was proposed by Councillor Blanchard-Cooper and seconded by Councillor Northeast.

The Committee

RESOLVED

That the application be approved with Section 106 agreement.

227. BR/168/23/PL ROSE COTTAGE, SHRIPNEY ROAD, BOGNOR REGIS, PO22 9LN

1 Public Speaker

Joseph Pearson – Agent

Change of use of the existing dwelling and annexe to HMO.

- The Planning Area Team Leader presented the report. After the public speaker was heard the Planning Area Team Leader referred members to page 92, condition 3 of the report outlined the maximum capacity of the HMO to be 10 persons and this would be monitored via Environmental Health and Licensing.

Members raised the following points during the debate, confirmation regarding if the dwelling fell within the Article 4 direction, it was confirmed that it fell outside of this parameter. Concerns surrounding the parking provisions were raised where it was explained that there were 4 spaces, 1 to the front of the property and 3 to rear. There was also a cycle parking facility for 4 bicycles. The proposal would provide sufficient on-site parking for an HMO of its size. A query regarding the space standards for HMO's in particular was the communal space compliant with these standards. It was confirmed that this was still being investigated, however it would not stop planning permission being granted, should there be non-compliance the application for the HMO license would highlight this. Should there then be a need to make any changes within the scheme then this would be brought back to planning committee for review.

The recommendation was proposed by Councillor Wallsgrove and seconded by Councillor McDougall. Upon the vote being taken it was LOST.

Members then agreed that the reason for refusal was due to the issues of over concentration of these types of units and the impact on the character of the area and the further additional use of this kind has a further detrimental impact on the area.

The Committee

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RESOLVED

That the application be REFUSED due to the issues of over concentration of these types of units and the impact on the character of the area and the additional use of this kind of unit has a further detrimental impact on the area.

228. BR/186/23/PL 1 SOMERSET GARDENS, BOGNOR REGIS, PO21 2AA

1 Public Speaker

Martin Jones – Objector

Retention of 7 bed HMO. This application is in CIL Zone 4 and is CIL Liable as new dwellings.

- The Planning Area Team Leader presented the report. After the public speaker the officer then responded to points made advising that the application could not be refused on the grounds of inhabitation, or the lack of toilets as these were not planning reasons.

Members raised the following points during the debate, it was clarified if the application was a retrospective one and comments were made regarding a number of building control requirements. It was confirmed that it was a retrospective application and the building control requirement concerns that had been highlighted were not for this committee to consider. Further concerns regarding the parking provisions were raised and it was confirmed that that there were 4 parking spaces provided plus cycle parking provision for 7 bicycles alongside the on-street-parking. Further comments of concern were raised regarding building control requirements and the comments from West Sussex County Council were stated to be unhelpful for the council.

The recommendations were proposed by Councillor Wallsgrove and seconded by Councillor Woodman. Upon the vote being taken it was declared LOST.

Members discussed and with suggested wording from the Planning Area Team Leader agreed that their reason to refuse the application was the HMO by reason of the number of occupiers would have a detrimental impact on the residential amenity of other residential dwellings in the area.

The Committee

RESOLVED

That the application be REFUSED due to the HMO by reason of the number of occupiers would have a detrimental impact on the residential amenity of other residential dwellings in the area.

229. AL/139/22/PL - LAND WEST OF FONTWELL AVENUE, FONTWELL AVENUE, EASTERGATE, PO20 3RU

1 Public Speaker

Susan Smith – Objector

Pair of semi detached dwelling houses with two storeys under a pitched roof. This application is in CIL Zone 2 and is CIL liable as new dwellings.

- The Strategic Development Team Leader presented the report with updates. One member commented that they had concerns regarding the length of time that was being taken on the site, concern for the condition of the private road as it had been eroded and could the applicant be told to address this.

The recommendations were proposed by Councillor Wallsgrove and seconded by Councillor Northeast.

The Committee

RESOLVED

That the application be approved conditionally.

230. APPEALS LIST

Members noted the appeals list provided.

(The meeting concluded at 4.16 pm)

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REPORT UPDATE

Application No: A/11/23/PL

Reason for the Update / Changes

ADDITIONAL REPRESENTATIONS:

Angmering Parish Council (APC) have stated that they maintain no objection to the development in principle, however careful consideration is still required by the Committee to ensure that their remaining concerns with regard to the potential harm to the Conservation Area and increased flood risk are addressed. Full comments are available to view on the Council's website, but in summary these are as follows:

- APC concurs with the comments made by the Conservation officer are disappointed that windows, doors and rainwater goods are proposed to remain UPVC.
- APC note the refusal of an application to change 25 windows from timber to UPVC in an existing property further along the High Street and strongly oppose the use of UPVC rather than timber for windows and doors in the proposed scheme. However, if UPVC is agreed it must be of the highest possible quality and secured by an appropriate condition.
- APC consider the use of flint on the two properties fronting the High Street to be more fitting for the conservation area but note the views of the Conservation Officer in this regard.
- APC request render to be beige or cream in colour which would be more in keeping with the colours of properties further along the High Street.
- APC agree with the Drainage Engineer Report (14 June 2023) and urge officers/committee to be sure that the flood risk to other property owners in the vicinity is not increased.
- APC note the further response received from the Environment Agency.

An additional letter has been received raising no objection but making the following comments:

- Proposed position of the electricity substation goes against the recommendations of the National Grid.
- The substation is too close to homes in Cumberland Crescent and should be at least 75 metres away.
- There is a potential risk of EMF radiation.

ADDITIONAL CONSULTATION RESPONSES:

The Environment Agency have provided an update consultation response. Full comments are available to view on the Council's website, but in summary they are satisfied that their initial objection submitted on 7 February 2023 can be removed subject to conditions requiring the following:

1. Compliance with the submitted Flood Risk Assessment, including setting finished floor levels no lower than 6.40 metres above Ordnance Datum;
2. Submission and approval of a remediation strategy to deal with the risks associated with the contamination of the site;
3. Submission and approval of a verification report demonstrating the completion of works set out in the approved remediation strategy, and their effectiveness;
4. Submission and approval of a monitoring and maintenance plan in respect of contamination;
5. Submission and approval of a remediation strategy in the event that previously unidentified contamination is found during development; and
6. Written consent for piling using penetrative methods.

Conditions to secure the information requested as part of 1-5 have already been included. Condition 6 has been added.

ADDITIONAL DOCUMENTS:

An Energy Statement was received on 7 August 2023, which provides details of how the development will meet the energy efficiency standards set out by the Council. Full details are available to view on the Council's website, but in summary the proposals comprise:

- Utilising a good thermal envelope to minimise heat loss;
- Efficient heating and lighting systems;
- Low carbon technologies in the form of mechanical ventilation with heat recovery (MVHR) and air source heat pumps (ASHP);
- Water saving sanitaryware; and
- Solar Photovoltaic (PV) panels.

Officers consider that the proposed energy efficiency measures comply with policies ECC SP1 and ECC SP2 of the Arun Local Plan.

ADDITIONAL COMMENTS SINCE AUGUST COMMITTEE

The application was due to be determined at Committee in August 2023.

Following the submission of a Financial Viability Assessment claiming that the proposal could not deliver any affordable housing on-site, independent consultants, Dixon Searle Partnership were instructed to carry out a desk-top study considering the site context from the information supplied by Arun District Council and using available web-based material.

Dixon Searle Partnership have carried out detailed sensitivity testing based on amendments to the development appraisal and concluded that in their view the scheme is highly marginal in terms of its ability to support an affordable housing contribution alongside the other community and infrastructure costs.

The recommendation remains the same as previously.

Officers Comment:

The changes to conditions show under Officers Recommendation at the end of the attached report.

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

PLANNING APPLICATION REPORT

REF NO: A/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 and is CIL liable as Older People's Housing

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 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.

WSSC 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 be 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 Hierarchy 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 that a site is developed 'as far as is possible within its constraints'.

The Councils 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 in 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 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 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. 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.

Whilst the EA have been re-consulted 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 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.

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 re-consulted 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 development would help to support the local community by providing 35 retirement apartments (independent living). The development would be required to make a CIL contribution. There would be a further benefit to the local community as the development site is in Zone 2 of the Arun CIL Charging Schedule Zone Maps and would 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.

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 in 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 Piling using penetrative methods shall not be carried out other than with the prior written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent unacceptable risks to potable supplies from, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways, in line with paragraph 174 of the National Planning Policy Framework and Position Statement A8 of the 'The Environment Agency's approach to groundwater protection'.

- 6 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.

- 7 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.

- 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 submitted to and approved by the Local Planning Authority.

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

- 9 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with an 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.

- 10 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.

- 11 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.

- 12 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.

- 13 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).

- 14 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.

- 15 The retirement accommodation hereby approved shall not be occupied by any persons under the age of 60 years old, or under 55 years old in respect of spouses and partners of such persons who do meet the minimum age criteria of being at least 60.

Reason: The retirement accommodation is purpose built as such and to ensure the provision of housing of a type that meets the needs of older people, in accordance with Policy H DM1 of the Arun Local Plan.

- 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.

- 17 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.

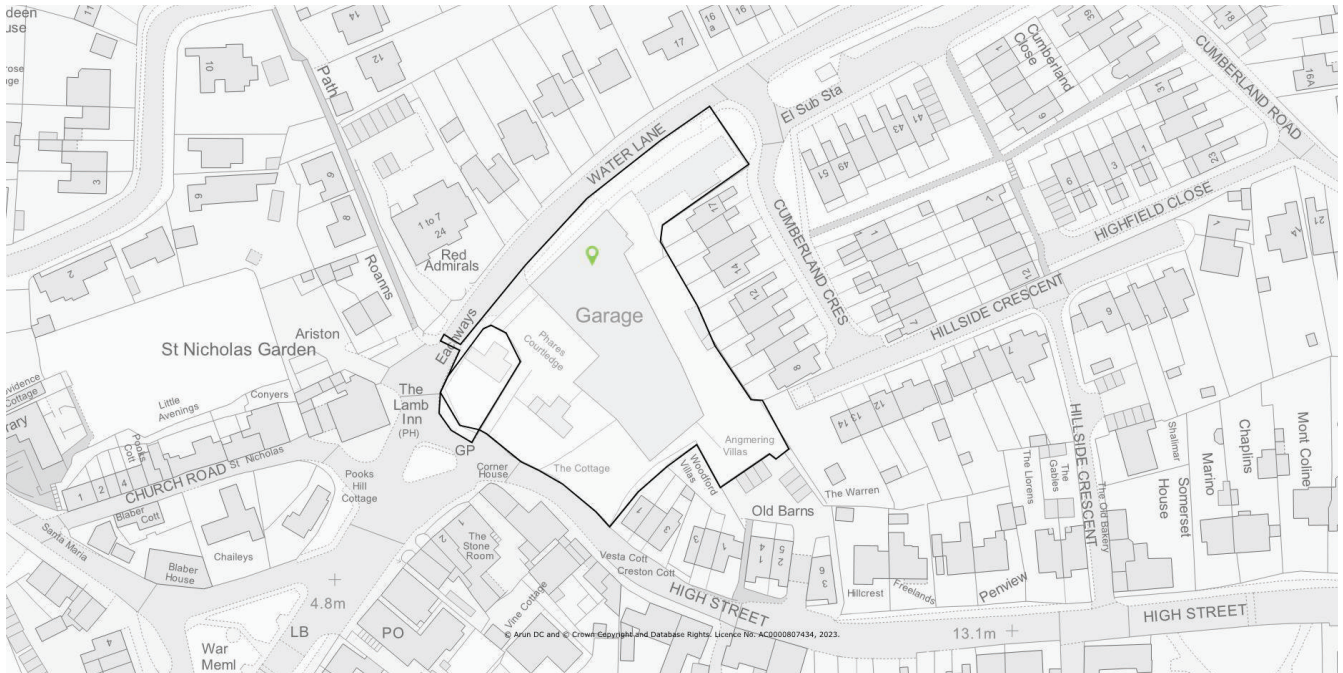
- 18 INFORMATIVE: Building Regulations, Approved Document E should be applied in relation to sound insulation between the proposed separate residential dwellings.

- 19 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.](https://www.arun.gov.uk/weekly-lists)

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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PLANNING APPLICATION REPORT

REF NO: AL/106/23/PL

LOCATION: The Coach House
Arundel Road
Fontwell
BN18 0SX

PROPOSAL: Detached single storey teaching building clad in timber. This site is a Departure from the Development Plan and is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to construct a detached, single storey building that is to be clad in timber boarding and used for teaching.
SITE AREA	3870sqm.
TOPOGRAPHY	Predominantly flat.
TREES	2 No. early mature Cypress Leyland to the west of the proposal and 1 No. Wild Cherry tree to the south of the proposal are of particular note. There are other trees on site but these are general early and low amenity or not within proximity to the development.
BOUNDARY TREATMENT	Approx. 2m tall wooden boundary fencing and mature planting.
SITE CHARACTERISTICS	The site serves as an independent therapeutic community that provides residential care and teaching. The site currently features 2 No. buildings; one 1.5 storey brick and clay tile building with numerous small pitched roof dormers, and one single storey timber clad (teal blue) building with a gable ended clay tile roof. The site also boasts a central play area and parking within the site.
CHARACTER OF LOCALITY	The site is just north of the A27 and Fontwell Park. The surrounding properties are of residential use but demonstrate an irregular layout and distribution with substantial grounds and mature planting. The area is semi-rural in character.

RELEVANT SITE HISTORY

AL/60/14/PL	Change of use from residential (C3 Dwellinghouse) to children's therapeutic community centre (D1 Non residential Institution)	ApproveConditionally 10-10-14
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al/50/22/pl	Change of use of part of C3 residential dwellinghouse to Class E ancillary office space, change of use of former garage building to Use Class F1 and the alterations to the buildings including roof extension of the main building in order to allow increase in capacity for children of up to 10 and staff up to 6 of the specialist children's school at the Coach House (resubmission following AL/62/21/PL). This site is in CIL Zone 3 (Zero Rated) as other development.	ApproveConditionally 16-06-22
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The current application seeks to construct a detached, single storey teaching building that is under use class F1 and connected to the existing F1 use on site.

AL/50/22/PL - This application granted permission for a part change of use of the site from C3 (Dwellinghouse) to E (Offices) and part change of use of C3 (Dwellinghouse) to F1 (Non-residential institution (formerly D1)).

REPRESENTATIONS

Aldingbourne Parish Council - Objection:

- Under ANP Policy EH1(iii), proposals must be sensitively designed, located, and respect the character and built heritage of neighbouring settlements. We do not feel it meets this criteria.

1 No. Support from nearby occupier:

- No objections to any single storey building.
- The school and children they teach and support will benefit from this.
- It has no impact on us as the only direct neighbour.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The third paragraph of Policy EH1 (Built-up Area Boundary) of the Aldingbourne Neighbourhood Development Plan refers to residential/housing developments, not uses such as this. All other relevant planning matters are discussed in the report below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

National Highways - No objection.

South Downs National Park - No objection.

WSCC Highways - No objection.

Southern Water - Informative requested.

Ecologist - No objection:

- The submitted Ecological Appraisal (PEA) is acceptable.
- The measures identified Biodiversity Net Gain Statement would achieve a net gain.

- The site is within the 12km wider conservation area of the Singleton & Cocking SAC. The PEA does not address this however, the development is quite small and has negligible impacts on the SAC.
- The development is not removing any trees and a bat friendly lighting scheme should be conditioned.
- The biodiversity enhancements should also be conditioned in line with the ecological enhancement recommendations identified in the PEA.

Drainage Engineers:

- The site is within the Lidsey Treatment Catchment area and an inner Groundwater Protection Zone (Environment Agency & Portsmouth Water should be consulted).
- Requesting pre-commencement drainage condition to be attached alongside associated informative.

Environment Agency - Awaiting response.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Informatives and conditions applied where appropriate.

Natural England were formally consulted on this application but have not responded. A Habitats Regulations Assessment has been undertaken and has been uploaded to this application. It is not necessary to send this to Natural England for a further response request as an Appropriate Assessment was not required.

Following the site visit, it was found that the concrete subbase of the proposal had been laid. Works have since halted and Engineers have been made aware of the situation. An additional drainage details document has been provided by the applicant to attempt to remedy surface water drainage concerns however, as works have commenced, pre-commencement conditions are not suitable. A re-consultation request has been sent to drainage to assess the new drainage details and provide a further response.

The Environment Agency were consulted on this application on 24/10/23. We are awaiting a response.

POLICY CONTEXT

Designation applicable to site:

Lidsey Treatment Catchment.
HR Buffers (SD10) 12 000 Singleton and Cocking Tunnel SAC;
Mineral Safeguarding Area;
Source Protection Zone 2.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
ENVDM5	ENV DM5 Development and biodiversity
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality

[Aldingbourne Neighbourhood Plan 2019-31 Policy EH5](#) Surface water management

Aldingbourne Neighbourhood Plan 2019-31 Policy Protection of trees and hedgerows

EH6

Aldingbourne Neighbourhood Plan 2019-31 Policy Attention to detail
H9

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

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

All relevant policies from the Aldingbourne 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 remains in character with the existing site and results in no harm to the visual amenity of the area or residential amenity. It also achieves a Biodiversity Net Gain and protects existing habitats on site.

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 policies relevant to this proposal are D SP1 (Design), D DM1 (Aspects of Form and Design Quality), QE SP1 (Quality of the environment), ENV SP1 (Natural Environment), ENV

DM5 (Development and Biodiversity), T SP1 (Transport and Development), W DM1 (Water supply and quality), W DM3 (Sustainable Urban Drainage Systems) of the Arun Local Plan (ALP), and policies EH5 (Surface Water Management), EH6 (Protection of trees and hedgerows) & H9 (Attention to detail) of the Aldingbourne Neighbourhood Development Plan (ANP).

The site is located outside of the Built-up Area Boundary. Policy C SP1 of the Arun Local Plan states that land outside of the Built-up Area Boundaries is defined as 'countryside' and recognised for its intrinsic character of beauty. There are then six caveats which allow development to be permitted. The proposal is not in accordance with any of these caveats and is thus, contrary to policy C SP1. However, this proposal is to provide an ancillary building to an existing use within the site and it does not result in any material planning harm.

Policy EH1 of the Aldingbourne Neighbourhood Development Plan (ANP) seeks to resist residential development outside the Built-up Area Boundary and West of Westergate Street, and sets criteria proposals need to address when outside of the Built-up Area Boundary and there is a demonstrable shortfall of housing land supply. As this is not residential development this policy is not relevant.

The Arun Design Guide (ADG) also provides additional guidance relevant to this proposal.

DESIGN AND VISUAL AMENITY

Policies D SP1 & D DM1 of the ALP require proposals to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish, and architectural details.

The proposed building would be single storey, feature a flat roof design and timber cladding to the external walls. The timber cladding would be blue in coloration to match the existing single storey building adjacent to the proposed within the site. It would also feature anthracite uPVC window frames and an integrated front canopy of the front (east) elevation. The structure would be modest in scale relative to other built form within the site and would not be visible from the public realm. The use of a flat roof design does not reflect the use of clay tile pitched roofs within the site and so this would be a clear visual distinction between the proposed and existing buildings however, the remainder of the proposed building would be in keeping with the style and materials demonstrated by the existing single storey building adjacent to the north within the site. The lack of a pitched roof does not give rise to any significant harm of the visual amenity of the site and the scale and design remain acceptable for the character of the site.

The proposal is in accordance with policies D SP1 & D DM1 of the ALP.

NEIGHBOURING RESIDENTIAL AMENITY

Policy D DM1 requires that there be minimal impact to neighbours in terms of loss of privacy or outlook, or unacceptable disturbance.

Owing to the scale and siting of the proposal, the surrounding boundary treatment and lack of windows above ground floor, the proposal will have no adverse impacts by way of overbearing, overshadowing, or overlooking on neighbouring properties.

In terms of nuisance, the additional 10 No. students is unlikely to give rise to significantly adverse impacts of neighbouring amenity. Neighbouring properties feature substantial grounds separating the site from the dwellings and there is mature planting and boundary fencing surrounding the host site.

The proposal is in accordance with policy D DM1 of the ALP.

DRAINAGE

The site is located within the Lidsey Treatment Catchment Area and a Source Protection Zone. Arun District Drainage Engineers have requested a pre-commencement condition requiring the applicant to provide details of an adequate Surface Water Drainage Scheme to be approved by the Local Planning Authority. Subject to this condition, surface water drainage will be adequately addressed.

In relation to the Source Protection Zone, the Environment Agency have been consulted and we await a response. In the absence of a response to suggest otherwise, it is considered that, given the limited scale of the works, it is unlikely to have any significant impact of the Source Protection Zone.

Following the site visit, it was evident that works had commenced. The applicants have since halted works and drainage details have been supplied by the applicant to address drainage concerns before carrying on. The Council's Drainage Engineers have been re-consulted and their comments will be considered prior to the determination of this application.

Compliance with policies W DM1 & W DM3 of the ALP and EH5 of the ANP will be included within an update report with the benefit of consultation responses.

TREES

The proposal is within proximity to multiple trees and an Arboricultural Impact Assessment (AIA) has been provided. There are no trees subject to a TPO nor within a Conservation Area affected by the proposal. Trees within a reasonable vicinity of the proposal also do not contribute significantly to local amenity as they are not visible from the public realm.

The submitted AIA does not propose the removal of any trees but does recommend that two 'low-quality' Leyland Cypress trees that are on a neighbouring site are cut back to the boundary. These works are identified as a low and acceptable impact with minimal amenity impact on the wider area. The AIA also identifies that some root damage to the same two Leyland Cypress trees and another Wild Cherry Tree may have occurred following the commencement of the works, but that the likelihood is that these low-quality trees will not suffer unacceptable root damage. It goes on to recommend replacement planting should their condition decline to an unacceptable extent hereafter.

This AIA also includes mitigation measures to be implemented during the construction process to limit any adverse impacts to nearby trees.

The submitted arboricultural information is acceptable and the remainder of the works have been conditioned to be undertaken in accordance with this information. The proposal is in accordance with Policy D DM1 of the ALP and EH6 of the ANP.

ECOLOGY AND BIODIVERSITY

Policy ENV SP1 of the ALP states that Arun District Council 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.

Policy ENV DM5 of the ALP requires development to achieve a Biodiversity Net Gain and protect existing habitats on site.

Policy H9 of the ANP requires development proposals to consider lighting early in the design process to avoid lighting schemes that promote light spill and glare, face inwards, and not toward open landscapes. Whilst not considered early in the process, no external lighting is proposed. A condition has been recommended to avoid external lighting that adversely impacts wildlife.

The site is located within the Habitats Regulations Assessment Buffer zone of 12km from the Singleton and Cocking SSSI and SAC and as such, Natural England have been consulted. Natural England have not responded, and a Habitats Regulation Assessment has been undertaken and uploaded to this application. No Appropriate Assessment was required. The Council's ecologist has also been consulted and noted that the development is quite small and has negligible impacts on the Singleton & Cocking Tunnels SAC. They have also identified the submitted Preliminary Ecological Appraisal (PEA) to be acceptable, although it does not acknowledge the 12km Singleton and Cocking SAC buffer.

The Biodiversity Net Gain statement would ensure a net gain is achieved. Conditions are to be attached to require the development to be built in accordance with the submitted PEA and Biodiversity Net Gain statement, and another to be attached requiring any outdoor lighting, if required, to be designed in accordance with a 'bat-friendly' lighting scheme.

Subject to the conditions and in the absence of a response from Natural England to contradict the advice of the council's ecologist, the proposal is concluded to be in accordance with policies ENV SP1 & ENV DM5 of the ALP, and policy H9 of the ANP.

TRANSPORT AND PARKING

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.

There is no proposed alteration to the existing site access and National Highways have raised no objections. There are also no alterations to the existing parking arrangements proposed however, some parking improvements resulting in 12 No. parking spaces and a taxi drop off point serving the site. The additional 10 No. movements caused by 5 No. new day students will not result in any severe impact on the operation of the highway network.

The proposal is in accordance with policy T SP1 of the ALP, and the relevant paragraphs of the NPPF.

SUMMARY

Subject to the consideration of comments from the council's Drainage Engineers and the Environment Agency, the proposal is compliant with 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 not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Location Plan P001 P2.
- Proposed Block Plan P002 P2.
- Proposed Elevations P006 P1.
- Proposed Roof Plan P005 P1.
- Proposed Floor Plan P004 P1.

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 development hereby approved shall be constructed in accordance with the all recommendations identified within the submitted Preliminary Ecological Appraisal Dated: 21/08/23.

Reason: To ensure the adequate protection of biodiversity in accordance with Policies ENV SP1 & ENV DM5 of the Arun Local Plan.

4 All biodiversity enhancement measures identified within the recommendations from either calculation 1 or calculation 2 of the submitted Biodiversity Net Gain Assessment Dated: 29/08/23 must be implemented on site within one year of the first use of the building hereby approved.

Reasons: To ensure a net gain of biodiversity is achieved in accordance with Policy ENV DM5

of the Arun Local Plan.

- 5 The development hereby approved shall be constructed in accordance with the submitted Arboricultural Impact Assessment & Method Statement (Dated: 09/08/23).

Reason: To ensure existing trees are retained and incorporated as part of the development in accordance with Policy D DM1 of the Arun Local Plan.

- 6 If any external lighting is required to facilitate the use of the development hereby approved, prior to the buildings first use, a lighting design scheme 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, s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with policies ENV SP1 & ENV DM5 of the Arun Local Plan.

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

BACKGROUND PAPERS

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

AL/106/23/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: AW/177/23/PL

LOCATION: West Park Cafe
Silverston Avenue
Aldwick
PO21 2RD

PROPOSAL: Removal of public toilets and change of use to cafe only (Sui generis to Class E/A3), refurbishment of existing cafe including alterations to existing layout and conversion of existing flat roof to useable terrace, and installation of verandah. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to change the use of part of the building from public toilets (sui generis) to cafe (class E) with changes to the layout of the cafe, including fenestration and openings, addition of verandah to the perimeter, and the conversion of the roof to a roof terrace.
SITE AREA	210 sqm.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
SITE CHARACTERISTICS	Cafe and block of 8 public toilets in the same building. The building is white painted brick with a false pitched roof. There is a small outdoor seating area to the north.
CHARACTER OF LOCALITY	The area is characterised largely by the park and urban greenspace which surrounds it. The park is in a residential area. The building abuts West Park car park to the south and West Park to the north. Walkways to West Park Play Area lie to the north and west of the building.

REPRESENTATIONS

Aldwick Parish Council - Objection:

- Loss of public facilities.
- Concerns regarding potential environmental issues arising from public needing toilet facilities outside cafe opening hours.

11 No. objections:

- Support the works as they will improve the cafe and enhance West Park but do not agree to the loss of the toilets.
- Is there any intention to replace the toilets? If not, the nearest toilets would be at the pier or Avisford Park.
- From the plans and lease the owner will be required to make the toilets available to the public.
- The public will use the bushes instead.

- Would support the application if some public toilets are retained.
- People cannot afford to buy a coffee or ice cream when needing the toilet.
- Some external toilets could still be incorporated without losing too much space.
- The toilets at West park provide facilities for local people but also visitors using the park, Aldwick beach and Marine park gardens, and are an important local amenity that needs to be not only be retained but also upgraded.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The lease will require that the owners make the toilets open to the public. Concerns regarding needing to purchase goods from the cafe to use the toilets are inaccurate.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH: No objection.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Built Up Area Boundary
Pagham Harbour Access Management Zone B
CIL Charging Zone 4

DEVELOPMENT PLAN POLICIES

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

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
QESP1	QE SP1 Quality of the Environment
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that there will be no demonstrable harm to visual or residential amenities, or to the natural environment.

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 policies relevant to this application are D DM1, D DM4, W DM3, WM DM1 and QE SP1 of the Arun Local Plan. Section H and G of the Arun Design Guide are also relevant.

Aldwick does not have a 'made' Neighbourhood Development Plan but has a Parish Design Statement (PDS). The park is listed in the Open Areas of the Parish section and is stated as an open space which should be preserved regarding future development. Parks are fundamental to the character of the community of Aldwick. There are no relevant policies or development criteria included in the PDS relative the application.

DESIGN, VISUAL AMENITY AND LOCATION

The proposal seeks to convert a cafe / toilet block into a cafe, with a new verandah and roof terrace. This will result in the removal of eight public toilets to the southern end of the building. A veranda and balustrade at first floor will be added.

The conversion of the public toilet block to form part of the cafe and the reconfiguration of the internal space will require external changes to fenestration and openings. Seven of the external doors are to be removed, to leave the existing opening to the north, a new entrance in the centre of the east elevation and a staff access to the rear (west elevation).

Additional uPVC windows are proposed on the east and west elevations and will improve the appearance of the building. These will match the windows on the cafe section. The brickwork will remain painted white to match the existing.

To the north end of the building is the current cafe, which has green painted framed windows and doors, with planters above. To the southern half is the toilet block, with four metal doors with additional metal gates to the eastern elevation, abutting the car park, a single metal door with metal gate to the south, and three metal doors with metal gates to the west. This end of the building provides little benefit in terms of visual amenity to the structure and adds very little character to the building and locality.

The removal of the metal doors, and renovation of the structure and external appearance to house the cafe will have a significant improvement to the design and visual amenity of the building. It will enhance the structure, modernising its dated design, benefitting the building and its surroundings. There will be no adverse harm to the visual amenity or character of the building, nor the locality as a result of the works, and the design will be more sensitive and sympathetic to its green and open context. It will appear as a far more attractive and visually appealing structure for those visiting West Park and a positive improvement to the character of the locality.

A timber verandah to all elevations will provide shading for those sitting outside the cafe. This will project 2.15m from the elevations of the cafe, held up by four timber posts on each side, and will measure 3.3m high. This verandah will be a sensitive addition and is acceptable in terms of visual amenity. A bin store and set of stairs are to the western elevation. These external features will integrate with the visual appearance of the building and are suitable additions.

The roof terrace would provide an additional 210 sqm. of floorspace. The roof terrace will incorporate a dwarf wall which will be painted brickwork to match the existing building, and a metal balustrade above this wall measuring 0.35m high. The change of roofline and slight increase in balustrade height would not harm visual amenity, as the cafe is a significant distance from other buildings. The addition of the dwarf wall and balustrading would have harm on the visual appearance or character of the building, nor the locality, and would be a sympathetic addition. The alteration would be visually integrated, in accordance with D DM1 and D DM4.

The principle of the location of the cafe is acceptable as an extension of the existing use. The works are well designed and will be an improvement to the visual appearance and character of the building. The proposal will have no adverse harm to visual amenity or the character of the locality and accords with D DM1 and D DM4 of the Arun Local Plan and the Arun Design Guide.

NEIGHBOURING RESIDENTIAL AMENITY AND QUALITY OF ENVIRONMENT

The cafe is a significant distance from nearby residential properties and screened significantly by trees. There will be no overbearing, overshadowing or overlooking impact as a result of the roof terrace or changes to fenestration resulting in no adverse harm to residential amenity on these grounds. This is in accord with D DM1 and D DM4 of the Arun Local Plan.

There may be some additional noise and disturbance as the cafe use is intensified and increased by the roof terrace. As a change to current opening hours of the existing cafe has not been sought by this application, this increase will be limited to between 9am to 5pm. Being only during day time, and screened by surrounding trees and boundary treatments, the additional noise created by the change of use and roof terrace will not have a detrimental impact on the quality of the environment for those living nearby. This is in accord with QE SP1 of the Arun Local Plan. Environmental Health have not objected on noise grounds.

The proposal entails the loss of the 8 public toilets. This could have an impact on the amenity of West Park for users who are not visiting the cafe. Concern has been raised by the public and Parish Council on these grounds. New toilets will be provided in the cafe, and a provision in the lease requires that these toilets are made available for public use during opening hours. The lease does not require the operator to provide toilet facilities above/beyond what is required by Environmental Health under normal

assessments of footfall/covers, only to make them available to members of the public. Although there will be a reduction in the number of public toilets and will be restricted by the cafe opening hours, publicly available facilities will remain. Notwithstanding the retention of public toilet provision, this falls as a licensing issue rather than planning, and therefore a refusal on the grounds of loss of public toilets would be unjustified.

The proposed works will not result in adverse harm to the residential amenity or quality of the surrounding environment, and are in accord with D DM1, D DM4 and QE SP1 of the Arun Local Plan.

PARKING

Whilst the extension of the cafe will allow an increased number of customers, this increase should not have an adverse impact on parking provision for visitors. West Park has a car park which provides parking for around 30 cars. There are a significant number of time restricted on street parking spaces in walking distance of the cafe in Silverston Avenue, Kings Parade and Marine Drive West. This on street parking, alongside parking on site will sufficiently serve the customers of the cafe, and the increased intensity of the use of the cafe will not have a significant or detrimental impact on parking provisions in the area. There will be no adverse harm to highways or traffic in the locality.

This is in accord with T SP1 of the Arun Local Plan.

DRAINAGE

As the building is existing, and the works will not result in a change to the footprint of the building, there are no concerns in respect of surface water drainage. The works will not result in any additional surface water than already exists and is in accord with W DM3 of the Arun Local Plan.

BINS

A secure external bin storage measuring 2.8m wide and 1m deep is shown to the west elevation. This area will be fenced off from the public which will help ensure minimal impact to the visual, residential and environmental amenity of those using the cafe or park. The space will allow for sufficient waste management for the cafe, in accord with WM DM1 of the Arun Local Plan.

SUMMARY

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

DUTY UNDER THE EQUALITIES ACT 2010

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 not liable.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Site Location Plan 007 Rev C
- 006 Proposed Elevations Rev B
- 004 Proposed Ground Finishes Rev B
- 003 Proposed Plans (Roof Terrace) Rev B
- 002 Proposed Plans Rev B

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 Within one month of the extended cafe opening, the secure external bin storage shall be constructed, in accordance with the plans as approved in Condition 2 above.

Reason: In accordance with Arun Local Plan policy WM DM1 and the NPPF.

4 The opening hours of the cafe will be restricted to 9am to 5pm, Monday to Sunday.

Reason: In the interests of amenity and the environment in accordance with policy D DM1 and QE SP1 of the Arun Local Plan.

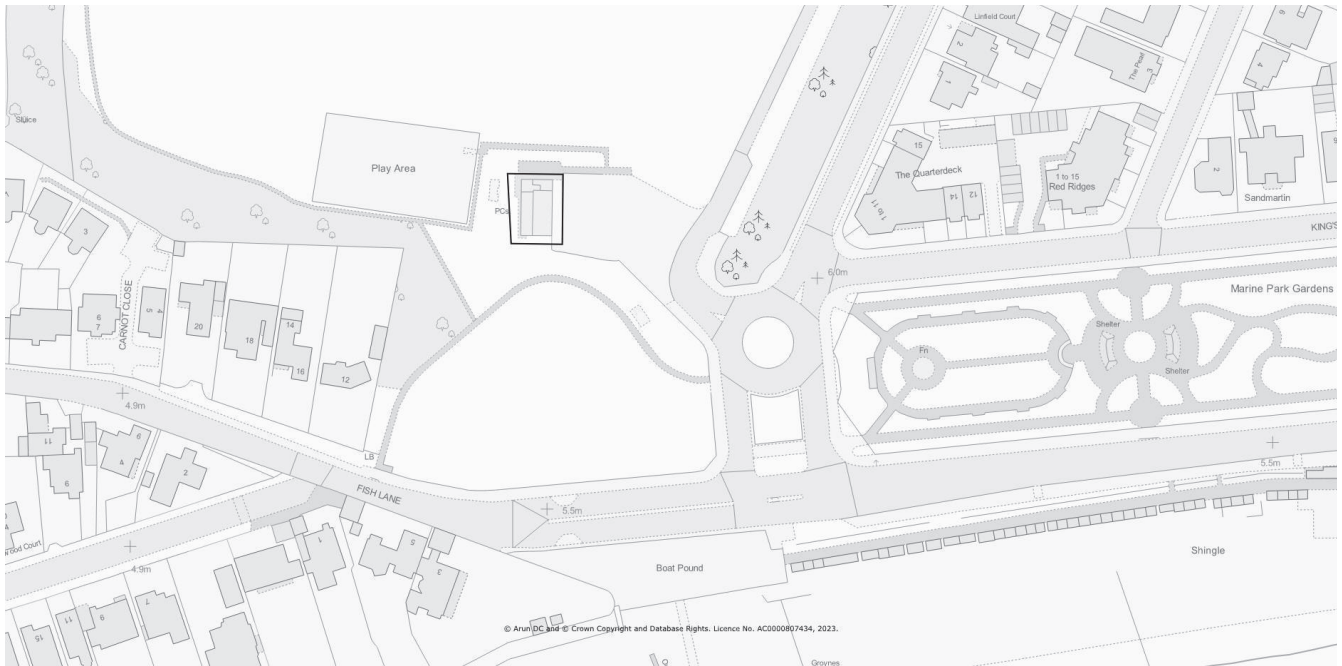
5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that 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.

6 **INFORMATIVE:** The plans approved do not include any details of internal or external extraction fans, venting or ducting. As such, should any extraction infrastructure be required for use in the cafe, a separate application for planning permission will be required.

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](#).

AW/177/23/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: BR/83/23/PL

LOCATION: Regis Centre Car Park
Belmont Street
Bognor Regis
PO21 1LE

PROPOSAL: Demolition of former fire station, and construction of a 5-storey, 116-bedroom hotel with ancillary restaurant and all associated works. This application affects the setting of a Listed Building and is in CIL Zone 4 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to demolish the former fire station and redevelop the site with a 5-storey, 116 bed hotel. This will have a mixed height comprising 16.3m to the main roof, 17.8m to the top of the corner features and 18.2m to the top of the plant compound on the roof. The ground floor will comprise front & back of house facilities and a 170-cover restaurant. Bedrooms are on upper floors. A green roof with solar panels is proposed including the lift overrun, stair access and a plant building.

The hotel will be accessed from Clarence Road and there are further ancillary/delivery accesses on the northern, western, and eastern elevations. The delivery entrance on Clarence Road is solely for laundry. The restaurant will open out to the south with an external seating area. New landscaping is indicated in this area.

A delivery bay will be on land adjoining Clarence Road. To the rear (west elevation), 11 car parking spaces are shown (including 5 disabled). These measure 2.5m by 5m. The plans show an external cycle store and an internal refuse store. The existing Clarence Road access to the car park will be closed off but with pedestrian access retained in the form of a 6m wide gap with bollards to prevent vehicle use.

The wider car park will be affected by the proposal as 39 spaces (including 5 disabled) will be lost. A total of 19 spaces will be provided (including 8 in the wider car park) leaving a net loss of 20 spaces. These 'replacement' spaces measure 2.4m by 4.8m to reflect the size of the spaces in the existing car park. Tactile paved crossing points are to be provided at the two Belmont Street car park accesses.

The southern part of the building features an arched colonnade that wraps around the building. The corners of this

part are projected forward forming bays that are articulated with larger arches that extend up to the second floor. These bays are further articulated with raised, arched parapets that mirror the colonnade below in a contemporary reference to the domed corners of the former "Kursaal Theatre" (demolished in 1975) and Esplanade Grande.

Railings are introduced in some elevations to decorate the inset bays. The roof is a zinc mansard that steps back from the parapet and pitches away at the top. The northern part features a toned down, typical residential terraced approach. Materials include white sand faced/white glazed brick, white mortar, cast stone, Portland stone and grey standing seam zinc to roof/walls.

The design was amended during the application at the request of officers to raise the central vertical element on the southern elevation, add high level detailing to this, add railings to the windows on the same central vertical element and introduce arches to the windows on all of the vertical elements, and delete the feature banding on the vertical elements.

The applicant has stated that the southern gable elevation of the Town Hall which will be exposed following demolition of the fire station will be insulated and finished with retained bricks from the fire station.

SITE AREA

0.1817 hectares.

TOPOGRAPHY

The site is predominantly flat albeit the existing landscaped area in the south-eastern corner is slightly raised.

TREES

Landscaping at the south-eastern corner will be lost comprising three Cabbage Palm trees, four Willows and an Acer. These are low (from 3 to 7m) and heavily windswept.

SITE CHARACTERISTICS

The site comprises the former fire station building, the Clarence Road access to the car park, a landscaped area and part of the wider car park.

The fire station building is attached on its northern side to the Grade II Listed Bognor Regis Town Hall. It is a single storey addition with a flat roof. The principal elevation faces Clarence Road and is six bays wide, five of which are former apparatus bays, while the remaining bay is a pedestrian access. It adjoins the Town Hall, with the space between the buildings enclosed by a wall of similar construction surmounted by a concrete balustrade and pierced by a round-headed doorway with concrete surround and moulded plinth.

The design of the fire station closely matches some elements of the Town Hall. The majority of the building is built in a greyish brown, Flemish bond brickwork, while architectural details such as door and window surrounds, sills, plinths, and string courses utilise coarse-grained concrete elements, and

sometimes mimic themes from the adjacent Town Hall. The six bays along the frontage are demarcated by engaged pilasters surmounted by an entablature with the inscription 'BOGNOR REGIS FIRE STATION'.

CHARACTER OF LOCALITY

The site is in the heart of Bognor Regis. On the north side of the Esplanade are a range of properties generally four storeys or more in height. Design ranges from Regency inspired architecture to less characterful examples from the latter part of the 20th Century. The south side of the Esplanade is relatively free from buildings/structures mainly comprising an open promenade raised slightly above the highway. Heading west along the Esplanade is the Bognor Regis (The Steyne) Conservation Area incorporating the Grade II Listed pier. The wider site is dominated by a public car park and the area is characterised by a mix of residential/commercial uses built during the latter part of the 20th century.

RELEVANT SITE HISTORY

BR/84/23/L	Listed building consent for demolition of former fire station and construction of a 5-storey, 116-bedroom hotel with ancillary restaurant and all associated works.
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BR/156/16/PL	Redevelopment of the Bognor Regis Centre to provide 6358 sqm of commercial space (including leisure facilities) for mixed development, 64 room hotel, 192 apartments with the provision of 30% Affordable housing units compliant with policy Car parking, creation of a new board walk & conversion of Place St Maur des Fosse into a Plaza, soft & hard landscaping. Redevelopment of the Hothampton car park to provide a 1100 seat theatre, with a 48 bed hotel & conference facilities, the provision of 2 retail units facing onto the Queensway, relocation of childrens play area & upgrading of the facility, plus hard & soft landscaping. Redevelopment of the Esplanade Theatre site to provide a 200 cover Destination Restaurant and relocation & upgrade of the existing skate park to adjacent to the Pier. Provision of 3 new kiosks along the Promenade to provide retail, toilets & showers. This application is a resubmission of BR/26/15/PL. This application affects the setting of a Listed Building & may affect the character & appearance of The Steyne Conservaton Area	Refused 01-02-17
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**Appeal: Allowed+Conditions
05-07-18**

The fire station was used by the fire brigade until 1975. It has most recently been used as a citizens advice bureau. They relocated to other premises in the town centre.

BR/156/16/PL was allowed on appeal but has since time expired. It included a 64-bed hotel on the west side of the site (roughly corresponding with the site of the Regis Centre) and a theatre on the eastern side in roughly the same position as the hotel is now proposed. The theatre had a corner/L shape form, was 6 storeys (21m) in height with a 4.7m high dome above. The Inspector's decision raised no concerns regarding the design of the building or the impact on heritage assets.

REPRESENTATIONS

Bognor Regis Town Council (BRTC) state they recognise the importance that the tourist industry and the need for new and existing tourist facilities in Bognor Regis. They object for the following reasons:

- Harm to the listed Town Hall Building.
- Little or no proposed features that match the Town Hall.
- Harm to Berkeley Court residents from overlooking (request obscure glass in the eastern elevation).
- Harm to Berkeley Court residents from loss of light (a shadow assessment should be provided)
- Increased energy bills for residents due to loss of light/loss of sunlight.
- Noise disturbance from use of the restaurant terrace at night.
- Noise disturbance from deliveries made via Clarence Road.
- Inadequate parking and impact on the existing car park - request more parking survey data.
- The restaurant will only be for hotel guests and should be open to the public and be family friendly; and
- The restaurant should have a sea view.

Further comments from BRTC in response to the re-consultation maintained their objection. Their principal concerns are increased parking demands and the likelihood that the restaurant would be for guests only.

As at 19/10/23, 26 letters of objection raising the following concerns:

- Loss of a heritage asset.
- The listing of the Bognor Regis Town Hall is presently being reviewed by Historic England.
- No demand for a hotel.
- Insufficient parking.
- Car Park surveys carried out during Covid-19 lockdowns/school holidays/after the Regis Centre closed/exclude season ticket holders.
- Bedroom windows are too close to residential windows (the 21m back-to back requirement should be applied).
- Impact on the 25-degree rule in terms of light.
- Noise disturbance and road safety issues with the entrance on Clarence Road.
- Why did ADC request the entrance be on Clarence Road not at the rear?
- Impacts during construction.
- Hotel will be used by illegal immigrants.
- Hotel is too big for the site.
- Creation of a wind tunnel along Clarence Road and therefore dangerous to unload deliveries.
- The application purpose to increase demand for the theatre
- The application has already been agreed behind closed doors at Bognor Town Hall.
- The theatre should be built here instead.
- Potential for an ugly multi-storey to be built on the car park.
- Design is not in character with surrounding buildings.
- Loss of useable open space.
- Harm to wildlife.
- Biodiversity net gain should be increased (scheme only achieves 2.64%),
- Impact on the Fair.

- Harm to mental health of residents.
- Disingenuous to use the previous permission as a baseline for the sun/day light study.
- Wrong type of hotel for Bognor Regis.
- Loss of views from Berkeley Court.
- Harm to residents mental health; and
- Residents may experience activities taking place in hotel rooms as happened at a Premier Inn in Bicester.

4 letters of support (including from the Bognor Regis Regeneration Board):

- Much needed addition.
- Design is in keeping.
- Principle of development has already been established.
- Site is well served both by public transport and car parking.
- Construction and operation stages demonstrate encouraging prospects for local employment creation and local supply chain enrichment.
- BREAAAM excellent is proposed
- Biodiversity Net Gain should be increased; and
- The proposal will deliver the following benefits:

(1) Direct creation of local employment and training opportunities with 30 FTE jobs at operation stage and the applicant's commitment to apprenticeships.

(2) Indirect creation of local employment and training opportunities through use of local suppliers and tradespeople during the construction phase.

(3) The opportunity for increased visitor numbers, dwell time and spend within Bognor Regis town centre through the provision of overnight accommodation.

(4) Investment by a nationally recognised hotel operator in a town centre, coastal location raises Bognor Regis's economic profile, supports current projects, and will attract further interest and development.

COMMENTS ON REPRESENTATIONS RECEIVED:

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

- A condition could be imposed to control the hours of the external terrace. This is a seafront/town centre location and there are no controls on the use of the beach opposite.
- Conditions will be imposed to control delivery hours in the interests of minimising harm to nearby residents. This is a seafront/town centre location and there is an ungated entrance to the car park at this location.
- Supporting documents confirm the restaurant would be for hotel guests and non-hotel guests. Other Whitbread owned restaurants attached to Premier Inns are open to the general public.
- The restaurant will allow views of the sea/beach as it opens onto the southern elevation.
- Both the Town Hall and the Fire Station are Grade II Listed. Historic England have not been asked to review these.
- It is not appropriate to use the 21m back-to-back interface distance as the relationship between the buildings is front-to-front.
- The construction impacts will be temporary, and the associated impacts will be managed by a construction management plan condition plus a restriction on construction hours of working.
- The end user of the hotel is not a material planning consideration.
- It is not possible to consider what if future scenarios through this application. Any proposal for a multi-storey car park on the site would be subject to its own planning application; and
- There is no right in planning to a view; and

The letters of support are noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - no objection subject to a condition about finished floor levels and several informatives.

NATURAL ENGLAND - advise no comment. Advice was sought from Natural England to determine what they would suggest as an appropriate mitigation contribution to the Pagham Harbour SPA as Arun only have the £871/dwelling rate and Chichester DC (who Arun seek advice from on other developments) do not have a contribution rate for hotels. Natural England advised a contribution of £12,873.38 should be sought. This has been calculated using information supplied by the applicant on occupancy/demand/mix of leisure/business guests, and with reference to the average occupancy data and the fact that no pets will be kept by guests. This provides for a robust and reasonable justification.

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

SOUTHERN WATER - no objection subject to an informative. State that they can facilitate foul sewerage and surface water run off disposal to service the proposed development.

WSCC HIGHWAYS - no objection following amendments subject to conditions and a s106 agreement to secure:

- Traffic Regulation Order (TRO) for signing and lining of the layby plus a fee of £8,322.
- Travel Plan fee of £3500 for monitoring and auditing.
- Layby and footway along Clarence Road and tactile paving at the car park accesses on Belmont Street to be carried out under s278.

The following is a summary of their three responses:

- Agree this is a sustainable location.
- Following amendments, have now agreed the submitted Travel Plan.
- Following amendments, have now agreed the submitted Road Safety Audit.
- No objection to the proposed off-site highway changes including the use of the layby.
- Following amendment, no concerns with the proposed internal layout. These changes consist of bollards to the 6m wide pedestrian link from Clarence Road to the car park to deter vehicles using this. Also, parking bays 1-11 have been re-orientated to allow a 2.5m wide pedestrian route from the hotel rear to the car park, adjacent space no. 1.
- No objection to the 8-space cycle provision.
- No objection to the parking changes/net loss of spaces.
- No objection to the alignment of the parking spaces.

WSCC DRAINAGE - object based on inadequate information to meet current drainage policy.

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

- Groundwater monitoring has commenced on site with observations for November 2022 provided. It is expected that a full winter's monitoring is submitted with an application to discharge conditions. The monitoring should also capture the effects of the tides.

- A full winter's monitoring will be necessary even if infiltration is not used to ensure that the effects of buoyancy have been adequately considered.
- The proposed drainage strategy is to attenuate surface water in an underground tank prior to discharging it at a restricted rate of 2l/s to the surface water sewer on Alexandra Terrace.
- Southern Water have confirmed that there is sufficient capacity in the surface water sewer to accommodate this flow; and
 - Request the use of rainwater harvesting, green/blue roofs and permeable pavements.

ADC LANDSCAPE OFFICER - no landscape objection subject to a landscape condition. State:

- The application includes brief indicative detail re any areas of landscaping and the effect these may have along the southern beach aspect which will be needed to soften the proposals and allow them to fit in the locale.
- No requirement for on-site play or open space.
- The potential impact of the proposal would have significant effect on street scene and have the potential to be viewed from afar; and
- Mitigation landscaping would be required to enhance the external setting and buildings into the surrounding environment with the need for onsite green infrastructure.

ADC CONSERVATION OFFICER - the proposal will result in less than substantial harm to the heritage assets. The following is a summary of the comments:

- The proposal has the potential to affect the Grade II listed Bognor Regis Town Hall, the Grade II listed Bognor Regis & District War Memorial, the Grade II listed Band Stand, and no's 1 & 2 Sidlaw Terrace (Buildings of Character).
- The former fire station is curtilage listed so is also part of the Grade II listing.
- The Design and Access Statement identifies that the elevations are 'a playful interpretation of the classic regency styling and articulation using modern materials'.
- It is positive to understand the thought process that has been followed in the preparation of these designs and that this has included some form of area-based analysis, and a review of buildings that are no longer present within the town.
- The overall simple design of the building is acceptable and will reflect the simple character of others in the local area.
- It is positive that the building has been almost designed as two parts: the southern half being more decorative and appropriate for its location close to The Esplanade, whilst the northern half has been designed so as to reflect the more residential character of Clarence Road.
- The proposed material palette appears to follow a more 'neutral and calm approach', whilst still referencing elements of the town/the immediate area.
- Whilst light coloured bricks are not normally found within the town, it is clear that they form part of the buildings of the immediate area e.g., the Regis Centre and 1 & 2 Sidlaw Terrace.
- The use of the glazed brick which the design statement identifies is to enhance certain details and provide visual interest to the facade is also unique.
- There are no adverse changes to the setting of No's 1 & 2 Sidlaw Terrace, the War Memorial or the Band Stand.
- An information plaque could be provided to present information regarding the context of the site including the fire station and neighbouring Town Hall and other demolished buildings.
- The loss of the fire station would be harmful whilst the hotel would result in harm to the setting of the designated Town Hall, and therefore harm its significance.
- It is positive to note that revised plans indicate the wall of the Town Hall which will be exposed when the fire station is demolished is to be insulated and finished with retained bricks from the fire station.
- Whilst this approach is generally positive, it is not clear what brick bond would be used, nor if the stone base/coping would be replicated.

- The proposal is such that the impact can be described as causing 'less than substantial harm' (and on the lower end of the scale) to the town hall in accordance with paragraph 202 of the NPPF (2023).

ADC ECONOMIC DEVELOPMENT - support with the following comments:

- The ALP Review - Visitor Economy Study (May 22) undertook a review of visitor accommodation.
- This highlighted that whilst there is a significant supply of visitor economy infrastructure, there is a need for quality improvement in some of the supply.
- The need is for both basic branded stock such as budget hotels, but also more innovative offers such as glamping, eco lodges and accommodation with a 'wow' factor which are being developed in many other locations across the UK and attracting younger and different markets.
- The Arun Visitor Strategy 2023 - 2028 also identifies visitor accommodation development as a priority.
- It is clear that the district needs additional visitor accommodation and a brand, such as is proposed, would be suitable for a range of visitors with varying budgets.

ADC ENVIRONMENTAL HEALTH - Following an initial objection (on grounds of potential for noise pollution from deliveries and the use of the external terrace) and subsequent additional survey work by the applicant, now advise no objection subject to conditions to control deliveries and the timings of the external terrace. Also request conditions to cover land contamination, asbestos, external lighting, construction hours and kitchen extraction.

COUNCIL'S ECOLOGIST - no objection subject to securing (a) a proportionate financial contribution towards Pagham Harbour; and (b) biodiversity mitigation and enhancement measures.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

NATURAL ENGLAND - The applicant agreed to the requested contribution. An Appropriate Assessment (AA) was issued for review on 14 July 2023. This sets out that the development will not have likely significant effects on statutorily protected sites. Natural England responded on 19/09 to state "We concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure."

WSSC DRAINAGE - In response to the previous comments, the applicant provided a supplementary Flood Risk and Drainage Information Document and WSSC were re-consulted. They have replied to state they maintain their objection. The applicant has therefore written to them directly to seek a resolution. Should anything come of this before the meeting then it will be included in a report update.

It is not proportionate to require full details of drainage at application stage for a site comprising hard surfacing in the town centre. It is not unusual for this information to be provided at condition stage and is an approach which the LPA have taken in other applications. ADC's engineers confirmed appropriate details can be secured at condition stage. Conditions will be secured prior to commencement of the development, and if it is found that the drainage layout cannot be accommodated for any reason, the applicants will be required to submit amendments.

ADC CONSERVATION OFFICER - a condition will be imposed to require an information plaque. Conditions will also be imposed regarding the treatment of the exposed wall on the Town Hall.

POLICY CONTEXT

The following designations are relevant:

- Within the Built-Up Area Boundary (BUAB).
- Predominantly Flood Zone 1 but the site is indicated to be FZ3 by 2111.
- CIL Zone 4.
- Within the Pagham Harbour Zone B area.
- Economic Growth Area & Town Centre Boundary.
- Grade II Listed Building; and
- Part designated existing open space.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
EMPSP2	EMP SP2 Economic Growth Areas
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
RETSP1	RET SP1 Hierachy of Town Centres
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM2	T DM2 Public Parking
TOUDM1	TOU DM1 Tourism related development
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Bognor Regis Neighbourhood Plan 2015 Policy 1</u>	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 2	Promoting the Seaside Indentity
Bognor Regis Neighbourhood Plan 2015 Policy 6	Key gateways and promotion of sustainable travel
Bognor Regis Neighbourhood Plan 2015 Policy 7	Promotion of tourism and beach service points
Bognor Regis Neighbourhood Plan 2015 Policy 8	Pre-Application Consultation
Bognor Regis Neighbourhood Plan 2015 Policy 8A	Design Excellence

Bognor Regis Neighbourhood Plan 2015 Policy 8B Car Parking

Bognor Regis Neighbourhood Plan 2015 Policy 8F Regis Centre & Mountbatten Court Site

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is in the built-up area boundary where development is acceptable in principle. There is conflict with relevant Development Plan policies in that there is harm to heritage assets and the loss of designated public open space.

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:

- The site lies in the designated town centre, within an economic growth area and is a seafront location.
- The site currently features an ungated access to the adjacent car park which is open 24/7.
- The delivery bay is broadly in the same location as forecourt parking for the former fire station and there is a pay & display (9am to 5pm) parking run on the opposite side of Clarence Road.
- The appeal decision allowed demolition of the fire station and replacement with a large theatre.

CONCLUSIONS

PRINCIPLE OF DEVELOPMENT:

The site is in the built-up area boundary (BUAB) where development is acceptable in principle in accordance with Arun Local Plan (ALP) policy SD SP2 provided it is in accordance with other development plan policies covering such issues as loss of employment floorspace, loss of open space, flood risk, character/design, biodiversity, heritage, residential amenity, and parking.

ALP policy RET SP1 states Bognor Regis and Littlehampton will be the main focus for retail, leisure, commercial, office, tourism, cultural, community and residential development. Policy EMP SP2 states knowledge and culturally based employment as well as retail, leisure and office developments will be directed to the Economic Growth Areas to promote their vitality, viability, and regeneration.

Policy TOU DM1 states tourism proposals will be supported provided that they: (a) are in accessible locations, (b) are accompanied by workable and realistic travel plans, (c) address visitor management issues; and (d) achieve good design. In addition, larger scale proposals (such as this) will be directed towards the economic growth areas including Bognor Regis. The site location is highly accessible, and a Travel Plan has been provided. In terms of visitor management, the application notes that in the evenings, overnight and early mornings, when existing town centre businesses are closed/less busy, the demand for general town centre parking is low. Therefore, the parking demands of overnight guests can be accommodated by existing town centre car parks.

Bognor Regis Neighbourhood Development Plan (BRNDP) policy 7 is supportive of the development of new and existing tourist facilities whilst 8f states the BRNDP promotes a high-quality low carbon mixed use development on the Regis Centre site that could include leisure, culture, and entertainment. It supports active ground floor/street level uses. The proposal generally complies with the policy criteria except that part of the accessible open space is to be developed and there is conflict with criterion (e).

The fire station formerly comprised a citizens advice centre and mobility scooter/wheelchair hire hub. Whilst policy EMP DM1 technically applies as it seeks to protect existing employment floor space, the policy was not written with this type of employment space in mind.

Approximately half of the site forms part of a strip of designated public open space which separates the public car park from the Esplanade. ALP policy OSR DM1 states such spaces should not be built on unless certain criteria are met. The application accepts that these criteria cannot be met and instead determines that the policy conflict can be outweighed by the benefits of the development. They state existing open space has limited value, not constituting much more than a grass verge, whereas the development will provide a more useable area. It is accepted that the land has limited value as it is a raised bank however it is likely to have greater public value/use than the landscaping to be associated with the hotel. There is a conflict with the policy.

Overall, there is a conflict with ALP policy OSR DM1 and BRNDP policy 8f regarding the loss of public open space but no conflicts with the other policies that relate to principle.

MARINE PLAN POLICIES:

The policies of the Marine Plan generally require that impacts on the marine environment are (in order of preference) avoided, minimised, or mitigated. In particular, the relevant Marine Plan policies to this location seek to ensure public access, minimise greenhouse gas emissions, ensure that development adapts to impacts arising from climate change, ensure uses coexist with each other, protect wildlife

species, and reduce litter in the marine environment. The analysis in the rest of this report demonstrates that there is no conflict with these policies.

FLOOD RISK:

The council's mapping (derived from the Environment Agency data) shows that the site is predominantly Flood Zone 1 with only the margins bordering the Esplanade as affected by Flood Zones 2 & 3. The council's Strategic Flood Risk Assessment (SFRA) predicts that a greater part of the site frontage will be FZ3a by 2031 & 2061 and that the whole of the site will be FZ3a by 2111.

Whilst in practice this risk will be mitigated by existing sea defences (as these are likely to be maintained) and to some extent by topography, government guidance in the NPPF (paras 159, 162) and NPPG (33 - Reference ID: 7-033-20140306) make it clear that a sequential site assessment is required where a site is at high risk of current or future flooding.

Arun District Council are in the process of updating the SFRA flood maps in line with the latest Environment Agency (EA) maps which are based on more recent data and modelling. The EA maps indicates that in 2115, only a fraction of the site along the southern boundary will be at higher risk, with the rest of the site remaining in FZ1 (low risk). However, for completeness, the applicant has provided a sequential site analysis.

This assesses other potential sites within the Bognor Regis town centre area. As per the NPPF, hotels are a main town centre use. The assessment looks at sites identified through neighbourhood plan allocations, those assessed through the Councils Housing and Economic Land Availability Assessment (HELAA), those already with permission or those simply for sale. To these are applied a number of criteria including suitability, availability, and viability. Some 21 sites are assessed. The Assessment concludes that there are no sequentially preferable sites with a lower risk of flooding within or on the edge of Bognor Regis Town Centre that could accommodate the proposed development, are suitable, 'reasonably available' and viable.

The hotel will have no bedrooms on the ground floor, will have 24-hour staff in place and has been designed to be flood resilient. The Flood Risk Assessment (FRA) states safe access/egress to and from the development would be possible in flooding conditions for the lifetime of the development based on the modelled mapping received from the EA, which shows the site and surrounding area to the west and north will be unaffected by the 1 in 200-year (0.5%) 2115 flood event. The EA advise no objection subject to a condition.

On the basis of the above, there is no conflict with relevant planning policies.

DRAINAGE:

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SuDS) as appropriate to the size of development. WSCC Policy 5 (The Management of Surface Water) requires proposals on previously developed land provide a 50% betterment on the existing drainage situation. This policy does not form part of the Development Plan but is a material planning consideration in the determination of applications.

Arun's drainage engineers state whilst the drainage submission does not meet their requirements, they have no objections and advise imposing conditions. They note that the proposal is to attenuate surface water in an underground tank prior to discharging it at a restricted rate of 2l/s to the surface water sewer on Alexandra Terrace. Southern Water confirm there is sufficient capacity in the surface water sewer to accommodate this flow. The applicant has presented basic calculations to illustrate this discharge rate

represents a betterment on the existing values.

On this basis, there is no conflict with the relevant policies.

HERITAGE ASSETS:

The proposal seeks to demolish the former fire station building which is curtilage listed (Grade II) by virtue of being attached to the Grade II Listed Town Hall. The proposal may harm the setting of the Town Hall and there are other nearby heritage assets which may be affected including the Grade II Listed Bandstand, the Grade II Listed War Memorial and the Grade II Listed Roman Catholic Church of Our Lady of Sorrow (to the north). 1 & 2 Sidlaw Terrace are buildings of character.

ALP policy HER DM1 states that total demolition of heritage assets will only be permitted in wholly exceptional circumstances, and where it meets certain criteria. These criteria are similar to those listed under para 201 of the NPPF. HER DM1 requires proposals to protect and enhance the setting of Listed Buildings. Policy HER DM2 refers to locally designated buildings of character but only in respect of physical alterations or demolition. Buildings of character are described as non-designated heritage assets (NDHA) and policy HER SP1 refers to the need to protect the setting of these and the setting of all heritage assets.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Para. 194 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in para 202).

Para 201 states these public benefits must be substantial where there is substantial harm to (or total loss of significance of) a designated heritage asset. BRNDP policy 1 follows the NPPF advice stating proposals must identify the significance of any affected heritage asset and assess any harm & benefit.

The applicants have provided a detailed Heritage Statement which concludes that:

- Whilst there were no adverse effects identified through the alteration of the setting of the Town Hall, the effects of the development proposals will result in harm to the broader significance of the Town Hall due to the demolition of the fire station; but
- The demolition of the fire station would not compromise elements that contribute to 'special interest' of the Town Hall, meaning that the historic and architectural interest of the Town Hall is preserved.

The Conservation Officer advises the loss of the fire station is harmful but overall, there would be 'less than substantial harm' to the significance of the Town Hall (and other nearby heritage assets). The Conservation Officer advises there will be no harm to any of the other heritage assets.

Whilst the proposal is to demolish the fire station in its entirety, as this is only a small part of the Town Hall, there is no substantial or total demolition. Although this will be harmful, overall, the conservation officer's view is that the harm will be less than substantial and, this harm can be justified through the

demonstration of public benefits.

The redevelopment will deliver a significant/substantial benefit to Bognor Regis in terms of its contribution to the labour market, economic productivity, and the visitor economy. These benefits are of a level that would outweigh the harm, as per the NPPF.

As per as 66(1) of the Act, whilst it would be desirable to retain the fire station, the benefits of its demolition and redevelopment outweigh this. The retention of the frieze from the fire station is positive and accords with the s66(1) aim of preserving features of special architectural or historic interest. The conservation officer requests a plaque be installed to commemorate the fire station building.

CHARACTER & DESIGN:

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. In addition, policy TOU DM1 requires that tourism proposals achieve good design. BRNDP policy 8a is relevant due to this being a major development within the town centre area and it requires that new development demonstrate 'design excellence' and help to establish a strong sense of place, create attractive and comfortable places to live, work and visit. This should include using good quality materials.

The Arun Design Guide (ADG) is a material consideration. The ADG is predominantly focused on residential development but generally requires development to respond to the distinctiveness & characteristics of their surroundings in terms of scale, massing, and materials. Section J refers to building design and states new development must ensure the existing character and sense of place of an area is respected and enhanced. This can allow for new design forms but only where these take cues from well-designed elements of the area. Section T covers mixed & town centre uses and states:

- Ground floor frontages should incorporate active uses with inactive uses located above or to the rear. The maximum length of inactive frontage should not exceed 15 metres; and
- The height of buildings should be appropriate to context and may include taller 'landmark' buildings which provide a focal point and aid legibility.

Objections have been received on grounds that the hotel is too big, that the design is not in character and little or no features match the Town Hall. Residents have requested the entrance not be on Clarence Road. Mindful of the guidance in the ADG about active frontages, at pre-application stage, officers requested that the main entrance be moved from the rear of the building to either the Clarence Road or Esplanade elevations. Prior to this, the Clarence Road frontage was shown to have only 'back of house' facilities and a refuse store at ground floor which would have clearly been unacceptable.

It is material that permission was granted on appeal for the demolition of the fire station and replacement with a large 6 storey building running across the whole of the Regis Centre frontage. The part of this that corresponds with the site location was corner shaped and in addition to the 6th storeys, included a large dome on top. The total height to the top of the dome was to be 25.7m whilst the flat roofed sections were proposed as 21m high. This section was to comprise a theatre with a 64-bed hotel on the western side of the car park. The domed roof in that scheme had been proposed to reflect the regency styling of the former Kursaal Theatre and the nearby Esplanade Grande apartment building.

The Inspector's decision raised no concerns regarding the design of the building or the impact on heritage assets. The hotel building proposed by the this application has a similar corner shape, a similar bulk/mass but is much lower at 5 storeys (max 18.2m high). The previous permission has lapsed and cannot be built however the views of the previous appeal inspector remain relevant.

The design was developed following concerns expressed by officers at pre-application stage. Further comments were made during the determination of this application which resulted in design refinements. The proposal is said to be a playful interpretation of the classic regency styling and articulation using modern materials.

Whilst it is accepted that the design does not include features or designs that reflect the Town Hall, it is clear (with reference to the Design & Access Statement or DAS) that it draws inspiration from existing and previous buildings in the area. Most notably the former Kursaal Theatre which sat on the Regis Centre site until 1975 and the Esplanade Grande. This approach reflects the guidance in the ADG. The scale of the building is appropriate having regard to the scale of nearby buildings such as Berkeley Court.

The Conservation Officer states regarding design:

- It is positive to understand the thought process that has been followed in the preparation of the design and that this has included some form of area-based analysis, and a review of buildings that (sadly) are no longer present within the town.
- The overall simple design of the building is acceptable and will reflect the simple character of others in the local area.
- It is positive that the building has been almost designed as two parts: the southern half being more decorative and appropriate for its location close to The Esplanade, whilst the northern half has been designed so as to reflect the more residential character of Clarence Road.
- The proposed material palette appears to follow a more 'neutral and calm approach', whilst still referencing elements of the town/the immediate area.
- Whilst light coloured bricks are not normally found within the town, it is clear that they form part of the buildings of the immediate area e.g., the Regis Centre and 1 & 2 Sidlaw Terrace; and
- The use of the glazed brick which the DAS identifies is to enhance certain details and provide visual interest to the facade is also unique.

Good design is subjective, and the proposal may be unacceptable to some but appropriate to others. It is clear the proposal accords with policy in that it will establish a sense of place, proposes good quality materials, responds to the scale/distinctiveness/characteristics of the surrounding area, and establishes active frontages with service areas predominantly out of public view. The proposal is acceptable in respect of relevant development plan policies.

RESIDENTIAL AMENITY (PRIVACY & LIGHT):

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

The building will be opposite Berkeley Court on Clarence Road which is a 5-storey flatted building with a mix of balconies, bay windows, Juliette balconies and standard windows on the Clarence Road elevation. These flats have a largely unhindered view across the Regis Centre car park. The communal entrance for flats 35-52 is on Clarence Road facing the site.

There have been objections on grounds of loss of privacy and loss of sun/day light (with associated energy bill increases). Residents also refer to the inability of the scheme to meet the 25-degree rule as set out in the ADG. However, the ADG clearly states this rule is only applicable for back-to-back arrangements. As the relationship of the hotel to these flats is front-to-front, the appropriate interface

requirement is 16m.

The distance between the hotel and the western edge of Berkeley Court (being taken from the balcony/bay window extents) is within the range of 16-19m. This meets (and in some places exceeds) the ADG requirement. Whilst there will inevitably be some views between the hotel and the flats, the proposal meets ADG guidance and it would not be possible to justify a refusal on this basis. Even if the hotel was a residential development this would be acceptable. The request for a condition to obscure glaze the hotel windows is noted. This might only be appropriate if the bedroom had a second window and all rooms have only one window. And, as stated above, the distance separation would not justify such an approach.

The ADG requires development to maximise levels of sunlight/daylight and minimise levels of overshadowing to adjacent buildings. The applicant provided a Daylight and Sunlight Report. This assesses the scheme against the baseline of the allowed appeal and this approach was agreed with the local planning authority. Whilst it is acknowledged this scheme cannot be built, it is important to note the Building Research Establishment (BRE) guidelines (2002) state alternative benchmarks, such as a previously consented scheme, may be used in assessing the loss of light to windows nearby. The report concludes:

- The ADG requires a minimum separation distance of 16m for a 'front to front' arrangement. This distance is achieved by the development and is considered to provide acceptable levels of natural light.
- The results of the daylight assessment show that the overwhelming majority of windows and rooms in Berkeley Court will either improve or retain the same levels of daylight as would be enjoyed with the consented development as built out.
- The sunlight assessment demonstrates the same conclusions; and
- The layout follows the BRE Guidelines and satisfied ADC's planning policy on daylight and sunlight.

These results are accepted and the proposal must be determined to be in accordance with policy/guidance on sun/day light and interface distances.

NOISE POLLUTION:

Policy QE DM1 requires that noise generating development be accompanied by an acoustic assessment. Policy QE SP1 states all development must contribute positively to the quality of the environment and not have a significantly negative impact on residential amenity.

There have been objections on grounds of noise disturbance arising from use of the restaurant terrace at night, the use of the pedestrian entrance to the hotel and from deliveries made via Clarence Road. The submitted Transport Assessment states based on Whitbread's experience of similar sites, the hotel will likely generate approximately 14 service vehicle movements per week, which equates to approximately two service vehicle movements per day.

The application is accompanied by a Noise Impact Assessment which has been updated at the request of ADC Environmental Health Officers as per their comments on the website dated 14/06/23. This includes consideration of noise from deliveries and the main entrance (both on Clarence Road) and noise from the use of the external terrace at the restaurant. The updated report concludes that:

- Noise from the proposed plant has been assessed, and provided that the recommended mitigation measures are designed and implemented correctly, the noise should have a "low impact" on neighbouring properties.
- Noise intrusion into hotel bedrooms has also been assessed, and indicative facade specifications are expected to sufficiently meet Premier Inn's internal noise level criteria.

- Patron noise from the main entrance and the external terrace has been assessed, and the predicted noise levels are expected to satisfy the requirements of the Planning Noise Advice Document: Sussex, and achieve the criteria in BS 8233:2014 inside the nearest noise-sensitive properties; and
- Noise from the delivery bay has also been considered, and due to the existing acoustic environment, noise generated by the delivery bay is not expected to have a significant impact on the nearby neighbouring properties.

An accompanying Delivery and Servicing Management Plan has also been provided which sets out the proposed arrangement and demonstrates the following:

- Delivery vehicles up to 12m in length would be utilised to service the Premier Inn hotel.
- All delivery and servicing can take place safely from the proposed at-grade layby along Clarence Road.
- Safe and secure refuse stores will be provided within the site and within an acceptable distance from the lay-by for the efficient and convenient transfer of goods.
- Deliveries and servicing will be coordinated as far as is reasonable to ensure that only one vehicle is present at the site at a given time.
- Continued communication will take place between the operative manager and Whitbread central management to provide further coordination and to inform of any anticipated changes to delivery schedules; and
- Appropriate measures will be introduced to ensure that employees of the hotel are fully aware of the refuse / recycling processes via the staff information board and training.

It is material that the site comprises an ungated access to the adjacent car park which is open 24/7, that the delivery bay is broadly in the same location as forecourt parking for the former fire station and that there is a pay & display (9am to 5pm) parking run on the opposite side of Clarence Road. This is a sea front & town centre location. The site will already be subject to noise disturbance associated with people/vehicles which may occur during the night.

The council's Environmental Health Officer (EHO) no longer objects subject to the imposition of conditions to limit when noise may occur. Their view is that whilst noise will occur, this will not be harmful to residents. The proposal complies with ALP policies QE DM1 and QE SP1.

AIR POLLUTION:

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

The site is accessible to public transport being in a town centre and a short walk from the railway station. The scheme includes cycle storage racks to the front and the submission states Whitbread allow guests to take cycles into rooms. Electric car charge points are not shown on the plans, but a condition can be imposed to secure these. The EHO raises no concerns in respect of air pollution and there is clearly no conflict with the policy.

LIGHT POLLUTION:

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider landscape and that lighting should minimise potential glare and spillage.

A lighting plan shows lighting at ground floor to all elevations except that the only lighting to the east elevation (Clarence Road) comprises two wall mounted half covered eyelid LED lights at the south end where the external terrace wraps around. A further 7 of these are spread around the building. Other

lighting comprises wall mounted LED floodlights (3no. to the southern elevation onto the terrace) and LED column mounted lights (6m high). The latter are to the car parking spaces (2 no. lights).

The lighting is appropriate and seeks to minimise light pollution to residential flats on Clarence Road. The council's EHO raises no objections but does request a condition to secure future details including of light spill affecting residents. The plan provided includes this information and a condition would only repeat what has been provided. The council's ecologist does not request a lighting condition. There is no conflict with policy QE DM2.

HIGHWAY SAFETY & PARKING:

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

The council's Parking Standards SPD does not include any guidance on hotel parking provision however WSCC's standards require 1 space per bedroom (so a maximum total of 116 spaces). This does not differentiate between town centre and other locations. The Parking Standards SPD does state that if parking could reasonably be expected to take place in existing streets, then it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate the expected parking demand. BRNDP policy 8b states that major developments should demonstrate that they do not impact on existing capacity of public highways to accommodate parking and regard should be had to seasonality of parking needs in Bognor Regis.

The proposal is for 11 new car parking spaces (including 5 disabled bays) to the rear of the building accessed from the Regis Centre car park. In addition, 8 new spaces are provided elsewhere in the Regis Centre car park. As the proposal results in the loss of 39 spaces (including 5 disabled) from the car park, there is a net loss of 20 spaces and no net gain in disabled spaces. The total provision in the Regis Centre car park will be 155 spaces (down from 175). To the front, there will be a new delivery bay broadly in a similar position to the existing forecourt parking. The Transport Assessment (TA) states:

- Given the locational and general characteristics of the site, the WSCC level of parking (116 spaces) would not be appropriate.
- Whitbread's Premier Inn data shows that most demand for spaces is during mornings and evenings. The peak parking demand for the hotel would thus occur overnight, with a maximum demand for circa 90 car parking spaces. Meanwhile, during core daytime hours, the demand would be for 20-25 spaces.
- The hotel would therefore generate the majority of its parking demands overnight i.e., when the existing parking demands are very low.
- This arrangement is commonplace at town centre hotels, including numerous other Premier Inn sites in similar town centre locations, and is known to work effectively.
- On-street parking spaces most immediately to the site are underutilised, however, hotel guests would principally be directed to the Regis Centre car park.
- There are approximately 900 car parking spaces in public car parks within circa 500m of the site.
- The parking data shows that August is the busiest month for the car park, with the day-time car park occupancy being 67% on average. This demonstrates there is approximately 33% spare car parking capacity during a typical day during the month of August.
- An even greater level of spare capacity is available outside of the peak summer months.
- Following removal of the 20 spaces (net), the day-time car park occupancy during the peak month of August would be approximately 75% which equates to 117 spaces leaving 35 free during the day and this is sufficient for the daytime needs of the hotel, according to the Whitbread data; and

- There are other public car parks in a 500m walking distance which can absorb overnight/daytime demand.

The parking data is derived from day/season ticket sales information from ADC. Objectors questioned the validity of the data given it relies on information obtained for the period April 2021 to March 2022. From March 2021, a 4-stage stepped return to 'normality' had commenced following the third national lockdown in February and there were still some restrictions in place during this period. The applicant provided additional parking data. These were undertaken between 27/07/23 and 29/07/23. The report on these additional surveys concludes:

- The extra surveys confirmed similar results for nearby car parks (Regis Centre & Gloucester Road) in that there is a discernible profile with a low number of vehicles parked overnight into the morning, with a general uptick towards midday and into the afternoon, with a pronounced drop into the evening.

- This would corroborate the assumptions made in the Transport Assessment in the hotel having a complimentary parking demand profile (i.e., peak demands being overnight and lowest during the core daytime hours); and

- The results of the survey indicate spare capacity within both car parks, and the parking demands associated with the hotel should be considered holistically with other town centre parking provisions within close proximity of the site, with a suitable provision within an acceptable walking distance of the proposed hotel to accommodate guest vehicles and the spaces lost as a result of the hotel development.

WSCC Highways do not object subject to conditions and a s106 agreement. Their views remain unchanged after re-consultation on the additional surveys. The proposal complies with the NPPF guidance and the relevant policies of the development plan.

WASTE MANAGEMENT:

ALP policy WM DM1 does not refer to commercial development. Section H.07 of the ADG advises it should meet the requirements of the users of buildings while being as unobtrusive as possible. It should be convenient and safe for users to access and ensure efficient collection by waste vehicles.

The ground floor plan indicates the provision of an internal store for waste and recycling bins on the northern side of the building. This will allow for vehicular access from either the car park or Clarence Road and is within an acceptable distance from each point for refuse collectors to transport the bins to/from the collection vehicle. There is no objection to this proposal.

TREES & BIODIVERSITY:

ALP policy ENV DM4 states trees that contribute to local amenity should not be damaged or felled unless the benefits of the development outweigh the loss. ALP policy ENV DM5 requires that proposals achieve a net gain in biodiversity and protect existing habitats on site.

Existing on-site trees are relatively small, and none provide individual amenity value. Their contribution to amenity is due to their collective value as landscaping (with other retained trees/shrubs). The tree survey categories all of existing trees as class C (low quality). None warrant protection by a TPO. Eight trees are to be lost. The application proposes landscaping in the form of seven clipped Oak trees as well as 936 individual shrub plants.

Given the size, location, and use of the site, it is unlikely to have potential as habitat for protected species. An ecological appraisal, phase 1 bat survey and endoscopic survey were submitted. They found no detrimental impacts to protected species and recommend mitigation measures including bat boxes and a sparrow terrace. The site will be checked for birds' nests prior to construction and a further

endoscopic survey of the fire station building and trees to be removed will be undertaken prior to commencement.

The council's Ecologist has raised no objections and recommends conditions to secure the proposed mitigation measures. The proposal is also accompanied by a Biodiversity Net Gain Calculation which sets out an overall net gain of 2.64%. Whilst this is significantly lower than the 10% national requirement to be introduced early in 2024, ALP policy ENV DM5 currently only requires that a net gain is demonstrated and so there can be no conflict with the policy. It is also material that there is limited space on the site for new habitat and no current policy requirements for biodiversity off-setting.

CLIMATE CHANGE/SUSTAINABLE CONSTRUCTION:

ALP policy ECC SP2 requires all new residential and commercial development be energy efficient and should incorporate decentralised, renewable, and low carbon energy supply systems. It states for major developments, 10% of the total predicted energy requirements should be produced from renewable/low carbon energy generation on site, unless it is demonstrated this is unviable. Policy ECC SP1 requires that new development be designed to adapt to impacts arising from climate change.

The energy statement sets out that the building will include the following building methods/technologies to achieve an overall 32.2% carbon reduction:

- Low external envelope U-values and low air permeability.
- Low energy LED lighting with lighting controls.
- Metering connected to a battery management system with auto monitoring and targeting of energy.
- Mechanical ventilation with passive heat recovery (MVHR).
- Air source heat pump (ASHP) providing space heating.
- High efficiency air-to-water CO₂ Heat Pump for hot water services (HWS); and
- Solar photovoltaic (PV) panels generating on site zero carbon electricity.

Furthermore, as set out in the submitted DAS, the hotel is targeting a BREEAM 'excellent' rating. A condition will be imposed to seek the detail of these features and a further condition will seek the placement of electric vehicle charge points in the cark (which will also satisfy policy QE DM3(c)). On this basis, the proposal complies with the relevant policies.

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. The site lies in Zone B and so it is necessary to seek financial mitigation. Arun DC do not have rules applicable to hotels, neither do Chichester DC (who the council has historically consulted for guidance on non-residential schemes). Natural England have proposed a suitable contribution which has been agreed with the applicant.

This contribution will be included in a legal agreement. ADC are required to assess the application with reference to the Habitats Regulations to assess the impact of increased recreational disturbance arising from the proposal on the Pagham Harbour Special Protection Area (SPA) & Ramsar Site. The council's assessment has been agreed with Natural England and there is no conflict with policy ENV DM2.

OTHER S106 PROVISIONS:

WSCC Highways have stated that a Traffic Regulation Order (TRO) will be required for the signing and lining of the delivery lay-by in accordance with the Traffic Signs Regulations and General Directions 2016

(TSRGD). This TRO attracts a fee of £8,322 and this will need to be secured through a s106 agreement. In addition, a contribution of £3,500 will be required to cover the costs of WSCC of monitoring and auditing the Travel Plan. WSCC also request that the s106 enforce the required s278 agreement for off-site works to Clarence Road and the two car park accesses on Belmont Street. This could be secured by a condition, but it is also appropriate to include in the s106.

ALP policy T SP1 requires developments contribute to highway improvements and are supported by a Travel Plan, which is effective and deliverable. Policy INF SP1 requires proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. The Parking SPD states, "If Traffic Regulation Orders (TRO) are required then developers will be expected to fund administration and works costs."

These requirements meet the CIL tests (Regulation 122 of the Community Infrastructure Levy Regulations 2010), and the requested contributions will therefore be included in the proposed legal agreement. On this basis, there is no conflict with ALP policies T SP1 or INF SP1.

SUMMARY:

The proposal must be determined in accordance with the development plan policies and paragraph 11c of the NPPF which states, "approving development proposals that accord with an up-to-date development plan without delay".

This report shows the proposal results in the following harm (some of which represent policy conflicts):

- The loss of designated public open space.
- Less than substantial harm to the Grade II listed Bognor Regis Town Hall.
- A loss of 20 parking spaces within the Regis Centre Car Park; and
- Some residual harm to the amenities of existing residents.

On the other hand the proposal represents sustainable development, and the scheme will deliver the following benefits (according to the applicant but agreed but the local planning authority):

- A multi-million-pound investment (approximately £10 million).
- 50 Full-time Equivalent (FTE) construction jobs over the build period.
- 30 FTE permanent jobs when fully operational with recruitment to be focused on Bognor Regis and the surrounding area.
- The potential for around 67,744 new overnight visitors per year (this is based on the average of 1.6 people sharing each hotel bedroom for 365 days of the year with a 100% occupancy rate).
- Linked spending within Bognor Regis and the Arun district, supporting the viability of the town centre - research suggests £3.3million would be spent in the visitor economy every year and the average Premier Inn guest spends £79 per night (excluding accommodation costs) within the local area; and

With the hotel being on the car park, it will increase natural surveillance over this space. The restaurant will be open to the general public. Economic Development officers support due to need for more quality in the tourism accommodation sector. These benefits are of a level that the less than substantial harm to the heritage assets and other policy conflicts are outweighed.

RECOMMENDATION:

The s106 agreement is at an advanced stage and is with ADC ready to be signed. However, signing cannot take place without the resolution of the committee therefore the recommendation is for the Planning Committee to delegate to the Group Head of Planning in consultation with the Chair or Vice

Chair with authority to:

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

The hotel is fully accessible to wheelchair users. Otherwise, the proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

This decision will be granted in accordance with a s106 legal agreement which secures the following:

PAGHAM HARBOUR

- A contribution of £12,873.38 towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area.

HIGHWAYS

- A contribution of £3,500 for monitoring and auditing the Travel Plan.
- A Traffic Regulation Order required for signing and lining of the lay-by in accordance with The Traffic Signs Regulations and General Directions 2016 - and the accompanying fee of £8,322.
- A s278 Agreement to secure the new delivery layby and footway changes along Clarence Road plus tactile paving at the two Belmont Street accesses to the Regis Centre car park.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

date of this permission.

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

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

Location Plan Dwg No 5740-PL 001 rev A.
Proposed Site Plan 5740-PL 010 rev C.
Proposed Ground Floor Plan 1740-PL 110 rev C.
Proposed First Floor Plan Dwg No 5740-PL 111.
Proposed Second Floor Plan Dwg No 5740-PL 112.
Proposed Third Floor Plan Dwg No 5740-PL 113.
Proposed Fourth Floor Plan Dwg No 5740-PL 114.
Proposed Roof Plan 5749-PL 115 rev B.
Proposed Demolition Plan 5740-PL 120.
Proposed Elevations 5740-PL 210 rev B.
Proposed Elevations 5740-PL 211 rev B.
Proposed Street Elevations 5740-PL 225 rev B.
Proposed Sections Dwg No 5740-PL 310.
External Lighting Services Layout Dwg No C8347-TLP-00-00-DR-E-801 rev P2.
2022/6402/003 rev P5 Existing and Proposed Car Park Arrangements.
2022/6402/004 rev P6 Proposed Servicing Arrangements.
2022/6402/005 rev P2 Parking Swept Path Analysis.
2022/6402/008 rev P1 Proposed Access Improvements.
Delivery and Servicing Management Plan Ref 2023/6402/DSMP01; and
Noise Impact Assessment rev 04 21/07/2023.

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

- 3 Notwithstanding the provisions of the Town & Country Planning General Development Order or Use Classes Order (or any Order revoking or enacting these Orders), the use hereby permitted shall be restricted to a hotel under class C1.

Reason: To enable the Local Planning Authority to consider the acceptability of alternative uses particularly given the parking provision and the proposed permitted development rights to allow hotels to be converted into residential accommodation, in accordance with Arun Local Plan policies D DM1, T SP1 and QE SP1.

- 4 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (LC Ecological Services, January 2023) and the Shadow Appropriate Assessment (LC Ecological Services, 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 Local Planning Authority to discharge its duties under Arun Local Plan policy ENV DM5, the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife &

Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 5 The development shall be carried out in accordance with the submitted flood risk assessment (ref 6 April 2023, issue 1) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 5.1 metres above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Arun Local Plan policy W DM2 and the NPPF.

- 6 Development shall not commence, other than works of demolition, 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 part of the 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.

- 7 Development shall not commence, other than works of demolition, site survey and investigation, 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 the development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 8 Prior to the commencement of any demolition taking place, a copy of any asbestos register held for the former fire station building, and any remedial strategy (where appropriate), must be provided to the Local Planning Authority for approval in writing. The demolition should thereafter proceed in accordance with the approved details.

Reason: To protect future residents in accordance with policy QE DM4 of the Arun Local Plan. This is required to be pre-commencement condition because otherwise there could be a risk

to human health including that of neighbouring residents and persons in the vicinity.

9 No development shall take place, including any works of demolition (but excluding site survey & investigation works), until a Construction Environmental Management Plan (CEMP) and accompanying Site Setup Plan have been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones".
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.
- The anticipated number, frequency and types of vehicles used during construction,
- The method of access and routing of vehicles during construction,
- The parking of vehicles by site operatives and visitors,
- The loading and unloading of plant, materials and waste,
- The storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding,
- The provision of wheel washing facilities/other works required to mitigate the impact of construction on the public highway (including the provision of temporary Traffic Regulation Orders),
- Details of public engagement both prior to and during construction works. This shall include details of how measures will be put in place to address any environmental problems arising from any of the above. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

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.

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

Reason: In the interests of highway safety and the amenities of the area, to conserve and enhance protected and priority species and allow the Local Planning Authority to discharge its duties under Arun Local Plan policies ENV DM5, T SP1 & QE SP1. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

10 No demolition shall occur unless and until a Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of how the retained wall of the Town Hall is to be protected and how the Fire Station frieze is to be carefully removed and protected prior to being included in the new hotel building. The demolition shall thereafter be undertaken in accordance with the approved Statement.

Reason: To enable the Local Planning Authority to control the development in detail in the

interests of the character and appearance of the Listed Building in accordance with Arun Local Plan policies HER SP1 & HER DM1 and the National Planning Policy Framework. This is required to be pre-commencement condition because otherwise damage could occur to the retained Town Hall building.

- 11 Development shall not commence, other than works of demolition, site survey and investigation, unless and until the applicant has prepared and submitted for written approval an Employment and Skills Plan. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

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

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

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

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

- 13 Within 2 months of the commencement of the demolition of the fire station, the applicant/developer shall provide a detailed drawing and accompanying schedule of materials and finishes concerning the finish of the exposed wall of the Town Hall to the Local Planning Authority for approval in writing. This detail shall include the brick type, the brick bond, details of the stone base/coping and the new insulation. The approved scheme and materials shall then be used in the making good of the town hall.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the preservation of the listed Town Hall in accordance with policies D DM1, HER SP1 and HER DM1 of the Arun Local Plan.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the preservation of nearby heritage assets in accordance with policies D DM1, HER SP1 and HER DM1 of the Arun Local Plan.

- 15 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.

16 No part of the development shall be first occupied unless and until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following:

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

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

Reason: 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), Arun Local Plan policy ENV DM5 and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

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

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

18 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.

19 No part of the development shall be occupied unless and until the developer/owner has submitted details of an information plaque to be attached to the hotel front (Clarence Road) elevation, for approval in writing by the Local Planning Authority. This must present information regarding the context of the site including the former fire station and neighbouring

town hall and other demolished buildings. Thereafter, the agreed plaque shall be installed prior to occupation and permanently retained thereafter in a good and safe condition.

Reason: In the interests of heritage interest in accordance with Arun Local Plan policies HER SP1 and HER DM1.

- 20 No part of the hotel 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.

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

- 21 The approved development shall achieve a minimum of 10% energy supply reduction from either the use of decentralised/renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). Any physical features that are required as part of the works must be installed prior to the occupation of the hotel and shall be thereafter permanently maintained in good working condition.

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

- 22 Prior to the occupation of any part of the approved hotel, the applicant or developer shall provide electric vehicle charge points to serve the 10 parking spaces associated with the approved building in accordance with the council's standards as set out in its Parking Standards SPD. This requires EV charging points in 20% of parking spaces (rising to 30% from 2023, 50% from 2028 & 100% from 2033) with electric ducting provided to all other spaces to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol, 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, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 23 No part of the proposed restaurant shall be used unless and until details of a suitable system for the extraction of cooking odours (including details of the extract fan units, filters, extraction hoods and ducting, together with method of noise abatement) has been submitted to and approved in writing by the Local Planning Authority. The submission should also include details of hours when the kitchen ventilation extract system will be operational. The equipment approved under this condition shall be installed by a competent engineer before the use hereby permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of local residents in accordance with policy QE DM1 of the Arun Local Plan.

- 24 Notwithstanding the submitted Delivery and Servicing Management Plan, no delivery vehicles shall arrive at or depart from the delivery bay, and no industrial, commercial or trade goods shall be loaded, unloaded or otherwise handled, outside the hours of 08:00 and 18:00 Monday to Friday, 08:00 to 18:00 on Saturdays or at any time on Sundays, Bank or other Public Holidays.

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

- 25 The approved external terrace shall not be used by customers of the hotel or the restaurant outside of the hours of 07:00 to 23:00.

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

- 26 There shall be no more than 14 delivery vehicles of the type discussed in section 3 of the Delivery and Servicing Management Plan arriving at the site per week.

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

- 27 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.

- 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 in the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments 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 in the NPPF.

- 29 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the following obligations:

(a) A contribution of £12,873.38 towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area.

(b) A contribution of £3,500 for monitoring and auditing the Travel Plan.

(c) A Traffic Regulation Order required for signing and lining of the lay-by in accordance with The Traffic Signs Regulations and General Directions 2016 - and the accompanying fee of £8,322; and

(d) A s278 Agreement to secure the new delivery layby and footway changes along Clarence Road plus tactile paving at the two Belmont Street accesses to the Regis Centre car park.

- 30 INFORMATIVE: The owner(s) of any commercial property built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. As the former fire station is being demolished to make way for a form of commercial development which will accommodate people living/sleeping, the Local Planning Authority need to be satisfied that if any asbestos previously identified is still present, it is either removed or suitably managed to

minimise risk to human health as there is no safe threshold for asbestos exposure.

- 31 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'.

- 32 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.
- 33 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.
- 34 INFORMATIVE: It is presumed that Building Control shall ensure that there shall be a sufficient provision of grease traps fitted in accordance with Building Regulations Document H to the drainage serving the proposed commercial hot food business.
- 35 INFORMATIVE: It is presumed that the applicant shall ensure that a full asbestos survey of all existing structures to be demolished shall be undertaken prior to demolition and any asbestos materials identified shall be removed/managed in accordance with HSE guidelines and the Control of Asbestos Regulations 2012.
- 36 INFORMATIVE: The business is required to submit a Food Registration Form to the Environmental Health department 28 days before opening. Further advice can be given to the business, for example, on the internal layout of the food premises. For further advice, please

contact the Environmental Health Service on 01903 737755.

37 INFORMATIVE: Environmental Health require there to be an adequate provision of sanitary accommodation in food businesses.

38 INFORMATIVE: A formal application for connection to the public sewerage system is required 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: <https://beta.southernwater.co.uk/infrastructurecharges>.

39 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 02/05/23) as available on the council's website.

40 INFORMATIVE: Flood proofing of the proposed development shall be incorporated, where necessary, in accordance with flood resilience and resistance techniques to be included in accordance with 'Preparing for floods' (ODPM 2003)

41 INFORMATIVE: The dewatering associated with this development may require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. There is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

42 INFORMATIVE: The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.
- treated materials can be transferred between sites as part of a hub and cluster project; and
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. It is recommended that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice; and the waste management page on GOV.UK.

43 INFORMATIVE: Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991.
- Hazardous Waste (England and Wales) Regulations 2005.
- Environmental Permitting (England and Wales) Regulations 2016; and
- The Waste (England and Wales) Regulations 2011.

Developers should ensure all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a

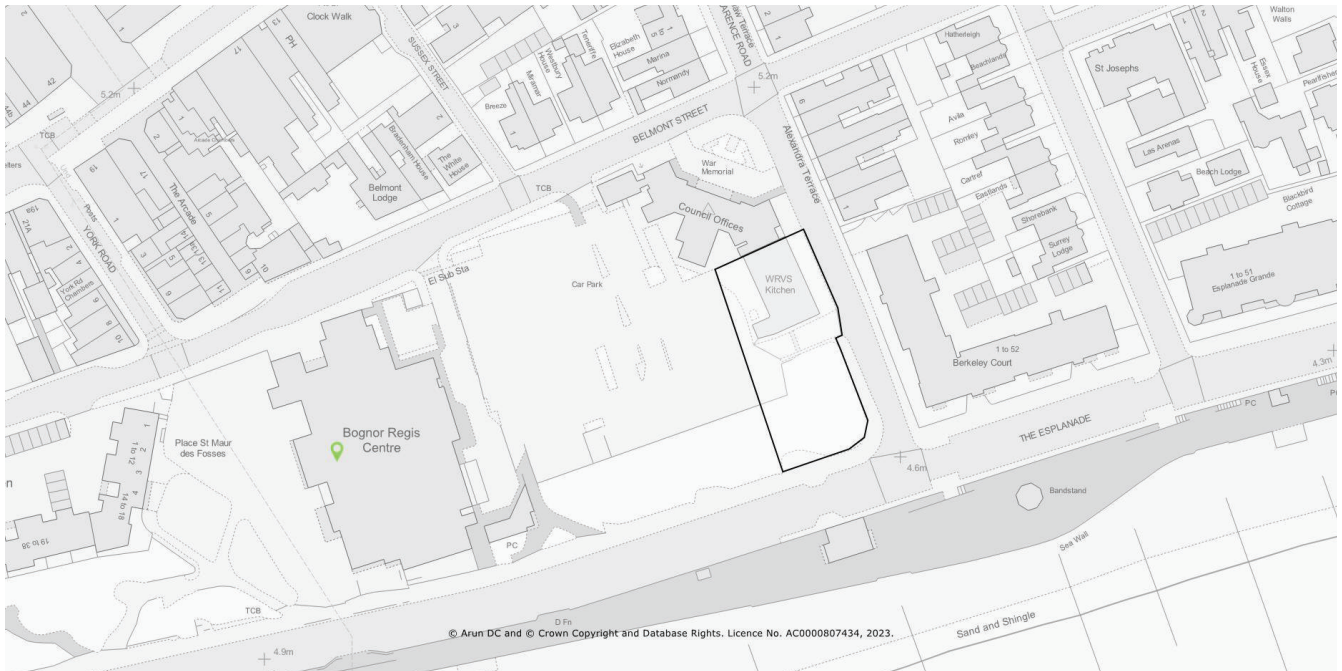
Sampling Plan' and the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid delays. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

- 44 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.
- 45 INFORMATIVE: The erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

BACKGROUND PAPERS

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

BR/83/23/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: LU/220/23/PL

LOCATION: The Manse
2 Arundel Road
Littlehampton
BN17 7DB

PROPOSAL: Lounge conversion to increase bed spaces from 6 to 7 bed HMO. This site is in CIL zone 4 and is CIL Liable as dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the conversion of a shared dining/sitting area serving the existing House in Multiple Occupation (HMO) into an additional single bedroom. The conversion would result in the number of single-occupancy bedrooms within the premises increasing to seven. The additional room would have a floor area of 8.8sqm. No external alterations are proposed.
SITE AREA	117sqm.
TREES	TPO on site. It will not be affected by the development.
SITE CHARACTERISTICS	A 6-bedroom HMO with parking to the front and garden to the rear.
CHARACTER OF LOCALITY	Sits in the curtilage of the locally listed Littlehampton United Church. To the north is St Martins car park and to the east is the church hall.

RELEVANT SITE HISTORY

LU/570/82	Proposed Change Of Use Of Manse From Residential To Office Use	ApproveConditionally 02-03-83
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REPRESENTATIONS

Littlehampton Town Council - Objection.

- Loss of amenity space.
- Cramped room sizes.
- Members fully considered the nature of the facility and the valuable services provided.

1 objection from a local resident.

- To squeeze another room would be over development.
- Reduction in quality of life for the existing tenants and neighbours.
- Loss of space for residents means tensions rise and antisocial behaviour will increase.

- Too many HMO's and increasing the number is having an adverse impact on the town.
- The balance of HMO rooms is excessive compared with other housing and that balance needs to be rectified.

Further comments received from the applicant in response to Town Council's objection state that the existing HMO property is well integrated into the community and staff capacity is adequately strong to support the facility's growth.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The site is already a House of Multiple Occupation (HMO). This would not effect the numbers of HMO's in the area. Other comments will be addressed in the report below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No comments.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Article 4 Land

Built-up Area Boundary (BUAB)

Economic Growth Area

TPO

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development
QESP1	QE SP1 Quality of the Environment
HSP4	H SP4 Houses in multiple occupation

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

Littlehampton Neighbourhood Plan 2014 Policy 3 Housing Supply

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

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.

Littlehampton has a made neighbourhood development plan, which is relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that it provides an additional bedroom which does not adversely effect the character of the area, the residential amenity of neighbours or occupants, or generate excess parking demands.

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.

The Article 4 direction (River Ward) requires permission to be sought for the conversion of C3 dwellinghouses in to C4 HMO dwellings. The Article 4 was confirmed to prevent the loss of family sized dwellings, preventing an erosion of the balance of housing types and in turn negative impact to the character of the area. This site accommodates an HMO which has been licensed since 2020. No additional family sized dwellings are being taken out of the housing stock.

CONCLUSIONS**PRINCIPLE**

The site is in the Built-up Area Boundary (BUAB) where Policy SD SP2 of the Arun Local Plan (ALP) seeks to allow development subject to that development according with other policies in the Plan.

Policy 1 of the Littlehampton Neighbourhood Plan (LNP) supports applications which accord with the Neighbourhood Plan as a whole unless material considerations indicate otherwise.

Policy 2 of the LNP states that "The Neighbourhood Plan concentrates future housing, economic and community-related development within the built-up area boundary of Littlehampton".

Policy 3 of the LNP relates to the provision of housing and states that sites within 400m walking distance of a local centre will be particularly suited to meeting the needs of smaller households, elderly and young people without private transport and therefore at least 50% should be 2 beds or smaller.

The proposal is acceptable in principle given its sustainable location in the Built-up Area Boundary (BUAB), in walking distance of a range of shops, facilities and services in the town centre and access to different modes of sustainable transport including walking/cycling routes, bus routes and Littlehampton railway station. It would provide small scale accommodation in a very sustainable location within 400m walking distance of the town centre for people who may not have access to private transport.

The proposals would accord with ALP Policy SD SP2 of the ALP, policies 1, 2 and 3 of the LNP and the NPPF, in this respect.

The application proposes an additional bedroom in an existing HMO. No external alterations are proposed as this involves the conversion of part of an existing dining/sitting area.

Arun Local Plan (ALP) policy H SP4 states applications for HMOs will be favourably considered where they meet certain criteria as follows:

- (a) Do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing.
- (b) Do not contribute to the generation of excessive parking demands or traffic in an area.
- (c) Provide adequate areas of open space.

These criteria will be discussed below.

Paragraph 12 of the NPPF requires that up-to-date Development Plan policies are the starting point for decision-making. In this case the relevant Policy is Local Plan policy H SP4, which is up to date.

Other policies key in determining this application are D DM1 (aspects of form and design quality), QE SP1 (quality of the environment), T SP1 (transport and parking), ENV DM5 (biodiversity) of the ALP.

CHARACTER AND APPEARANCE

Policy H SP4 requires HMOs to not adversely affect the character of the area by not eroding the balance of different housing types. Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Crime Prevention, Layout, and Scale.

Part J.01 of the Arun Design Guide (ADG) relates to buildings form and character and states that new development must ensure that the existing character and sense of place of an area is respected and enhanced.

As an existing 6 bed HMO, the creation of a single bedroom of a size to accommodate one additional person will not materially alter the character of development or its intensity. The building does not operate as a single-family dwelling, nor has it since the 2020. The additional room will not erode the balance between different housing types in the area.

The proposal accords with policies H SP4 (a) and D DM1 of the ALP and Part J of the ADG.

TRANSPORT AND PARKING

Policy T SP1 ensures development of the transport network so that it reduces the need for car travel,

promotes green infrastructure, protects the major road network, maintains appropriate levels of parking standards, and requires applications to consider and design for development in relation to transport infrastructure.

The site is in the town centre, with extremely good links to public transport and pedestrian access to necessary facilities. There is parking for at least 2 to 3 cars on site. The site is on a busy classified road, which is well controlled by parking restrictions. There is a public car park immediately to the north. Should additional parking be required, public parking is freely available nearby.

The Arun Parking Standards SPD do not specify the requirements for HMOs, but 4+ bedroom houses require 2 spaces. The private drive has ample space to accommodate this requirement, although given the nature of the occupants, private car ownership is expected to be infrequent.

Cycle parking has not been shown. Given there is ample external space, this can be easily achieved and secured by condition. WSCC Parking Standards Guidance (September 2020) expects the provision of 1 cycle parking space per unit for HMOs. The ADC Parking SPD (2020) does not specify cycle parking standards for HMOs. For new residential it expects 1 cycle parking space per unit for 1 bed flats/houses. It would be expected that the additional bedroom should provide 1 additional cycle parking space.

Given the highly sustainable location and that cycle parking can be secured by condition, the proposal accords with Policy T SP1 of the ALP.

The development is in the town centre, is well connected and will encourage the use of public transport. Given the nature of the development and strict traffic controls to the adjacent highway, the proposal will not generate excessive parking requirements in accordance with Policy H SP4(b) of the ALP.

RESIDENTIAL AMENITY AND EXTERNAL SPACE

Policy QE SP1 and D DM1 of the ALP sets out criteria for which applications relating to new development must be assessed against. They generally seek to minimise the impact of the proposal on the character of the area and its neighbours and enhance the quality of its environment.

Comments received from the Town Council and a resident state that the internal amenity space is too cramped. The proposal requires the subdivision of the kitchen/dining area to form a new bedroom. The remaining kitchen area retains a small area which could be used to house a dining table. There are no requirements for HMOs in terms of room sizes in planning legislation. There are room size requirements for licensing of HMOs, but that is a separate procedure controlled by Environmental Health. Environmental Health have raised no objection. Although the loss of part of the communal facilities is regrettable, as there are no restrictions to the amount of shared space required in HMOs, this does not warrant refusal on planning grounds.

The new room will utilise the window facing the highway, set back some 6.5m from the edge of the footpath. The property is surrounded on the south and east by church property and by a public car park to the north. There are no residential neighbours near the development. No new overlooking vantage points will be created.

There are no policy requirements for external space standards. Section H.04 of the adopted Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It specifies that communal shared spaces should be a minimum of 40sqm plus 10 sqm per unit. HMO policy H SP4 requires that HMOs (c) Provide adequate areas of open space.

There is an abundance of public open space in close proximity to the property, along the seafront, river and at local parks, providing outdoor amenity for future occupants of the HMO which would provide an

opportunity for enjoyment of outside space, but it is not usable for other functional use of outside space like clothes drying or informal sitting out space. There is access to rear amenity space of a good scale (130sqm). This is well above the requirements set out in Part H of the ADG.

The development accords with policies D DM1 and QE SP1 in that it maintains the quality of the environment, does not adversely effect neighbours and provides an appropriate environment and amenity of future occupiers. It accords with H SP4(c) in that there is good access to outdoor amenity space.

BIODIVERSITY

Policy ENV DM5 seeks to achieve a biodiversity 'net gain' (BNG) and protects existing habitats on site. This can be achieved through incorporation of biodiversity elements such as green walls, bird/bat boxes or other mitigation measures into the landscape.

Despite no external development works being required, Policy ENV DM5 is clear that all development schemes shall seek BNG. As the principle of development of is acceptable, a condition would be appropriate to achieve a net gain on site.

SUMMARY

The site is in the BUAB, where the principle of development is established. The additional bedroom in the HMO accords with the criteria of Policy H SP4 in that it does not adversely effect the character of the area, does not contribute to excessive parking demand and provides adequate open space for its occupants. Whilst the loss of a small area of communal shared space is regrettable, this does not warrant refusal as room sizes are not controlled via the planning system. The bedroom is well located within an existing setting, with good access to public facilities and not to the detriment of any neighbours. The proposal supports a charity who support homeless persons. There will be modest social gains for the most vulnerable in society. The proposal is recommended for approval with 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 interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Location Plan
- Block Plan
- Proposed Ground Floor Plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy H SP4 and D DM1 of the Arun Local Plan.

- 3 The overnight occupancy of the House in Multiple Occupation shall be limited to a maximum of 7 persons at any one time.

Reason: For the avoidance of doubt and in the interests of amenity in accordance with policy H SP4 of the Arun Local Plan.

- 4 A covered and secure cycle parking space for one additional cycle shall be provided within the site prior to occupation of the additional room. The cycle parking space so provided shall, thereafter, 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.

- 5 The additional bedroom hereby permitted shall not be occupied until a scheme for improvements to secure biodiversity net gain has been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be completed on site within 3 months of the date of the date of first occupation of the additional room and retained thereafter.

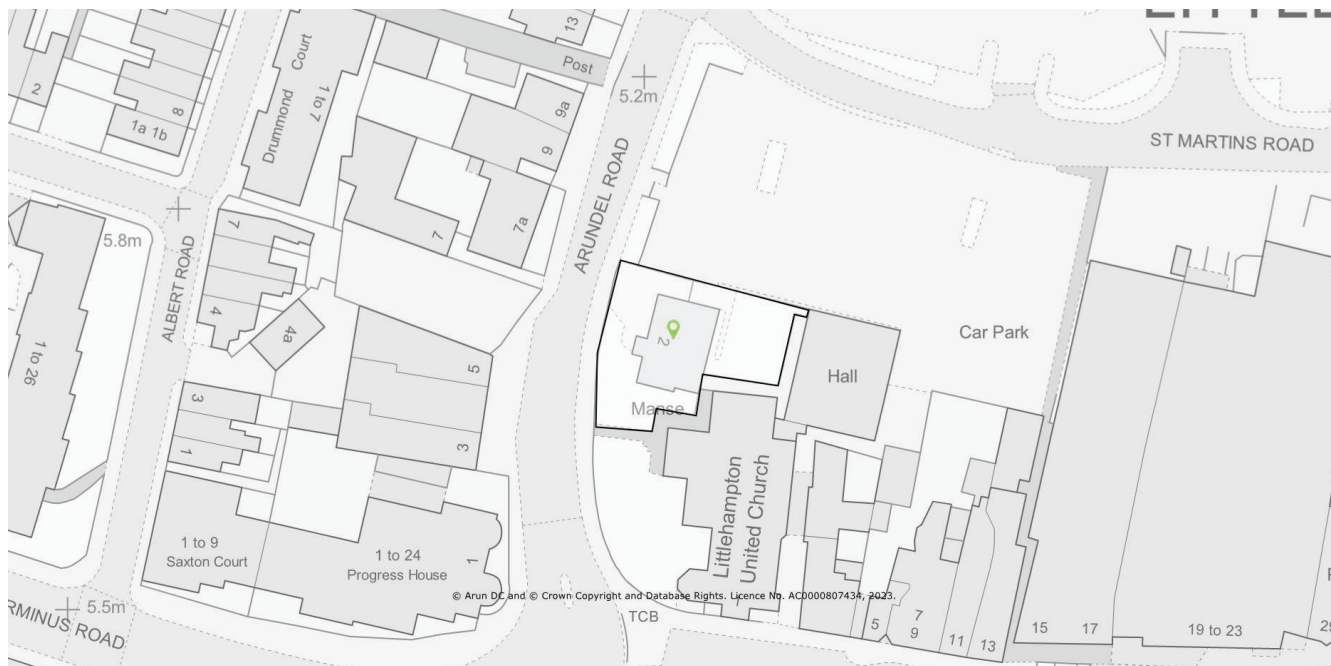
Reason: In accordance with Arun Local Plan policy ENV DM5 and the NPPF.

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

BACKGROUND PAPERS

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

LU/220/23/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: R/163/23/PL

LOCATION: 43 Old Manor Road
Rustington
BN16 3QS

PROPOSAL: Erection of block of 5 garages. This application is in CIL Zone 4 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to construct a block of 5 No. garages within the rear of a residential plot. Access would be via a garage compound to the rear of this plot. It also includes a small section of hardstanding to the front of these garages.
SITE AREA	1370sqm.
TREES	1 No. medium/large sycamore tree within and on the southern boundary of 43 & 45 Old Manor Road.
BOUNDARY TREATMENT	Tall wooden boundary fence to the south boundary of 43 & 45 Old Manor Road that separates this plot from the garage compound to the rear. Approx. 1.9m tall painted stone wall to the east site boundary shared with No. 8 Manor Road (eastern neighbour). Approx. 1.8m tall wooden boundary fence to north boundary shared with 39 & 41 Old Manor Road.
SITE CHARACTERISTICS	The host site is a residential plot that features a 2 storey, semi-detached building that is characteristic of a traditional dwelling house but is in fact 2 No. flats split to the ground and first floors. This residential plot features a side driveway, front garden and large rear garden. Also within the red edge of the site is a garage compound to the south-east of the residential plot. This garage compound runs north to south, being accessed from Campbell Drive to the south and ending to the north up against the existing wooden boundary fence that serves the southern boundary of the aforementioned residential plot. This garage compound features three main blocks of garages: a block of 15 to the west of the compound, and two blocks of 5 and 9 garages on the east side of the compound, separated by a pedestrian access into Laburnum Way to the east. There is also one standalone garage to the north-west of the compound.
CHARACTER OF LOCALITY	The site is surrounded by residential development of mixed types. All are visually characteristic of traditional houses however, there is a mix of bungalows, flats, and two storey dwellings that are detached, semi-detached, or terraced. There is a clear mix of residential types within the locality. Also

of particular note, is the proximity of the Rustington Community Primary School to the West of Old Manor Road. A short distance north of the site along Old Manor Road is a pedestrian access point that links to the Primary School and as such, Old Manor Road and its adjoining residential streets are often utilised as 'pick-up points' by parents during the times pupils are leaving the school.

RELEVANT SITE HISTORY

R/255/22/PL	Erection of Garage Block. This application is in CIL Zone 4 (zero rated) as other development.	Refused 20-01-23
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R/255/22/PL - This was a previously refused application for 7 No. garages in this location. This was a delegated refusal due to the number of garages, their siting, and subsequent vehicular activity, resulting in acceptable adverse impacts of residential amenity to both the host and adjoining properties.

OFFICER COMMENTS

This application has sought to address these concerns by reducing the number of garages to five, and removing the use of the existing driveway as a side access, and instead, removing a section of the southern boundary fence and a Sycamore tree, thereby allowing access to these garages from the existing garage compound to the south.

REPRESENTATIONS

Rustington Parish Council - Objection:

- Overbearing.
- Harm to the privacy, visual amenities, and quiet enjoyment of the neighbouring properties.
- The mass of the proposal would represent an over-development of the site.
- Contrary to Policy 2 of the Rustington Neighbourhood Development Plan as proposals should not impact on surrounding properties but should seek to maintain privacy and alleviate possible noise issues to neighbouring properties.
- The number of garages is excessive and out of keeping for the locality.
- Questioning whether a business use may be proposed in the future.
- The applicant does not own the garage compound that has been included within the red edge.

13 No. objections from nearby occupiers.

- Noting that the applicant does not own the garage compound.
- Blocking of access to existing garages.
- The compound is in a state of disrepair.
- The number of garages is an overdevelopment.
- Garages would be rented out/used for commercial purposes.
- An accessway will be formed through the properties existing driveway.
- The original boundary hedge was removed and the existing fence along the South boundary of the host site is not in the correct position.
- The applicant has no legal right of way to access through the garage compound and that they would be trespassing.

- Congestion particularly during school opening and closing times.

COMMENTS ON REPRESENTATIONS RECEIVED:

All relevant planning matters have been addressed within the conclusions section to this report.

Upon receiving representations that the applicant does not own the garage compound included within the red edge of the plan, the ownership of this land was questioned with the agent, to which they identified that to their knowledge, this land had recently been acquired by the applicant. For clarity, the following matters that have been raised as concerns are not material planning considerations and therefore, cannot be considered as part of the determination of this application:

- Land ownership disputes.
- Rights of access.
- The disrepair of privately owned land.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways:

- Noting the internal sizes of the garages do not meet WSCC minimum standards for the storage of vehicles. Noting that whilst this may not be a reason to refuse the proposal, that this may hinder any intended vehicle storage use.
- Noting minimum garage forecourt depths should be 6m to provide adequate manoeuvring/turning space and a swept diagram would help identify if turning into the garages is possible.
- Parking pressures in this area are unknown and the Local Planning Authority should consider if larger garage spaces would help to absorb parking pressures.
- There is no loss of existing parking spaces as part of the proposal and so there is no Highway Safety concern.
- The garage compound to the south has been included within the red edge of the plan, thus assumed as being under the control of the applicant. Should this not be the case, the applicant is advised to contact the proprietor of this land, to gain formal consent for access via this route.

ADC Tree Officer - Verbal correspondence:

- From review of the imaging of the sycamore tree, it is multi-stemmed, out of context, and contributes little to local amenity. The tree is not subject to a TPO nor within a Conservation Area and we would not likely seek to create a TPO for its retention.

COMMENTS ON CONSULTATION RESPONSES:

Noted. Use, transport, and parking considerations have been addressed within the conclusions section to this report.

POLICY CONTEXT

Within the Built-up Area Boundary.

DEVELOPMENT PLAN POLICIES

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

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality

ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

[Rustington Neighbourhood Plan 2014 Policy 2](#) Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

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

All relevant policies within the Rustington 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 is of a design and character that is reflective of the wider locality and does not result in any significantly adverse impacts of 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

Appeal reference: APP/C3810/W/23/3318764 was allowed with conditions following the refusal of LU/385/22/PL (Construction of 3 No. garages within an existing garage compound). The grounds for refusal was as follows:

- 'The proposed garages by reason of their excessive number, siting in close proximity to the host and

neighbouring residential properties and the significantly increased vehicular activity and disturbance will result in an unacceptable detrimental impact on the residential amenities of existing neighbouring residential occupiers in conflict with Policies D DM1 and QE SP1 of the Arun District Local Plan, the Arun Design Guide and the National Planning Policy Framework.

The inspector stated the following in relation to noise and disturbance:

- 'Aside from three steel 'up and over' garage doors, there would be no means of significant noise break out arising from parking or storage use in the garages. There is nothing definitive to suggest that opening or closing the garage doors would be excessively noisy; other than that noise would escape through an open door...'

- There is no evidence that opening or shutting car doors, starting car engines or manoeuvring cars in and out of the garages and across the courtyard would be anything more than infrequent or transient in nature (including during hours of darkness). Albeit a snapshot during the day, this is what I saw in the courtyard and others nearby so it would not be unusual or unexpected. A planning condition could prevent potentially more intensive or intrusive use of the garages for commercial purposes.

Given the similarity of this proposal to that of the above appeal decision, weight has been given to its determination, particularly in relation to noise and disturbance.

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

CONCLUSIONS

PRINCIPLE

The key Development Plan policies relevant to this proposal are D SP1, D DM1, T SP1, ENV DM5 & QE SP1 of the Arun Local Plan (ALP), and Policy 2 of the Rustington Neighbourhood Development Plan (RNP).

Sections J & I of the Arun Design Guide (ADG) are also of relevance.

AMENDMENTS

Since the submission of the original plans with this application, it was identified that part of the existing southern boundary fence and a sycamore tree would need to be removed to facilitate the intended access from the garage compound. It was also identified that a small section of hardstanding would be necessary in front of the westernmost garages as it is currently lawn. It was requested that these be annotated on the plans for clarity as they are material to the proposal.

It was felt that an access way from Old Manor Road into the garage compound may also generate through traffic and nuisance of vehicles driving past the host properties and No. 47 Old Manor Road in close proximity. It was requested that a small section of fence would be erected to block this access and to ensure the existing parking arrangements be retained.

DESIGN AND VISUAL AMENITY

ALP policies D DM1 and D SP1 seek to ensure that developments make an efficient use of land whilst preserving or improving upon local character. Section J.01 of the ADG states density should be appropriate to location, balancing the need for efficient use of land with a design that responds to and enhances the existing character of the site or wider locality.

Policy 2 of the RNP requires proposals to reflect the architectural and historic character of the area in

terms of scale, density, massing, height, landscape design, layout, and materials.

The proposed 5 No. garage block is to be 2.6m in height, 5.3m in depth, and 13.16m in width. It is of a comparable scale to that of the garage block found to the eastern side of the existing garage compound closest to the accessway from Campbell Drive. The garages within the proposed block would have identical dimensions of 5m by 2.5m and feature 'up and over' steel garage doors. This block would also feature a flat roof design, brick exterior walls, and uPVC rainwater goods. In terms of character and design, the proposal is like the garages which can be found prolifically throughout the existing garage compound and as such, they would not appear out of character, nor be of a visual design that is unexpected or incongruous.

The proposed hardstanding is limited in scale and would be comparable to the hardstanding within the existing garage compound and within the current rear garden where the garages would be built. This would not harm the visual amenity or character of the area.

The proposal is of a scale, design, and character that are reflective of the wider locality. Whilst they may not serve to be a visual enhancement in accordance with Section J.01 of the ADG, the proposal remains in accordance with policies D SP1 & D DM1 of the ALP, Policy 2 of the RNP, and no harm to the visual amenity of the locality has been identified.

RESIDENTIAL AMENITY & USE

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. Policy QE SP1 requires all development to contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity or the natural environment.

The siting of the proposed garages would occupy the rear of what is currently a residential garden serving Nos. 43 & 45 Old Manor Road. This would result in the loss of a significant portion of existing private rear amenity space. These two flats would, however, retain a rear garden depth of 16.5m with a rough width of 6.1m and covering approx. 100sqm. It is also worth noting these dwellings benefit from a small front garden amenity space. Section H of the ADG suggests dwellings feature a minimum rear garden depth of 10.5m and Section H.04 suggests communal shared gardens remain a minimum of 40sqm with an additional 10sqm for each unit using the garden. The rear amenity space would remain adequate in size and is greater in area than many smaller rear amenity spaces found within the area.

The use of the garages has been identified as 'storage use'. Given the dominant residential use within the locality and the proximity of the garages to existing residential properties, the use of these garages for commercial purposes is not acceptable as it would likely give rise to unacceptable noise and nuisance impacts of the residential amenities of neighbours. As such, a condition has been applied restricting the use of the garages in relation to domestic use and not for the parking or storage of commercial vehicles, goods or items or be used for any other commercial purpose.

Owing to the scale and siting of the proposal, there would be some adverse impact by way of overbearing and overshadowing of the host and neighbouring residential properties. The rear amenity spaces of Nos. 39 & 41 Old Manor Road (to the north), and No. 8 Manor Road (to the east) whose boundaries the proposal would abut, are of particular consideration. Given the extent of the rear amenity space to the north, and the limited height of the garage block, it is accepted that there would be some adverse impact of overbearing on this amenity space, but not such that it would be significantly adverse.

The eastern most garage would run along the side boundary of No. 8 Manor Road at a height of 2.6m, cresting the existing shared eastern boundary wall by approx. 0.7m. This garage would overlap with

4.3m of No.8's rear garden depth (approx. 55% of its 7.7m deep rear garden). However, the height of the garage is not such that it would give rise to additional significant harm by way of overbearing or overshadowing on this property.

The use of these garages is to be controlled in such a way that prevents an over intensification of their use as commercial storage units and to isolate their use for storing items, goods, or vehicles which are domestic in nature. The existing garages are connected to the residential dwellings within the vicinity, and the nuisance generated within the compound is characterised by the infrequent opening and closing of the garage doors and the starting of car engines. The addition of these five garages would not result in any significantly harmful additional noise nuisance for nearby residential dwellings.

Owing to the nature of the development, there would be no adverse impacts by way of overlooking or loss of privacy.

With respects to neighbouring amenity impacts, the proposal is compliant with policies D DM1 & QE SP1 of the ALP.

One of the principles setting the context for Policy 2 of the RNP states that 'Development should not impact on surrounding properties but should seek to maintain privacy and alleviate possible noise issues to existing neighbouring properties as well as seek to lessen its impact on the surrounding area'. In this instance, the impacts on neighbouring properties have been concluded as acceptable.

TRANSPORT & PARKING

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

The proposed use of the garages is for storage purposes. This is to be controlled in such a way that prevents their use as commercial storage or use and isolates it to domestic storage. This does not prevent the storage of domestic vehicles but also does not limit their use for the storage of the same. It is acknowledged that the internal dimensions of the garages are below the minimum set out in Section I of the Arun Design Guide to be used for the storage of cars. However, these are standards and do not necessarily consider the storage of smaller motor vehicles/cars however, it is noted that these garages would be less likely to facilitate the storage of cars given their internal dimensions. The existing parking arrangements at the host site would be retained and so there is no loss of parking. Non-compliance with the standards set out for the storage of cars when the garages are not specifically required to store vehicles, is not a reason for refusal.

It is noted that the 4 No. easternmost garages would benefit from forecourts deeper than 6m to allow for manoeuvring in front of the garages, although the westernmost garage would not benefit from a full 6m forecourt owing to the garage to the south overlapping with its forecourt slightly, though additional manoeuvring in this location is not a safety concern as it is a low speed and lightly trafficked area.

It is appreciated that the garage compound will likely see an increase of parked vehicles during the opening and closing hours of the Primary School to the west. However, this is only during certain times of day during term time and the addition of these garages is not likely to result in any significant increase of regular traffic and that they do not otherwise occupy the space of any of the existing garage compound. It is also to note that there are no parking restrictions along Campbell Drive, Manor Road, or most of Old Manor Road, and that the main entrance to the Primary School is to the west along North Lane.

The existing access into the garage compound would be retained and there is no Highway Safety concern associated with the proposal. The proposal is in accordance with Policy T SP1 of the ALP and

Para 111 of the NPPF. Thus, there are no transport or highways grounds to refuse the proposal.

BIODIVERSITY NET GAIN & TREES

ALP policy ENV DM5 requires all development proposals to achieve a net gain of biodiversity and to preserve protected species where identified on site.

There is 1 No. Sycamore Tree along the southern boundary of the host dwellings and south of the proposed garages. This tree is proposed to be removed as part of the works to provide better access to the garages. This tree is multi-stemmed, out of context, and contributes little to local amenity. It is not subject to a TPO nor within a Conservation Area and its removal is acceptable. This would however, result in a net loss of biodiversity and as such, require compensatory biodiversity enhancements to ensure a net gain is achieved. To ensure this, a condition has been attached to this decision requiring the applicant to submit details prior to the commencement of the development demonstrating how they will achieve a Biodiversity Net Gain on site.

Subject to the discharge of this condition, the proposal is compliant with Policy ENV DM5 of the ALP.

SUMMARY

The proposal is compliant with 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 not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Site Plan 22/65/1 (Accepted: 18/10/23).
- Plan and Elevation 22/65/2.
- Location Plan 22/65/3.

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

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

4 Prior to the first use of the garages hereby approved, details demonstrating how the applicant/developer will ensure a Net Gain of Biodiversity will be achieved shall be submitted to and approved in writing by the Local Planning Authority. The approved details will then be implemented within three months of the approval of the details and retained thereafter.

Reason: To ensure a Net Gain of Biodiversity is achieved in accordance with Policy ENV DM5 of the Arun Local Plan.

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

R/163/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: Y/52/23/PL

LOCATION: Land West of Bilsham Road
Yapton
BN18 0LA

PROPOSAL: Full Planning Application for the erection of 170 residential dwellings; with access and parking, the provision of open space, play space and ecology areas with associated vehicular and pedestrian access, attenuation ponds and landscaping and associated works. This application is a Departure from the Development plan and affects a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks 170 homes consisting of detached, semi-detached, and short terraced dwellings. These will predominantly be two storeys (16 will be three storeys). Unlike the previous application, no apartments are proposed. The mix consists of 70 x 2 bed, 84 x 3 bed & 16 x 4 bed. 51 homes will be affordable (32 x 2 bed, 17 x 3 bed & 2 x 4 bed). All but 8 of the homes will be M4(2) compliant with the 8 (plots 01, 02, 15, 16, 104, 105, 155 & 156) being M4(3) (disabled suitable).

Parking provision is in the form of open air parking spaces (no garages or car ports are proposed). The scheme includes 16 accessible parking spaces allocated to the M4(3) homes and 10 accessible visitor spaces across the site. Cycles will be stored in sheds in the curtilage of dwellings. No elevations are provided of these so a condition will be imposed. The design of the dwellings has been driven by the applicant's approach to development which uses Modern Methods of Construction to provide modular housing.

The access will be 30m north of Taylors Close. It will be a 6m wide bellmouth arrangement with 10m junction radii to enable a car to pass an HGV or refuse vehicle. There will be visibility splays of 2.4m by 64.9m to the north and 2.4m by 61.3m to the south. It is proposed to provide 2m wide footway between the new access and existing footway and bus stop along the B2132 Bilsham Road to the north. The adjacent strategic development is proposing to provide a footway southward towards the bus stops. Once implemented, there would be a continuous pedestrian route on the western side of Bilsham Road towards the village centre from the new site access. New tactile paved crossing points will be provided immediately north and south of the access.

An internal pedestrian link is to be provided through the site from the entrance which will then exit onto Bilsham Road to the south at a point opposite the allotment access/start of public footpath 144. The footpath exit will have 59m visibility splays in either direction. Off-site works would be secured under a s278 agreement enforced through a condition.

Internally the primary street features a 2m footway on both sides of the carriageway throughout the development. Other internal roads generally have a 2m footway on at least one side or are designed as a shared surface. Bins will be collected from the kerbside. Where driveways are provided, bin collection points are provided in acceptable drag distances for refuse operatives and residents.

Boundary treatments are a mix of 1.8m high timber close boarded fencing, 1.8m high brick walls, 1.6m metal garden fence, 1.5m timber fence with trellis & mid-level hedgerow, and 1.2m timber post and rail fencing. The boundary treatment plans include kissing gates at the rear of plots 146-152. Materials are to be a mix of light red, dark red, brown-grey, and charcoal bricks with different entrance panel colours. Roofs will be natural slate. Due to the modular construction, the house types are similar in design, but the roofs and materials will add some variation.

The layout will comprise of three different character areas ("Community Park", "Green Avenue", "Meadow Views") which have their own key features, dwelling mix, and landscape treatments. Street trees and other landscaping are indicated. The layout shows a substation, a pump house, Public Open Space (POS), play areas, a fruit orchard, a grow zone, drainage features and two potential pedestrian links into the strategic site to the North. Buffer planting to the southern and eastern boundaries will be in the region of 7.5m to 10m wide.

SITE AREA	10 hectares (ha)
RESIDENTIAL DEVELOPMENT DENSITY	The gross density of the site is 17 dwellings per hectare (dph). This rises to 29dph based on 5.8ha of developable space.
TOPOGRAPHY	The submission indicates a high point on the northern boundary with levels falling predominantly south-west towards the watercourse along the western boundary.
TREES	65 trees and several hedges in the eastern, southern and part northern boundaries but none are to be removed.
BOUNDARY TREATMENT	<ul style="list-style-type: none">- Part 2m heras fencing with some 1.3m high post and rail along the northern boundary.- Part Ryebank Rife with some scrub vegetation & small trees on western/southern boundaries; and- Part hedge (including brambles) with some sections of 0.8m high post & wire and 1.3m high post & rail fencing along the eastern boundary.

SITE CHARACTERISTICS	The site is adjacent to the edge of the settlement (as extended by the adjacent strategic allocation) and consists of a large agricultural field. There is an open field access from Bilsham Road opposite to Taylors Close.
CHARACTER OF LOCALITY	The character is mixed between built up and semi-rural. Reserved matters permission has been approved for 250 dwellings to the north/northwest and there are dwellings and allotments to the east. To the west and south are further open agricultural fields with the hamlet of Bilsham distant to the south. Dwellings along Bilsham Road are mixed in design and there is no clear character.

RELEVANT SITE HISTORY

Y/3/22/OUT	Hybrid Application comprising of Full application for Phase 1 for 30 No residential dwellings, new access from Bilsham Road, public open space, landscaping, sustainable urban drainage and associated works; and Outline planning application for further phases of up to 110 No dwellings and associated infrastructure (with all matters reserved). This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.	App Cond with S106 09-01-23
Y/127/21/RES	Approval of reserved matters (appearance, landscaping, layout and scale) following the grant of Y/91/17/OUT for 250 No dwellings with associated parking, road/footway/cycleway provision, open space, landscaping, surface water attenuation & ancillary works (resubmission following Y/152/20/RES). This site is not CIL Liable as in Yapton Strategic Site.	ApproveConditionally 29-04-22
Y/116/21/ESO	Screening opinion request for proposed hybrid application for 200 dwellings (Phase 1 approximately 30 dwellings in detail) with access roads, pedestrian paths, open space, landscaping and sustainable urban drainage.	ES Not Required 24-08-21
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	Refused 01-09-21

application may affect the setting of Grade II Listed Buildings & is a Departure from the Development Plan.

Appeal: Dismissed
16-06-22

Y/3/22/OUT was a hybrid application which allowed full permission for 30 dwellings on the site with outline permission for a further 110. No part of this has been implemented. Y/116/21/ESO was a request for an Environmental Impact Assessment (EIA) Screening Opinion for up to 200 dwellings and the Local Planning Authority confirmed in August 2021 that an EIA would not be required.

Y/127/21/RES is referred to as it represents the approval of detailed matters on the adjacent strategic site to the North. Y/71/21/OUT is referred to as it concerns a site approximately 254m (as the crow flies) to the south which was dismissed on appeal in June 2022. The appeal decision was on the basis of substantial harm to the rural character and appearance of the countryside given the location in a hamlet divorced from the settlement of Yapton. This application is materially different to the appeal site given it adjoins the built-up area boundary.

REPRESENTATIONS

Yapton Parish Council (YPC) provided a 4-page objection letter available to view on the website but in summary, their main points were:

- Departure from ALP, YNDP and emerging YNDP2.
- Although there was a public exhibition, YPC were not consulted until after the submission.
- Lack of integration & connectivity with the adjacent strategic allocation.
- Yapton has contributed some 1,065 additional dwellings and has made a significant contribution to the Housing Land Supply shortfall.
- The extra 60 units are not needed and do not result in any social or environmental benefits.
- The additional housing erodes 50% of the net biodiversity gain of the former scheme.
- Erosion of the rural character of this part of the village.
- Harm to the historic identity of the cluster of buildings known as Bilsham to the south.
- Increased pressure on schools and facilities for older children.
- Need condition to prevent occupation until the A27/Yapton Lane right turn lane mitigation is complete.
- Need condition to secure link to the adjacent strategic site.
- Insufficient foul sewerage and local water supplies.
- Need more detailed assessment of drainage impact on the Rife and Bilsham Manor.
- Inappropriate materials.
- Clustering of affordable housing.
- Lack of bungalows.
- Less open space than before; and
- Inadequate landscaping for a rural edge.

Middleton Parish Council objected for the following reasons:

- Overdevelopment.
- Additional traffic on A259; and
- Village infrastructure (sewerage) lack of capacity.

As of 23 October 2023, 291 letters of objection raising the following concerns:

- Departure from the development plan. Conflicts with the new Yapton Neighbourhood Plan.
- No decision should be made until after the Neighbourhood Plan is made.

- Loss of countryside.
- Loss of agricultural land.
- Middleton and the Waitrose site in Littlehampton should be built in/on.
- Yapton needs a train station.
- Yapton is not a sustainable location.
- It is not acceptable to approve just because a refusal would be lost at appeal.
- This application is a material change to the approved Outline and so should not be allowed.
- The change in applicant is contrary to the agreed s106 legal agreement - need new agreement.
- The last application was rejected.
- Harm to character of Yapton.
- Harm to heritage assets including the Bilsham Area of Character.
- Three storey development not in character.
- The design of the homes is inappropriate and out of character.
- Cramming of extra houses into the same space.
- Inappropriate density.
- Open space should front Bilsham Road and not be spread around the site.
- Link is shown to the fields to the west suggesting future development.
- Need a site visit.
- Harm to privacy of homes on Bilsham Road.
- Houses should be set back from Bilsham Road.
- Constant housebuilding is damaging the community.
- Harm to quality of life & mental health of residents.
- No affordable housing provision.
- Segregation of affordable housing.
- Not affordable.
- No consideration for needs of the disabled.
- No consideration for homes for older people.
- Inadequate infrastructure/facilities/road capacity to support extra 140 new homes.
- Foul sewers are already bursting and discharging into the Sea.
- S106 and CIL monies need to be spent now.
- Increase in surface water runoff.
- Loss of floodplain/high risk flood area.
- Noise and dust from construction.
- Comet Corner is unsafe whilst Bilsham Road up to it is a standstill.
- Impacts of the delivery of homes to the site.
- Inadequate Travel Plan.
- Unsafe access due to other accesses and bus stops.
- Loss of a public right of way.
- No provision for pedestrians.
- Inadequate parking.
- Not enough parking for shops in Yapton to cater for increased population.
- Green credentials are questionable - use of timber leads to deforestation, electricity is as expensive as gas, Air Source Heat Pumps can be ineffective, timber preservation processes use chemicals (bricks and concrete are less polluting).
- Green credentials are outweighed by emissions from cars.
- Light and air pollution.
- Are ground conditions suitable?
- Need an archaeology condition.
- Insufficient new soft landscaping.
- Harm to views of the South Downs from southern Yapton.
- Displacement of wildlife including bees, birds, badgers, deer, foxes, hedgehogs, slow worms, cats.
- Need hedgehog holes through fencing.

- Additional management costs for occupiers.
- New Buildings Regulations rules on insulation will increase costs to homeowners.
- Why is WSCC stated to be a landowner.
- Not possible to demonstrate biodiversity net gain with the loss of a natural field.
- Need updated street scene drawings.
- Back-to-back housing is not appropriate.
- The development needs a shop, so people do not have to carry heavy bags from the village centre.
- Need details of fencing and landscaping.
- Inappropriate housing mix.
- Recent data from WSCC shows housing commitments in Arun of 6,469 homes and deliverable housing commitments of 4,069 so it is questioned whether Arun has or has not a 5-year HLS.
- Need assurances that the school transport contribution will be secured.
- It is not appropriate to use 30 dwellings as the basis for the school transport contribution.
- Contrary to the applicant's submission, WSCC/ADC have worked hard to deliver a new secondary school.
- Estate agent data suggests no need for new housing in Yapton and the lack of sufficient secondary school provision will discourage new residents.

In addition, 1 letter of support on the grounds of new community space.

COMMENTS ON REPRESENTATIONS RECEIVED:

In response to part of the YPC objection, additional information has been provided to detail options for play space to accommodate young adults. This includes 'parkour' facilities and well-designed, covered seating areas following the design objectives defined by the charity, Make Space for Girls, to create an inclusive play environment for all. YPC provided a further response (12/09/23) stating that despite the applicant partially revising some elements of the scheme, their objection remains unchanged.

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

- The layout shows two potential pedestrian accesses into the adjacent strategic site.
- The extra 60 units are needed in the context of the wider Housing Land Supply (HLS) shortfall and will deliver benefits to the district as a whole.
- The scheme proposes Public Open Space (POS) in the region of 4.24ha which is a significant increase on the 2.97ha amount of the previous scheme.
- The application will be decided after the new Yapton Neighbourhood Development Plan (YNDP2) has been made.
- The site area is larger than the previous application (10ha vs 7.9ha) so it is untrue to say that the extra houses are to be in the same space.
- The gross density is 17 dwellings per hectare (dph) which is in the range set by the Arun Design Guide and lower than the previous permission (17.5dph).
- The application is not silent on affordable housing with a policy compliant 51 affordable homes being provided. This includes affordable rented accommodation.
- The site is not in a designated high risk flood zone. The effect of the proposal will be to implement a surface water drainage scheme that ensures that excess water is drained from the site either to ground or discharged at a controlled rate to local watercourses thus minimising the risk of on or off-site flooding.
- The impacts of construction will be managed through a construction management plan.
- WSCC Highways raise no concerns with the submitted Travel Plan.
- The access has been accepted as safe for up to 140 homes and Highways raise no objection to the additional 30 homes.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ACTIVE TRAVEL ENGLAND - no comment and refer to their standard guidance.

ENVIRONMENT AGENCY - no objection, there will be a requirement for a Flood Risk Activity Permit (FRAP) for any works in 8m of the Rife, including in respect of any proposed outfalls.

NATIONAL HIGHWAYS - no objection subject to conditions regarding construction management and no occupation until the proposed A27 Yapton Lane right turn improvements have been carried out.

SOUTHERN WATER - no objection subject to a condition and informative. They will endeavour to provide network reinforcement (i.e., sewer improvements) in 24 months of the planning consent being granted although this period may be extended.

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

WSCC HIGHWAYS - no objection subject to conditions to secure the access, a construction management plan, a final Travel Plan and a s278 agreement concerning the off-site highway works. Request a contribution towards Comet Corner improvements. State:

- New footpaths to the North (along Bilsham Road) and south (to allow access to footpath 144) are positive.
- The site is capable of being accessed by bus, cycle and by foot.
- The site access can safely accommodate the additional 30 dwellings.
- No concerns with the submitted Road Safety Audit; and
- No concerns with the site layout or the parking provision.

WSCC DRAINAGE - objection based on inadequate information to meet current drainage policy.

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

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

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions re unexpected contamination, noise assessment, construction management plan, construction hours, lighting, and removal of any potential asbestos.

ADC LANDSCAPE OFFICER - no objection subject to further details of landscaping being secured through a condition. However, do comment that the green infrastructure provision and the play offer for older children/teenagers needs to be improved. State:

- The Landscape and Visual Impact Assessment (LVIA) concludes the proposals would have a very slight adverse effect on the surrounding landscape character; and significant effects on visual amenity would be restricted to short to medium term effects from viewpoints located in close proximity to the site in particular those from footpaths 156 and 148 outside the site.

- There is a requirement for 14,025m² of usable POS provision excluding any Sustainable Urban Drainage Systems (SuDS).
- This development will trigger the requirement for play in the form of onsite LAP and LEAP/NEAP provision. Provision for older children/young adults is required as is more detail on the play proposals.
- The previously approved masterplan appeared to represent a more sympathetic green infrastructure offer to that shown in this application; and
- The large open area of POS to the south of the development appears somewhat disjointed from the dwellings to the north with the omission of buffer zone areas.

ADC STRATEGIC HOUSING & ENABLING MANAGER - requires the applicant agree a s106 legal agreement to secure 51 affordable dwellings across the whole site comprising 34 Affordable Rented, 4 Shared Ownership and 13 First Homes. The affordable housing mix and the distribution of units across the layout are not policy compliant.

ADC CONSERVATION OFFICER - no objection. States no harm to the setting or significance of the affected designated heritage assets. Request detailed landscape proposals including mature planting be secured by a condition. State:

- The proposal has the potential to affect the following Grade II Listed Buildings: Old Bilsham Farmhouse, The Chapel, Bilsham Manor and Manor Cottage, and Hobbs Farmhouse.
- The layout and various landscape plans shows development would be concentrated over approximately 3/4 of the site leaving the 1/4, the most southern element (that which is closest to the listed buildings) as an area of green open space, with planting.
- As the development would not directly affect any built historic fabric, the consideration lies with whether the significance of the heritage assets could be harmed by changes within their settings.
- The principal changes which would be experienced in the wider settings of the listed buildings as a result of the transformation of agricultural land to the north as a modern housing estate with potential views of the new housing.
- Boundary planting could soften the appearance of new housing as part of the wider, semi-rural surroundings of Yapton. This would limit any intervisibility with the listed buildings in Bilsham/hamlet of Bilsham; and
- The minor visual changes which could arise to the wider settings of the listed buildings would have a neutral effect on the settings of the listed buildings.

COUNCIL'S ECOLOGIST - no objection subject to conditions to secure the enhancements, secure a construction environmental management plan, secure a Landscape & Ecological Management Plan, secure an enhancement strategy, and ensure lighting is bat friendly. State are satisfied there is sufficient ecological information available for determination of this application. The proposals indicate boundary trees/hedgerows will be retained, with a 5m buffer recommended to protect these features and species which utilise them such as bats. The Biodiversity Net Gain data states gains of 15.68% in Habitat Units and 69.98% for hedgerows.

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

COMMENTS ON CONSULTATION RESPONSES:

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

WSSC DRAINAGE - Whilst it is accepted the NPPF requires details of drainage for major applications, the NPPG states "applicants need to submit a sustainable drainage strategy containing proportionate information on the proposed sustainable drainage systems as part of their planning application". It is not standard practice to require full details of drainage at application stage and instead it is typical for this

information to be provided at condition stage and is an approach which the LPA have taken on other applications. The conditions will be secured prior to commencement of the development, and if it is found that the drainage layout cannot be accommodated, the applicants will be required to submit amendments to the layout.

At the start of October, the applicant submitted an amended drainage strategy and a Flood Risk Addendum (with accompanying drainage plans) in response to the concerns.

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

It is material that CIL contributions can be used to fund new school facilities and the developer will be liable for such. WSSC raised similar concerns in respect of the recent Land South of Barnham Station appeal, but the Inspector dismissed this stating "if allowed, the appeal proposal would be subject to a CIL liability in terms of contributing to wider infrastructure needs such as health and education". This same objection was raised on Y/3/22/OUT and the new application is for 30 more dwellings. It is important to ensure consistency of decision making.

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

The applicant initially objected to the transport contribution and argued there is capacity in local secondary schools, and that any education capacity shortfall and related implications on non-strategic sites must be covered by CIL. They note no such contribution was requested or imposed on application Y/3/22/OUT. WSSC Education considered the applicants arguments and provided a further response on 25/09/23 summarised below:

- WSSC and ADC are confident in the agreed position as set out in the document on the ADC website, which is trying to enable sites to come forward ahead of a new secondary school in West Sussex.
- Any new sites permitted in Arun that require secondary school places will have obligations to transport children across the district boundary to other secondary schools.
- The contribution is required to cover the cost of providing new or additional transport based on a calculation of the number of pupils generated by the development that require secondary school places before a new secondary school in Arun is delivered.
- Transporting pupils from within Arun will be required until all pupils have completed full time statutory education at the completion of Year 11.
- WSSC are content that the contribution is only required for the additional 30 dwellings given the presence of the existing permission. It is material that WSSC did not request the contribution on Y/3/22/OUT and there is a permitted fall-back position of an implementable scheme of 140 dwellings that does not require a contribution.

The applicant has responded to WSSC Education to say it is unjustifiable to use a 16-year requirement in the calculation. The Arun District is at capacity for Secondary Education now but there does not appear to be urgency to deliver a new secondary school in the District. This would also mean that:

- All parties would be accepting that it would take in the region of 23 years for a secondary school to be delivered in the district since the initial identification of this requirement (16 years + 2 years for delivery +

5 years since adoption of Local Plan).

- This means the authorities are openly accepting that children living within Arun may need to be transported outside of their district for potentially 18 years and removes any onus on the Authorities to work proactively to deliver a secondary school in a timely manner.

The applicant is willing to accept a 7-year requirement instead (so 12 years in total from adoption of the local plan). WSCC have advised in return that they will now be asking for the contribution to be paid in three instalments of five years, five years, and six years so the total will still be for 16 years but with a mechanism introduced to enable a review to be undertaken after each period. The contributions based on the housing mix will therefore now be as follows:

$£1,434 \times (0.9702 \times 5) \times 5 = £34,782$

$£1,434 \times (0.9702 \times 5) \times 5 = £34,782$

$£1,434 \times (0.9702 \times 6) \times 5 = £41,738$

Total amount = $£1,434 \times (0.9702 \times 16) \times 5 = £111,302$

WSCC advise that "There is, and has been, active communication between Arun and WSCC to identify a school site since 2018, and discussions are continuing on this matter, however an accurate timeframe for a school to be delivered and operational is still unknown at this time."

The applicant responded on 23/10/23 to say they continue to have concerns that the required contributions fail to meet the tests for planning obligations. However, they can agree to the requested contribution figure, subject to a suitable review mechanism to be secured through the s106 process to ensure it meets the legal test.

ADC ENVIRONMENTAL HEALTH - The asbestos condition will not be included as it states it is required for buildings and there are no buildings on the land.

ADC LANDSCAPE OFFICER - The applicant provided an updated landscape layout which:

- Increases the buffer planting to the southern and eastern boundaries with an additional 2.5 - 5m creating total buffer zones varying between 7.5m - 10m.
- Ensures suitable tree species are selected to correspond with soil conditions.
- Confirms that the development provides 42,421m² of Public Open Space, not including the attenuation basins, which covers approximately 42.4% of the site area, vastly exceeding the minimum POS requirements; and
- Includes 'play space' suitable for older children/young adults.

ADC Landscape have been re-consulted and any comments will be reported to members at the meeting.

ADC STRATEGIC HOUSING & ENABLING MANAGER - in mid-August, the applicant made some small changes to the distribution of the affordable housing and provided a housing mix assessment in response to the stated concerns. The housing manager provided the same comments as before in response. Later, at the start of October, the applicant made some further changes to the affordable housing distribution by substituting certain market plots for affordable housing tenures. There were no changes to the overall affordable housing provision or tenure mix.

The Affordable Housing Manager advised that the developer has made a very limited attempt to relocate some of the affordable housing from the north of the site. They request that plots 139 & 140 are also designed affordable and two in the north corner become market housing to even out the distribution a little more. The applicant has amended the tenure plan again to show plots 139 & 140 as affordable with two houses in the north corner becoming market housing to even out the distribution and address the

comments from the affordable housing officer.

COUNCIL'S ARCHAEOLOGIST - the applicant submitted a Written Scheme of Investigation to avoid the need for a pre-commencement condition. The council's archaeologist has been asked to review this and should comments be received they will be reported to members at the meeting. A condition will still be necessary to ensure the archaeology proceeds in accordance with the agreed scheme.

POLICY CONTEXT

Designations applicable to site:

- Outside the Built-Up Area Boundary (BUAB).
- Grades 1/2 Agricultural Land.
- Flood Zone 1 but with Zone 2/3 risk along the line of the Rife.
- The Zone 2/3 area is predicted to enlarge in the future only slightly with all residential areas remaining in Zone 1 by 2111.
- Grade II Listed Buildings within Bilsham to the south; and
- CIL Zone 3.

The site is not in a Waste Site Buffer, Mineral Protection Area, or Archaeological Notification Area. There are no protected trees.

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
HWBSP1	HWB SP1 Health and Wellbeing
QESP1	QE SP1 Quality of the Environment
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk

WDM3 W DM3 Sustainable Urban Drainage Systems

WMDM1 WM DM1 Waste Management

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 E4	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy BE2	High speed broadband
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy H2	Dwelling size
Yapton neighbourhood plan 2014 Policy H3	Dwellings appropriate for the needs of older people
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

NPPDG National Design Guide

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

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

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

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

Yapton are preparing a revised Neighbourhood Development Plan (YNDP2) which passed its referendum on 12 September and will be made at Full Council on 8 of November. At the time of the committee meeting, the YNDP2 will be in force. This report has been written on the basis that the YNDP2 is in force however at the time of writing the YNDP2 policies are not available on the computer system and cannot be included in the policy list.

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 located in the countryside and on best & most versatile agricultural land.

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

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

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan and these are set out in the Conclusions section below. Most importantly is the presence of the previous approval for up to 140 new dwellings.

CONCLUSIONS

COMPARISON WITH APPROVED SCHEME:

The previous scheme obtained full permission for 30 dwellings and outline permission for a further 110 across a site area of 7.97 hectares (ha). A total of 2.97ha of Public Open Space (POS) was proposed. The Illustrative Landscape Master plan suggested that a further area of land owned by the applicant to the south would be set aside for biodiversity improvement. This was outside of the red edge (it was blue edged as adjacent land in the same ownership) and comprised agricultural land (which is in itself valuable) so was not secured as biodiversity land by the local planning authority.

This application seeks permission for 30 more dwellings (170 in total) across a site area of 10 ha. A total of 4.24ha of POS is proposed. The red edge includes the aforementioned 'biodiversity land' in the red edge. The edge of built development (i.e., the houses) is approximately 103m from the extent of the land ownership boundary compared to 181m previously). Built layout is now 78m further south than before.

PRINCIPLE:

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

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

In January 2023, the council published its Authority Monitoring Report (AMR) for 2021/22 and this shows the Housing Land Supply (HLS) is 2.36 years. On the basis, para 14 of the NPPF does not apply.

On the basis of the current AMR, the policies most important for the determination in the ALP (C SP1) and the YNDP2 have reduced weight as Arun cannot demonstrate an adequate supply of housing land. The presumption in favour of sustainable development as per the NPPF is unaffected by the YNDP2.

Arun Local Plan:

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

The Yapton Neighbourhood Development Plan:

The YNDP2 will be made in November 2023 and shows the site as being outside of the BUAB. 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 states "The housing requirement for Yapton over the period 2011 to 2031 will be met through: (a) dwellings which have planning consent as of March 2021, (b) windfall opportunities in accordance with policy BB1, ALP policy H SP1 and the NPPF, and (c) the proposed housing allocations in the YNDP2 and ALP. The proposal is in conflict with policies BB1 and H1 of the YNDP2.

As the council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development would be triggered.

Other Material Considerations:

The council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. It recommended the council consider inviting applications from landowners / developers on 'deliverable' Housing & Economic Land Availability Assessment (HELAA) sites to re-establish the 5-year housing land supply.

The site (ref 18Y2) was stated to be 'deliverable' in the 2021 HELAA and would benefit from support from the Action Plan. The HELAA states the site is contrary to policy but adjoins the built-up area boundary of Yapton with access to services, employment, leisure, and transport facilities and could form a natural extension to the Yapton settlement structure and the strategic housing allocation.

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

Sustainability:

The site, despite being outside the BUAB, is adjacent to the defined settlement edge and is in a sustainable edge of settlement location. Together with proposed footway improvements on the west side of Bilsham Road arising from this and the adjacent strategic development, it will be possible for residents to walk to access schools, shops.

There are bus stops outside the site with a proposed tactile paved crossing point facilitating easier access to the southbound stop on the east side of Bilsham Road. Bus route 700 runs along Bilsham Road and provides connections to Bognor Regis, Chichester, and Littlehampton. The proposed footpath link to the southeast boundary will facilitate access to public footpath 144 and the adjacent allotments.

A Residential Travel Plan proposes providing new residents with a travel information pack including £50 vouchers towards cycling equipment and information on public transport initiatives. The scheme includes new pedestrian footpath links to adjacent development and to existing rights of way.

Conclusion on Matters of Principle:

The principle of this development conflicts with the ALP and YNDP2. It is material that the council cannot demonstrate an appropriate HLS and that it has invited applications on deliverable HELAA sites and particularly those adjacent to settlements in sustainable locations such as this. Due to the HLS position, the application as a whole, falls to be determined by the NPPF presumption in favour of sustainable development under paragraph 11(d).

AGRICULTURAL LAND:

Application Y/3/22/OUT was accompanied by a Soil Resource Survey which stated the on-site soils are Clay Loam to Silty Clay Loam and are unlikely to perform well in residential back gardens or as landscaping as they will be prone to compaction, at higher risk of waterlogging, surface water ponding and poor grass growth. This survey recommended measures to make the soils more suitable for such purposes and the report stated that a soil resource plan would need to be prepared (through a condition) to secure the protection and mitigation of the soils.

The previous report did not identify the grading of the on-site soils which are noted in the map in the YNDP2 to likely be classified as grades 1/2 agricultural land (best and most versatile). 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 does not consider the current use or intensity of use.

The land was last used for arable crop purposes and is a large tract of land. The Ecological Impact Assessment stated that as on the 29th of July 2021, winter-sown cereals were growing (likely wheat or barley) but that as of April 2023, only self-seeded and animal fodder crops were growing.

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the ALC for 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.

YNDP2 policy E1 states planning permission will be refused for development on grade 1 and grade 2 agricultural land unless: it involves the granting of planning permission for the development of housing allocations identified by the Plan or for any additional housing sites required by Policy H1. The proposals clearly conflict with this policy.

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

Although this site has until very recently been used for crops for the purpose of human food production, the housing land supply shortfall is significant and agricultural land will need to be built on to meet the shortfall. Sites close to settlement boundaries such as this would be preferred to meet this need. On balance, the housing land supply need does serve to outweigh the loss of the agricultural land.

On a recent appeal (P/178/21/OUT), the Inspector ruled a conflict with the soil policy but determined, in the overall balancing exercise, that this conflict was outweighed by the scheme's benefits. The Inspector gave the loss of agricultural land (grade 3a) moderate weight and stated that the shortfall in housing land supply is significant - and is likely to continue for some time with no imminent remedy through the plan making process. The Inspector noted that most countryside surrounding the main coastal towns in Arun is characterised as BMV land, but it is difficult to avoid new development on the edge of such settlements resulting in the loss of some high value agricultural land.

TRAFFIC & ROAD SAFETY:

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

The only relevant YNDP2 policy is PK1 which refers to parking. Para 110 of the NPPF states: "In assessing ... specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The application proposes a new access from Bilsham Road which will be 6m wide with visibility splays of 2.4m by 64.9m to the north and 2.4m by 61.3m to the south. The access will be approximately 30m north of Taylors Close and approx. 94m south of the access into the strategic development. It is proposed to provide 2m wide footway between the access and the existing footway and bus stop on the B2132 Bilsham Road to the north of the site. The adjacent strategic development is proposing to provide a footway southward towards the bus stops once implemented, there would be a continuous pedestrian route on the western side of Bilsham Road towards the village centre from the new site access. Two new tactile paved crossing points will be provided on Bilsham Road on either side of the access.

WSCC Highways do not object and raise no concerns with access by the number of movements associated with 170 dwellings, the volume of traffic expected for this development, with the ability of large vehicles to turn within the site or the parking proposals. It is also relevant that National Highways raise no objection.

The Parking Standards SPD sets out a need for 356 allocated spaces to include 18 suitable for disabled parking and a further 71 spaces for visitors (so a total of 427). YNDP2 policy PK1 sets out the same standards as in the SPD. The proposal provides for 340 allocated spaces (2 per dwelling) and 40 visitor spaces (380 in total). The provision includes 16 allocated disabled spaces and 10 additional disabled visitor spaces spread throughout the layout. Whilst there is a greater than required disabled parking provision, overall, the parking provision is short by 47 spaces.

It is material that the Parking Standards SPD allows for a 10% reduction in the number of parking spaces where the application is accompanied by a Travel Plan. This would allow a shortfall of 43 spaces and whilst the shortfall does exceed this, it does so only by 4 spaces which is not significant - and as stated already it is possible to walk/cycle to access nearby facilities. On this basis, no objection is raised. The

plans show cycle storage in the form of small sheds in rear gardens. The Parking SPD requires a single cycle space for 1/2-bedroom houses and 2 spaces for 3+bed houses.

Local Transport Note 1/20 sets out minimum standards for local authorities and highway engineers when implementing new cycle infrastructure and includes, but not limited to, cycle crossings and junctions, cycle lanes, cycle tracks, cycle networks and cycle parking. The applicant has confirmed that this has been taken into account when designing the layout. They advise:

- The proposed internal spine road network will be formed of low speed and lightly trafficked residential streets with carriageway widths of 4.8 - 6m which render them suitable for on-carriageway cycling.
- As per the LTN, streets with a speed limit of 20mph and less than 2,000 passenger car units (the equivalent of around 400 to 500 dwelling) per day are suitable for cyclists to be mixed with traffic.
- The streets within the scheme have been designed with on-street parking, regular street trees and planting and shared surfaces, this combined with the no through route ensures low traffic speeds.
- Considering the quantum of development and the predicted vehicular flows likely to use the proposed streets, cyclists will be expected to cycle on the carriageway throughout most of the site (excepting the 3-metre-wide shared foot/cycleway along the northern side of the main access road).
- This exceeds requirements and is proposed to provide additional comfort for cyclists travelling along the main access road from Bilsham Road.
- Consideration has been given to LTN 1/20 to determine the appropriate width of the shared foot/cycleway.
- Considering the quantum of development the proposed facility will serve, it is not anticipated that either pedestrian or cycle movements will exceed 300 within the peak hour. Therefore, a 3m shared foot/cycleway is appropriate; and
- Additionally, the proposals include potential links with the strategic site adjacent which will provide residents with access to a proposed foot/cycleway which will run between Bilsham Road and Drove Lane, providing access towards the western side of Yapton centre as well as Barnham railway station.

The proposal is compliant with the relevant development plan policies and the guidance on highway safety within the NPPF. As per the National Highways comments, a condition will be imposed to prevent occupation until the A27/Yapton Lane right turn lane mitigation scheme is complete. The scheme will secure a contribution of £266 per dwelling (so £45,220) to the Comet Corner improvements scheme.

HERITAGE:

There are Grade II Listed Buildings to the south of the site in the hamlet of Bilsham. The closest (Bilsham Manor) is 286m from the closest plot within the layout. The site edge is closer, but the southern area is proposed as Public Open Space with landscaping, attenuation pond and a play area.

ALP policy HER SP1 states development likely to prejudice 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. YNDP2 policy E8 designates a new Area of Character at Bilsham but the policy only relates to development within or immediately adjacent the defined area.

Para 194 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 is affected by a proposal. The Local Planning Authority must 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 submission includes a Built Heritage Statement which states there could be minor visual changes to the settings of Old Bilsham Farmhouse, The Chapel, Bilsham Manor, Manor Cottage and Hobbs Farmhouse due to the landscaping and open space. It is stated that this would be a neutral impact with no impact on the significance of the heritage assets. The council's conservation officer agrees with this assessment stating that the proposal will result in no harm to the settings of the nearby heritage assets or to their significance. As no harm is advised, it is not necessary to consider public benefits.

The proposal complies with the relevant development plan policies and there is no conflict with the Planning (Listed Buildings and Conservation Areas) Act 1990 as it does not directly affect any heritage assets and preserves the setting of the nearby Listed Buildings. As per the comments of the conservation officer, a landscaping scheme condition will be imposed, and this will request that mature species are planted to ensure the impact is mitigated from the start.

ARCHAEOLOGY:

ALP Policy HER DM6 states 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 development will not be harmful to the archaeological interest of the sites. The policy requires a desk based archaeological assessment be submitted.

The application has provided a desk based archaeological assessment and the council's archaeologist states agreement to the conclusions regarding the potential impact of this proposal on deposits of interest. There is no conflict with the policy subject to a condition being imposed to secure detailed recording of finds prior to development taking place.

HOUSING MIX:

ALP policy HDM1 seeks a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site-by-site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

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

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

YNDP2 policy H2 requires the following mix for developments of fifteen or more dwellings:

- 1-bed dwellings: 10-15% of all dwellings.
- 2-bed dwellings: 25-35% of all dwellings.
- 3-bed dwellings: 45-55% of all dwellings; and
- 4+ bed dwellings: 5-10% of all dwellings.

The scheme includes the following mix (expressed as the number and % of market only units (119) and the number and % of market & affordable combined (170) in order to assess against both of the above housing mix ranges):

- 0 / 0 x 1 bed dwellings (0% / 0%).

- 70 / 102 x 2-bed dwellings (59% / 60%).
- 84 / 101 x 3-bed dwellings (71% / 59%); and
- 16 / 18 x 4-bed dwellings (13% / 11%).

It is material that H DM1 allows for the mix to be negotiated on a site-by-site basis and this does not need to be in complete accordance with the latest SHMA. The applicant has provided a Housing Mix Assessment which assesses local needs, trends, and concludes that:

- The demographic, market trend, and consumer data analysis supports a development formed primarily of 2, 3 and 4-bedroom houses to support younger working families with school age children.
- None of the evidence points to a need for flats or 1-bed properties; and
- Without development capable of attracting younger working families with school age children, the ALP definition of Yapton as a village and suburban centre will be in jeopardy, as the amenities which the ALP characterises Yapton as sustaining (a range of shops, employment, housing, community facilities and local services, supported by improved transport links) will become unviable.

The increased use of larger homes results in a reduction in overall site density in an edge of settlement location which is in accordance with the ADG. The affordable and market mixes are in accordance with ALP policy H DM1.

LANDSCAPE, CHARACTER, DESIGN & DENSITY:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the particular characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. Policy AH SP2 seeks to ensure affordable housing is visually indistinguishable from market housing and layouts avoid large clusters. YNDP2 policy H4 encourages high quality & sympathetic design, appropriate density, and sufficient outdoor space.

Section G of the Arun Design Guide (ADG) suggests a density of 15-25 for detached/semi-detached houses and 20-30 for village locations. The ADG states the density should be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character. The overall gross density is 17 dwellings per hectare. The density of the adjacent strategic development is 21.5 dwellings per hectare however it is appropriate for density to decrease away from the settlement centre or on sites outside of the defined settlement area. The density is in accordance with the guidance in the ADG.

The layout has been designed to maximise the use of the space available and to keep development out of the very southern area of the site in order to minimise harm to the nearby hamlet of Bilsham. The layout features a main road route 6m wide with a secondary 6m wide road loop extending southwards and then some narrower 4.5m wide shared surface roads extending off the main routes. There is one instance of a 3.7m wide shared surface serving 6 houses (plots 165-170).

The vast majority of houses are orientated to front onto the roads that serve them. The exception being those on corners and plots 75-79 which front onto a pedestrian path and are serviced from the rear. The layout includes landscaped soft edges to roads, street trees and landscape screening to the few instances of parking courts. A linear strip of open space/community facilities (fruit orchard, growing zone, activity spaces) are proposed broadly in the centre of the site and will benefit from surveillance from the houses to each side. Additional Public Open Space (POS) is provided in the northern area and to the south of the site.

The houses to the Bilsham Road frontage will be set back either by a road and landscaping or by a footpath and landscaping. All houses will front onto Bilsham Road reflecting the orientation of existing dwellings including those being developed on the adjacent strategic site to the North. It is positive that the scheme attempts to hide flank elevations from main public viewpoints such as views from Bilsham Road when approaching the site from the south.

In addition to the POS areas described above, a number of play facilities are proposed comprising: an unequipped play area, activity spaces, an equipped play area, kickabout space. One of the play spaces will be designed with parkour facilities and covered seating areas to cater with older children.

The layout includes two potential pedestrian accesses into the adjacent strategic site. These are being discussed with the developers of the adjacent site but there is nothing to suggest they cannot be achieved particularly as the links would access onto POS in the adjacent scheme. The layout includes numerous paths suitable for pedestrians and cyclists allowing for people to easily move around the site for the purposes of exercise or accessing other places.

Notwithstanding the concerns of the council's affordable housing manager, the location of the affordable housing is appropriate as although they are in small clusters, these are spread through the site. There is a concentration of affordable homes in the very northern area however, these are reflective of the tenure of the adjacent strategic development which is 100% affordable. The applicant has sought to break up this area by relocating the affordable M4(3) dwellings, originally in plots 15 & 16 to plots 155 & 156. The only instances of terraced dwellings (3 or 4 house) are in the affordable tenure but otherwise there will be no visual difference between the market and affordable tenured houses. The amendments made in October to the affordable housing distribution further spread these tenures throughout the site.

The scale of the scheme is predominantly two-storey which reflects the previous scheme and the adjacent strategic development. Unlike both of these, there are some three storey dwellings proposed. These are all semi-detached dwellings and are well in the site (plots 21/22, 102/103, 112/113, 137/138, 144/145 153/154, 161/162 & 163/164) with the nearest to Bilsham Road being plot 102/103 at 82m. Plots 161/162 are close to the western boundary but there will be a distance of around 160m to the public right of way to the west (ref YAP/156_1/2). The extra height will not be harmful to the amenity of public viewpoints or to the character of Yapton in general.

The proposal is for modular prefabricated housing whilst the previous scheme proposed bricks & mortar type homes. Whereas the Boklok development in Littlehampton (which this scheme may be compared to) is predominantly grey and cream in colour, the houses will be predominantly clad in dark or light red brick, with some instances of charcoal and brown/grey brick. There will be some variations in roof shape, and these will feature grey natural slate. Although the designs will be different to what already exists in the surrounding area, the use of brick cladding will help these blend in.

There are no instances of prefabricated modular housing nearby. It is clear from the surrounding area that there is a mix of dwelling designs and types on Bilsham Road such that there is no unifying sense of character. The adjacent strategic site has several character areas in it that were defined by an approved Design Code masterplan. The adjoining area to the immediate North is designated as the "Bilsham Street Character Area" and features red & plain brick types, tile hanging, natural boarding, painted brick, and red/grey/brown roof tiles. The adjoining development includes various design features such as dropped eaves, chimneys, two different porch designs, canted bays and a mix of railings and brick walls to frontages.

The Boklok development is similarly defined into character areas as set out by Part 3 of the submitted Design & Access Statement. These areas are as follows:

Community Park (northern area adjoining the strategic site) - 2/3/4 beds, green gateway to the site, mix of light and dark red brick homes with scattered grey and charcoal homes to aid wayfinding, a focal village green, attenuation pond, children's playgrounds, and a quiet public open space. Narrow 2-4m landscaped frontages with native shrub and hedgerows

Green Avenue (central and southern areas) - 2/3/4 beds, east-west green park to include grow zones, a community hub and outdoor exercise area, north-south green streets lined with trees and micro-swales, shared surfaces to denote quieter tertiary streets. Narrow 2-4m landscaped frontages with native shrub and hedgerows

Meadow Views (western and southern edges) - 2/3 beds, predominantly detached units addressing the open fields to the south and west, shared surface streets to denote a more semi-rural feel and an increased sense of privacy, focal point dwellings treated in grey and charcoal brick colours. Narrow 2-4m landscaped frontages with native shrub and hedgerows.

The Landscape Visual Impact Assessment (LVIA) concludes the proposals would have a very slight adverse effect on the surrounding landscape character, and that significant effects on visual amenity would be restricted to short to medium term effects from viewpoints in close proximity to the site from, nearby footpaths. The council's landscape officer raises no concerns with these conclusions.

The proposal will result in a change to the character of this edge of settlement location deriving from the loss of the arable field and the development with new homes. There is existing and committed residential development to the North and East such that this part of Bilsham Road has a residential character. The scheme is heavy on landscaping to site edges and in the layout, which will help to soften and green the development. The change in character is not harmful to the settlement as a whole and the proposal is in accordance with all of the relevant development plan policies. The proposal exceeds the POS and play requirements for a development of this size.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The council's Design Guide (ADG) sets out the following 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.
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- There are no standards for either side to side or front to back.

The layout has been assessed versus the ADG standards and there are two shortfalls versus the standards, these being (a) the front-to-front relationship of plots 150 and 157/158 which is 14m not the required 16m; and (b) the fact that plot 86/87's first floor bed/study windows look onto the side of plots 88/127's gardens at only 9.5-10m. The ADG is guidance only and states a flexible approach can be taken to schemes. The study windows on plots 86/87 can be obscure glazed to be enforced by a condition (it would not be appropriate to do the same for the bedroom windows). There are no shortfalls in respect of the relationship of new homes to existing ones on Bilsham Road or those being built on the strategic site.

The new access and use will result in an increase in activity levels on this part of Bilsham Road but existing residents here are already adjacent to a main road where traffic and activity is to be expected. It

is material that up to 140 homes have already been approved. The increase in activity levels will contribute to a change in character but will not be detrimental to the amenities of existing residents. The conflict with the ADG is very minor and there is no conflict with the development plan policies.

QUALITY OF ACCOMMODATION:

ALP policy D DM2 states internal spaces should be of an appropriate size and that the Nationally Described Space Standards provide guidance. The application demonstrates all dwellings meet or exceed required standards. The ADG requires rear gardens to be a minimum of 10.5m deep and front gardens at least 2m. The layout has been checked and all front/rear gardens meet the required standards.

HOMES FOR OLDER PEOPLE:

YNDP2 policy H3 requires that a minimum of 25% of the 1, 2 and 3 bed dwellings are delivered to standards set out in Part M4 (2) of the Building Regulations or to any update of those standards. In order to comply with the YNDP2 policy, the application should provide 39 no. M4(2) homes. The scheme exceeds this with 162 homes meeting the M4(2) standard.

Arun has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but has some weight as a material planning consideration and is supported by references in ALP policies D DM1 & D DM2. It would require 85 M4(2) homes and 8 M4(3) homes. The proposal exceeds these requirements. The ADC policy states schemes larger than 100 units should make some provision for bungalows. As no bungalows are proposed there is conflict with this requirement but a refusal on this basis would not be sustainable given the status of the document and the benefits of the over-provision of M4(2) units.

FLOOD RISK:

The site is predominantly in Flood Zone 1 (FZ) which is low risk but the Ryebank Rife on the western boundary is noted as being in Flood Zones 2/3 and the extent of this will increase in the future.

ALP policy W DM2 refers to the sequential and exceptions tests, need for a Flood Risk Assessment (FRA) and mitigation. Policy ECC SP1 states development must be located & appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding. YNDP2 policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish.

The extent of FZ 2/3 extends at most up to 1m from the edge of the Rife and so does not affect any of the proposed layout with only landscaping proposed in this area. The future FZ3a areas (2111 extent) are limited again to the line of the Rife and with a larger extent in the very southwestern corner of the site but this is in the area indicated to be public open space. There will be no harm to the safety of future occupiers and there is no need for a sequential assessment or the exceptions test to be undertaken.

The application is accompanied by an FRA which advises the site is as at low risk of flooding from all sources of flooding and that the drainage strategy will not increase flood risk on or off the site for the lifetime of the development. The Environment Agency have not raised any objections and there are no conflicts with relevant development plan policies.

SURFACE WATER DRAINAGE:

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development. YNDP2 policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish; and provide surface water drainage.

A drainage strategy forms part of the submitted FRA and proposes storage of surface water runoff in detention basins across the site area with a controlled discharge to the adjacent Rife. It is proposed to incorporate areas of permeable paving and a cellular storage tank to provide additional attenuation storage. The surface water from site would be restricted to greenfield run off rates using vortex control devices. The basins, permeable paving and cellular storage tank are stated to have been designed to accommodate a 1 in 100-year storm plus 51% to account for climate change.

The council's drainage engineers have not responded to the consultation, but it is noted they previously raised no objections to Y/3/22/OUT and that the new application proposes a similar drainage system. Pre-commencement conditions will be imposed to reflect those imposed previously. WSCC Drainage object however, it is material that they did not object to the previous application and the applicant has responded to their objection. On this basis, there is no conflict with the relevant drainage policies. A further condition to control levels would be required as this is linked to drainage.

FOUL DRAINAGE:

The site is not in the Lidsey Wastewater Treatment Catchment Area so there is no policy requirement for a full Drainage Impact Assessment. ALP policy W DM1 states all major developments must demonstrate, that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. YNDP2 is silent on foul drainage.

The FRA states there is an existing public foul sewer running adjacent to the eastern site boundary and that taking account of site levels constraints, a combination of gravity and pumped systems are proposed to drain foul effluent from the site with a discharge into the existing public sewer.

Southern Water do not object and state they will endeavour to provide the necessary network reinforcement works in a 2-year period to accommodate the additional flows. It is material that, as per Ofwat rules, where a development can communicate directly to an existing public sewer system at no more than the existing pipe diameter, there is no requirement to undertake a capacity survey and the new connection would be subject to infrastructure charges. There is no conflict with policy W DM1.

CONTAMINATION:

ALP Policy QE DM4 states development will be permitted on land that is contaminated as long as remediation is provided. The "Phase I Desk Study, Site Reconnaissance & Phase II Site Investigation Report" advises that contamination risk is very low and that no remedial measures are required in respect of contamination. The EHO did not previously object and there is no policy conflict.

TREES:

ALP policy ENV DM4 states TPO protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity are not damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland. YNDP2 policy E4 states development sites should retain well-established features of the landscape, including mature trees and species-rich hedgerows. New tree planting will be required to mitigate any significant loss and should use native tree species.

The application proposes no removal of trees. The Tree Officer has not commented but given the absence of tree loss and there being no trees in the affected parts of the site, it is unlikely that there would be an objection. The application proposes the retention of trees along Bilsham Road and proposes the significant enhancement of all boundaries. In particular, planting to the southern and eastern boundaries will be in the region of 7.5m to 10m wide. A landscaping condition will be imposed, and this will be worded to require native plant and tree species. There is no conflict with relevant policies.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. YNDP2 policy E5 seeks to prevent loss of natural habitat except where mitigation measures ensure the integrity of the habitat or where the habitat is relocated to a site within 500m of the existing. YNDP2 policy E5 sets out a requirement for biodiversity net gain.

The application is accompanied by an up-to-date Ecological Assessment which identifies that the most important wildlife habitats (hedges, wet ditches) are to the site boundaries, and these are expected to be retained and the boundaries enhanced throughout the whole of the application area. Much of the site is an arable field of low value and so the development would result in a negligible impact on this leading to a non-significant effect.

It is stated that the loss of habitat will have a negative impact on foraging/commuting bat populations albeit limited due to the retention of the habitat around the periphery. The loss of habitat will have a negative impact on the reptile population in the site, albeit this will be limited due to reptiles being predominantly restricted to the periphery. The assessment states that higher predation levels to reptiles and bats may occur from increased pet cats when the homes are occupied. To combat these impacts, a range of mitigation and enhancement measures are proposed.

The council's ecologist raises no objection subject to conditions to secure enhancements, secure a construction environmental management plan, secure a Landscape & Ecological Management Plan, secure an enhancement strategy, and ensure lighting is bat friendly. They note the Biodiversity Net Gain data states a 15.68% in Habitat Units and 69.98% for hedgerows. It is acknowledged that the development will see the loss of a field however it must be acknowledged that the field is of low ecological value, and this explains why it is possible to demonstrate a net gain by developing it.

The proposal is in accordance with the relevant development plan policies.

CLIMATE CHANGE:

ALP policy ECC SP2 requires new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires new development be designed to adapt to impacts arising from climate change and all major developments must produce 10% of total predicted energy requirements from renewables unless unviable. YNDP2 policy H5 supports development which meets the highest possible standards of environmental & energy efficiency and include measures to minimise water wastage.

The application includes an Energy & Sustainability Statement which proposes air source heat pumps to all dwellings and solar panels to 40 dwellings. It is stated that the development will achieve a 27% reduction on the predicted energy requirement from low carbon or renewable energy. This exceeds policy requirements. A condition will be imposed to secure the detail of these measures. As per Y/3/22/OUT a condition will be imposed to minimise water consumption. On this basis, there would be no conflict with the relevant policies.

AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The council's interim affordable housing policy sets out the need to secure first homes as part of the affordable housing mix.

The Housing Strategy and Enabling Officer state the application should provide 51 Affordable Dwellings consisting of 34 Affordable Rented, 4 Shared Ownership and 13 First Homes. The scheme accords with this requirement and the affordable housing provision will be secured through a s106 agreement. Providing a legal agreement is completed in the agreed time period after the committee, then there would be no conflict with the policy.

PUBLIC OPEN SPACE (POS) & PLAY:

ALP policy OSR DM1 requires housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. Policy HWB SP1 seeks to ensure development is designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities.

The council's SPD sets out an overall requirement of 14,025m² of POS to include 2,057m² of play facilities. The play provision should comprise a Neighbourhood Equipped Area of Play (NEAP) and mix of Local Equipped Area of Play (LEAPs) and informal Local Areas of Play (LAPs). The play provision can be accommodated by POS areas.

The scheme proposes 2,063m² of equipped POS, 24,235m² of ecology open space, 2,542m² in the east-west central park and 17,671m² of green open space (including 2 attenuation ponds). This represents a total of 46,511m² (4.6Ha) which is far in excess of the requirements. The Landscape Officer raises no objections to this provision which will be secured by conditions not by a s106 legal agreement.

As it is not possible to secure off-site contributions through a s106 Agreement due to CIL, contributions to off-site leisure & sports facilities plus allotments would need to be funded by CIL instead. There is no conflict with the relevant ALP policies.

SUPPORTING INFRASTRUCTURE:

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and existing community.

This development would be liable for CIL. Infrastructure providers such as WSCC and the NHS can bid for a portion of the CIL payments collected to spend on their own projects. The Parish council will be provided with a percentage of the CIL receipts (25%) to spend on their own projects. These payments go towards infrastructure the district needs to support existing and future development.

Where CIL is applicable, it is only possible to use s106 agreements to require affordable housing and on-site mitigation and the latter is generally restricted to items in the red edge. In this case the off-site highway works are within the red edge. The applicant has proposed a contribution to the Comet Corner junction improvements that has been discounted to account for CIL contributions. WSCC Highways accept this and as it has been calculated to account for CIL, it can be included in the s106. This contribution is the same as Y/3/22/OUT. It is also necessary to include a requirement for a Travel Plan and the associated monitoring/auditing fee in the s106.

WSSC Education request a school transport contribution. Subject to the applicant entering into a s106 Agreement to secure a school transport contribution of a level that is agreed by WSSC, the Comet Corner contribution, the affordable housing, and the travel plan (plus associated monitoring/auditing fee) then there would be no conflict with ALP policy INF SP1. WSSC Education previously advised the school transport contributions are CIL compliant, so securable under s106, but cannot be secured through CIL.

SUMMARY & TILTED BALANCE:

As the Council cannot demonstrate a 5-year HLS (currently 2.36-years), para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This report identifies some negative impacts in respect of character and loss of agricultural land plus conflict with policies relating to countryside development. On the other hand, the site is sustainable, and the scheme will result in significant benefits to the local and wider area such as housing (including affordable housing), the creation/retention of construction jobs, new income to the council, spending by future residents on local shops/services, infrastructure improvements across the district and biodiversity enhancements. The scheme benefits from support from the Interim Housing Statement and Action Plan.

The weight to be applied to the contribution of housing development to the HLS was discussed in a recent appeal concerning a site in Paghham (ref P/178/21/OUT). The provision of 170 dwellings should be considered substantial/significant weight.

It is appropriate to allocate substantial/significant weight to the delivery of affordable housing and moderate weight to the economic benefits and biodiversity net gain. The loss of the agricultural land is unfortunate, but policy allows for development of such land where there is a clear need. On this basis, it would be appropriate to allocate moderate weight to the loss of this resource. Development in the countryside is against policy but a refusal reason would not be sustainable unless there was associated harm and this report finds none.

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

RECOMMENDATION:

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

Grant permission subject to conditions and subject to a section 106 Agreement, the terms of which are substantially in accordance with those set out in this report (as may be amended by report update) with any minor amendments authorised by the Group Head of Planning.

Should the s106 not be completed in 4 months of the date of the Planning Committee's resolution to grant permission, or should the applicant refuse to reach agreement with WSSC as to the amount of secondary school transport contribution, the application shall be refused for the following reasons:

(1) In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision and is thereby contrary to the aims and objectives of the NPPF and policy AH SP2 of the Arun Local Plan.

(2) In the absence of a signed Section 106 agreement, the development will not provide the highway improvements necessary to deliver the development & mitigate any residual harm to the local and strategic road network and is thereby contrary to ALP policies T SP1, T DM1 and the NPPF.

(3) In the absence of a signed Section 106 agreement, the development will not provide the contribution required to mitigate the additional cost of transporting to secondary school pupils to the nearest school and is thereby contrary to ALP policy INF SP1 and the NPPF.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

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

- (1) The provision of 51 Affordable Dwellings across the whole scheme consisting of 34 Affordable Rented, 4 Shared Ownership and 13 First Homes.
- (2) A Travel Plan and its associated fee of £3,500 (at the time of writing) for monitoring and auditing of the Travel Plan.
- (3) A contribution of £266 per dwelling to the Comet Corner Improvements Scheme; and.
- (4) A Secondary School Transport Contribution based on the uplift in dwellings (30) and as agreed with WSCC. This will include a mechanism to enable a review of the remaining contribution with ADC and WSCC after the first and second payments.

The drafting of the s106 agreement has been commenced by ADC and WSCC.

CIL DETAILS

This is a CIL Liable development. It is in Zone 3 and a CIL amount of £1,773,674.60 would be payable unless the applicant applies for an exemption subject to the requirements of the CIL Regulations 2010 (as amended). For example, if Social Housing relief was claimed then the CIL payment would reduce. A proportion of the total (25%) would go direct to the Parish Council (equating to £443,418.65).

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

- Hardworks Landscape Masterplan BRY-NTA-XX-XX-DR-L-PL-0501-P06.
- Softworks Landscape Masterplan BRY-NTA-XX-XX-DR-L-PL-0502-P06.
- Block Plan BRY-NTA-XX-XX-DR-L-PL-0511-P03.
- Site Layout BRY-NTA-XX-XX-DR-L-PL-0512-P06.
- Parking Provision and Cycle Stores BRY-NTA-XX-XX-DR-L-PL-0514-P03.
- Location Plan Dwg No BRY-ECE-XX-XX-DR-A-SL-5010_P03.
- Refuse Stores and Tracking BRY-ECE-XX-XX-DR-A-SL-5015_P03.
- Tenure Affordable Plan Allocation BRY-ECE-XX-XX-DR-A-SL-5016_P05.
- Building Heights BRY-ECE-XX-XX-DR-A-SL-5018_P02.
- Building Materials BRY-ECE-XX-XX-DR-A-SL-5019 P02.
- Boundary Treatments Plan BRY-ECE-XX-XX-DR-A-SL-5020 P02.
- Houses 165-170 (3 Bed Terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T01-DR-A-XX-5100_P02.
- Houses 21-22 (4 bed semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC908-ZZ-DR-A-XX-5101_P02.
- Houses 7-10 and 30-33 Aff (2 Bed terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T02-ZZ-DR-A-XX-5102_P02.
- Houses 23-25 (2 Bed Terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T03-ZZ-DR-A-XX-5103_P02.
- Houses 141-143 (2 bed Terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T04-ZZ-DR-A-XX-5104_P02.
- Houses 102-103, 144-146 and 161-162 (4 bed semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC908-ZZ-DR-A-XX-5105_P02.
- Houses 112-13, 137-138, 153-154 and 163-164 (4 bed semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC908-ZZ-DR-A-XX-5106_P02.
- Houses 1-2, 15-16, 104-105 and 155-156 (2 bed M4(3)) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC601-ZZ-DR-A-XX-5107_P02.
- Houses 128-132, 147-152 (3 Bed_Study Detached) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC401-ZZ-DR-A-XX-5108_P02.
- Houses 86-87 and 133-46 (3 Bed Semi_Study Detached) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC401-ZZ-Dr-A-XX-5109_P02.
- Houses 26-27, 75-76, 90-93, 98-99, 116-117, 122-125 and 139-140 (3 Bed Semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC308-ZZ-DR-A-XX-5110_P02.
- Houses 17-20, 42-45, 49-52, 61-62, 88-89, 126-127, 100-101, 114-115 and 159-160 (3 bed semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC308-ZZ-DR-A-XX-5111_P02.
- Houses 77-79 (3 Bed Terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T05-ZZ-DR-A-XX-5112_P02.
- Houses 59-60 (3 bed semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC308-

ZZ-DR-A-XX-5113_P02.

- Houses 108-109 (3 bed semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC302-ZZ-DR-A-XX-5114_P01.
- Houses 106-107 (3 Bed Semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC302-ZZ-DR-A-XX-5115_P02.
- Houses 82-85 (3 Bed Semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-ZZ-DR-A-XX-5116_P02.
- Houses 53-54, 110-111 (3 Bed Semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC302-ZZ-DR-A-XX-5117_P02.
- Houses 37-38 (3 Bed Semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC302-ZZ-DR-A-XX-5118_P02.
- Houses 28-29/63-66/96-97/118-119 (2 bed semi) Floor Plans and Elevations Dwg No BRY-ECE-HC211-ZZ-DR-A-XX-5119.
- Houses 55-58, 67-68, 94-95, 120-121, 157-158 (2 Bed Semi) Floor Plans, Elevations ad Sections Dwg No BRY-ECE-HC211-ZZ-DR-A-XX-5120_P02.
- Houses 34-36 (2 Bed Terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T06-ZZ-DR-XX-5121_P02.
- Houses 80-81 Aff (2 Bed Semi) Floor Plans and Elevations Dwg No BRY-ECE-HC208-XX-DR-A-XX-5122.
- Houses 39-41 Aff (2 bed Terrace) - Floor Plans and Elevations Dwg No BRY-ECE-T07-ZZ-DR-A-XX-5123.
- Houses 72-74 Aff (2 Bed terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T08-ZZ-DR-A-XX-5124_P02.
- Houses 134-136 Aff (2 bed Terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T09-ZZ-DR-A-XX-5125_P02.
- Houses 69-71 Aff (2 Bed Terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T10-ZZ-DR-A-XX-5126_P02.
- Houses 3-6, 11-14 Aff (2 Bed/3 Bed Terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T11-ZZ-DR-A-XX-5127_P02.
- Street Scenes Sheet 1 Dwg No BRY-ECE-XX-XX-DR-A-EL-5150_P2.
- Street Scenes Sheet 2 Dwg No BRY-ECE-XX-XX-DR-A-EL-5151_P2.
- 3D Visual - Site Entrance Dwg No BRY-ECE-XX-XX-VS-A-XX-5160_P01; and
- 3D Visual - Village Green Dwg No BRY-ECE-XX-XX-VS-A-XX-5161_P01.

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

- 3 The development shall proceed and be carried out in full accordance with the mitigation measures set out in the "Acoustic Planning Assessment: Land West of Bilsham Road, Yapton" (ref 12185.RP01.APR.2, dated 19/05/23).

Reason: To protect the amenity of future residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 4 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Derek Finnie Associates, May 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This shall 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 by s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and Arun Local Plan policy ENV DM5.

- 5 The approved development shall achieve a minimum of 10% energy supply reduction from either the use of decentralised/renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling and shall be thereafter permanently maintained in good working condition.

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

- 6 Development shall not commence, on each phase of the development, other than the enabling works (specified below), until full details of the proposed foul drainage system and a phased occupancy plan have been submitted for that phase of development and approved in writing by the Local Planning Authority. This shall include details of siting, design and subsequent management/maintenance. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

The 'Enabling Works' referred to above shall comprise the following:

- (a) site investigations or surveys.
- (b) ecological preparation works.
- (c) the provision of security fencing, hoarding and sales signage.
- (d) the clearance of the Site.
- (e) the provision of any temporary site point of access for construction traffic.
- (f) provision of temporary Welfare & Accommodation; and
- (g) temporary builders supply (electricity, water, data etc).

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

- 7 Development shall not commence, on each phase of the development, other than the enabling works (specified below), until full details of the proposed surface water drainage scheme have been submitted for that phase of development consistent with the surface water drainage strategy set out in and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No 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.

The 'Enabling Works' referred to above shall comprise the following:

- (a) site investigations or surveys.
- (b) ecological preparation works.
- (c) the provision of security fencing, hoarding and sales signage.
- (d) the clearance of the Site.
- (e) the provision of any temporary site point of access for construction traffic.
- (f) provision of temporary Welfare & Accommodation; and
- (g) temporary builders supply (electricity, water, data etc).

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 Development shall not commence, on each phase of the development, other than the enabling works (specified below), 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.

The 'Enabling Works' referred to above shall comprise the following:

- (a) site investigations or surveys.
- (b) ecological preparation works.
- (c) the provision of security fencing, hoarding and sales signage.
- (d) the clearance of the Site.
- (e) the provision of any temporary site point of access for construction traffic.
- (f) provision of temporary Welfare & Accommodation; and
- (g) temporary builders supply (electricity, water, data etc).

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.

- 9 Development shall not commence, on each phase of the development, other than the enabling works (specified below) until a detailed level survey of the site including existing and resulting ground levels and the slab levels of the buildings the subject of this approval, has been submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

The 'Enabling Works' referred to above shall comprise the following:

- (a) site investigations or surveys.
- (b) ecological preparation works.
- (c) the provision of security fencing, hoarding and sales signage.
- (d) the clearance of the Site.
- (e) the provision of any temporary site point of access for construction traffic.
- (f) provision of temporary Welfare & Accommodation; and

(g) temporary builders supply (electricity, water, data etc).

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy D DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because site levels must be set prior to works commencing on the new houses as otherwise it would be difficult and expensive to rectify any changes.

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

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

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

- the phased programme of construction works;
- the anticipated, number, frequency, types and timing of vehicles used during construction (construction vehicles should avoid the strategic road network during the peak hours of 0800-0900 and 1700-1800 where practicable);
- the preferred road routing for all construction traffic associated with the development;
- provision of wheel washing facilities (details of their operation & location) and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- details of street sweeping;
- details of a means of suppressing dust & dirt arising from the development;
- a scheme for recycling/disposing of waste resulting from demolition and construction works (i.e. no burning permitted);
- details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination);
- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays & facilities for public viewing, where appropriate);
- contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details);
- details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works;

- details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage;
- measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).
- risk assessment of construction activities potentially damaging to biodiversity.
- reasonable Avoidance Method Statement for reptiles.
- details relating to an updated Badger site walkover.
- identification of "biodiversity protection zones".
- practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to biodiversity during construction (may be provided as a set of method statements).
- the location and timing of sensitive works to avoid harm to biodiversity features.
- the times during construction when specialist ecologists need to be present on site to oversee works.
- the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

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

The 'Enabling Works' referred to above shall comprise the following:

- (a) site investigations or surveys.
- (b) ecological preparation works.
- (c) the provision of security fencing, hoarding and sales signage.
- (d) the clearance of the Site.
- (e) the provision of any temporary site point of access for construction traffic.
- (f) provision of temporary Welfare & Accommodation; and
- (g) temporary builders supply (electricity, water, data etc).

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 (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays.

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

- 12 No development shall commence until the applicant has implemented a programme of archaeological work in accordance with the agreed Written Scheme of Investigation by Development Archaeology Services Ltd as received on July 26th 2023.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because otherwise the disturbance of earth could harm important deposits.

- 13 No development above damp-proof course (DPC) level shall take place until a Landscape and

Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year and covering a minimum of a 30-year period).
- g) Details of the body or organisation responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

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

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

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

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

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 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 by s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and Arun Local Plan policy ENV DM5.

15 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. The landscaping scheme must ensure that native plant and tree species are used. The proposed buffer planting to the southern boundary must use mature species wherever possible.

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

- 16 No development above damp-proof course (DPC) level shall take place until full elevation details of all of the proposed walls and fences as indicated on drawing BRY-ECE-XX-XX-DR-A-SL-5020 Rev P02 "Boundary Treatments Plan" have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such walls and fences associated with them have been erected. Development shall be carried out in accordance with the approved details and permanently retained in a useable condition thereafter.

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

- 17 No development above damp-proof course (DPC) level shall take place until full details of the proposed in-curtilage secure cycle stores have been submitted to and approved in writing by the Local Planning Authority and the relevant houses shall not be occupied until the approved cycle storage sheds associated with them have been erected/provided. 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.

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

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

- 19 Should any temporary showhome/s or sales areas be required then full details shall be provided prior to any part of the development site reaching damp-proof course (DPC) level. Such details shall include any temporary buildings or temporary changes to buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site has been sold. The buildings or area shall then be returned to their approved permanent appearance within 3 months of the date of the last building sold.

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

- 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 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 that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being 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: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

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

Reason: To improve the sustainability of the dwellings in accordance with policy W DM1 of the Arun Local Plan.

- 23 No dwellings in the development hereby permitted shall be occupied until the completion and opening to the travelling public of the improvements to the A27 / Yapton Lane junction shown on drawing number ITB11324-GA-014 Revision C "Proposed extension to A27 Yapton Lane right turn" dated 30/8/2017 (or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority (who shall consult with National Highways)).

Reason: To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic and to satisfy the reasonable requirements of road safety in accordance with section 10 of the Highways Act 1980, Arun Local Plan policy T SP1 and the NPPF.

- 24 Prior to the occupation of any part of the development, full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light"

(GN01:2011) but also:

- (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 contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

- 25 No part of the development shall be first occupied until such time as the vehicular access, footways and associated visibility splays serving the development has been constructed in accordance with the approved plans. Once provided the visibility splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above the adjoining carriageway level or as otherwise agreed in writing with the Local Planning Authority.

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

- 26 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plans. The parking 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 policy T SP1 of the Arun Local Plan and the NPPF.

- 27 If residential properties are to be completed and occupied prior to the whole development being finished, a scheme to protect those early occupants from noise and vibration from construction activities should be submitted and approved in writing by the Local Planning Authority prior to the occupation of any affected dwellings.

Reason: To protect the amenity of future residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 28 None of the dwellings shall be occupied unless and until full details of the public open space (POS) and associated management arrangements have been submitted to and approved in writing by the Local Planning Authority. The POS shall thereafter be implemented in accordance with the details as agreed through the discharge of condition (or any subsequent variation application) prior to occupation of the 85th dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

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

- 29 None of the dwellings shall be occupied unless and until full details of the public play provision

and associated management arrangements have been submitted to and approved in writing by the Local Planning Authority. The play provision shall thereafter be implemented in accordance with the details as agreed through the discharge of condition (or any subsequent variation application) prior to occupation of the 85th dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

Reason: To ensure that play provision is in place for future residents and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

30 The study windows on the rear elevations of plots 86 and 87 shall at all times be glazed with obscured glass up to a height of 1.7m above floor level and fixed to be top opening only.

Reason: To protect the amenities and privacy of plots 88 and 127 in accordance with Arun Local Plan policies D DM1 and QE SP1.

31 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.

32 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.

33 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 in the application (as originally submitted) and negotiating, with the applicant, acceptable amendments 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 in the NPPF.

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

(1) The provision of 51 Affordable Dwellings across the whole scheme consisting of 34 Affordable Rented, 4 Shared Ownership and 13 First Homes.

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

auditing of the Travel Plan.

(3) A contribution of £266 per dwelling to the Comet Corner Improvements Scheme; and.

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

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

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

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

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

- 36 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.
- 37 INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>, this clearly sets out our requirements for discharging this condition
- 38 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>.
- 39 INFORMATIVE: Following approval of details showing the 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 development you are advised to contact West Sussex Fire and Rescue Service (WSFRS) make them aware

of all the fire hydrants for the site and their locations. They can then be operated and tested, their location marked up locally and plotted on the water management system and mapping. This information is then available to all fire crews attending the site, essential for locating the nearest fire hydrants available in the vicinity of a fire without delay.

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

40 INFORMATIVE: The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)

For guidance please visit: www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits or contact the National Customer Contact Centre on 03708 5062506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk.

The applicant should not assume a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with at the earliest opportunity.

41 INFORMATIVE: The EA strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found online.

42 INFORMATIVE: This development involves work to public highways that can only be undertaken within the scope of a legal Agreement between the applicant and National Highways. Planning permission in itself does not permit these works. It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Spatial Planning Team, National Highways, Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ. National Highways switchboard: 0300 470 1370. Email: PlanningSE@nationalhighways.co.uk

43 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. There shall be no burning of waste or other materials on the site, except in an incinerator.

44 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 01/06/23) as available on the council's website.

45 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

BACKGROUND PAPERS

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

Y/52/23/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

AL/126/22/OUT

Original Decision = Refused

Received: 07-09-23

The Paddock Littleheath Road Aldingbourne

Decision Level = Delegated

Outline Application with some matters reserved for 9 No new dwellings (Houses and Bungalow) with Wildlife Corridors following demolition of existing 4 bedroom chalet bungalow and assorted outbuildings. This application is a Departure from the Development Plan.

**Written
Representations**

PINS Ref: APP/C3810/W/23/3318827

AL/178/22/OUT

Original Decision = Refused

Received: 03-07-23

Land to the rear of Meadow Way Westergate

Decision Level = Delegated

Outline planning application with all matters reserved, except principal means of access and demolition of 24 Meadow Way, for the construction of up to 89 No residential dwellings, with access taken from Meadow Way, together with the provision of open space, landscaping and associated infrastructure.

Informal Hearing 17-10-23

PINS Ref: APP/C3810/W/23/3323858

AL/179/22/OUT

Original Decision = Refused

Received: 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/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/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

AL/69/23/HH

Original Decision = Refused

Received: 05-10-23

Reed Cottage Westergate Street Westergate

Decision Level = Delegated

Erection of detached garage with room above and 1 x dormer following the demolition of existing detached garage.

***Written
Representations***

PINS Ref: APP/C3810/D/23/3328574

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/119/22/OUT

Original Decision = Refused

Received: 29-08-23

Land adjacent to Highfield House Yapton Road Barnham

Decision Level = Delegated

Outline application with all matters reserved, except access, for 19 No dwellings for persons over 55 with associated car parking, landscaping, drainage and open space. This application may affect the setting of listed buildings and is a Departure from the Development Plan.

***Written
Representations***

PINS Ref: APP/C3810/W/23/3327867

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

2-10 The Park Lane Queensway Bognor Regis

Original Decision = Refused

Received: 18-04-23

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

FG/124/22/PL

Original Decision = Refused

Received: 26-07-23

Lansdowne Nursery, The Barn Littlehampton Road Ferring

Decision Level = Delegated

Demolition of existing buildings and erection of 70 No. dwellings with associated works (site relocation to Clapham). This application affects a Public Right of Way, is a Departure from the Development Plan and is in CIL Zone 3 (CIL Liable) as new dwellings.

Informal Hearing 17-10-23

PINS Ref: APP/C3810/W/23/3323939

FG/147/22/PL

Original Decision = Refused

Received: 02-10-23

Jasmine Court Sea Lane Gardens Ferring

Decision Level = Delegated

Erection of an extension to provide attached single storey dwelling together with parking following demolition of existing garage. This site is in CIL Zone 4 and is CIL Liable as new dwelling.

**Written
Representations**

PINS Ref: APP/C3810/W/23/3320026

FP/155/22/PL

Original Decision = Refused

Received: 10-10-23

Land to Rear of 107 Felpham Way Felpham

Decision Level = Delegated

Construction of a detached 1 No 2 bed dwelling with electric mobility scooter/cycle & refuse storage facilities (resubmission following FP/31/22/PL). This application is in CIL Zone 4 and CIL Liable as a new dwelling.

**Written
Representations**

PINS Ref: APP/C3810/W/23/3325093

LU/347/22/PL

27 Clifton Road Littlehampton

Original Decision = Refused

Received: 09-06-23

Decision Level = Delegated

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

Informal Hearing 30-08-23

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

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

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/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/127/22/PL

Original Decision =
ApproveConditionally

Received: 10-08-23

Lintels Bilsham Road Yapton

Decision Level = Delegated

Change of use of existing garage to 1 No 3 bed dwelling, separate to the main dwelling, including side extension. This site is in CIL Zone 2 and is CIL Liable as new dwelling.

**Written
Representations**

PINS Ref: APP/C3810/W/23/3317622

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

ENF/258/22

Ridgeway Park Road Barnham West Sussex

Received:

Written Representations

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

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Arun District Council

REPORT TO:	Planning Committee - 15 November 2023
SUBJECT:	Scheme of Delegation and Planning Protocol
LEAD OFFICER:	Neil Crowther, Group Head of Planning
LEAD MEMBER:	Councillor June Hamilton, Chair of Planning Committee
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
<ul style="list-style-type: none"> • Delivering the right homes in the right places. • Supporting our environment to support us. 	
DIRECTORATE POLICY CONTEXT:	
The proposals to the delegation and protocol will assist in delivering performance targets by ensuring that there is an appropriate balance between decisions that can be taken under delegated authority and those that should be determined at Planning Committee.	
FINANCIAL SUMMARY:	
No implications.	

1. PURPOSE OF REPORT

- 1.1 The report proposes some minor changes to the Scheme of Delegation from Planning Committee to the Group Head of Planning. The Planning Committee have the authority to decide this and there is therefore no follow-on recommendation to the Constitution Working Party.

- 1.2 There are some proposed changes to the Planning Protocol which will be considered by the Constitution Working Party on 16 November 2023 in order for them to be referred to Full Council. This report sets out those proposed amendments for the benefit of Planning Committee and asks the Committee to note the proposed amendments. These proposed amendments are shown in Appendix 1.

2. RECOMMENDATIONS

1. That Planning Committee agree the amendments to the Scheme of Delegation as follows.

2.1.2 To determine all planning applications except where the matters are reserved to the Planning Committee. Where the following exceptions apply, the application or matter will be determined by the Planning Committee:

- i. Any Major or minor application for planning permission (except for any amendment to Householder applications) which prior to its determination is subject to a written representation from the Parish Council, Town Council or formal Parish Meeting that the application site is within or one that immediately adjoins the application site, which is in conflict with the recommendation of*

Officers if those comments relate to matters within the said planning application.

- ii. Any application for Full or Outline planning permission by or on behalf of the Council.
- iii. Any Major or Minor application as defined by the Town & Country Planning (Development Management Procedure) Order 2010 which would be recommended for approval and would create a new access or egress via the A27, A29, A284, A259 and A280.
- iv. Any Householder (HH) application recommended for approval where the ward member has submitted a written request to the Chair and/or Vice Chair of the Planning Committee before the end of the statutory consultation period shall be referred to the Planning Committee where it is on sound planning grounds.
- v. Any applications for a variation of planning permission (s73) for Major development or any applications where the original application was determined at Planning Committee in accordance with (i), which prior to its determination is subject to a written representation from the Parish Council, Town Council or formal Parish Meeting that the application site is within or one that immediately adjoins the application site, which is in conflict with the recommendation of officers if those comments relate to the matters within the said application.
- vi. Any Local Impact Report in respect of a Development Consent Order application that is being determined as a Nationally Important Infrastructure Project.

- 2. That Planning Committee note the proposed changes to the Planning Protocol that will be considered by Constitution Working Group on 16 November 2023.

3. EXECUTIVE SUMMARY

- 3.1 The report asks Planning Committee to consider some minor amendments to the Scheme of Delegation and the Planning Protocol. These amendments are proposed to correct some inconsistencies, provide clarity and reflect updated application types.

4. DETAIL

- 4.1 When the Planning Committee have previously agreed the Scheme of Delegation, there has been a cover report that provides some commentary and confirmation on how certain aspects of the Scheme will be implemented. The Scheme had been reviewed regularly (every couple of years or so) and the last report to Committee was in February 2021. Since that time, the new Committee system has been established and a new Scheme of Delegation from that point (so all previous agreements need renewing).

- 4.2 The purpose of this report is to seek agreement on some very minor changes and to confirm how certain matters will be interpreted so there is no uncertainty. This will remove uncertainty and mean that certain very minor applications do not need to be determined by Committee thereby improving determination times.
- 4.3 There have been a very small number of issues that have arisen in the past couple of years with how to interpret or improve the delegated authority. The following points set out how the Scheme of Delegation will be interpreted and applied.
- Where there is a Householder (HH) application that has been determined under delegated authority, any subsequent variation of that permission that will be registered as a planning application (S73) and would also be dealt with under delegated authority. This issue arises because we are unable to advertise a variation application as a HH, even though it clearly is. As a S73 application, it would technically come under i. within the Scheme of Delegation. Agreeing to this would result in exceptionally minor proposals (for examples, changes of materials on a residential extension) not coming to Committee as they have done recently as a result of the current wording of the Scheme of Delegation.
 - PL applications for changes of use where no additional floorspace is created (with the exception of HMO's) would be determined under delegated authority. This was previously agreed by Committee on numerous occasions when cover reports were prepared (see para 9 of the February 2021 report). This would only relate to Minor applications for changes of use (that do not benefit from permitted development rights) that result in no additional floorspace.
 - Where the Parish/Town Council clearly object on the grounds of a matter that is not contained within the applications, it should not be determined at Committee. Examples that have occurred in recent times are where an objection is on the grounds of access only on a Reserved Matters application where access is already granted at Outline. Or, objecting to adverts that are not part of the application. Currently we would have to take to these applications to Committee. These should be dealt with under delegated authority.
 - It is necessary to state that the proposals above would relate to only a handful of applications annually and the tidying up of these issues would have no significant change to the Scheme of Delegation. Relative to the +1,500 decisions issued every year, these changes would have virtually no impact other than to provide some clarity.
- 4.4 Amendments to previous planning permissions through the variation of conditions (section 73 applications) will need to be monitored. Technically, such applications create a new planning permission, but these applications often relate to a very focused element of the permission covered by a planning condition. Section v. within the recommendation is intended to ensure that only those applications for variations for major development, or where the original

permission being varied was determined by Planning Committee, would be considered by Committee. This will hopefully ensure that the majority of such applications that relate only to specific detail in a condition, will be dealt with under delegated authority.

4.5 Currently, the only significant issues with these are highlighted above. However, potential issues may arise where the original application has been dealt with under delegated authority and the Town/Parish Council raise an objection to a matter of detail that should be considered under delegated authority.

4.6 It is also worth noting that the Scheme of Delegation is not absolute, and it is applied with a degree of pragmatism and flexibility. On numerous occasions I have brought applications to Committee when technically they did not need to. I think that it is right and proper that this happens, and I generally apply these principles in the following instances.

- Where there are a disproportionate number of objections relative to the scale of the application.
- Where the application proposals raise issues that may either be new and require the Committee to come to a view or where there are issues of wider geographical impact.
- When there are historical applications on the site that have been determined at Planning Committee.
- Where there has been a significant change in circumstance after a Committee resolution.

Planning Protocol

4.7 Some of the proposed changes to the Planning Protocol (Appendix 1) relate to the public speaking rules and how Arun Councillors can address the Planning Committee (section 11 of the Protocol). These changes are included for there to be consistency throughout all Committees, and they reflect a guidance memo circulated to all members in August 2023 which all members of the Planning Committee have informally endorsed. The guidance on how Councillors can address the Planning Committee in accordance with the Planning Protocol is reproduced at Appendix 2.

4.8 The only other proposed changes relate to providing some essential clarity around what must happen for the Planning Committee to defer applications. Deferring applications is a perfectly normal and correct process; however, the Committee has often got into difficulty when doing so around being able to articulate the reasons for a deferral. It is hoped that the proposed amendments will assist in these instances (sections 13 & 14 of the Protocol).

4.9 The proposed amendments are highlighted in underlined text in Appendix 1 from section 11 onwards.

4.10 Some confirmation on interpretation of the Planning Protocol where it comes to applications submitted by Councillors, Arun District Council or Arun District Council staff is required. The Scheme of Delegation has previously been amended to be clear on what type of applications submitted by Arun District

Council (as applicant) will be determined at Planning Committee. The Planning Protocol has also been amended (para 6.2) to make it clear which staff applications will need to be determined at Planning Committee. In these areas, the Constitution is clear.

- 4.11 For the purposes of clarity, in interpreting this paragraph where it relates to applications submitted by Councillors, those applications for planning permission or Listed Building Consent will be determined at Planning Committee. Applications that are required to be determined within specific time periods (such as trees or prior notifications), applications that are factual determinations (certificates of lawful development) or that are minor in nature (non-material amendments, adverts) will not be determined at Planning Committee. All applications made by Councillors will require notification of the Monitoring Officer in the normal way (para 6.2 of the Planning Protocol).

5. CONSULTATION

- 5.1 Consultation has taken place with the Director of Growth and the Group Head of Law & Governance. These proposals have also been informally presented to members of Planning Committee.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1 N/A

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

- 7.1 No financial implications.

8. RISK ASSESSMENT CONSIDERATIONS

- 8.1 No implications

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

- 9.1 The proposed amendments to the delegations and Planning Protocol have been reviewed by the Monitoring Officer. The proposed delegations are appropriate and proportionate and within the scope of the Local Authorities (Committee System) (England) Regulations 2012 in being appropriate delegations to an officer. The amendments to the Planning Protocol are reasonable and practical and will properly be considered by the Constitution Working Group and referred to Full Council for approval.

10. HUMAN RESOURCES IMPACT

- 10.1 No implications.

11. HEALTH & SAFETY IMPACT

- 11.1 No implications.

12. PROPERTY & ESTATES IMPACT

12.1 No implications.

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1 No implications.

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1 No implications.

15. CRIME AND DISORDER REDUCTION IMPACT

15.1 No implications

16. HUMAN RIGHTS IMPACT

16.1 No implications

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 No implications.

CONTACT OFFICER:

Name: Neil Crowther

Job Title: Group Head of Planning

Contact Number: 01903 737839

BACKGROUND DOCUMENTS:

Planning Committee Agenda February 2021.

PART 8
SECTION 3 – PLANNING PROTOCOL

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PROTOCOL FOR MEMBERS ON DEALING WITH PLANNING MATTERS

1.0 INTRODUCTION

- 1.1 One of the key purposes of the planning system is to regulate the development and use of land in the public interest.
- 1.2 Planning decisions are based on balancing competing interests and making an informed judgement against a local and national policy framework. Planning necessarily affects land and property interests and as a consequence decision can often be highly contentious.
- 1.3 The risk of controversy and conflict are heightened by the openness of a system which invites public opinion before taking decisions and the legal nature of the development plan and decision notices. Nevertheless, it is important that the decision-making process is open and transparent.
- 1.4 The aim of this protocol is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- 1.5 This protocol applies at all times when Members are involved in the planning process. This includes meetings of the Planning Committee, meetings of the Council when exercising the functions of the Planning Authority and less formal occasions, such as meetings with officers or the public and consultative meetings. It applies to planning enforcement matters, to site specific policy issues and to the making of compulsory purchase orders on planning grounds.

If you have any queries or concerns about the application of this protocol to your own circumstances, you should seek advice early from the Monitoring Officer or Deputy Monitoring Officer and preferably well before any meeting takes place.

2.0 RELATIONSHIP TO THE MEMBERS CODE OF CONDUCT

- 1.6 The Council has adopted a local Code of Conduct which reflects the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 1.7 This protocol is intended to supplement the Members Code of Conduct where members are involved in the planning process.
- 1.8 The rules set out in the Members Code of Conduct must be applied first and must always be complied with.
- 1.9 Where a member does not abide by the Members Code of Conduct and/or this protocol when involved in the planning process it may put the Council at risk of challenge on the legality of any decision made or at risk of a finding of maladministration.
- 1.10 The failure is also likely to be a breach of the Members Code of Conduct and may be the subject of a complaint to the Standards Committee. **Members should apply common sense in the interpretation of this protocol.**

3.0 THE GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS

- 1.11 Councillors and officers have different but complementary roles. Both serve the public, but councillors are responsible to the electorate whilst officers are responsible to the Council as a whole. Officers advise councillors and the Council and carry out the Council's work. They are employed by the Council, not by individual councillors. A successful relationship between councillors and officers will be based upon mutual trust, understanding and respect of each other's position. The Council has a protocol giving guidance on relationships between officers and members.
- 1.12 Both councillors and officers are guided by codes of conduct. The Members Code of Conduct and its relationship to this protocol are set out in Part 8 section 1 of the Constitution.
- 1.13 Planning Officers who are chartered town planners are subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct breaches of which may be subject to disciplinary action by the Institute. In addition, the Council has a Code of Conduct for employees.
- 1.14 In addition to these codes, the Council's Procedure Rules govern the conduct of Council business.
- 1.15 Councillors and officers should view with extreme caution any offer of gifts or hospitality. The Council has adopted separate protocols for officers and for members giving guidance on gifts and hospitality.
- 1.16 Serving councillors who act as agents for people pursuing planning matters within their authority should not be members of the Planning Committee.
- 1.17 Councillors and particularly those serving on the Planning Committee must receive training on planning when first appointed to the Planning Committee and regularly thereafter.

4.0 REGISTRATION AND DISCLOSURE OF INTERESTS

- 1.18 The Member Code of Conduct sets out detailed requirements for the registration and disclosure of disclosable pecuniary interests. Members should not participate in any decision and should leave the meeting where they have a disclosable pecuniary interest unless they have first obtained a dispensation.

In addition, unless they have obtained a dispensation, they should:-

- NOT participate or give the appearance of trying to participate in the making of any decision on the matter by the Council
- NOT get involved in the processing of the application
- NOT use their position to discuss the proposal with officers or members when other members of the public would not have the opportunity to do so or in any other way seek or accept any preferential treatment or give the appearance of so doing.

- 1.19 In addition, the Member Code of Conduct requires members to consider whether they have a non-disclosable interest or personal interest in any item. Such an interest will arise where the matter may reasonably be regarded as affecting the wellbeing or financial standing of the member concerned, a member of their family or a person with whom they have a close association to a greater extent than the majority of people in their ward. Such an interest will also arise where it would be a disclosable pecuniary interest but relates to a member of the councillor's family or to a close associate rather than to the member themselves or to their spouse or partner.
- 1.20 In the event that a member considers that they have a non-disclosable pecuniary interest or personal interest in any matter they should disclose the existence and nature of the interest at or before the consideration of that item of business or as soon as the interest becomes apparent.
- 1.21 The member then needs to consider very carefully whether it would be appropriate to participate in discussion and voting on the matter. They should think about how a reasonable member of the public, with full knowledge of all the relevant facts would view the matter when considering whether their participation would be appropriate.

5.0 PREDISPOSITION, PREDETERMINATION OR BIAS

- 1.22 To preserve the integrity of committee decisions, it is vital that members do not make up their minds before they have all relevant materials and arguments before them at the Planning Committee meeting. Members must retain an open mind at the time the decision is made and not make up their minds or appear to have made up their minds until they have heard the officer's presentation and evidence at the Planning Committee when the matter is considered. This is particularly important if a member is contacted by an external interest or lobby group. If a member has made up their mind prior to the meeting and is not able to reconsider their previously held view, they will not be able to participate in the determination of the matter by the because if they did take part in the discussion or vote it would put the Council at risk in a number of ways. Firstly, it would probably, in the view of the Local Government Ombudsman, constitute maladministration. Secondly, the Authority could be at risk of legal proceedings on a number of possible grounds:-
- That there was a danger of bias on the part of the member; and/or
 - Predetermination; and/or
 - A failure to take into account all of the factors which would enable the proposal to be considered on its merits
- 1.23 Members are entitled to feel predisposed towards a particular decision but must still be able to consider and weigh relevant factors before reaching their final decision. Predetermination arises when members' minds are closed, or reasonably perceived to be closed, to the consideration and evaluation of the relevant factors. This risks making the whole decision vulnerable to legal challenge. Section 25 of the Localism Act 2011 provides that a councillor should not be regarded as having a closed mind simply because they previously did or

said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. For example, a councillor who states “*wind farms are blots on the landscape and I will oppose each and every wind farm application that comes before committee*” has a closed mind. A councillor who states “*many people find wind farms ugly and noisy and I will need a lot of persuading that any more wind farms should be allowed in our area*” does not have a closed mind although they are predisposed towards opposing such applications.

1.24 Members may take part in the debate on a proposal when acting as part of a consultee body (i.e., where they are also a member of the county or parish council as well as being a member of the Authority) provided that: they make clear during discussion at the consultee body that-

- i. Their views are expressed on the limited information before them only; and
- ii. They will reserve judgement and the independence to make up their own mind
- iii. on each separate proposal when it comes before the District Council’s Planning Committee and they have heard all the relevant information; and
- iv. They will not in any way commit themselves as to how they or others may vote when the proposal comes before the District Council’s Planning Committee. In the interests of transparency, the member should, in such circumstances, disclose the personal interest regarding their membership of the consultee body when the District Council’s Planning Committee comes to consider the proposal.

1.25 Where a member has already made up their mind and therefore declines to speak or vote on a proposal, they do not also have to withdraw (unless they have a disclosable pecuniary interest and have not obtained a dispensation) but they may prefer to do so for the sake of appearances.

1.26 If a member decides to stay in the meeting, they should explain that they do not intend to speak and vote because they have (or could reasonable be perceived as having) judged the matter elsewhere, so that this may be recorded in the minutes.

1.27 Members who have participated in the development of planning policies and proposals need not and should not normally exclude themselves from decision making on individual applications for that reason.

6.0 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS AND COUNCIL DEVELOPMENT

1.28 Proposals submitted by serving and former councillors, officers and their close associates and relatives can easily give rise to suspicions of impropriety. Proposals could be planning applications or local plan proposals.

1.29 Such proposals must be handled in a way that gives no grounds for accusations of favouritism. In particular:-

- If a member or officer submits ~~their own proposal~~ an application for planning permission or listed building consent to the Authority, they should play no part in its consideration
- The Council's Monitoring Officer should be informed of any proposal submitted by any member or any officer employed by the Authority on the grade of Business Manager or above or any officer who would otherwise have been involved in processing or determining the application
- Such proposals should be reported to the Planning Committee and not dealt with by officers under delegated powers

1.30 A member will have a disclosable pecuniary interest in their own application and should not participate in its consideration. They have the same rights as any applicant in seeking to explain their proposal to an officer but the councillor, as applicant, should also not seek to improperly influence the decision.

1.31 Proposals for the Council's own development should be treated with the same transparency and impartiality as those of private developers.

7.0 LOBBYING OF AND BY COUNCILLORS

1.32 Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their ward member or to a member of the Planning Committee. The Nolan Committee's 1997 report stated: *"it is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the councillors themselves"*.

1.33 Lobbying can, however, lead to the impartiality and integrity of a councillor being called into question, unless care and common sense is exercised by all the parties involved.

1.34 When being lobbied, councillors and members of the Planning Committee in particular, should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments.

1.35 In such circumstances, members should consider restricting themselves to giving advice about the process and what can and cannot be taken into account.

1.36 Members can raise issues which have been raised by their constituents with officers.

1.37 If a member does express an opinion to objectors or supporters, it is good practice to make it clear that they will only be in a position to make a final decision after having heard all the relevant arguments and having taken into account all relevant material and planning considerations at committee.

1.38 If any councillor, whether or not a committee member, speaks on behalf of a lobby group at the Planning Committee, they should withdraw from the meeting

once the opportunity to make representations has been completed in order to counter any suggestions that members of the Committee may have been influenced by their continuing presence.

- 1.39 In no circumstances should planning decisions be made on a party-political basis in response to lobbying. The use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration.
- 1.40 Planning Committee members should in general avoid organising support for or against a planning application and should not lobby other councillors.
- 1.41 Members should not put pressure on officers for a particular recommendation or decision and should not do anything which compromises, or is likely to compromise, the officer's impartiality or professional integrity.
- 1.42 Members should pass any lobbying correspondence received by them to the Group Head of Planning at the earliest opportunity.
- 1.43 Any offers made of planning gain or restraint of development, through a proposed S106 Agreement or otherwise should be referred to the Group Head of Planning.
- 1.44 Members should not accept gifts or hospitality from any person involved in or affected by a planning proposal.
- 1.45 Members should inform the Monitoring Officer where they feel that they have been exposed to undue or excessive lobbying or approaches, including inappropriate offers of gifts or hospitality, who will in turn advise the appropriate officers to follow the matter up.

8.0 REQUESTS TO REFER ITEMS TO COMMITTEE

- 1.46 A request to refer a matter to Committee must be made in accordance with the Scheme of delegation then in operation. If a Member requests that a matter be referred to committee for determination, where it would otherwise be dealt with by officers acting under delegated powers, they should give written reasons for that request and those reasons should relate solely to matters of material planning concern. The member should also observe any additional rules and requirements set out in the Council's Constitution.

9.0 PRE-APPLICATION DISCUSSIONS

- 1.47 Pre-application discussions between a potential applicant and the Council can benefit both parties and are therefore encouraged. However, it would be easy for such discussions to become, or be seen by objectors to become, part of a lobbying process on the part of the applicant.
- 1.48 Councillors have an important role to play in pre-application discussions, bringing their local knowledge and expertise, along with an understanding of community views. Involving councillors can help identify issues early on, helps councillors to lead on community issues and helps to ensure that issues do not come to light for the first time at committee. Officers should therefore consider involving the local ward Member(s) particularly in relation to major applications. However, in

order to avoid perceptions that councillors might have fettered their discretions, such discussions should take place in accordance with the following guidelines:-

- (i) It should be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are personal and provisional. By the very nature of such meetings not all relevant information may be at hand, nor will formal consultations with interested parties have taken place.
- (ii) It should be acknowledged that consistent advice should be given by officers based upon the development plan and material planning considerations.
- (iii) Officers should be present with councillors in pre-application meetings. Councillors should avoid giving separate advice on the development plan or material considerations as they may not be aware of all the issues at an early stage.
- (iv) Members should not become drawn into any negotiations which should be done by officers (keeping interested members up to date) to ensure that the Authority's position is co-ordinated.
- (v) A written note should be made of all meetings. An officer should make the arrangements for such meetings, attend and write notes. A note should also be taken of any phone conversations, and relevant emails recorded for the file. Notes should record issues raised and advice given. The note(s) should be placed on the file as a public record. If there is a legitimate reason for confidentiality regarding a proposal, a note of the non-confidential issues raised or advice given can still normally be placed on the file to reassure others who are not party to the discussion.
- (vi) Care should be taken to ensure that advice is impartial, otherwise the subsequent report or recommendation to Committee could appear to be advocacy.

1.49 Although the term "pre-application discussions" has been used, the same consideration should apply to any discussions which occur before a decision is taken.

1.50 Common sense should be used by members in determining the scale of the proposals to which paragraph 9.2 above will apply. Councillors talk regularly to constituents to gauge their views on matters of local concern. Keeping a register of such conversations would be neither practical nor necessary. If for example a member is approached by an applicant or an objector in respect of what could reasonably be considered to be a minor application, it would be more appropriate for the member concerned to give advice on process only and what can and cannot be taken into account (see paragraph 7.4) and to refer the constituent to a planning officer if they need planning or technical advice.

10.0 OFFICER REPORTS TO COMMITTEE

1.51 Officer reports to Committee should be comprehensive and should include the substance of any objections and other responses received to the consultation.

Relevant information should include a clear assessment against the relevant development plan policies, relevant parts of the National Planning Policy Framework (NPPF), any local finance considerations and any other material planning considerations.

- 1.52 Reports should have a written recommendation for a decision to be made.
- 1.53 Reports should contain technical appraisals which clearly justify the recommendation.
- 1.54 If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify the departure must be clearly stated. This is not only good practice, but also failure to do so may constitute maladministration or give rise to a Judicial Review challenge on the grounds that the decision was not taken in accordance with the provisions of the development plan and the Council's statutory duty under S38A of the Planning and Compensation Act 2004 and S70 of the Town and Country Planning Act 1990.
- 1.55 Any oral updates or changes to the report should be recorded.

11.0 PUBLIC SPEAKING AT PLANNING COMMITTEES

- 1.56 Members of the public, including any applicant or objector, are not entitled as of right to speak at meetings of the Planning Committee and are encouraged to submit any representations in writing during the consultation period.
- 1.57 All representations received will be reported to committee. Where they are received late, and after publication of the agenda for the Planning Committee they will be reported to the Committee by means of a late paper summarising any late representations received in respect of items on the agenda for the Planning Committee.
- 1.58 Any person who has made a written representation on an application and wishes to speak must register their request by 9.00 am on the Monday before the meeting, by phoning 01903 737512 or by email. It is the responsibility of the individual to check whether the application is to be considered by the Planning Committee [one should be able to register to be automatically notified when the agenda for the Committee is published].
- 1.59 There is a time limit of 3 minutes for each speaker i.e., ~~Ward Members~~, Parish Councils, objectors, applicants/agents, or supporters. Objectors & supporters include residents' groups, community groups or interest groups. A supporter must be an independent third party such as a local resident, not a relative of the applicant or the applicant themselves if their appointed agent is already speaking.
- 1.60 A speaker can speak for up to the 3 minutes. The order of speaking will be as follows:

Number/Order of Speakers Table

Order	SPEAKER	TIME ALLOWED
1.	Planning Officer to present and if necessary, update the report, particularly regarding further written representations received.	
2.	Town or Parish Council/Meeting which the application is sited within or which the application site immediately adjoins Maximum of two representatives (one per Parish/Town)	3 minutes
3.	Objectors to the Application Two Representatives only	3 minutes
4.	Applicants/Agents/Supporters Two Representatives only	3 minutes
5.	Ward Councillors (Councillors <u>not on the Committee, including those</u> representing the Ward in which the application is sited)	In the interest of fairness, the Chair will request Ward Councillors to limit their presentation to 3 minutes.
6.	Planning Officer to deal with any errors of fact which have arisen or any necessary clarification of policy or other issues	
7.	Committee to debate and determine the application, involving officers as necessary	
8.	No Further Right for Public Speaking	

1.61 ~~Non-Ward~~ Councillors not on the Planning Committee are also able to speak at meetings of the ~~Development Control Planning Committee~~ with the permission of the Committee, in line with the provisions of Committee Procedure Rule 12 (Attendance by other Members of the Council) as set out in Part 5 of this Constitution. Ward Members will have an automatic right to address the Committee. Non-Ward members will require the agreement of the Committee in order to address them.

1.62 In the event that more than two speakers have registered to speak in categories 2, 3, or 4, the first two registered persons appearing on the register only will be allowed to speak. Prior to the commencement of the meeting, attendance of

those who have registered to speak will be listed. The Chair's discretion shall apply in the event of any dispute in the matter of which persons may speak.

- 1.63 A speaker can only speak once in respect of an application; in the case applications returning to committee where there has been public speaking previously. a speaker cannot speak at more than one meeting. This restriction includes Members who wish to address the Committee. Only in exceptional circumstances will speaking be allowed on applications returning to Committee following a deferral and this will only be allowed where significant new material is part of the application. Applications returning to Committee that have been deferred for a site visit will always have no further public speaking.
- 1.64 Exceptionally, the Chair may decide during the meeting to increase the time available, for example if an application straddles a parish boundary or if a large number of people wish to speak. In such cases the time will be increased equally for each of the groups.
- 1.65 New documents should not be circulated to the Committee. Councillors may not be able to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material considerations arising. This should be made clear to those who intend to speak. If, in exceptional circumstances and at the Chair's discretion, new documents are accepted, the meeting may be adjourned for them to be properly considered.
- 1.66 Messages should never be passed to individual committee members, either from other councillors or from the public. This could be seen as seeking to influence that member improperly and will create a perception of bias that will be difficult to overcome.

12.0 DECISIONS WHICH DIFFER FROM AN OFFICER RECOMMENDATION

- 1.67 The law requires that decisions should be taken in accordance with the development plan, unless material considerations (which specifically include the NPPF) indicate otherwise (S38A Planning and Compensation Act 2004 and S70 of the Town and Country Planning Act 1990).
- 1.68 This applies to all planning decisions. Any reasons for refusal must be justified against the development plan and other material considerations.
- 1.69 The courts have expressed the view that the Committee's reasons should be clear and convincing. The personal circumstances of an applicant or any other material or nonmaterial planning considerations which might cause local controversy will rarely satisfy the relevant tests.
- 1.70 Planning Committees can, and often do, make a decision which is different from the officer recommendation. Sometimes this will relate to conditions or terms of a S106 obligation.

Sometimes it will change the outcome from an approval to a refusal or vice versa. This will usually reflect a difference in the assessment of how a policy has been complied with, or different weight ascribed to material considerations.

- 1.71 The Planning Committee should take the following steps before taking a decision which differs from an officer recommendation:-
- (i) Record the detailed reasons as part of the mover's motion
 - (ii) If necessary, adjourn for a few minutes for those reasons to be discussed and then agreed by the Committee
 - (iii) Where there is concern about the validity of reasons and/or officer concern about a potential award of costs on appeal, consider deferring to another meeting to have the putative reasons tested and discussed.
 - (iv) Ensure that a recorded vote is taken, recording the individual names of those present and how they voted
- 1.72 If the Planning Committee makes a decision contrary to the officer's recommendation (whether for approval or refusal or changes to conditions or S106 obligations), minutes of the Committee's reasons should be made and a copy placed on the application file. Councillors should be prepared to explain in full their planning reasons for not agreeing with the officer's recommendation.
- 1.73 The officer(s) should also be given an opportunity to explain the implications of the contrary decision should one be made.
- 1.74 All applications that are clearly contrary to the development plan and constitute notifiable departures must be advertised as such and are known as "departure" applications. If it is intended to approve such an application, the material considerations leading to this conclusion must be clearly identified, and how these considerations justify overriding the development plan must be clearly demonstrated.
- 1.75 The application may then have to be referred to the relevant Secretary of State, depending upon the type and scale of the development proposed (S77 of the Town and Country Planning Act 1990). If the officer's report recommends approval of such a departure, the justification for this should be included, in full, in that report.

13.0 COMMITTEE SITE VISITS

- 1.76 Committee site visits do not constitute formal meetings of the Council but rather their purpose is to enable members to observe the site and to gain a better understanding of the issues. Non-attendance of a site visit will not preclude a member from discussing and voting on the relevant matter at the Planning Committee meeting. Notwithstanding this, members should make every effort to attend where it is considered that a site visit is necessary and appropriate. In addition, any relevant information which members have gained from the site visit will if necessary, be reported back to the Committee so that all members have the same information.
- 1.77 Site visits should only be conducted where the benefit is clear and substantial. Officers will have visited the site and assessed the scheme against policies and material considerations already. A site visit should not take place unless:

- (i) There are particular site factors which are significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection; or
 - (ii) There are specific site factors and/or significant policy or precedent implications that need to be carefully addressed; or
 - (iii) The impact of the proposed development is difficult to visualise; or
 - (iv) The comments of the applicant and/or objectors cannot be expressed adequately in writing; or
 - (v) The proposal is particularly contentious
- 1.78 A record should be kept of the reasons why a site visit is called. Before moving to a vote on a deferral for a site visit, the Chair of the Committee will seek the clarification of what it is that needs to be inspected on site from the proposer.
- 1.79 Only members of the Planning Committee, the local ward member(s) and officers should participate in site meetings. A member who is not the local ward member but is able to demonstrate to the satisfaction of the Group Head Planning in consultation with the Chair of the Planning Committee prior to the site meeting taking place that the application will have a significant impact on their ward may be permitted to attend the site meeting.
- 1.80 The applicant may be present on site but should be kept a discreet distance away from the Planning Committee members and officers so that they cannot be a party to any comments or questions raised. Upon the refusal of the applicant to respect this requirement, the Committee shall leave the site immediately.
- 1.81 Members should not express opinions or views at the site meeting but may ask officers present questions or seek clarification from them on matters which are relevant to the site investigation.
- 1.82 Under no circumstances should the site visit members hear representations from any party other than the local ward member. Observations of the ward member(s) should be confined to site factors and site issues. If any member present at a site visit is approached by the applicant or a third party, they should advise them that they should make representations in writing to the Authority and should direct them to or inform the officer present.
- 1.83 Once a councillor becomes aware of a proposal, they may wish to visit the site alone. In such a situation, a councillor is only entitled to view the site from public vantage points, and they have no individual rights to enter private property.
- 14.0 VOTING AT COMMITTEE**
- 1.84 Any member who is not present throughout the whole of the presentation and debate on any item shall not be entitled to vote on the matter. A site visit is not a presentation or debate.

15.0 DEFERRAL

- 1.85 Members should not seek to defer consideration of any item put before the Planning Committee unless there are clear and demonstrable reasons for doing so such as a relevant planning issue arising for the first time not having been previously considered and needing further investigation. In taking a decision to defer an application, the Committee must make it clear why the details before them are not sufficient to take a decision and what needs to be addressed for that matter (or matters) to return to Committee. These matters must then be recorded in the minutes.
- 1.86 Before moving to a vote on a deferral, the Chair of the Committee will check with the Lead Planning Officer present that Members and Officers are clear on the reasons for deferral. If Members and Officers are not clear what it is that is required to be done, they must seek further details before a vote to defer is taken.
- 1.87 Where a Member might otherwise be minded to seek deferral of an item by reason that they wish to seek clarification on a particular issue, consider that further material information is required on a particular matter or for any other substantial reason, they should seek to obtain such clarification or additional information from the relevant Case Officer at least two hours prior to the commencement of the Planning Committee meeting where possible. Members should avoid proposing a deferral on the grounds that there is insufficient information if that information could have been sought prior to the meeting.
- 1.88 Members need to be mindful that, when an application returns to Committee following a deferral, there will be reasonable expectation from the applicant and officers that matters that were not part of the deferral were acceptable and that the subsequent debate will only focus on the matters that are new. If the Committee are not satisfied with all other matters, these should either be included within the deferral, or the application should be refused planning permission. It is unreasonable to repeatedly defer applications for different reasons.
- 1.89 Deferral for a site visit should only occur exceptionally. Members are expected to inspect relevant details from public areas before the meeting if they feel that there is a need to. Details on the circumstances that deferral for site visits may be justified is in paragraph 13.2.

16.0 ANNUAL REVIEW OF DECISIONS

- 1.90 It is good practice for councillors to visit a sample of implemented planning permissions to assess the quality of the decisions and the development. This should improve the quality and consistency of decision making, strengthen public confidence in the planning system, and can help with reviews of planning policy.
- 1.91 Reviews should include visits to a range of developments such as major and minor schemes; upheld appeals; listed building works and enforcement cases. Briefing notes should be prepared on each case. The Planning Committee should formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.

17.0 COMPLAINTS

- 1.92 Complaints relating to planning matters will be dealt with in accordance with the Council's complaints procedures.
- 1.93 So that complaints may be fully investigated and as general good practice, record keeping should be complete and accurate. Every planning application file should contain an accurate account of events throughout its life. It should be possible for someone not involved in that application to understand what the decision was, and why and how it had been reached. This applies to decisions taken by Committee and under delegated powers, and to applications, enforcement and development plan matters.

Appendix 2

- Any Member wishing to attend the Planning Committee (who is not sitting on the Committee) and wanting to address the meeting, should record their request to do so before the meeting to sue.bowley@arun.gov.uk (**not** the Chair or Committee Services) by midday the day before the meeting. These will be coordinate in one location.
- Ward Members will have an automatic right to speak at the meeting. Non-Ward Members will need the agreement of the Committee. Any representations will be limited to 3 minutes in the normal way and must be made before the Committee enter the debate and determine each application/item.
- If a Ward Member wishes a statement to be read out, then that should be submitted by midday on the day before the meeting.
- Any Member wishing to address the Planning Committee is not restricted to speaking on only one occasion. That does not mean more than once at the same meeting. However, there will be a strong presumption that only one opportunity will be given, and any subsequent opportunity must be agreed by the Chair (for all Members) who will need to be strict to ensure that comments relate only to matters that are new to the Committee on that day (not repeating previous comments again or talking on matters that are not before the Committee).
- This does not include where applications have been deferred for Site Visits and all requests to address the Committee after a site visit will be rejected because there will not be anything new before the Committee.

As part of this not every Ward Member (where there is more than one) should address the Committee on the same item to ensure that the business of the Committee is not delayed and Committee time is spent efficiently.

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