



Public Document Pack

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1 December 2023

PLANNING COMMITTEE

A meeting of the Planning Committee will be held in **Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF on Thursday 14 December 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 ON LINE AT www.arun.gov.uk/planning

AGENDA

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

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

Members and officer should make their declaration by stating :

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

3. **VOTING PROCEDURES**

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

4. **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

5. **LU/246/23/PL - LITTLEHAMPTON SEAFRONT, EAST OF HARBOUR PARK AND SOUTH OF SOUTH TERRACE, LITTLEHAMPTON, BN17 5LH** (Pages 1 - 22)

6. **WA/67/23/PL - LAND AT WEST WALBERTON LANE, WALBERTON, ARUNDEL, BN18 0QF** (Pages 23 - 54)

PLANNING APPEALS

7. **APPEALS LIST** (Pages 55 - 58)

8. **SCHEME OF DELEGATION** (Pages 59 - 82)
9. **DECISION ON Y/52/23/PL** (Pages 83 - 90)
10. **BUTLINS - LOCAL DEVELOPMENT ORDER** (Pages 91 - 98)
11. **UNIVERSITY OF CHICHESTER - LOCAL DEVELOPMENT ORDER** (Pages 99 - 106)
12. **FITZALAN ACOUSTIC BARRIER** (Pages 107 - 110)
13. **Q2 PERFORMANCE REPORT FOR THE KEY PERFORMANCE INDICATORS (KPI'S) WHICH FORM PART OF THE COUNCIL'S VISION 2022-2026** (Pages 111 - 118)

OFFICER REPORT UPDATES

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

BACKGROUND PAPERS

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

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

Contact Officers :

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

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

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

Note: Filming, Photography and Recording at Council Meetings - The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in

accordance with guidelines agreed by the Council and as available via the following link – [PART 8 - CP - Section 5 Filming Photographic Protocol](#)

These meetings are webcast live.

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

PLANNING APPLICATION REPORT

REF NO: LU/246/23/PL

LOCATION: Littlehampton Seafront
East of Harbour Park and
South of South Terrace
Littlehampton
BN17 5LH

PROPOSAL: Application under Regulation 3 of the Town & Country Planning Act (General Regulations) 1992 for the regeneration and transformation of Littlehampton Seafront to provide improved facilities and spaces for sport, arts and recreation. This application may affect the setting of listed buildings, may affect the character and appearance of the Littlehampton Seafront conservation area and is in CiL Zone 5 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks the redevelopment of part of the greensward and facilities buildings at Littlehampton Seafront, immediately east of Harbour Park Amusement site and south of South Terrace. It is currently laid out as an open green space including carparking, putting green, outdoor stage area, picnic and bbq area. The proposal involves the demolition and redevelopment of the public toilets and foreshore offices.

The scheme includes:

- A new pedestrian link between Beach Road and the Seafront 'Arrival Space'.
- Alterations to car/coach parking arrangements.
- New public 'Activity Area' (beach volleyball, table tennis, bbqs, water play and play frames etc.)
- Enhancements to the 'Stage by the Sea' area.
- New landscaped promenade area, new green links north/south and east/west.
- Creation of a 'Market Place' area for concessions.
- Demolition of existing toilet block with new WC and shower building provided.
- Demolition and redesign of 'Foreshore Building'.
- New lighting and landscaping scheme throughout.

SITE AREA 4.6 hectares.

TOPOGRAPHY Predominantly flat, gently slopping down towards the shoreline.

TREES No protected trees on site. The area is generally free from tree coverage, however, this will be discussed further in the report below.

BOUNDARY TREATMENT Various boundary treatments can be found within the site area

defining existing areas such as low knee rail fence surrounding the carpark, 1m high post and rail fence surrounding the bbq and mini-golf course, 1m high black painted metal railing denoting pathways and hedge surrounding the 'Stage by the Sea'.

SITE CHARACTERISTICS

The site is predominantly open greensward amenity space with various pathways running through, permanent and overflow carparking and a collection of facilities buildings including toilets and foreshore store, coastguards building, concession stands, theatre and the Harvester Restaurant, which was recently destroyed by fire.

Within the green amenity area traditional seaside amenities include a mini-golf course and bbq area.

CHARACTER OF LOCALITY

South Terrace runs parallel to the shoreline has an Area of Character with various Locally Listed Buildings (immediately north of site) and forms part of the Seafront Conservation Area, which contains various Listed Buildings (to the north-east of site). To the immediate west of site other seafront provisions and business such as Harbour Park and the Oyster Pond can be found. To the north of site its predominantly residential.

The site is accessible by bus (No. 12 route), 700m southeast of the train station and 600m directly south of the High Street.

RELEVANT SITE HISTORY

LU/91/19/PL	Change of use of parts of seafront for temporary food & drink outlets & other seaside uses together with associated temporary/portable structures & equipment for use by businesses associated with those outlets.	ApproveConditionally 28-10-20
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No history of note.

REPRESENTATIONS

Littlehampton Town Council - Support.

- Boost to tourism and water based pursuits.
- Would like disabled access to sea included.
- Would like the lighting to the carpark increased, to prevent antisocial behaviour.
- Ensure access into toilets is both practice for users and cleaners.
- Dog waste bin should be sufficient to cope with increased demand.
- South Terrace needs to be considered in terms of foul sewage.

Littlehampton Conservation Area Advisory Committee - Objection (dated 25/10/23)

- No Heritage Report included.
- Severe concerns regarding encroachment on the open greensward.

Further Comments dated 23/11/23 - No objection.

- Heritage Report has been submitted.
- Concern remains over impact on openness of green but they are aware that existing fencing and hedging somewhat intrude on existing views.
- Given the above and significant distances involved harm to the setting lies at the bottom level of 'less than substantial harm'.

The Littlehampton Society - Objection.

- Regretful loss of green space.
- More consideration of toilets is needed to ease cleaning.
- A previous application for pop up shops was refused due to impact of established business.
- Would rubber matting be better than grasscrete?
- Has maintenance provision been made, bins etc?

There have been 12 letters of objection, 2 letters of no objection and 2 letters of support.

OBJECTIONS

- Trees will not make the area inviting and will block view from South Terrace properties.
- May make the area over commercialised.
- Extensive open space for people to use as they please, sandy beach and riverside offer lots to do.
- New concession stands will take business away from existing business.
- Tourists already come to enjoy the sea; this is the best water feature, no water play required.
- Where will additional coaches park.
- Market already exists on High Street weekly, why can't the existing green space be used for pop-up events?
- Toilet doors open inwards and are difficult to use, nowhere for friends to wait in the dry as toilets are externally operated.
- Ensure the toilets are easily maintainable.
- Money wasted on maintenance of existing toilet block recently.
- Open green space is full of opportunity and a precious resource, permeant enclosure of this space must be done with sensitivity.
- Not well advertised or consulted on.
- Planting should be low level only, do not block sea views.
- Historic Assessment has not considered East Beech Guest House, the only surviving later Victorian building not to be converted into flats.
- Proposal does not form part of the Littlehampton Town Plan.
- More concession stands required to support new business, 4 is too few.
- Lockers required in toilets for sea swimmers.
- Extension to hard surfacing is not required, increases surface water run-off and flooding.
- Has maintenance been factored in?
- Material finish of bike store visually links with existing business, which is inappropriate given it may produce negative links with that business if not properly maintained.
- Intensification on planting will make it unsafe for children.
- To help the traffic flow we feel the existing entrance and exit should be retained.
- Boulder wall to high and will block views.
- Trees in car park should not block lighting.
- Market Place containers do not look attractive.

SUPPORT

- New toilet block and carpark improvements much needed.
- Gaps in bund allow for pedestrian to move freely.

- Removal of rotten fencing positive.
- More needed for youngsters, will be great improvement.
- Many in favour of scheme.

GENERAL COMMENTS

- 104 additional net car parking spaces incorrectly referenced within documents, there is only a gain of 10 spaces.
- Manhole next to proposed entrance to carpark, unsure if this is featured within design.
- Proposed entrance to carpark is often busy with illegally parked cars, can this be resolved in this application?
- Could a wall preventing stones from sea front be added to the scheme?
- Could additional disabled spaces be added to the northern end of the car park.
- Are motorcycle spaces provided?
- Is weight limit of overflow car park being considered?
- Accesses through bund need to be increased or protected from being blocked.
- Better signage for car park needed.

COMMENTS ON REPRESENTATIONS RECEIVED:

Planning concerns will be addressed in the report below. Many of the general comments are relate to queries rather than observations, some of which are outside the scope of this application.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

PARKS AND LANDSCAPE - Support.

- The proposals have the potential to provide significant improvement to the location by enhancing and updating existing features, wellbeing, greening of site and biodiversity.
- Biodiversity net gain is achieved.
- Planting should be of a size to give instant impact.
- Clear management of the site post development must be ensured.
- The proposal offers an exciting modern scheme with an opportunity to enhance and improve the recreation offer in this location with play, improved accessibility and modernised facilities.

ENVIRONMENTAL HEALTH - Comments awaited.

WSSC LEAD LOCAL FLOOD AUTHORITY (LLFA) - Objection

- The FRA and Drainage Strategy is not in accordance with the NPPF, PPG Flood Risk and Coastal Change, Arun Local Planning or the LLFA SuDS principles.
- A complete set of hydraulic calculations are required to represent the full network. FEH Rainfall Modelling and correct input parameters to be included.
- The current inadequate level of supporting information for this application infers that flood risk may increase elsewhere, upstream, or downstream from the site areas and general vicinity.

ENGLISH NATURE - No objection.

ENVIRONMENT AGENCY - Comments awaited.

WSSC HIGHWAYS - Advice with conditions suggested.

- Scheme creates more accessible pedestrian route to Activity Hub.

- Taxi point and disabled parking bays also well located for ease of movement.
- The new entrance point will require a highway licence to accommodate the works on the public highway.
- The new layout has sufficient space to allow vehicles to turn within the access roads and areas provided.
- The entrance and exit points will be reversed from the current arrangement, to reducing queues coming in from South Terrace and to improve circulation within the car park.
- Height barriers will be retained/relocated to avoid heavy vehicles from entering the car park.
- The proposal will not have severe impacts on the highways network.

NATIONAL HIGHWAYS - No objection.

ECOLOGY OFFICER - Advice with conditions suggested.

- Accord with findings of ecological assessments.
- A Biodiversity net gain is achieved.
- The proposed soft landscaping and tree species are good and will provide opportunities for biodiversity and enhanced contact with nature.
- The lines of trees along the car park could be sunken to create rain gardens and the buildings could have lightweight green roofs installed.
- The management and monitoring report is fine but only runs for 5 years.
- Consideration should be given to retaining islands of meadow habitat for overwintering invertebrates and leaving some shrub areas un-mulched so native flora can establish.

SOUTH DOWNS NATIONAL PARK - No comments to make.

SOUTHERN WATER - Advice.

- Various design guidance provided.
- Licenses may be required for new connections to the sewer network.

ARCHEOLOGICAL ADVISOR - Advice with conditions suggested.

- Agree with findings of Historic Environment Assessment.

CONSERVATION OFFICER - No harm to the setting of the heritage assets.

- Works will impact setting of Listed Buildings, Conservation Area, Locally Listed Buildings (LLB) and Oyster Pond.
- Views from the Listed Buildings, Conservation Area and LLB over the greensward.
- Greensward allows appreciation of architecture of South Terrace and heritage assets.
- LLBs have historical links with site in that they acted as bordering houses for tourism trade.
- Car park does not form part of the positive setting of heritage assets.
- Proposal offers extensive greening of site.
- Formalisation of site is in character, as existing uses of site have historically been linked to seaside location.

SPORTS ENGLAND - Advice

- Consideration needs to be had to any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted, conditions and informatives are proposed in response to the suggestions made, where appropriate.

POLICY CONTEXT

Designation applicable to site:
 Outside Built-up Area Boundary
 Flood Zone 3
 Article 4 Land
 2km Buffer SSSI

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
EMPSP1	EMP SP1 Strategic Economic Growth
EMPSP2	EMP SP2 Economic Growth Areas
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERDM4	HER DM4 Areas of Character
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
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

[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

OTHER STATUTORY PLANS[South Inshore and South Offshore Marine Plan 2018:](#)

South Marine Plan Policy S-ACC-1

South Marine Plan Policy S-BIO-2

South Marine Plan Policy S-HER-1

South Marine Plan Policy S-ML-1
 South Marine Plan Policy S-SOC-1
 South Marine Plan Policy S-SCP-1
 South Marine Plan Policy S-TR-1
 South Marine Plan Policy S-TR-2

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that the proposed landscape led approach will greatly improve the amenity offering of the area, promote health and wellbeing and tourism for the area and enhance biodiversity and access to nature on site. The provision of new concession stands will also provide economic benefits for the local area. Overall, the proposal accords the 3 overarching aims of the NPPF by achieving social, environmental and economic gains.

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

Material considerations including the significant benefits arising from increased tourism in the area and economic gains made are discussed in the conclusions section of this report.

CONCLUSIONS

PRINCIPLE

The site is located to the edge of the Built-up Area Boundary (BUAB). However, it is acknowledged that it is well connected to the BUAB by its northern boundary. Policy C SP1 of the Arun Local Plan (ALP) is pertinent to countryside development and recognises countryside locations for their 'intrinsic character' and sets out criteria where it will be permitted, in this instance part (f) is of relevance as it states development can be permitted where it is in accordance with other policies in the plan.

The aim of the project is to renovate landscaping in the public open space, provide community facilities and upgrade concession offerings to 'attract a higher level of visitor numbers and stimulate economic growth in the area.' As such policies pertinent to this aim are EMP SP1 - Strategic Economic Growth, EMP SP2 - Economic Growth Areas, TOU DM1 - Tourism related development and OSR DM1 - Open Space and Recreation. Should the proposed development fully accord with the criteria set out in any of these policies then it will, in turn, accord with the criteria of Policy C SP1 (f).

Policy EMP SP1 seeks to promote sustainable growth, meet regeneration needs within the district's main towns and increase attractiveness of the coastal market area, by (a) promoting regeneration in town centres as the focus for leisure development in Littlehampton and (g) supporting and promoting a high-quality visitor economy. Policy EMP SP2 of the ALP states that the Council will seek opportunities to enhance local employment prospects within the Littlehampton Growth Area (LGA), the site is situated within this area. The growth areas seek to support delivery of appropriately scaled development with an aim to promote vitality, viability and regeneration of the area. Particularly within the LGA, proposals which accord with other policies in the plan will be encouraged if they safeguard the Harbour, address flood risk and contaminated land and conserve nature. Development is encouraged to provide and enhance commercial and leisure activities to increase the vitality of the town centre whilst maintaining appropriate levels of town centre parking.

The proposed development will be situated to the east of the river's mouth, as such there will be no direct impact on the Harbour or its day to day running operations.

Despite the site's location outside of the BUAB, it is well connected with Littlehampton's town centre. The proposal seeks to increase the offerings of leisure, play and commercial opportunities on site. This aligns with both policies' aims of increasing economic productivity via regeneration and provision of enhanced leisure facilities, in the town's focal point for touristic activities which also forms part of the LGA.

Policy TOU DM1 supports proposals which attract visitors provided that they are (a) in accessible locations, (b) are accompanied by a travel plan, (c) address visitor management issues and (d) achieve good design. Tourism development outside the BUAB, should generally be small scale and related to quiet informal recreation, however facilities may also be considered appropriate where they are associated with a specific feature or location. In all cases development must demonstrate that it is compatible with the countryside and has been designed to minimise its potential impact. In the preamble for the policy para. 10.1.4 recognises the focus of Littlehampton's tourism trade to be the harbour and seafront areas.

Policy OSR DM1 states development on existing public open spaces will be supported only when (c) the development is for an alternative open space, community or cultural provision, the need of which needs to clearly outweigh the loss. The existing site is an open area suitable for low impact recreation activities and includes a mini-golf course, BBQ, and seating areas. The proposal seeks to formalise this area of public open space, which will result in a greater intensity of uses and is seen as an efficient use of the site. It is acknowledged that the form of the public open space will alter, however this proposal is for the

renovation of the amenities on site, rather than for the loss of such an area. The significant economical and tourism benefits as highlighted above provides justification for the need, which clearly outweighs any impact on the open character of the area.

The proposal is in accordance with Policy OSR DM1 of the ALP.

CONCLUSION OF MATTERS OF PRINCIPLE

The proposal to redevelop existing public amenities and the enhance provision of leisure facilities within the LGA, which is a sustainably located site immediately to the south of Littlehampton's town centre, accords with policies EMP SP1, EMP SP2, TOU DM1 and OSR DM1 of the ALP. The proposal will have a positive impact on the town by increasing leisure offerings for both local people and tourists which in turn will benefit the local economy. This aligns with social and economic objectives of the NPPF. Other matters also requiring assessment as part of these policies relating to flood risk, contamination, biodiversity, parking and general design matters will be discussed below.

MARINE PLAN

The site is immediately adjacent north to the foreshore. The relevant policies of the Marine Plan as listed in the policies section 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 minimise disturbance of the seascape, Heritage Assets, and minimise litter. Proposals will be supported where they promote tourism based activities. However, they should ensure they demonstrate that an increase to tourism will avoid and minimise harm and maintain public access to the marine area.

The proposals offer increased tourism and recreational opportunities which will aid in diversification of the marine environment. Despite small encroachments in the open setting of the landscape, the minimal harm incurred is significantly outweighed by the social, environmental and economic gains made. Bins are provided to contain litter and public access to the shore is retained in its current format.

The proposal accords with the relevant policies of the Marine Plan.

CHARACTER AND APPEARANCE

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art and Scale.

Part H of the ADG requires that all development should enhance the provision and quality of community and leisure facilities. This proposal will greatly improve the quality of leisure facilities for Littlehampton Seafrost.

The existing character of the area is of low-density open space with parking provision (West Green Car Park) to the west of the site, with open green amenity grassland with street furniture to the east and south of the site. Urban form decreases from west to east. The site's existing facilities include the car park, WCs, Windmill Entertainment Centre, a restaurant (closed due to fire damage), Coastguard's building and Foreshore building, concession kiosks, a picnic area and public use BBQs and the 'Stage by the Sea'. The site includes 2 no. existing highways; Windmill Road to the western boundary of site, and Banjo Road to the eastern boundary of site. Windmill Road features the current exit from the car park and vehicular and emergency access to Harbour Park and facilities beyond. Banjo Road provides coach parking. There is a north-south pedestrian path running from South Terrace through the amenity grassland exiting onto the promenade. Other formally laid out paths run in and around the built form on site, otherwise pedestrian access around site is predominately freely accessible but accentuated and in cases impeded by various low level timber knee rails framing certain areas e.g. car park, highway edges.

There is a mix of styles of existing buildings in the location, both pitched and flat roof designs as well as single and double storey buildings. Predominant material finishes are brick, render, colourful weatherboard and metal cladding. No wholesale redevelopment of the area has occurred for some years, and this has impacted the quality of the existing amenity provision and its visual appearance. As such, the area will benefit from significant renovation. From external positions, especially from South Terrace, there is little to suggest that there are already various amenity and touristic provisions in this location, this is considered a missed opportunity, one which this holistic proposal could readily alter.

The replacement WC block is to be a single storey elongated structure with curved elevations to the north and south, it is reflective of the existing concession building directly to the south, it will also feature a bright array of colours with the design taking inspiration from colourful beach huts. The toilets provide a colourful enhancement, reflective of seaside locations and existing structural form, which is seen as a positive enhancement over that of the existing utilitarian building. The proposed foreshore building has taken a different design direction. It is noted that the building is to be vertically timber clad (natural finish), taking inspiration from other seafront buildings. The foreshore building, acts as a transitional structure, linking the urban structures to the west with the naturalistic landscaping encompassing the Activity Hub to the east. The footprint of the proposed buildings is appropriate for their intended use, the overall height of the foreshore building is 5.2m and toilet block is 3.1m. The overall scale is comparable to existing buildings on site.

The new concession stands will be located to the far east of the site, to the south of Banjo Road and north of the Stage by the Sea. It is proposed that the stands will be converted storage containers. The containers are small in scale and provide adaptable space for their intended occupants. The containers would be visible from the foreshore, however views from South Terrace are expected to be largely obscured by the coach parking and the considerable amount of landscaping proposed for the area. By resurfacing Banjo Road and providing a turning head rather than a small roundabout turning area, the space can be better utilised for pop-up events. This multifunctional area is an efficient use of this part of the site and upgrades the form and functionality of the existing Stage by the Sea. The proposed layout of the concession stands and Market Place area offers good permeability through the area and good visibility of the ordering points, from different locations on the Promenade and adjacent land.

It is proposed to implement a new water play area permeating in the centrally located Activity Hub. Other activities available include climbing equipment, petanque area, volleyball court and basketball area. The new and extensive landscaping and gardens will also offer a good variety of areas to rest and dwell for both individuals and larger groups. As the proposal has a landscape led approach, these areas are well integrated into the landscape and well screened from the car park. A planted bund will also protect users from prevailing winds and partially enclose the site providing comfort to its users. This semi-formal area will successfully link the built form of the western side of the site with the proposed offerings to the east.

The proposal includes extensive new landscaping, including trees to site, providing natural backdrop to other informal hard landscaping (water rills and pools) and more formal landscape and street furniture. Additional planting is proposed to the western and eastern side of the car park. Whilst this will not completely obscure the car park and recede its dominance over the South Terrace street scene and improve views from the highway, it is acknowledged that complete screening of the car park is neither feasible nor practical for safety reasons. Street furniture (lamps and railings) have been chosen which match in design and specification with the newly renovated and adjacent Pier Road riverside development.

In terms of character and appearance, the proposed scheme will greatly improve the areas offering in terms of leisure facilities in accordance with Part H of the ADG. It will increase the amenity offerings of an area already accommodating typical seaside activities. No significant harm will arise as its bulk is small in

scale or well related to the established built form and hard landscaping features, with architectural cues being taken from the existing site and other seaside locations. The proposal offers good permeability through the site. In these respects, the proposal accords with Policy D DM1 of the ALP.

RESIDENTIAL AMENITY

Policy QE SP1 of the ALP sets out criteria for which generally seeks to minimise the impact of the proposal on its neighbours and the locality and enhance the quality of its environment. Policy QE DM2 seeks to control outside lighting schemes to prevent adverse impact on neighbours, are appropriately necessary for security and safety and are powered by renewable sources.

The area is already used by different business to offer leisure and tourism opportunities. The nearest residential neighbours to the site are located approx. 150m to the north of site. Given the scale and position away from residents, it will not be overbearing or impact the privacy of the residential dwellings.

Lighting ranges from lighting columns to match Pier Road, 380mm square lighting bollards and 4m LED streetlamps. 11 lighting columns, design to ADC lighting standards, are positioned in the car park. Bollards will be used to light the main walkways through site, north/south routes and east/west. Lighting of the car park and main routes has been kept to a minimum to ensure safety of users, without being detrimental to the wider area. A lighting scheme has been provided, demonstrating that light levels do not overspill the site, towards the properties in South Terrace or foreshore. The promenade and highway lighting remains as existing. This will make significant improvements to public safety after dark.

Comments have been received stating that harm will occur to the amenity of residents on South Terrace and harm to businesses due to the loss of views. Whilst outlook and the development's potential to be overbearing and have a negative impact to residents privacy are a planning concern, views or are not protected. Saying that, given the significant distances involved, significant greening of the area and the fact that the character of the proposal maintains the sense of place, as mentioned within the character and heritage assessments, there will be no material harm caused in this regard.

During the pre-application stage, Environmental Health suggested various conditions relating to contamination, asbestos, lighting, working hours, Electric Vehicle (EV) charging points, site deliveries and noise, water sampling and extraction. Of the suggested conditions, the conditions relating to contamination and noise are deemed unnecessary as the site has historically been open amenity/coastal area and its existing use is one of amenity provision. It is recommended that an asbestos survey is undertaken prior to demolition of the toilet block to ensure the health and wellbeing of operatives is not negatively impacted. EV chargers are considered during the discussion of Highways and Parking. Other matters are suitable to condition to maintain the favourable condition of the site during the construction and operation phases such as they will not negatively impact neighbouring residents.

Subject to conditions, the proposal would not negatively impact neighbouring residents and will enhance the quality of their environment in accordance with Policy QE SP1 of the ALP.

HEALTH AND WELLBEING

Policy HWB SP1 states that development shall be designed to maximise the contribution it can make to promoting healthy communities and reducing health inequalities, it can do this by (a) contribution to infrastructure to encourage exercise, sports and recreation facilities, (b) providing mixed use facilities and (c) ensuring that provisions are accessible to all.

The proposed development makes provision of play and sports services which will be safe and fully accessible for all. New surfaces will be of a width and construction not to impede movement of physically disabled persons, allowing new and significant movement where previous low-level barriers prevented easy access. New lighting will make the area safer during darker hours, with pedestrian access through

the car park being carefully considered and designed for.

The new toilet building includes 24 standard cubicles and 10 cubicles for disabled persons or family units. Urinals and external showers are also provided. There is a net increase in toilets provided. The externally accessed cubicles allow for greater safety for users, whilst the large roof overhang and benches allow for waiting group members. Comments received note the inward opening doors of the ambulant cubicles, this is appropriate, disabled/family cubicles have outward opening doors for ease of use. The proposed WC building is considered a significant improvement on current facilities.

The proposal will significantly enhance the play and leisure amenities of the area with a scheme designed for all abilities and age groups. The proposal will bring about significant benefits to the health and wellbeing of Littlehampton residents in accordance with policy HWB SP1 of the ALP. It has also been designed to be in accordance with the good practice guide for Public Open Space, Playing Pitches and Built Facilities SPD.

HERITAGE

Policy HER DM1 relates to Listed Buildings and states that proposals must protect, preserve and if possible, enhance the historic character and integrity of the building. Policy HER DM3 relates to conservation areas and state that proposals must protect and if possible, enhance the setting of each.

Policies HER DM4 - Areas of Character (AOC) and HER DM2 - Locally Listed Buildings (LLB) states permission will be granted subject to the retention of defining features, the retention of the mix of uses of an area, and the preservation and enhancement of the special character of these areas. Proposals are expected to respect the setting of LLB including their architectural, landscape and historic interest.

Paragraph 194 of the NPPF requires the Local Planning Authority (LPA) to ensure the applicant/agent describes the significance of the heritage asset affected by a proposed development. The Applicant has identified that there are no heritage assets within the site, however within a 500m radius there are a total of 36 Listed Buildings, 3 Conservation Areas and 1 Scheduled Monument. Of most influence is the Littlehampton Seafront Conservation Area which sits approx. 50m north-east of site. Within this area is the largest proliferation of Listed Buildings. To the west, on the western riverbank is Littlehampton Fort, a scheduled monument approx. 200m away. Immediately opposite the site nos. 82-95, 57-76 and 48-55 South Terrace are non-designated Locally Listed Buildings as is the Oyster Pond to the west of site. The site sits within an Archaeological Notification Area. In terms of this report, given the significant distances and existing structures between site, the Scheduled Monument is discounted, as the proposal will not harm it or its setting.

The open amenity greensward forms part of the setting of various LLBs (nos. 48-95 South Terrace) and the South Terrace Area of Character (AOC). The significance of the area is derived largely from the aesthetic value as a group of 'designed middle class dwellings and boarding houses', which were designed to appreciate the views of the greenspace and the sea. Whilst the relationship between the houses/area can still be appreciated, the existing car park and overflow car park have eroded that view somewhat. The Oyster Pond forms part of the setting of the AOC. The asset's significance is derived from its historical illustrative and aesthetic value.

Views from the sea facing parts of the Conservation Area towards the site are already partially obscured by Beach Crescent and whilst there will be a change in outlook to other buildings such as those located within the AOC, the change is considered minimal. The increase in activity is of a character associated with its seaside location and includes good levels of screening. The existing car park is of poor quality and does not form a positive part of the setting of the AOC or Oyster Pond. The proposal offers means to formalise and improve on the existing car park arrangements and includes the introduction of new materials and high-quality planting and screening. The proposed grasscrete to the overflow carpark will

provide a good balance of hard surface to green area.

A landscape led approach is the best approach as this would allow the important, open space to retain some of its historic 'green' character. It is therefore positive to note that the intention is to introduce a significant amount of landscaping, especially soft landscaping. Other views out from the non-designated heritage assets towards the site will overlook the proposal, it is worth remembering that the southern part of the site would be some distance away and there is significant vegetation which will help to soften and screen some of the new development. The proposal will not change the relationship between the LLBs or AOC and the open green space and the beach. The architectural value of individual houses and their composition as a group will not be changed by the proposed development. Therefore, on balance, no harm is thought to arise to these assets.

The proposed development would result in no harm to the setting of the heritage assets, and therefore not harm their significance, as such they fall to be determined in accordance with other policies in the Plan.

The proposal does not impact the architectural merits of the Conservation Area, Listed Buildings, AOC or LLB. The proposal, despite intensifying and formalising the site, enhances a use already found in the area. The good levels of planting and high-quality materials will have a positive impact on views deemed to be negative to the heritage assets. It has been demonstrated that the AOC and LLB are historically and architecturally linked with the seafront and its historical offerings as a seaside resort, this proposal will enhance and re-establish these links. The proposal accords with policies HER DM1, HER DM2, HER DM3 and HER DM4 of the ALP and the NPPF.

TREES AND LANDSCAPING

Policy ENV DM4 of ALP relates to the protection and enhancement of biodiversity and the protection of trees. Development shall be sympathetic to, and incorporate, valued habitats and seek a net gain in biodiversity. Where trees are found on a development site developers shall take a comprehensive view of tree issues at the outset of a development.

A Landscape Strategy, Arboricultural Impact Assessment (AIA) Tree Strategy Plan and Tree Removal Plan have been included in this submission. 8 trees are present on site, 6 of which are category B trees, 2 are category C, there are also 6 groups of category C trees and 1 category C hedge. There are no protected trees on site, as such the proposal is required to take a comprehensive view of the trees at an early stage in the design process. An Arboricultural Impact Assessment has been provided and it has detailed the need to remove 1 individual tree, 4 groups of trees and 1 hedge. Their amenity value is low, and their loss is not cause for concern, especially given the extensive replanting proposed. The AIA indicates that the root protection area (RPA) of 4 trees (T2, T3, T7, T8) will experience incursion by the proposed works. Appropriate strategies for working within the RPA of trees have been detailed, as such no harm to these trees is expected. A condition can ensure that works are implemented in accordance with the AIA.

The landscape features have been designed to provide places of rest, active spaces, shade and shelter from the elements and screening and a mixture of textures and finishes are proposed. Social spaces are included which can accommodate larger groups such as picnic lawns and gardens, and smaller spaces such as the sheltered seating areas. Robust materials are utilised for surfaces required to be hard wearing/primary routes through site with looser materials laid to secondary and tertiary routes. Materials have been chosen which closely fit with this seaside location and include bonded aggregates, pebbles of various sizes, concrete and bitumen. Soft landscaping has been chosen to provide year-round interest with robust native species forming a backdrop to the scheme. This will be beneficial as it will have a positive effect on biodiversity and lower maintenance.

The proposal has considered the existing trees which are low in number and of minor amenity value. Extensive new tree planting is proposed. The proposal accords with Policy ENV DM4 of the ALP.

BIODIVERSITY

Policies ENV DM3 and ENV DM5 of ALP relates to the protection and enhancement of biodiversity. Development shall be sympathetic to and incorporate valued habitats and seek a net gain in biodiversity. An Ecological Appraisal has been submitted with the application.

The site predominantly features highly trodden amenity grassland and hardstanding/built form. Potential notable species including bats, reptiles and nesting birds are expected to frequent the site. The toilets have a moderate potential for roosting bats, the building is to be demolished. Other buildings surrounding site have high or low potential. 3 trees to the northwest of the carpark have low potential. The trees are to be retained.

The proposal is not expected to result in a significant loss of habitat for bats, nesting birds or reptiles. Appropriate mitigation measures for the construction phase and long-term biodiversity net gain (BNG) are suggested and can be achieved in practice via conditional approval.

The proposal offers an exciting opportunity to provide increased greening of the area which will benefit wellbeing of users and will provide a biodiversity net gain. The BNG equates to 2.85 BNG habitat units which is an increase of 45.36% from the baseline units. A Landscape and Ecological Management Plan has been submitted indicating future management strategies of the site for its continued success, although it is acknowledged to only be for 5 years. This will need increasing to a minimum term of 30 years and can be secured by condition.

ADC's Parks and Landscape Department have indicated their support of the application, stating it is an exciting and modern scheme providing an opportunity to enhance and improve the recreation offer in this location with play, improved accessibility and modernised facilities'. No conditions have been suggested.

The proposal accords with Policy ENV DM5 as a BNG is achievable and can be conditioned to secure its implementation.

HIGHWAYS AND PARKING

Under the current proposal the parking capacity will not decrease, capacity will increase to the main car park with a gain of 10 spaces. A total of 17 disabled spaces are provided, which is an increase on previous levels. Coach parking is proposed to Banjo Road, the number of coach parking spaces will be reduced by 4 to 16 spaces. Consolidating all car parking to the existing car park area is an efficient use of the site. A taxi drop-off point and the disabled bays will all be located adjacent to the Activity Hub, allowing easy access to the facilities. Routes through the car park have been designed to prioritise pedestrian movements. The exit and entrance to the car park have been reversed, this is to prevent queuing on South Terrace during busy periods. The site is in a location well served by town centre facilities and public transport hubs.

Electric Vehicle (EV) charging spaces are also proposed within the main car park, with 8 EV bays provided. Given there is only a net gain of 10 spaces on site the provision of 8 EV charging points exceeds the 30% requirements set out in Arun's Parking Standards SPD and Part I of the ADG. 40 new cycle spaces are provided in Sheffield Cycle Stands.

Swept path analysis for a fire appliance and refuse truck has been provided demonstrating both can access the facilities and turn on site, leaving and entering Windmill Road in forward gear.

The parking provision on site remains at a similar level to the existing site, as such the amount of parking is appropriate. New green infrastructure including cycle parking, EV charging points and safe and direct pedestrian routes will be implemented. Policy T SP1 requires that development is designed to reduce the need for car travel, give priority to pedestrian and cycles, provide facilities to serve pedestrians and cyclist and be in areas well served by public transport. The scheme achieves this and accords with policy. Parking provision is retained at appropriate levels and WSCC Highways have no objections to the scheme stating that it will not severely impact the highways network, thus the proposal accords with Policy T DM2 of the ALP.

FLOODING

Policy W DM2 of the ALP states that development within areas at risk of flooding must meet the criteria (a)-(f) and be accompanied by a site-specific Flood risk Assessment (FRA). Policy W DM3 of the ALP requests that water capture and onsite storage of surface water is facilitated at an early stage in the design. Development must incorporate Sustainable Urban Drainage Systems (SUDs), which could include green roofs, permeable hard surfaces or water harvesting features.

Documents submitted have detailed areas at a high risk of flooding to the north of site from surface water flooding and running in pockets through the site from tidal inundation. The rest of the site is situated between low and medium risk. The site is classified as 'water compatible' development and the car park 'less vulnerable'. As the site is already at risk of tidal flooding (in part) and is used as an amenity space, no significant change is perceived. Accordingly, whilst the objection from the Lead Local Flood Authority is noted, and has been taken into account, it is not considered that a refusal on these grounds would be justified.

The proposals include permeable services and soft landscaping to attenuate surface water. The proposal will incorporate SUDs within the design, and details have been provided. ADC Drainage Engineers have not provided comment, but given the potential flood risk issues on site, historic surface water flooding on South Terrace, and the be greater amount of hard surface, surface water drainage needs to be carefully considered. A condition is recommended to ensure that the surface water design can be fully controlled.

Subject to condition the proposal accords with W DM3 of the ALP.

SUMMARY

The scheme offers clear opportunities to enhance the visual qualities and amenity provision for Littlehampton Seafront, with the social, environmental and economic benefits evident. Through complying in principle with policies EMP SP1, EMP SP2, TOU DM1 and OSR DM1, the proposal in turn accords with Policy C SP1(f). The proposal also accords with other policies in the plan relating to matters such as design and character, residential amenity, health and wellbeing, parking, flooding, heritage and biodiversity. Any minor negative impacts are significantly outweighed by the benefits. As such, this proposal is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Site Location Plan - Site Wide 12513-LD-PLN-001 P02
- General Arrangement - Site Wide 12513-LD-PLN-100 P05
- General Arrangement 1 of 4 - West Green Car Park 12513-LD-PLN-101 P05
- General Arrangement 2 of 4 - Banjo Road 12513-LD-PLN-102 P05
- General Arrangement 3 of 4 - Activity Hub (West) 12513-LD-PLN-103 P05
- General Arrangement 4 of 4 - Activity Hub (East) 12513-LD-PLN-104 P05
- Site Section Elevations 12513-LD-ELE-600 P02
- Proposed GA Floor and Roof Plans WC Building 230238-ACD-KKL-02-L0-DR-A-1420 P05
- Proposed Elevations WC Building 230238-ACD-KKL-02-L0-DR-A-1520 P04
- Proposed GA Floor Plan Foreshore Building 230238-ACD-KKL-01-L0-DR-A-1400 P05
- Proposed Roof Plan Foreshore Building 230238-ACD-KKL-01-L0-DR-A-1401 P05
- Proposed Elevations Foreshore Building 230238-ACD-KKL-01-L0-DR-A-1500 P05
- Proposed GA Floor and Roof Plan Concession Container Type 2 (20ft) 230238-ACD-KKL-03-L0-DR-A-1460 P04
- Proposed Elevations Concession Container Type 2 (20ft) 230238-ACD-KKL-03-L0-DR-A-1560 P03
- Proposed GA Floor and Roof Plan Concession Container Type 1 (15ft) 230238-ACD-KKL-03-L0-DR-A-1440 P03
- Proposed Elevations Concession Container Type 1 (15ft) 230238-ACD-KKL-03-L0-DR-A-1540 P03
- Proposed External Lighting Layout TDC23051-ALL-00-E-7020

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

- 3 The following measures for the mitigation of impact and enhancement of biodiversity, set out

in the Ecological Appraisal and Biodiversity Net Gain Assessments, shall be implemented in full prior to the new development being first brought into use or in accordance with the timetable detailed in the approved scheme.

To include nest boxes, bat boxes, scrub planting, meadow planting, ornamental planting and tree planting.

Reasons: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: ENV SP1 and ENV DM5 of the Arun Local Plan.

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

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures for a minimum of 25-year period.

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.

Reasons: 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 Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and Arun Local Plan policy ENV DM5.

- 5 Prior to the occupation of the new development, the applicant or developer shall provide electric vehicle charge points to serve the parking spaces associated with the approved use in accordance with the approved plan General Arrangement 1 of 4 - West Green Car Park 12513-LD-PLN-101 P05. 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.

- 6 Landscaping (hard and soft) shall be carried out in accordance with the details shown on plans Planting Strategy TBLA-003-LAS-002 P01, Tree Strategy TBLA-003-LAS-001 P01, and General Arrangement - Site Wide 12513-LD-PLN-100 P05.

All planting, seeding or turfing comprised in the approved details shall be carried out in the first

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

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

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

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because otherwise the disturbance of earth could harm important deposits.

- 8 No part of the development shall be first occupied until the cycle parking spaces have been provided in accordance with drawing 'General Arrangement - Site Wide 12513-LD-PLN-100 P05.' The spaces so provided shall be retained in perpetuity.

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

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

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

- 10 No development, including site access, demolition or associated construction activities shall commence unless and until all the existing trees/bushes/hedges to be retained on the site have been protected in accordance with the approved Arboricultural Impact Assessment dated 26 September 2023. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed in writing by the Local Planning Authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would

be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with Arun Local Plan policy ENV DM4. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 11 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;

- proposed construction hours,
- 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 and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- the prevention of deliveries at the site during school drop-off and pick-up time (generally 0800-0900 and 1430-1530),
- access arrangements from the public highway, including temporary accesses and alterations to existing accesses,
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with T SP1

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

- 13 INFORMATIVE: 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.

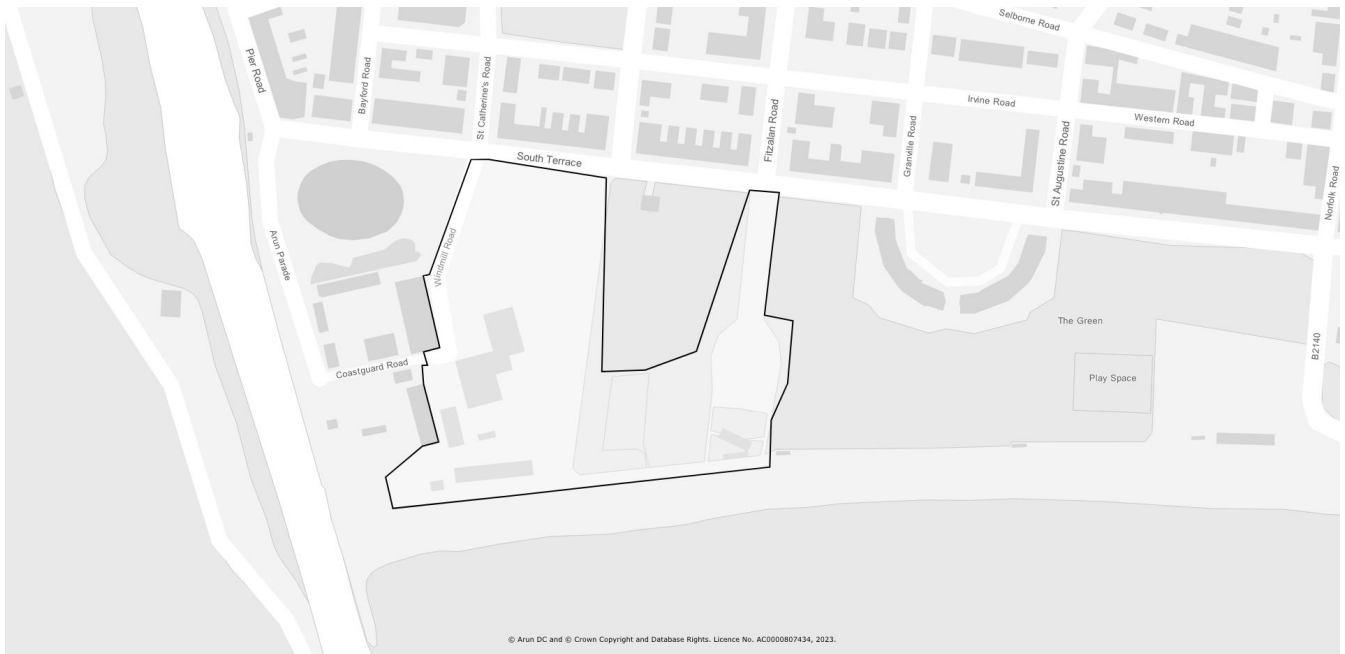
In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided. Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the 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'.

- 14 INFORMATIVE: The applicant is advised that the proposed use of 'Pop-up Market Place' may require a license, such as but not limited to a Public Entertainment License or Street Trading License. For further information, please contact environmental.health@arun.gov.uk or 01903 737755.
- 15 INFORMATIVE: The applicant is reminded of the need 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.
- 16 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 17 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 18 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>.

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](#).

LU/246/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: WA/67/23/PL

LOCATION: Land at West Walberton Lane
Walberton
Arundel
BN18 0QF

PROPOSAL: Construction of 25 No dwellings together with associated access from Eastergate Lane, parking, public open space and landscaping (resubmission following WA/32/21/PL). This application may affect the setting of listed buildings, may affect the character and appearance of the Walberton Green Conservation Area, is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks permission for residential development comprising 25 no. dwellings together with access from Eastergate Lane, parking, open space and landscaping. 30% affordable housing is proposed.

SITE AREA 1.5 ha

RESIDENTIAL DEVELOPMENT DENSITY (NET) 27 dph

TREES There are a number of trees along the site boundaries, particularly to the east, that are protected by the Conservation Area and Tree Preservation Orders (TPOs).

BOUNDARY TREATMENT The western boundary of the site is defined by mature hedgerow and trees, beyond which are open paddocks divided into fields. There are a number of trees along the site boundaries, particularly to the east, that are protected by the Conservation Area and Tree Preservation Orders (TPOs).

SITE CHARACTERISTICS The site is on the western edge of Walberton village. The site, which is irregular in shape, comprises land between West Walberton Lane to the north and Eastergate Road to the south.

The site is bounded by residential development to the north and south, with Walberton Green to the east where the northern parcel comprises of an open lawned area whilst the southern parcel is a pond surrounded by mature trees. The Green forms an important part of the Conservation Area in this location framed by residential development. The site's western boundary is defined by mature hedgerow and trees, beyond which are open fields split into paddocks. The site is pasture with enclosure due to trees and hedgerow boundaries.

The site edged in red lies in flood Zone 1, the adjoining land to the south west, edged in blue, is in flood zones 2 and 3.

The site adjoins Walberton Green and is less than 500m to the centre of the village to the east. The site benefits from links with local footpaths and bridleways, as well as a local cycle route that runs along West Walberton Lane, around Walberton Green and along Eastergate Lane, before connecting with the dedicated cycle route from Eastergate Lane, opposite the southern boundary of the site.

CHARACTER OF LOCALITY

The site is adjacent to the built up area boundary of Walberton in an open countryside setting, visually separate from the village with far ranging views across open countryside.

Walberton Green is to the east of the site where the closest parcel comprises a large area of open lawn, whilst the neighbouring parcel contains a pond which is surrounded with mature trees. The Green forms an important part of the Conservation Area and creates a semi rural character.

RELEVANT SITE HISTORY

WA/32/21/PL Construction of 30 No. dwellings together with associated Refused access, parking, public open space & landscaping. This 26-07-21 site may affect the setting of listed buildings, affects the character & appearance of the Walberton Green Conservation Area, is a Departure from the Development Plan & is in CIL Zone 3 & is CIL Liable as new dwellings.

**Appeal: Dismissed
25-08-22**

REPRESENTATIONS

Walberton Parish Council objects to the proposal with their concerns summarised as points below:

- The site is not part of the 2020 Walberton Neighbourhood Development Plan.
- The site was submitted when a call for sites was made but was rejected by residents in 2016.
- The parish has exceeded its required allocation of 60 dwellings in its Plan.
- The site affects the setting of the conservation area.
- The site was listed in the HELAA as Not Developable.
- The development is on a green field outside the Walberton built up area boundary.
- The site does not provide sufficient Biodiversity Net Gain.
- Construction activity, lighting and general usage of the site will adversely impact the bat population.
- The site impacts a key Biodiversity corridor.
- The northwestern part of the site is within the SDNPA HRA buffer.
- Some parts of the site are in flood zones 2 and 3.
- The ADC SFRA map shows medium risk of ground water flooding.
- The scheme does not aim to reduce the overall level of flood risk.
- The development has watercourses passing through it.

- Runoff water from the site may pollute the pond.
- Results in a cumulative increased burden on the sewerage system.
- Should development be consented we would expect a S106 contribution to fund the dredging of the pond to provide increased capacity and to reduce the risk of flooding.
- There has been two collisions since 2021 at the junction of Eastergate Lane and Fontwell Avenue.
- Traffic counts made in September 2020 were lower than normal due to Covid 19 pandemic. This data is considerably out of date.
- Trip generation calculation for 25 dwellings seems a little low. Given the 2011 census shows that Walberton parish has almost double the average car ownership.
- This development increases the amount of traffic that will use the Fontwell roundabouts.
- There is minimal public transport in the immediate locality.
- Eastergate Lane has a 40 mph speed limit at the proposed access point with limited visibility both west and east. The Transport Assessment acknowledges that there is a risk of accidents at the access point because of this.
- West Sussex is short of school places with many schools being oversubscribed and overcrowded.
- There are already pressures on local healthcare facilities. Increasing these further with a development of this scale is not sustainable. Should consent be granted we would expect a S106 contribution to be requested from the developer to fund the extra ongoing staffing and facilities required.

73 letters of objection. Multiple objections submitted under one address count as one comment. The main points of concern raised include:

- Outside of the built up area boundary.
- This development is on a green field site.
- Earlier proposal for development has been rejected by Arun DC and on appeal. It was a site rejected to by residents in 2016 and thus does not appear in the Walberton NP.
- The site is not part of the Walberton Neighbourhood Plan.
- It is not in accordance with any of the countryside policies of the various Local Plans.
- These houses are not needed.
- This NP process is of little value if developers and planners override these plans.
- The 6 local villages in this area have seen a significant increase in new housing and Walberton already has under active construction more than 575 dwellings relative to the existing number of 875 dwellings.
- The parish has already exceeded the 60 dwellings required.
- The proposed site is in an area extremely liable to flooding.
- There is a danger of flooding in the area around the pond and this will cause further issues.
- Planning Inspectorate refused to permit development due to flooding concerns. These concerns have not in any way been alleviated.
- The sewage system is unable to cope with the current load much less any greater load.
- The ground water monitoring has been completed incorrectly and the risk not correctly identified.
- The EA have reaffirmed their objection given the risk of flooding in the area.
- Flooding is an increasing problem in the area, although it is unlikely to affect the houses built along the top of this site it will almost certainly increase the risk of flooding for housing on Eastergate Lane which has flooded several times in recent years.
- Since the original application, the flooding situation has deteriorated.
- It is a shame that the applicants civil engineer chose not to consult with residents adjacent to the site over their experiences of flooding.
- Actually flooding indicates a one in eight year risk of flooding at the site.
- Lack of improvements to infrastructure to support development, i.e. school places, drainage, doctor surgery capacity, etc.
- This development increases the amount of traffic that will use the Fontwell roundabouts.
- West Sussex is already short of school places. A development of this scale will put more pressure on already overloaded services.

- Infrastructure cannot support any more new builds.
- West Walberton Lane is severely threatened by the National Highways A27 proposal and this application is therefore premature.
- The site suffers from very poor mobile phone connectivity. If this application is approved, the developers should be required to install a 5G mast to provide connectivity.
- Detract from the Conservation Area.
- Affects calm of village pond and green.
- Paragraph 5.47 of the Built Heritage Statement states that the trees and hedgerows on West Walberton Lane obstruct views into the site. This is highly misleading.
- The height of the houses will give intrusive views into the homes/gardens of buildings opposite.
- The proposed designs have few discernible design features. Their boxy appearance and garish red brick will clash with the houses opposite them in West Walberton Lane.
- The site is frequented by bats.
- The site impacts a key biodiversity corridor.
- Wild birds from the pond, mostly Mallard often nest in that field, requiring local residents to put up notices 'baby ducks crossing' or similar. That would certainly be lost with development.
- Having homes built with a junction so close to the cycle path entrance is not safe on an already unsafe road.
- Roads in the area have no footpaths.
- The calculation for increase in traffic is grossly underestimated.
- The small lanes in the area cannot cope with the additional traffic that this will bring.
- The development accessing Eastergate Lane would attract more traffic using local lanes and West Walberton Lane so there is a need to make sure these will be safe for all users.
- Object to the position of the development entrance. There is a notorious blind bend to the east and this stretch of road is a 40 mph zone.
- The site plan is misleading excluding the blue line area which floods. Surely the site refers to the whole application.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council and third party comments are noted and will be addressed in the Conclusions section, where they relate to material planning matters.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ARCHAEOLOGY: - Although there appear to be no archaeological sites in the vicinity an area such as this on the coastal plain adjacent to an ancient water course should be expected to contain deposits of interest associated with early settlement that might be destroyed by the development. It would be appropriate to require that the archaeological potential of the site be evaluated by trial trenching ahead of development in order to ensure that the significance of anything of interest identified might be properly conserved. This process should be secured by condition.

ARUN DISTRICT CONSERVATION AREA ADVISORY PANEL: - It is considered difficult to see, despite the arguments in the planning statement how a reduction in the number of units by five can overcome the Inspector's view relating to the last application that residential development on the site would cause limited harm to the setting of the Walberton Green Conservation Area, through suburbanising its low density character. He considered that whilst the harm would be less than significant the public benefits accruing from the scheme would not outweigh that harm.

The panels view is that there is not only a suburbanising effect on the setting of the conservation area but also the rural character of the roads entering it from the west adding to the detrimental effect.

Should the Council be minded to grant permission given the sensitivity of the site it is essential that high quality materials, finishes and detailing are required for the new buildings, the design of some perhaps needing improvement. The plain tiles mentioned need to be clay and not concrete, any slates need to be natural. The panel consider that PVCU fenestration is not appropriate. Painted timber or second best, powder coated aluminium windows with traditional opening mechanisms should be required.

CONSERVATION OFFICER: - In assessing the previous scheme, the Inspector concluded "that the development would cause some limited harm to the setting of the Walberton Green Conservation Area through suburbanising its low density character, but that harm would be less than significant.

It is noted that in paragraph 5.69 of the heritage statement that "in light of the Inspector's decision and the revised scheme, the development proposals would cause only very minor, less than substantial harm to the significance of the Walberton Green conservation Area through change to its setting. This would equate to harm at the lowermost end of the broad less than substantial harm spectrum".

The impact of the development would result in some harm to the setting of the designated heritage asset, and harm its significance. This can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF. You will also need to consider the public benefits that the development may achieve as part of your assessment of the application, along with the contents of the Planning (Listed buildings and Conservation Areas) Act 1990 (as amended).

ADC DRAINAGE - No objection subject to conditions requiring submission and approval of detailed drainage strategy, discharge into the watercourse, maintenance and management of the surface water drainage system and submission for a completion report for surface water drainage.

ENVIRONMENT AGENCY: - No objection subject to condition to ensure no development in the floodplain.

ENVIRONMENTAL HEALTH: - Having reviewed the revised 'Combined Desk Study and Interpretative Site Investigation Report with Remedial Strategy Proposals' report, produced by Forge Environmental Management Limited (Ref: WAL168.D/DSSI/001 Rev. 3) dated 18 September 2023, I am satisfied that our previous comments have been addressed. I recommend replacing the full contaminated land condition recommended in the original response with the following 'precautionary' condition, in case any contaminated material is identified during the development.

NATIONAL HIGHWAYS: - No objection. The proposal would not materially affect the safety, reliability and/or operation of the strategic road network.

NATURAL ENGLAND: - No objection. Based on the plans submitted, Natural England considers the development will not have significant adverse impacts on statutorily protected nature consideration sites.

SUSSEX POLICE: - General comments received referring to guidance. The development should be designed to be secured by Design Standards. The orientation of the dwellings will ensure that all publicly accessible areas benefit from overlooking and good natural surveillance. Parking provision is primarily on plot, with car barns and allocated parking within parking courts along with the provision of 5 visitor spaces. Where communal parking occurs within the development it is important that they must be within view of an active room within the property. Where lighting is implemented it should conform to the recommendations within BS5489-1-2020.

LANDSCAPE AND GREENSPACE: - No objection on landscape grounds to the layout proposals, subject to full details of maintenance and management of open space being secured, a detailed landscaping scheme.

SOUTH DOWNS NATIONAL PARK AUTHORITY: Response received, no comments to make.

WSCC EDUCATION: - Objection. Developers are required to mitigate the impact of their proposed developments and, where appropriate, provide or make contributions towards site specific education provision where a specific need is identified arising from the impact of the development. School places are required in perpetuity to mitigate planned development.

Until such time that a new secondary school to meet Arun requirements in accordance with the Council's commitments is built and open to pupils, transport costs are required to mitigate the additional costs to transport pupils from Arun District, who were unsuccessful in securing a place at one of their preferred schools or catchment school, to access education places at an alternative secondary school within West Sussex. West Sussex County Council will seek a contribution from proposed developments towards funding the provision of home to school transport in accordance with the West Sussex home to school transport policy. This contribution seeks to cover the cost of providing new or additional transport, based upon 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.

WSCC HIGHWAYS (LHA): - Advice. Would be satisfied in principle subject to the Safety Auditor confirming acceptance to the Designers Response. Confirm that there would be no concerns with the development from a capacity perspective.

The LHA has reviewed the parking allocation submitted with the TS and is satisfied with the allocation of 63 parking spaces for cars throughout the development. In terms of layout the LHA would be satisfied with the turning facilities for vehicles in the development. Swept path diagrams have been included. LHA parking standards (September 2020) for 2021 dictate that 33% of spaces should be 'Active' in supporting EV Charging infrastructure, this should be included in the final allocation.

WSCC LOCAL LEAD FLOOD AUTHORITY (LLFA): - The applicant has sufficiently addressed our requirements and is in accordance with NPPF and local planning policy, No objection subject to conditions.

WSCC MINERALS & WASTE (MWPA): - Following the consultation response issued by the MWPA (22/08/2023), which requested the submission of a proportionate Minerals Resource Assessment (MRA), the applicant has provided a MRA which details that the site would not be suitable for the full prior extraction of the safeguarded mineral resource owed to the potential unacceptable impacts this would cause on the amenity of nearby residential receptors and the nearby conservation area. The MRA concludes that the applicant would support the decision to explore the incidental extraction of the safeguarded mineral during construction for reuse in the development, as appropriate.

While there is little assessment as to why the prior extraction of the mineral would result in the impacts anticipated, the MWPA is satisfied that the incidental approach to extraction would result in the potential use of the safeguarded mineral in the site, as appropriate. Subject the LPA being satisfied that it has been adequately demonstrated that prior extraction of the safeguarded mineral at the site would not be economically practicable or environmentally feasible, the MWPA offer no objection and recommend the determining authority include a pre-commencement condition to secure the incidental extraction of the mineral.

ECOLOGY: - The mitigation measures in the Ecological Impact Assessment (EclA) (Ecosupport, July 2023) should be secured by condition and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly bats, Dormice, reptiles, Badger, Hedgehog and breeding birds. Support the reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the NPPF (2021). The reasonable biodiversity enhancement measures which have been detailed within the EclA and included on a plan should be implemented in full. This will enable LPA to demonstrate compliance with its statutory duties including its biodiversity duty under s40 Natural Environment and Rural Communities (NERC) Act 2006.

Impacts will be minimised such that the proposal is acceptable, subject to conditions based on BS42020:2013. We recommend that submission for approval and implementation of the details should be a condition of any planning consent.

WEST SUSSEX FIRE & RESCUE: - Advice regarding request for fire hydrant or stored water supply at the site.

COMMENTS ON CONSULTATION RESPONSES:

Noted. Recommended conditions/informatives have been included, where appropriate.

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
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
INFSP1	INF SP1 Infrastructure provision and implementation
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Walberton Neighbourhood Plan Policy 2017 HP1</u>	Spatial Plan of the Parish
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE3	Protection of Trees and Hedgerows
Walberton Neighbourhood Plan Policy 2017 VE4	Conservation Areas and Areas of Special Character
Walberton Neighbourhood Plan Policy 2017 VE7	Surface Water Management

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 and Made Neighbourhood Development Plans.

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

The relevant policies in the Arun Local Plan (ALP) and Waberton Neighbourhood Plan (WNDP) 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."

Section 70(2) of TCPA provides that:-

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

The proposal is considered to comply with relevant Development Plan policies in that the proposals are in conflict with the made Neighbourhood Plan is and the NPPF advises that this conflict should not be outweighed by the presumption in favour.

LISTED/CA

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

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

The proposal is considered to accord with these criteria in that it is considered to result in less than substantial harm to the setting of the character of the Conservation Area and the public benefits do

outweigh the harm to the heritage asset.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations sufficient to be weighed in the balance with the Development Plan, including the delivery of market and affordable housing towards meeting the District's identified need. Other material considerations are discussed below.

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the Arun District currently comprises the Arun Local Plan 2011-2031 ("ALP"), the Walberton Neighbourhood Development Plan made in 2021 ("WNDP") and the West Sussex Waste and Minerals Plans.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the current WNDP and the ALP, should be resolved in favour of the latter. The most relevant policies in the Local Plan (C SP1) has reduced weight as Arun cannot demonstrate an adequate supply of housing land (2.36 years).

Having regard to Policy SD SP2 of the adopted Arun Local Plan, and Policy HP1 of the 2021 WNDP, the sites lies outside the Built Up Area Boundary (within which development should be focused) and is defined as being in the countryside under the provisions of Policy C SP1 of the Arun Local Plan, where development will only be permitted for a defined list of countryside uses.

Policy HP1 of the WNDP relates to the Built Up Area Boundary (BUAB) and states proposals for development outside of the BUAB, that do not accord with the development plan policies in respect of the countryside, will be resisted unless it is for essential utility infrastructure.

The provisions of Policy SD SP2 and Policy C SP1 preclude residential development on the site. The principle of development is contrary to the development plan.

In January 2023, the Council republished its Authority Monitoring Report (AMR). This states the HLS is now at 2.36 years. The HDT results for the district have been below 70% since 2018. Given this position, the policies most relevant to the determination of the application are considered out of date and have reduced weight.

Paragraphs 10 and 11 confirm that at the heart of the NPPF is the presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay. Alternatively, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Footnote 8 confirms that, for applications involving the provision of housing, this includes situations where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 74), or

where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. The proposal does not comply with at least 3 of the stipulated criteria. Specifically, criterion a, as the WNDP became part of the development plan more than 2 years ago, criterion c as the local authority has less than a 3-year supply of deliverable housing sites, and criterion d as the Local Planning Authority's housing delivery was below 75% of that required over the previous 3 years. Paragraph 14 of the NPPF does not apply and the conflicts with the provision of the WNDP are not in themselves considered to significantly and demonstrably outweigh the benefits of the provision of housing in this proposal.

Paragraph 11d of the NPPF requires the LPA to engage a 'tilted balance' and to grant planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so when weighed against the NPPF policies as a whole.

As such, while the proposal is contrary to the policies of the Arun LP and Walberton NP, given the Local Authority HLS position these policies are considered not to be up to date. Therefore, the provision of paragraph 11d of the NPPF are engaged and as such there is a presumption in favour of sustainable development that does not significantly and demonstrably outweigh the benefits of the provision of housing in this proposal and a tilted balance will apply.

For the reasons set out below, there are not such harmful impacts which would significantly and demonstrably outweigh the benefits of the proposal.

The Councils HLS position has changed since the previous refusal and dismissed appeal. The previous application listed non-compliance with policies C SP1 of the Arun LP and HP1 of the WNDP as a reason for refusal (reason 1). In light of the new position set out above, that the LP and NP policies are considered not to be up-to-date and paragraph 11d is engaged, this reason for refusal is no longer relevant to this application.

SUSTAINABLE DEVELOPMENT

The site is less than 500m to the centre of the village to the east. This short walk to the village centre provides access to the village hall, community play centre, village sports pitches, Walberton & Binsted C of E Primary School, a post office, pub, church and other local services and facilities. Therefore the site represents a sustainable location for new housing.

The site benefits from links with local footpaths and bridleways, as well as a local cycle route that runs along West Walberton Lane, around Walberton Green and along Eastergate Lane, before connecting with the dedicated cycle route that runs in a southerly direction from Eastergate Lane located opposite the southern boundary of the site.

Paragraph 8 of the NPPF sets out three objectives in relation to sustainable development comprising social, environmental, and economic. Taking each in turn, the proposal would provide social gains resulting from the provision of affordable housing; the proposed mix of house types; limited increase in accessible open space and the increased use of local services and facilities.

The officer report for the previous proposal raised concern with the impact on the character of the open countryside, despite being adjacent to the BUAB, and as such there were not considered to be

environmental gains. In the Inspector's decision, although ultimately dismissed, they noted that while there would be an erosion of the open and undeveloped character of the site, they did not agree that the site is visually separate from the village given the presence of housing to the north and south, and the presence of the village green to the east. The inspector considered that the presence of substantial field hedge and trees along the western boundary limited views from the countryside further west. The inspector determined that the development would be seen as an extension of the existing built form rather than an intrusion into the open countryside.

Further to this, the scheme currently for consideration has seen a reduction in the amount of development proposed and an increase in landscaping and biodiversity enhancements. Taking the above into consideration, environmental gains would be provided in this scheme through the proposed biodiversity net gain as well as enhanced landscaping with additional planting. Given that there would only be limited harm to the environment through the loss of the open and undeveloped nature of the site, due to the degree of containment and retention of the most important landscape features which would screen it from wider view, this harm is not considered to outweigh the stated environment gains.

There would be some, albeit limited, economic benefits through the creation of construction jobs, increased local spending, and broader benefits of housebuilding contributing to wider economic recovery.

The proposal is considered to align with the overarching objectives set out in paragraph 8 of the NPPF and as such comprises sustainable development.

HERITAGE

Policy VE13 of the WNDP relates to distinctive views and vistas, including View 1 looking west towards Walberton Village Green and pond. Development proposals should respect and, where possible, enhance distinctive views and vistas by ensuring that their visual impact on these views is carefully and sympathetically controlled.

Policy VE4 states that proposals that adversely affect the setting of the two Conservation Areas will not be supported. New development must protect the open/rural character of the Conservation Area's setting and sustain or enhance the visual connections between the village's core and its rural hinterland, including longer views to the South Downs, which contribute to the character of the Conservation Area.

Policy HER SP1 seeks to conserve the historic environment through protecting designated and non-designated heritage assets. It states that developments that prejudice the conservation of the assets or their setting will be refused. Policy HER DM3 outlines how the Council will preserve and enhance the character and appearance of Conservation Areas.

Paragraph 197 of the NPPF requires decision taking to take account of the desirability of preserving the significance of a heritage asset and the positive contribution that the conservation of the asset can make to sustainable communities. Paras 199 - 200 set out how the significance of an asset will be assessed and para 201-202 confirm how harm to assets will be quantified.

The eastern most part of the site is in the Conservation Area. There is no built form proposed in the Conservation Area. A Heritage Statement has been submitted to fulfil the requirements of paragraph 194 of the NPPF.

The previous application at the site identified less than substantial harm which was not considered to be outweighed by the public benefits of the scheme and listed this as a reason for refusal (reason 3).

As part of the proposed development, new built form will be set back from the Walberton Green

Conservation Area (located to the east).

ADC's Conservation Officer notes the Green has an important relationship with, and transition towards the adjoining countryside. The Conservation Officer considered the scheme and Inspectors decision along with the heritage statement. The Conservation Officer notes that while the eastern most part of the site lies in the Conservation Area the built form of development lies beyond it and as the impact on the Conservation Area relates to its setting rather than its intrinsic character and appearance.

The Conservation officer notes that some effort has been made to ensure the scheme references the local character but notes that materials, joinery details and finished would need to be of a very high standard and as such a materials condition is proposed.

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2023). The Inspector agreed that the previous proposal for a larger scheme would also amount to less than substantial harm. The proposal is reduced by 5 dwellings and incorporates an enhanced landscaping scheme and biodiversity net gain. Less than substantial harm is considered as a broad spectrum. The less than substantial harm in this case would be considered to be at the lower end of the scale, owing to the factors set out above.

In accordance with paragraph 202 of the NPPF 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), including more than 30% of the units as affordable.
- Creating construction jobs.
- Additional spending by new residents on local goods and services.

In conclusion, the public benefits of the proposed development are considered to outweigh the less than substantial harm caused to the Conservation Area and the proposal, therefore, complies with policies HER SP1 and HER DM3 of the Arun LP, policies VE4 and VE13, the NPPF and Section 72 of the Act.

CHARACTER & DESIGN

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of land by reflecting or improving on the character of the site and the surrounding area. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. New housing should make efficient use of land while providing a mix of dwelling types and maintaining character & local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality. Arun LP policy D SP1 "Design" requires development to make efficient use of land and reflect local character.

Policy VE13 of the WNDP states that development proposals should respect and, wherever possible, enhance distinctive views and vistas by ensuring that the visual impact on these views is carefully and sympathetically controlled. Schedule 7 of the Plan identifies one of these from Walberton Green facing northwest and southwest towards the proposed application site.

The National Design Guide (NDG) is a material consideration in the determination of this application. It states that achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape,

materials, and their detailing. It sets out ten characteristics of beautiful, enduring, and successful places: Context, Identity, Built Form, Movement, Nature, Public Spaces, Uses, Homes & Buildings, Resources and Lifespan. The applicant provided a Design and Access Statement (DAS) which responds to these headings and concludes the scheme will blend harmoniously in the surrounding area providing high quality, well designed dwellings and spaces for the future residents.

The design of the proposed buildings clearly takes reference from the local character. The design process and design evolution are set out in the submitted DAS which demonstrate how the scheme has used the surrounding character to influence massing, form and design detail of the proposed buildings. An appropriate mix of styles has been incorporated to ensure variation and interest, whilst maintaining a coherent approach.

The layout has been amended since the refused scheme which results in the built form being arranged in a more linear form roughly following the line of West Walberton Lane, which is considered a positive change more reflective of the local character, in particular that of West Walberton Lane.

The Arun Design Guide suggests a density of 15-25 for detached/semi-detached houses in village locations and states density should decrease with distance from the centre of a settlement, to ensure development relates sensitively to its setting and addresses edges of the site in a positive way. The site density of approximately 27 dwellings per hectare slightly exceeds this range, however this is a minor exceedance above the suggested density range and considering the density of the surrounding built form it is considered to be acceptable in this instance. The layout meets all other policy requirements.

Eastergate Lane and West Walberton Lane, which border the site and traverse The Green have a more rural character being fairly narrow, with limited street lighting or paving, and grass verge areas. They contribute to the attractive setting and special character of the local area. Whilst there is development on the north side of West Walberton Lane, this has a more rural character. In his assessment, the Planning Inspector found that while there would be an erosion of the open and undeveloped character of the site, they did not agree that the site is visually separate from the village given the presence of housing to the north and south, and the presence of the village green to the east. The Inspector considered that the presence of substantial field hedge and trees along the western boundary limited views from the countryside further west. The Inspector determined that the development would be seen as an extension of the existing built form rather than an intrusion into the open countryside. The Inspector concluded there would be limited harm to the character and appearance of the area and limited policy conflict.

The scheme currently for consideration has seen a reduction in the amount of development and an increase in landscaping and biodiversity enhancements. It is logical that in this instance there would also only be limited harm to the character and appearance of the area through the loss of the open and undeveloped nature of the site, due to the degree of containment and retention of the most important landscape features which would screen it from wider views.

The layout and architectural treatment of the dwellings is considered to be of a high quality and taking into consideration the Inspectors comments and the assessment made of this scheme, the harm identified is considered to result in a limited policy conflict with policies VE13, D SP1 and D DM1. However, this conflict must be balanced against the benefits arising from the scheme. This is covered in the planning balance section below.

Given the above it should be noted that the council's previous reason for refusal (reason 2) relating to harm to the character of the area would no longer stand.

TRAFFIC, ROAD SAFETY & PARKING

ALP policy T SP1 seeks to ensure development provides safe access to the highway network and contributes to highway improvements & promotes sustainable transport. It states schemes must explain how development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter.

T SP1 states proposals must incorporate appropriate parking taking into consideration the impact of development on on-street parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities, and contribute towards provision of a joined-up cycle network and Public Rights of Way network.

Para 110 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 111 which 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."

WSSC Highways are satisfied the proposal will not result in an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The proposal is not contrary to the NPPF (para 111), and there are no transport grounds to resist the proposal.

The proposed access is from Eastergate Lane. This includes a new crossing to connect with the shared footway and cycleway opposite. The location of this access requires a small number of Category C trees to be removed. The Primary carriageway within the site has been designed to adoptable standard.

Parking provision is in accordance with Arun District Council's Parking Standards Supplementary Planning Document (SPD). On street parking has been avoided where possible with the use of private driveways, on plot parking, car barns and parking courts, on street parking is reserved for visitor spaces adjacent to the POS. Five visitor parking spaces are provided which accords with the required 20% of the total number of dwellings being proposed. A total of 3no. disabled parking spaces are also provided, meeting the 5% requirement.

The proposals accord with policies in the Arun Local Plan and WNDP in respect of highways and parking.

BIODIVERSITY

Policy VE10 of the WNDP relates to biodiversity corridors which states proposals that have a positive impact on the local ecology will be encouraged, subject to other policy constraints. New development in or immediately adjacent to the biodiversity corridors will only be supported where it can be clearly demonstrated the proposals will not give rise to any significant harm to the integrity or function of the biodiversity corridors. The WNDP has designated a biodiversity corridor in the eastern part of the site.

Policy ENV SP1 confirms that Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species.

A 5m buffer will be kept between the development and the hedgerows and Tree Root Protection Zones have been established and will be protected. The application site is within 12km of the Wider Conservation Area for Singleton and Cocking Tunnels (Special Area of Conservation) SAC.

The applicant has submitted the following information including:

- Proposed site layout;
- BNG Assessment (Ecosupport, June 2023);
- Ecological Impact Assessment (EclA) (Ecosupport, July 2023); and
- Shadow HRA & Shadow Appropriate Assessment (Ecosupport, July 2023).

The Council's Ecologist concludes the site is classified as having high quality habitat to support commuting and foraging bats and has a regional value for both commuting and foraging bats.

The Ecologist is satisfied that the mitigation proposed would be suitable for Dormice and Reptiles and recommends that Hedgehog nesting boxes should be installed.

The Ecologist welcomes the fact that a 5m buffer will be incorporated into the design with the separation of these boundary hedgerows from the garden areas to prevent the cutting down of the hedge. Tree protective fencing must be in place prior to any construction machinery arriving on site, before any works on site get underway and must remain in place until all works are completed.

The chalk stream will need to be retained and enhanced for wildlife. This includes a buffer strip around the chalk stream (5m) and during construction fencing should be used to ensure this area is undisturbed.

The Ecologist notes that the development will result in an anticipated BNG in hedgerow units of +1.91 (+18.03%). The site will result in a loss of -7.27 (-35.93%) habitat units. The applicant is proposing use of offsite compensation to secure a net gain in habitat units. The applicant has submitted a Biodiversity Net Gain Technical Summary which sets out clearly what biodiversity enhancements can be achieved on site and why these don't result in a net gain. The summary then goes on to set out off-setting options which the applicant has considered. Four options are considered including, Mayles Farm - a site in Hampshire, the Iford Project - a Biodiversity Habitat Bank which is endorsed and delivered in partnership with the South Downs National Park Authority, The Environment Bank, and the Government Biodiversity Credit Scheme. The applicant has explored the availability of BNG schemes within the district and none have been identified. The applicant's ecologist has identified that both the Environment Bank and Government Biodiversity Credit Scheme are not currently available, therefore, the most sequentially-preferable method of achieving net gain would be through off-site compensation provided through either the Mayles Farm scheme in Hampshire or The Iford Project in the South Downs National Park.

In line with Policy ENV DM5 of the Arun Local Plan information on Biodiversity Net Gain needs to be provided as part of the planning application prior to determination. The applicant has identified two off-site schemes which have credits available in neighbouring authority area. Given that the schemes lie outside the district the credits have a reduced value and a so a spatial risk multiplier of 0.75 is added. The applicant has agreed to secure the offsite Biodiversity Net Gain identified through an obligation in a s106 agreement.

The Ecological Impact Assessment (EclA) (Ecosupport, July 2023) recorded Barbastelle bat activity during the static bat surveys, which is a qualifying species of the SAC. The Shadow HRA Assessment & Shadow Appropriate Assessment (Ecosupport, July 2023) sufficiently assesses impacts upon the SAC and the EclA considers impacts to foraging and commuting bats. The EclA has recommended buffer hedgerow planting, the retention of existing boundary features and wildlife sensitive lighting scheme. The Ecologist is satisfied with the impact assessment which has been carried out and a wildlife sensitive lighting design can be secured by a condition. The Ecologist is content that through the protection of the majority of the boundary features, the scale of the development is such that no severance or significant impacts on Barbastelle bats are predicted. The Ecologist recommends that, with mitigation secured, the LPA can record that the development can avoid adverse effects on integrity. An Appropriate Assessment

has been carried out by the LPA. Natural England have been consulted upon the Appropriate Assessment and have responded stating they have no comments to make.

Subject to mitigation and enhancement measures, the development would contribute in the 'preservation, restoration and enhancement of biodiversity and the natural environment' in accordance with Policy ENV SP1 of the Arun Local Plan. It would avoid adverse impacts on designated sites of biodiversity or geological importance as required by Policy ENV DM1 and would 'incorporate elements of biodiversity minimising adverse impacts on existing habitats' in accordance with Policy ENV DM5.

Therefore, the proposals are satisfactory in this regard.

RESIDENTIAL AMENITY:

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

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

The proposals are in general conformity with these requirements.

INTERNAL & EXTERNAL SPACE STANDARDS:

As per ALP policy D DM2, it is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use.

The Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth;
- Private Front Garden: min. 2m depth;

The proposals are in general conformity with these requirements.

HOUSING MIX:

ALP policy HDM1 requires that all housing development should provide a mix of dwelling types/sizes to address the nature of local housing needs and market demand. The policy does not prescribe a specific housing mix that must be met by individual applications, with the policy stating each must be considered on its own merits and on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

Policy HP6 of the WNDP seeks a range of house types and tenures, including a proportion of housing to meet the needs of an ageing population.

The 2012 SHMA was the subject of an update by GL Hearn in 2016 ("Updated Housing Needs Evidence", September 2016) in which paragraph 6.3 stated the evidence highlighted a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. The 2016 update

acknowledges at paragraph 6.10 that affordable (rented) need is more heavily skewed towards smaller dwellings and market housing predominantly homes with three or more bedrooms. Table 29 identifies a suggested broad mix of market housing by size for the district:

The proposed development comprises the following market housing mix:

- 3 x 2 bed dwellings (18%);
- 10 x 3 bed dwellings (58%);
- 4 x 4 bed dwellings (24%).

Whilst the proposal deviates from the mix set out in policy, given the edge of village location of the site it is an appropriate mix of dwellings which provides an appropriate density and maintains the transitional character of the edge of settlement development in the locality.

AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The policy states affordable housing should be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes.

A total of 8 dwellings are provided as affordable. The proposed development comprises the following affordable housing mix:

- 4 x 1-bed dwellings (50%);
- 3 x 2 bed dwellings (38%);
- 1 x 3 bed dwellings (12%).

The applicant proposes a tenure split of 75% (6 dwellings) affordable rent and 25% (2 dwellings) intermediate dwellings, which accords with the requirements of policy AH SP2.

The proposed mix reflects the indicative mix in AH SP2 with the exception of 4-5 bedroom dwellings where none are proposed.

HOMES FOR OLDER PEOPLE AND THOSE WITH DISABILITIES:

Arun DC has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted development plan policy or a Supplementary Planning Document, but is considered to have some weight as a material planning consideration. It is supported by references in ALP policies D DM1 & D DM2. This internal policy requires at least 8 of the homes (30%) are designed to the M4(2) standard, and that 2 are designed to meet M4(3) i.e. be wheelchair accessible.

The applicant has provided a plan to show that 30% of the homes (8no.) would comply with M4(2) standards and 2no. homes would be capable of achieving M4(3) standard.

FLOOD RISK & SURFACE WATER DRAINAGE:

ALP policy W DM3 requires all development identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process. Policy VE7 of the WNDP states that new development should aim to reduce the overall level of flood risk through a series of criteria.

Land to the west of the site is in Flood Zones 2 & 3. This land previously formed part of the site, but in this application it has been removed from the red line boundary and is shown with a blue line denoting it is in the applicant's control but does not form part of the development site. This area of the site has been kept free from built form and comprises open space. These features are capable of being controlled via condition within the blue line should permission be granted.

The application site is now wholly in Flood Zone 1 (lowest risk), as such is an appropriate place for residential development in flood risk terms and as the application site no longer contains areas of flood zone 2 and 3 there is no requirement for the applicant to carry out a sequential or exception test. The previous reason for refusal (reason 4) and the issues raised in the Inspector's decision relating to flood risk are no longer applicable.

The Flood Risk Assessment and Drainage strategy have been assessed by the Lead Local Flood Authority and the Drainage Engineers and both have not objected, subject to conditions. The drainage strategy has been designed to achieve a 44% run off rate betterment in the 1:30 year storm and 22% betterment in the 1:100 year +45% climate change events.

The flood risk assessment and drainage strategy are appropriate for the site and for the development, and adequately demonstrate the site is safe to develop with regard to flood risk and surface water in accordance with national and local policy.

FOUL DRAINAGE:

ALP policy W DM1 states major developments must demonstrate, that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. Policy W DM1 states that a drainage impact assessment is required for all major development.

The foul drainage strategy shows a connection from the site to the public foul sewer in Eastergate Lane. This allows for a gravity discharge from the site and will need to be confirmed and approved by Southern Water.

Southern Water have previously stated that additional flows may lead to an increased risk of foul flooding from the sewer network and any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. While Southern Water have not provided comment on this application at this time it is appropriate given their previous comments to include a suitably worded condition. Subject to this, the proposals would accord with Policy W DM1 of the Arun Local Plan.

ENERGY AND CLIMATE CHANGE:

Arun LP 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.

The Energy Statement confirms that the proposal can comply with the requirement of policies ECC SP1 and ECC SP2 of the Arun LP. Air source heat pumps are proposed on all dwellings. These measures can be secured via condition.

PUBLIC OPEN SPACE & PLAY:

Arun LP policy OSR DM1 requires housing developments to provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The Councils SPD "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement for 2,745 sqm of Public Open Space (POS) for development of this size and a separate play provision of an onsite, unequipped natural play LAP.

Open space is provided throughout the site. To the eastern boundary lies Walberton Green and the Conservation Area, the development has been set back allowing for a new area of POS and creating a green buffer. A village green area (POS) is proposed adjacent to the west boundary with the mature trees and vegetation along this boundary being retained and enhanced. A pond is proposed which has a dual purpose of encouraging wildlife and to provide an attractive feature for future and existing residents as well as sustainable drainage system. The top of the site (north) is to be retained for ecology and biodiversity purposes providing a continuous 5m wide green corridor from the north to south of the site.

The provision of open space and play space is above that required by Arun LP policy OSR DM1 and the Councils SPD and subject to conditions the landscape scheme would result in a high-quality development.

TREES

Policy VE3 of the WNDP states that development will be permitted where it can be demonstrated that trees and hedgerows contributing to local amenity will not be damaged or destroyed and that development that damages or results in the loss of ancient trees/ trees of arboricultural and amenity value or loss of hedgerows or significant ground cover and habitat will be resisted.

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

The layout shows that those trees on the western edge are to be incorporated into an area of open space, and the creation of a landscape buffer zone that should perpetuate the existing wildlife corridor within and beyond the site.

An existing green boundary is evident to the perimeter of the proposals, this would require further, supplementary planting to enhance and improve it. Apart from the site boundaries, the site is largely devoid of trees and only two individual trees and one group is proposed for removal. The two trees for removal are deceased, the Group is classified as Category C and are being removed to provide an access.

The proposal is considered to be satisfactory subject to conditions with regard to trees.

MINERALS

The applicant provided a Minerals Resource Assessment (MRA) which details that the site would not be suitable for the full prior extraction of the safeguarded mineral resource owing to the potential unacceptable impacts this would cause on the amenity of nearby residential receptors and the nearby Conservation Area. The MRA demonstrates to the satisfaction of the LPA that prior extraction would not be economically practicable or environmentally feasible. The MRA concludes that the applicant would support the decision to explore the incidental extraction of the safeguarded mineral during the construction phase for reuse within the development, as appropriate.

The Minerals and Waste Planning Authority (MWPA) is satisfied that the incidental approach to extraction would result in the potential use of the safeguarded mineral within the site, as appropriate and raised no objection subject to the imposition of a condition.

SUPPORTING INFRASTRUCTURE:

ALP Policy INF SP1 requires that development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. Any off-site provision or financial contributions must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010.

The Parish Council will be provided 25% of the CIL receipts to spend on their own projects. These payments go towards providing the infrastructure that the district needs to support existing and future development. On this basis, there is no conflict with ALP policy INF SP1.

Affordable housing provision would also be required to be secured via a planning obligation.

On-site provision of open space and play equipment can be secured via a planning condition.

WSCC Education require a sum for school transport to mitigate the impacts of the proposed development upon Education which can be secured via planning obligation.

Therefore, subject to completion of a Section 106 agreement in line with the above the proposals would accord with policy INF SP1 of the Arun Local Plan.

SUMMARY & PLANNING BALANCE

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year HLS (currently 2.36-years), para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is triggered. This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

In respect of the part (ii) test, the report identifies that the proposal conflicts with the council's policies in respect of: development in the countryside; and impacts on the character and appearance of the area.

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

The weight to be applied to the contribution of housing development to the HLS was discussed in the appeal for the previous application (APP/C3810/W/22/3291254), where the inspector gave this matter significant weight. In this case it would be appropriate to, similarly, allocate significant weight to the contribution to the housing shortfall. In that appeal, the Inspector afforded significant weight to the delivery of affordable housing and limited weight to the economic benefits of the scheme, limited weight to the environmental benefits of the scheme such as biodiversity enhancements, and neutral weight to the social benefits of the scheme. These weightings are relevant to this application.

In the appeal the Inspector gave moderate weight to the conflicts with policies with regard to location of development and limited weight to the impacts on the character and appearance of the area. Once again, it is appropriate to apply the same weighting here.

Development in the countryside is against policy but such a refusal reason would not be sustainable unless there was associated harm. There is policy conflict with Arun LP Policy W DM1, but this does not generate any harm and as such can only be considered to carry limited weight.

Taking into consideration the tilted balance as required by paragraph 11d and weighing all matters together, 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 the conditions and informatives as set out in the report (including any report update or additional conditions voted for inclusion by the Committee), and subject to the satisfactory completion of 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 within 4 months of the date of the Planning Committee's resolution to grant permission, or should the applicant refuse to reach agreement with WSCC 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 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.

(3) In the absence of a signed Section 106 agreement to secure the agreed off-site Biodiversity Net Gain measures/contribution, the proposed development would be contrary to Policies ENV SP1, ENV DM1, and ENV DM5 of the Arun Local Plan.

HUMAN RIGHTS ACT

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

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

general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

The proposal would have a positive impact on the protected characteristics (age/disability by providing M4(2) and M4(3) dwellings.

SECTION 106 DETAILS

- Affordable Housing.
- Maintenance and management of public open space.
- Education contribution towards school transport.
- Biodiversity net gain offsite.

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Proposed Site Layout - Drawing No. DE_001_G_01;
- Location and Block Plan - Drawing No. DE_001_G_02;
- Affordable Housing Layout - Drawing No. DE_001_G_03;
- Parking Strategy Layout - Drawing No. DE_001_G_04;
- Boundary Materials Layout - Drawing No. DE_001_G_05;
- Housing Mix Layout - Drawing No. DE_001_G_06;
- Access and Movement Plan - Drawing No. DE_001_G_07;
- Street Scenes Elevations - Drawing No. DE_003_E_01;
- Landscape Masterplan - Drawing No. P20-2233_07 Rev K;
- House Type Pack including Floor Plans and Elevations - Reference No. DE_02_B;
- Eastergate Lane Access Design and Visibility Plan prepared by Paul Basham Associates - Drawing No. 195.0002.002 Rev C;
- Ecological Impact Assessment (EclA) prepared by Ecosupport Ltd;
- Shadow HRA & Shadow AA prepared by Ecosupport Ltd;

- BNG Assessment prepared by Ecosupport Ltd, Nov 23;
- BNG Metric 4.0 V3 completed by Ecosupport Ltd;
- Arboricultural Impact Appraisal and Method Statement prepared by Barrell Tree Consultancy;
- Tree Protection Plan prepared by Barrell Tree Consultancy - Drawing No. 20145-7;
- Manual for Managing Trees on Development Sites prepared by Barrell Tree Consultancy;
- and
- Topographic Survey prepared by P Stubbington Land Surveys Ltd - Drawing No. 8450/01/B.

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

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity setting of the conservation area by endeavouring to achieve a building of visual quality in accordance with policy D SP1, D DM1, HER DM3 and HER SP1 of the Arun Local Plan.

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

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because otherwise the disturbance of earth could harm important deposits.

- 5 Prior to commencement of development drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, Flood Risk Assessment incorporating Drainage Strategy, CEP, Version 2.4), Drainage Strategy Plan (23609_FRA_08_C CEP), Surface Water System Sections (23609_FRA_09 A & 10) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

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.

- 6 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.

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

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

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

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

- 9 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.

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

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998. It is considered necessary for this to be a pre-commencement condition to the proper licences are in place before construction commences.

- 11 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the BNG Assessment (Ecosupport, Nov 2023) as submitted with the planning application and approved by the Local Planning Authority.

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

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

- 12 Prior to occupation, a "lighting design strategy for biodiversity" which shows no artificial illumination of the boundary hedgerows and trees shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and dormice 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: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 13 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled

forward over a five-year period, covering a minimum of a 30 year period relating to Biodiversity Net Gain).

g) Details of the body or organisation responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

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

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species). It is considered necessary for this to be a pre-commencement condition to the proper landscape and ecological management measures are in place before construction commences.

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

The Reptile Mitigation Strategy shall include the following.

a) Purpose and conservation objectives for the proposed works.

b) Review of site potential and constraints.

c) Detailed design(s) and/or working method(s) to achieve stated objectives.

d) Extent and location/area of proposed works on appropriate scale maps and plans.

e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.

f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.

g) Persons responsible for implementing the works.

h) Details of initial aftercare and long-term maintenance of the Receptor area(s).

i) Details for monitoring and remedial measures.

j) Details for disposal of any wastes arising from works.

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

Reason: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species). It is considered necessary for this to be a pre-commencement condition to the proper precautions are in place to ensure no harm to reptiles before construction commences.

- 15 Prior to the first occupation of any dwelling forming part of the proposed development the developer shall, at their own expense, install the fire hydrant in the approved location 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.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan 2011-2031 and in accordance with The Fire & Rescue Service Act 2004.

- 16 The development shall be carried out in accordance with the submitted flood risk assessment (ref v2.4 November 2023) and the following mitigation measures it details:
- No development, or alterations to ground levels, shall take place within the design flood outline as shown on drawing 05A in Appendix 6 of the submitted FRA. Any development of alterations within the design flood outline are likely to require floodplain compensation
- 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 prevent flooding elsewhere by ensuring that there is no loss to floodplain storage in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.
- 17 Prior to the commencement of development, a scheme for the incidental extraction of the safeguarded mineral resources underlying the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to:
- an assessment of the extent, volume and practicability for incidental extraction, which shall be based on detailed ground investigations; and,
 - the methodology for which any identified incidental mineral extraction would be carried out, which shall include a detailed programme/phasing of extraction, the recording and monitoring of any safeguarded resource extracted and details of the proposed destination/use of the mineral.
- Reason: To ensure the incidental extraction and recovery of any underlying safeguarded mineral resource, where practicable, in accordance with Policy M9 of the West Sussex Joint Minerals Local Plan (JMLP) and the National Planning Policy Framework
- 18 No development including site access, demolition or associated construction activities shall commence unless and until all the existing trees/bushes/hedges to be retained on the site have been protected in accordance with the details contained within the Arboricultural Impact Appraisal and Method Statement ref: 20145-AA5-PB and Tree Protection Plan ref: 20145-7. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.
- No trenching should occur within the protective fencing surrounding the Root Protection Area.
- Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy ENV DM4 of the Arun Local Plan. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.
- 19 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.

20 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.

- 21 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.

- 22 Prior to occupation of any of each of the approved dwellings, the applicant or developer shall provide the dwelling with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires 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.

- 23 No individual dwelling shall be first occupied until the vehicle parking and turning spaces serving that dwelling 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.

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

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

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

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

BACKGROUND PAPERS

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

WA/67/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

A/216/22/PL

Original Decision = Refused

Received: 06-11-23

The Beeches, Crete House Dappers Lane Angmering

Decision Level = Delegated

Extension of existing dwelling (Crete House) and erection of two detached dwellings on vacant plot to the south, together with new shared access, car parking and landscaping.(Resubmission of A/266/21/PL). This application is in CIL Zone 2 and is CIL liable as new dwellings.

Written

Representations

PINS Ref: APP/C3810/W/23/3322262

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/58/23/PL

Original Decision = Refused

Received: 23-11-23

Lidsey Farm House Lidsey Road Bognor Regis

Decision Level = Delegated

Erection of 1no dwelling to replace historic caravan and detached garage. This application may affect the setting of a Listed Building, is a departure from the development plan, is in CIL Zone 3 and CIL Liable as new dwelling. (Resubmission of AL/167/22/PL).

Written

Representations

PINS Ref: APP/C3810/W/23/3328459

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

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

BN/132/22/PL

Original Decision = Refused

Received: 14-11-23

51 Warren Way Barnham

Decision Level = Delegated

Construction of 1 No. end of terrace two storey dwelling with associated vehicular crossover.

*Written
Representations*

PINS Ref: APP/C3810/W/23/3324032

BR/180/21/T

Original Decision = Refused

Received: 02-08-22

4 The Orchard Close Bognor Regis

Decision Level = Delegated

Fell 1 No. Sycamore tree in rear back garden 3m from house and replace with either Willow or Silver Birch as directed.

*Written
Representations*

PINS Ref: APP/TPO/C3810/8754

BR/294/21/PL

Original Decision = Refused

Received: 18-04-23

2-10 The Hatters Inn Queensway Bognor Regis

Decision Level = Delegated

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

*Written
Representations*

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

EP/3/22/PL

Original Decision = Refused

Received: 10-10-22

2 The Street East Preston

Decision Level = Delegated

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

*Written
Representations*

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

<p>FG/13/23/PL <i>Original Decision</i> = Refused <i>Received:</i> 15-11-23</p>	<p>Land between 11a The Grove and 30 Brook Lane Ferring <i>Decision Level</i> = Delegated 1 No 1-bedroom house along with associated parking & private outdoor amenity space (resubmission following FG/46/21/PL). This application is in CIL Zone 4 and is CIL Liable as a new dwelling. <i>Written Representations</i> PINS Ref: APP/C3810/W/23/3323503</p>
<p>FG/147/22/PL <i>Original Decision</i> = Refused <i>Received:</i> 02-10-23</p>	<p>Jasmine Court Sea Lane Gardens Ferring <i>Decision Level</i> = 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. <i>Written Representations</i> PINS Ref: APP/C3810/W/23/3320026</p>
<p>FP/155/22/PL <i>Original Decision</i> = Refused <i>Received:</i> 10-10-23</p>	<p>Land to Rear of 107 Felpham Way Felpham <i>Decision Level</i> = 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. <i>Written Representations</i> PINS Ref: APP/C3810/W/23/3325093</p>
<p>FP/219/22/TEL <i>Original Decision</i> = Objection <i>Received:</i> 29-11-23</p>	<p>Leverton Avenue Street Works Felpham <i>Decision Level</i> = Delegated Prior approval under Schedule 2, Part 16, Class A for proposed 5G telecoms installation, H3G 15m street pole and additional equipment cabinets. <i>Written Representations</i> PINS Ref: APP/C3810/W/23/3323256</p>
<p>WA/101/22/PL <i>Original Decision</i> = Refused <i>Received:</i> 13-07-23</p>	<p>Brookfield Farm Eastergate Lane Walberton <i>Decision Level</i> = Delegated 2 x detached 4 bedroom dwellings <i>Written Representations</i> PINS Ref: APP/C3810/W/23/3318743</p>
<p>WA/87/22/PL <i>Original Decision</i> = Refused <i>Received:</i> 19-07-23</p>	<p>Brookview Nursery Eastergate Lane Walberton <i>Decision Level</i> = Delegated Removal of outdoor storage, including caravan and polytunnels and the</p>

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

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

Arun District Council

REPORT TO:	Planning Committee 14 December 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 were considered by the Constitution Working Party on 16 November 2023 for them to be referred to Full Council. This report sets out those proposed amendments for the benefit of Planning Committee. 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 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 changes to the Planning Protocol that were agreed 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. 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.

4.4 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 minimal impact other than to provide some clarity.

4.5 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.

4.6 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.

4.7 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

4.8 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.

4.9 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).

4.10 The proposed amendments are highlighted in underlined text in Appendix 1 from section 11 onwards.

4.11 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.

- 4.12 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.

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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

- 2.1 The Council has adopted a local Code of Conduct which reflects the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 2.2 This protocol is intended to supplement the Members Code of Conduct where members are involved in the planning process.
- 2.3 The rules set out in the Members Code of Conduct must be applied first and must always be complied with.
- 2.4 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.
- 2.5 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

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 3.4 In addition to these codes, the Council's Procedure Rules govern the conduct of Council business.
- 3.5 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.
- 3.6 Serving councillors who act as agents for people pursuing planning matters within their authority should not be members of the Planning Committee.
- 3.7 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

- 4.1 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.

- 4.2 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.
- 4.3 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.
- 4.4 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

- 5.1 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
- 5.2 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.

5.3 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.

5.4 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.

5.5 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.

5.6 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

6.1 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.

6.2 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

6.3 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.

6.4 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

7.1 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"*.

7.2 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.

7.3 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.

7.4 In such circumstances, members should consider restricting themselves to giving advice about the process and what can and cannot be taken into account.

7.5 Members can raise issues which have been raised by their constituents with officers.

7.6 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.

7.7 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.

- 7.8 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.
- 7.9 Planning Committee members should in general avoid organising support for or against a planning application and should not lobby other councillors.
- 7.10 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.
- 7.11 Members should pass any lobbying correspondence received by them to the Group Head of Planning at the earliest opportunity.
- 7.12 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.
- 7.13 Members should not accept gifts or hospitality from any person involved in or affected by a planning proposal.
- 7.14 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

- 8.1 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

- 9.1 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.
- 9.2 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.

9.3 Although the term "pre-application discussions" has been used, the same consideration should apply to any discussions which occur before a decision is taken.

9.4 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

10.1 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.

- 10.2 Reports should have a written recommendation for a decision to be made.
- 10.3 Reports should contain technical appraisals which clearly justify the recommendation.
- 10.4 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.
- 10.5 Any oral updates or changes to the report should be recorded.

11.0 PUBLIC SPEAKING AT PLANNING COMMITTEES

- 11.1 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.
- 11.2 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.
- 11.3 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].
- 11.4 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.
- 11.5 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	

11.6 ~~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.

11.7 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.

- 11.8 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.
- 11.9 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.
- 11.10 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.
- 11.11 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

- 12.1 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).
- 12.2 This applies to all planning decisions. Any reasons for refusal must be justified against the development plan and other material considerations.
- 12.3 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.
- 12.4 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.

- 12.5 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
- 12.6 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.
- 12.7 The officer(s) should also be given an opportunity to explain the implications of the contrary decision should one be made.
- 12.8 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.
- 12.9 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

- 13.1 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.
- 13.2 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
- 13.3 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.
- 13.4 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.
- 13.5 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.
- 13.6 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.
- 13.7 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.
- 13.8 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**
- 14.1 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

- 15.1 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.
- 15.2 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.
- 15.3 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.
- 15.4 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 the subsequent debate should 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.
- 15.5 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

- 16.1 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.
- 16.2 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

- 17.1 Complaints relating to planning matters will be dealt with in accordance with the Council's complaints procedures.
- 17.2 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 co-ordinate 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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Arun District Council

REPORT TO:	Planning Committee – 14 December 2023
SUBJECT:	Decision on Y/52/23/PL
LEAD OFFICER:	Neil Crowther, Group Head of Planning
LEAD MEMBER:	Councillor June Hamilton, Chair of Planning Committee
WARDS:	All wards potentially affected
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
<p>The recommendations supports:-</p> <ul style="list-style-type: none"> • Delivering the right homes in the right places; • Supporting our environment to support us; • Fulfilling Arun’s economic potential. 	
DIRECTORATE POLICY CONTEXT:	
<p>The decision on Y/52/23/PL, the proposals will help to enhance the quality of the natural and built environment, protect the district’s natural and heritage assets and to promote economic growth in a sustainable manner, striking a balance between the need for development and the protection of scarce resources.</p>	
FINANCIAL SUMMARY:	
<p>The decision reached on application Y/52/23/PL has the potential to expose the Council to risk from an award of costs at any future appeal. The decision also puts at risk the ability to secure essential infrastructure (should any appeal be allowed).</p>	

1. PURPOSE OF REPORT

- 1.1 At Planning Committee on 15 November 2023, the Committee resolved to refuse planning permission on application Y/52/23/PL for 4 reasons. At the meeting, the proposed reasons for refusal were read out but officers were not asked to provide advice on these before a vote was taken. This process was contrary to paragraph 12.7 of the Planning Protocol contained within the Council’s Constitution relating to instances where the Planning Committee makes a decision contrary to the officer’s recommendation (whether for approval or refusal or changes to conditions or S106 obligations), which states: “The officer(s) should also be given an opportunity to explain the implications of the contrary decision should one be made.”
- 1.2 This report is required because the reasons for refusal need to be considered fully with the benefit of the advice of officers to provide clarity to the applicant for any future appeal proceedings and to minimise any potential risk to the Council.
- 1.3 The Committee are asked to consider the advice in this report and agree what (if anything) they wish to do considering this advice.

2. RECOMMENDATIONS

2.1 That Planning Committee confirm the following by way of clarification in respect of the decision made on Y/52/23/PL.

i. Reasons for refusal 1 & 2 are withdrawn.

ii. Reason for refusal 3 is withdrawn.

iii. Reason 4 should have read.

The design of the proposed houses would be incongruous with the established character of this semi-rural edge of settlement location which forms a buffer to the hamlet of Bilsham. They would introduce an urban built form to the edge of settlement location and not reflect the established character of the area. This would result in substantial harm to local character in conflict with Arun Local Plan policies D DM1 & LAN DM1, and policy H4 of the Yapton Neighbourhood Development Plan 2011-2031. The harm identified clearly and demonstrably outweighs the benefits of the application including its contribution to the Councils Housing Land Supply shortfall.

iv. Additional reasons for refusal should have included

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.

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.

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.

3. EXECUTIVE SUMMARY

3.1 It is essential to note that the purpose of this report is for the Council to explore that decision with the benefit of officer advice. That might involve amending, adding and withdrawing certain elements from the agreed reasons for refusal. Doing this will provide improved clarity for any future appeal and will consequently reduce the risk of costs being awarded against the Council for unreasonable behaviour. The purpose of this report is not to review the decision for a different decision to be reached.

3.2 It is also essential to note that the decision taken in response to this report cannot change the decision notice. However, it can provide much needed clarity, detail and certainty for both the Council and the applicant for any future appeal. The earlier the Council does this, the better because it can reduce the risk of any costs award.

3.3 This report is in no way critical of the Committee in what was suggested in considering the refusal reasons for Y/52/23/PL. The role of officers is to provide advice and guidance for the Committee the robustness of decisions can be affected if this advice is not able to be given.

4. DETAIL

4.1 Application Y/52/23/PL was refused planning permission at the Committee on 15 November 2023 (contrary to the recommendation of officers) for the following reasons.

1. The development sits outside the Built-Up Area Boundary of Yapton and does not confirm to the exceptions criteria of Policy H1 of the Yapton Neighbourhood Development Plan 2011-2031. The proposal would therefore be in conflict with policies H1 & BB1 of the Yapton Neighbourhood Development Plan 2011-2031 and policies C SP1 & SD SP2 of the Arun Local Plan.
2. The development would result in the loss of Grades 1 & 2 agricultural land contrary to policy SO DM1 of the Arun Local Plan, policy E1 of the Yapton Neighbourhood Development Plan 2011-2031 and paragraph 174b of the NPPF.
3. The application fails to provide an acceptable Flood Risk Assessment (FRA), Drainage Strategy & supporting information, contrary to the NPPF paragraphs 167 & 169, and policies W DM2 & W DM3 of the Arun Local Plan.
4. The proposal by nature of its design fails to reflect the rural character of Yapton and Bilsham, contrary to policy D DM1 of the Arun Local Plan and policy H4 of the Yapton Neighbourhood Development Plan 2011-2031.

4.2 The Council's Constitution provides clear guidance for Planning Committee within the Planning Protocol on the process that should be followed when the Committee are seeking to reach a decision contrary to the recommendation of officers. Paragraph 12.5 sets out a suggested process which includes having a short deferral for officers to review what has been proposed and provide advice to the Committee on what has been suggested. Another potential option is also to defer the application to another meeting so that the suggested reasons for refusal can be reviewed and professional advice obtained. Para 12.7 states that officer should be given an opportunity to advise and explain the implications of the proposed decision.

4.3 At the meeting on 15 November 2023, following debate, the proposed reasons for refusal were proposed. These were seconded, and a vote immediately taken without further debate and without officers being asked for their advice or there being an opportunity for officers to offer advice.

4.4 The purpose of this report is to provide the Committee with the advice that would have been provided at the meeting on 15 November and for the Committee to clarify the position of the Council with the benefit of that advice. In summary, the concerns relate to the following;

- There is no reason for refusal that relates to the lack of infrastructure (e.g. affordable housing, Comet Corner highway improvements scheme, and education transport contribution) in the absence of a completed s106 agreement to deliver it. This could potentially make it very difficult to secure necessary infrastructure at a future appeal.
- The previous planning permission on the application is a material consideration that must be afforded substantial weight in the decision-making process. In agreeing to reasons for refusal 1 and 2, the Committee do not appear to have given weight to this consideration.
- The reasons for refusal should contain more detail on what it is that is the planning harm is caused by the proposals. As worded, the reasons are largely a statement of fact and do not outline the harm caused by the policy conflict.

4.5 In response to each of these points, officer advice is set out below;

- Reasons for refusal around the infrastructure required should be added. A resolution in response to this report must state the infrastructure required and that there is no completed s106 agreement (at the time of the decision) that would deliver this infrastructure. Failure to include these could result in significant infrastructure not being able to be secured at a future appeal.
- Further text that adds essential content around the specifics of the harm caused due to non-compliance with policy is required for reason for refusal 4.
- In the absence of an objection from the Council's Drainage Engineers, reason for refusal 3 should be withdrawn.
- If the previous application was afforded substantial weight as a material consideration (as it must) then it would be exceptionally difficult to justify refusal 1 & 2. Further, the Neighbourhood Plan process in respect on policy BB1 will be outlined below which reduces further the robustness of these reasons.

4.6 I will deal with each of these issues in turn.

Absence of Essential Infrastructure Reason for refusal.

4.7 Officers consider it essential that the following reasons for refusal were added to those proposed by the Committee. As stated above, it is not possible to amend these reasons now, but this report can make it clear what the Council's position is on this matter. Because there is no completed s106 agreement to secure essential infrastructure, officers suggest that the following should have been added.

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.

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.

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.

- 4.8 Failure to include reasons for refusal on infrastructure could potentially make it difficult to secure at a future appeal. The Council clearly must ensure that this is avoided and the only way to do this now is to agree the text above the clarify that this is part of the Council's position and that it will form part of any future appeal should there be one.

Reasons for Refusal 3 & 4

- 4.9 It is perfectly acceptable that the Committee came to a view that the application was unacceptable on the grounds that the design was not acceptable and that issues around flood risk had not been satisfactorily addressed. The issue with the decision is that the reasons for refusal do not contain any text that sets out what aspects of the proposals are unacceptable, what the harm caused is and how they are contrary to the policies listed. Based on the debate at the Committee, Officers therefore suggest that reason for refusal 4 should have read;

The design of the proposed houses would be incongruous with the established character of this semi-rural edge of settlement location which forms a buffer to the hamlet of Bilsham. They would introduce an urban built form to the edge of settlement location and not reflect the establish character of the area. This would result in substantial harm to local character in conflict with Arun Local Plan policies D DM1 & LAN DM1, and policy H4 of the Yapton Neighbourhood Development Plan 2011-2031. The harm identified clearly and demonstrably outweighs the benefits of the application and the presumption in favour of sustainable development set out in the NPPF.

- 4.10 As officers stated at the meeting, it was likely that issues around surface water drainage and flood risk would be addressed to the satisfaction of the Council's Drainage Engineers. Since the meeting the Council's Engineers have confirmed that they raise no objections to the revised proposals. As stated in the officer report, the comments from the LLFA can be dealt with through planning conditions. Therefore, in light of the Council's Engineers comments, officers would recommend the withdrawal of this reason for refusal. If the Committee wished to pursue this as a reason for refusal, the officers would suggest additional wording, but this would be on the basis that defending this reason for refusal would require alternative evidence to be provided that would contradict the Council's Engineers.

Reasons for Refusal 1 & 2

- 4.11 As stated above, the previous planning permission Y/3/22/OUT must be afforded substantial weight in the decision-making process. Officer advice is that it cannot be afforded anything other than substantial weight. The decision taken on reasons for refusal 1 & 2 does not appear to take this into account and officers consider that these reasons would be exceptionally difficult to sustain at any future appeal. Further, the risk of a costs award against the Council would be significant because it would be unreasonable not to afford this substantial weight. Planning permission Y/3/22/OUT was granted permission at Planning Committee in August 2022 with the decision notice dated January 2023 following completion of the s106 agreement. For the reasons below, there has been no change in circumstances to justify a different decision to that taken on Y/3/22/OUT.

4.12 Reason for refusal 1 quotes policies BB1 and H1 of the Neighborhood Plan. Officers consider that it will be exceptionally difficult to make a case that the proposals would be contrary to these policies for the following reasons;

- i. The contrary decision taken on Y/3/22/OUT in January 2023 outlined above.
- ii. The fact that the recently made Neighbourhood Plan undertook to review the Built Up Area Boundaries and did so by including sites that had obtained planning permission. However, it appears that these boundaries were set in 2021 and were not revisited or updated nor was the policy wording amended to include flexibility. The decision on Y/3/22/OUT (January 2023) pre-dates the Examiners Report (May 2023) and the Regulation 19 Plan (June 2023). If the BUAB in the Neighbourhood Plan were up to date at the time of being made, and therefore afforded weight, then planning permission Y/3/22/OUT should clearly have been incorporated within the BUAB in the same way as all other permissions before the making of the Plan.

4.13 Officer advice is that the weight that can be afforded to these BUAB's in the context of this decision is very limited and the recently made NP is consequently not a sufficient change in circumstance to justify a decision that differs to that taken on Y/3/22/OUT. The BUAB is the same as when Y/3/22/OUT was determined and, to be consistent and up to date, the BUAB should include this decision.

4.14 Officer advice on this is clear and unambiguous. These reasons for refusal are not considered to be robust and it is not considered that they could be sustained at any future appeal. Further, if this reason for refusal is retained, officers consider that the risk of a costs award against the Council would be high.

4.11 Consequently, the same comments equally apply to proposed reasons for refusal 2 in relation to the loss of Best and Most Versatile Land, on the basis that the outline permission already granted by the Council under Y/3/22/OUT would equally, result in the permanent loss of this agricultural land. There has been no change in circumstances to justify a different conclusion on the same issue.

5. CONSULTATION

5.1 None

6. OPTIONS / ALTERNATIVES CONSIDERED

6.1 n/a

7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER

7.1 No comments.

8. RISK ASSESSMENT CONSIDERATIONS

8.1 The purpose of this report is to attempt to reduce the potential for a cost award against the Council at a future appeal on the basis that the Council's decision was unreasonable.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

9.1 The Planning protocol is part of the decision-making framework for planning determinations and this report is intended to ensure robustness in the decision-making process.

10. HUMAN RESOURCES IMPACT

10.1 n/a

11. HEALTH & SAFETY IMPACT

11.1 n/a

12. PROPERTY & ESTATES IMPACT

12.1 n/a

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1 n/a

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1 n/a

15. CRIME AND DISORDER REDUCTION IMPACT

15.1 n/a

16. HUMAN RIGHTS IMPACT

16.1 n/a

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 n/a

CONTACT OFFICER:

Name: Neil Crowther
Job Title: Group Head of Planning
Contact Number: 01903 737839

BACKGROUND DOCUMENTS:

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REPORT TO:	Planning Committee 14 December 2023
SUBJECT:	To adopt a Local Development Order for the Butlins Complex, Bognor Regis
LEAD OFFICER:	Kevin Owen (Planning Policy & Conservation Manager)
LEAD MEMBER:	Cllr June Hamilton (Chair of Planning Committee)
WARDS:	Hotham Ward
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
<p>The recommendation supports:</p> <ul style="list-style-type: none"> • Improve the wellbeing of Arun; • Supporting our environment to support us; • Fulfilling Arun’s economic potential. 	
DIRECTORATE POLICY CONTEXT:	
<p>The adoption of a new Local Development Order (LDO) for the Butlins Complex will help to promote active healthy lifestyles through leisure, arts, and culture, while promoting economic growth and the quality of the built and natural environments in a sustainable manner.</p>	
FINANCIAL SUMMARY:	
<p>The designation of the LDO would enable small changes to be made without the need to apply for planning permission. The consequence of this is a loss of planning application fees.</p>	

1. PURPOSE OF REPORT

1.1 The report updates the Planning Committee on the completion of the Local Development Order (LDO) 28-day consultation and advertisement period to introduce a revised LDO for the Butlins complex in Bognor Regis, which would allow small scale development changes to take place, subject to conditions set out in the draft LDO. The notification and advertisement period commenced on 14 June 2023 and closed on 12 July 2023. Six representations were received. These were from Bognor Regis Town Council, the Environment Agency, Historic England, West Sussex County Council, Environmental Health, and Natural England. (See Appendix 1 – Representations received). The LDO has been amended to address representations received, and following the Planning Committees consideration and agreement the amended LDO will now be referred by the Group Head of Planning to Full Council for adoption.

2. RECOMMENDATIONS

2.1 That Planning Committee recommend to Full Council that the amended Local Development Order for the Butlins Complex, Bognor Regis be adopted.

3. EXECUTIVE SUMMARY

- 3.1 The notification and advertisement period to amend the Local Development Order closed on 12 July 2023 with no objections. However, six representations were received following the consultation period and the LDO has been therefore, been amended to address the representations received.
- 3.2 Following adoption Local Development Order can be used by Butlins to make small scale development changes within the complex without the need to apply for planning permission.
- 3.3 The Council must refer the final LDO to the Secretary of State within 28 days of adoption.

4. DETAIL

- 4.1 Planning Committee considered the proposed Local Development Order for the Butlins complex on 7 June 2023.
- 4.2 The officers report noted how the Local Development Order had previously been adopted in September 2014 and was subject to renewal in 2019 although the process was never completed due to the impact of the advent of Covid 19 pandemic.
- 4.3 The Committee, therefore, agreed that a new 28-day consultation and advertisement period be implemented and following that, should there be any representations requiring amendments, these would be reported back to this meeting for consideration. Notification commenced on 14 June 2023 with:
 - Advert in the West Sussex Gazette.
 - Notices posted on site.
 - Notice sent to Bognor Regis Town Council.
 - Notice to Ward members.
 - Notices sent to persons whose interests the authority consider would be affected by the order in accordance with regulations 38 (3).
 - Notices sent to the owner of the site.
- 4.4 Six representations were received from: Bognor Regis Town Council; the Environment Agency; Historic England; West Sussex County Council; Environmental Health; and Natural England. The response is summarised below;
 - Bognor Regis Town Council raised no objection.
 - The Environment Agency provided comments noting that the order does not remove the need for an environmental permit to be obtained for certain works should it be required. They also specify that the order should not permit residential accommodation, which it does not.
 - Natural England provided comment to state that the LDO site area partly falls within the 5km zone of influence around the Pagham Harbour Special Protection Area (SPA) and Ramsar Site within which the Council has committed to collecting financial contributions for new residential accommodation. The wording of the LDO should not preclude the collection of this contribution where

required. In response to this comment, the LDO will not permit new residential accommodation and therefore no financial contributions would be required.

- Historic England provided no comment.
- WSCC stated they had no officer level comments to make regarding the consultation.
- The council's Environmental Health officer advised that two of the criteria relating to the distance that the development is from residential boundaries should be increased from 5m to 10m to ensure there is no adverse harm upon amenity.

4.5 The comments received have been incorporated into the document.

5. CONCLUSION

5.1 Officers consider that the proposed Local Development Order should now be referred to Full Council for adoption in accordance with the recommendation set out in this report and in compliance with the sections 61A-D and Schedule 4A of the Town and Country Planning Act 1990 and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

5.2 Following adoption, the Council will be required to refer the final LDO to the Secretary of State.

6. CONSULTATION

6.1 Consultation has been undertaken with the persons considered affected by the proposed LDO via notices and public advertisement.

7. OPTIONS / ALTERNATIVES CONSIDERED

7.1 The Council can choose not to adopt the Local Development Order. This would mean that proposals for the development listed within the LDO would be required to make a planning application in the normal way.

8. COMMENTS BY THE GROUP HEAD OF FINANCE /SECTION 151 OFFICER

8.1 The implementation of the recommendations can be accommodated within existing budget and resources. There will be a potential loss of revenue from planning application fees forgone but this would be minimal and likely be an efficiency saving considering the small-scale nature of minor developments and impact on officer time.

9. RISK ASSESSMENT CONSIDERATIONS

9.1 Implementing the recommendation will assist in reducing the number of applications which are received for small scale developments within the Butlins Complex.

10. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

10.1 Councils can grant planning permission for development specified in an LDO. The legislative which must be followed are set out in sections 61A-D and Schedule 4A of the Town and Country Planning Act 1990 and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As the previous LDO has expired, the Council should make a new LDO.

11. HUMAN RESOURCES IMPACT

11.1 There are no implications arising from the proposals.

12. HEALTH & SAFETY IMPACT

12.1 There are no direct health and safety impacts from the proposals.

13. PROPERTY & ESTATES IMPACT

13.1 Arun District Council holds the freehold interest of this site, which is leased to Butlins Limited for a term of 125 years commencing 2008. The proposed LDO will not directly affect the management of this site in the Councils capacity as landlord, and the terms of the lease will be unaffected.

14. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

14.1 There are no implications arising from the proposals.

15. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

15.1 There are no implications arising from the proposals. The addition of Photovoltaic panels onto buildings will support the reduction of emissions related to electricity, help safeguard occupants against increasing energy bills and also help reduce grid dependency.

16. CRIME AND DISORDER REDUCTION IMPACT

16.1 There are no implications arising from the proposals.

17. HUMAN RIGHTS IMPACT

17.1 There are no implications arising from the proposals.

18. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

18.1 There are no implications.

CONTACT OFFICER:

Name: Amber Willard
Job Title: Senior Planning Officer (Policy and Conservation)
Contact Number: 01903 737942

BACKGROUND DOCUMENTS:

Background Paper 1: Existing Butlins Local Development Order

[Appendix A - Local Development Order | Arun District Council](#)

Background Paper 2: Existing Butlins, Bognor Regis Local Development Order Map

[Appendix B - map of Butlins, Bognor Regis Local Development Order | Arun District Council](#)

Background Paper 3: Existing Statement of Reasons Butlins (2019)

[Statement of reasons 2019 | Arun District Council](#)

Background Paper 4: Bognor Regis Campus Draft Local Development Order, Map and Statement of Reasons 2023

[butlins-LDO-document-v3.docx \(live.com\)](#)

Appendix 1 – Representations received.

Bognor Regis Town Council

'I'm emailing in regard to the Draft Local Development Orders for the Butlins Complex and The University of Chichester Campus, Bognor Regis, which seek to provide limited permitted development rights to small scale development within the two sites, for a period of three years.

The draft LDO's were considered by Bognor Regis Town Council's Planning and Licensing Committee at their meeting on 27th June 2023.

*After consideration, Members of the Committee unanimously agreed to raise **NO OBJECTION**, to either of the draft LDO's.'*

The Environment Agency

Thank you for consulting the Environment Agency on the Draft Local Development Order for Butlins Complex, Bognor Regis.

*We would like to emphasise that we would expect that any **proposed residential development** within the site boundary would not be part of any permitted development. We request that the Local Development Order does not permit development that includes intrusive groundworks within the area of the Longbrook Historic Landfill which is present in the Southeast corner of the site. This is to prevent the migration of any contaminant present into the Aldingbourne Rife or Sussex Coastal Waterbody.*

Any development should assess the impact of climate change using appropriate higher central and upper end allowances. Compensatory storage should be considered for any works completed within the fluvial flood plain and approved by the Environment Agency.

We would also note that any Local Development Order does not absolve the applicant from applying for a Flood Risk Activity Permit

Environmental permit - advice to applicant 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 further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Signing up for flood warnings The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

Flood resistance and resilience We 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. In the meantime, 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.

Natural England

Based on our records it appears that both LDO areas may fall partly within the 5km Zone of Influence (ZOI) around the Pagham Harbour Special Protection Area (SPA) and Ramsar site within which your authority has committed to collecting financial contributions from new residential and tourist accommodation to put towards strategic mitigation measures. From our reading of the draft LDOs they do not appear to cover this type of development but if this is incorrect then your authority should make sure that the final wording of the LDOs does not preclude you being able to secure appropriate financial contributions where required.

Natural England has no other comments to make on either draft LDO.

Historic England

'Thank you for your letter of 14 June 2023 regarding the above application. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.'

West Sussex County Council

'I can confirm at this time there are no officer level comments being made to the consultations, however we would like to be consulted on this and other documents in the future. '

Environmental Health

'6.1 – The Butlin's complex is self-contained, with no residential properties within the immediate vicinity...' This is not correct, 52 – 62 Upper Bognor Road are literally in the immediate vicinity, their garden boundaries abut Butlin's boundary.

'6.2 - ...to prevent any adverse impact upon any of these residential properties, no development will be allowed within 5 metres of the boundary of the Butlin's complex.' Questions that 5 metres as too close to residents, would suggest increasing the 5m to 10m or more.

'Permitted Development Type 1 (D)' *'Consider 5 metres as too close to residents, would suggest increasing the 5m to 10m or more.'*

'Permitted Development Type 4 (C) Cause noise audible from outside the property to reach a level whereby it becomes a statutory nuisance.' Request to define what is 'property' being referred to and to remove the reference to 'statutory nuisance' as this could not be determined by Butlin's and would therefore be unenforceable.'

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REPORT TO:	Planning Committee 14 December 2023
SUBJECT:	To adopt a Local Development Order for the University of Chichester, Bognor Regis Campus
LEAD OFFICER:	Kevin Owen (Planning Policy & Conservation Manager)
LEAD MEMBER:	Cllr June Hamilton (Chair of Planning Committee)
WARDS:	Hotham Ward
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
<p>The recommendation supports:</p> <ul style="list-style-type: none"> • Improve the wellbeing of Arun; • Supporting our environment to support us; • Fulfilling Arun’s economic potential. 	
DIRECTORATE POLICY CONTEXT:	
<p>The adoption of a new Local Development Order (LDO) for the University of Chichester, Bognor Campus will help to promote active healthy lifestyles through leisure, arts and culture, while promoting economic growth and the quality of the built and natural environments in a sustainable manner.</p>	
FINANCIAL SUMMARY:	
<p>The designation of the LDO would enable small changes to be made without the need to apply for planning permission. The consequence of this is a loss of planning application fees.</p>	

1. PURPOSE OF REPORT

1.1 The report updates the Planning Committee on the completion of the Local Development Order (LDO) 28-day consultation and advertisement period to introduce an LDO covering the University of Chichester, Bognor Regis Campus, which would allow small scale development changes to take place, subject to conditions set out in the draft LDO. The notification and advertisement period commenced on 14 June 2023 and closed on 12 July 2023. Seven representations were received. These were from Bognor Regis Town Council, the Environment Agency, West Sussex County Council, Environmental Health, Historic England, the Councils Conservation Officer and Natural England (See Appendix 1 – Representations received). The LDO has been amended to address representations received, and following the Planning Committees consideration and agreement the amended LDO will now be referred by the Group Head of Planning to Full Council for adoption.

2. RECOMMENDATIONS

2.1 That Planning Committee recommend to Full Council that the amended Local Development Order for the University of Chichester, Bognor Regis Campus be adopted.

3 EXECUTIVE SUMMARY

- 3.1 The notification and advertisement period to amend the Local Development Order closed on 12 July 2023 with no objections however, seven representations were received following consultation period and the LDO has been therefore, been amended to address the representations received.
- 3.2 Following adoption Local Development Order can be used by Chichester University Campus to make small scale development changes within the campus without the need to apply for planning permission.
- 3.3 The Council must refer the final LDO to the Secretary of State within 28 days of adoption.

4 DETAIL

- 4.1 Planning Committee considered the proposed Local Development Order for The University of Chichester, Bognor Regis Campus on 7 June 2023.
- 4.2 The site occupies the university's flagship Tech Park which is home to its Engineering and Design and Create Digital Technologies Department. There is also some student accommodation on site and a car park.
- 4.3 The Committee agreed that a 28-day consultation and advertisement period be implemented and following that, should there be any representations these would be reported back to this meeting for consideration on whether any further changes were necessary. Notification commenced on 14 June 2023 with:
 - Advert in the West Sussex Gazette.
 - Notices posted on site.
 - Notice sent to Bognor Regis Town Council.
 - Notice to Ward members.
 - Notices sent to persons whose interests the authority consider would be affected by the order in accordance with regulations 38 (3).
 - Notices sent to the owner of the site.
- 4.4 Seven representations were received from: Bognor Regis Town Council, the Environment Agency, Natural England, Historic England, West Sussex County Council (WSCC), and the council's Environmental Health and Conservation Officers. The response is summarised below:-
 - Bognor Regis Town Council raised no objection.
 - The Environment Agency provided comments noting the order does not remove the need for an environmental permit to be obtained for certain works should it be required. They also specify that the order should not permit residential accommodation which the LDO does not.
 - Natural England provided comment to state that the LDO site area partly falls within the 5km zone of influence around the Pagham Harbour Special Protection Area (SPA) and Ramsar Site within which the Council has

committed to collecting financial contributions for new residential accommodation. The wording of the LDO should not preclude the collection of this contribution where required. In response to this comment, the LDO will not permit new residential accommodation and therefore no financial contributions would be required.

- Historic England provided no comment.
- WSCC noted they had no officer comment to make regarding the consultation.
- The council's Environmental Health officer noted they had no officer comment to make regarding the consultation.
- The Conservation Officer had no objection and provided minor comments, requesting a sentence be added to make it clear the LDO does not permit works to any listed buildings.

4.5 The comments received have been incorporated into the document.

5 CONCLUSION

5.1 Officers consider that the proposed Local Development Order should now be adopted in accordance with the recommendation set out in this report and in compliance with the sections 61A-D and Schedule 4A of the Town and Country Planning Act 1990 and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

5.2 Following adoption the Council would be required to refer the final LDO to the Secretary of State.

6 CONSULTATION

6.1 Consultation has been undertaken with the persons and organisations considered affected by the proposed LDO via notices and public advertisement.

7 OPTIONS / ALTERNATIVES CONSIDERED

7.1 The Council can choose not to adopt the Local Development Order. This would mean that proposals for the development listed within the LDO would be required to make a planning application in the normal way.

8 COMMENTS BY THE GROUP HEAD OF FINANCE /SECTION 151 OFFICER

8.1 The implementation of the recommendations can be accommodated within existing budget and resources. There will be a potential loss of revenue from planning application fees forgone but this would be minimal and likely be an efficiency saving considering the small-scale nature of minor developments and impact on officer time.

9 RISK ASSESSMENT CONSIDERATIONS

9.1 Implementing the recommendation will assist in reducing the number of applications which are received for small scale developments within the University of Chichester, Bognor Regis Campus.

10 COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

10.1 Councils can grant planning permission for development specified in an LDO. The legislative which must be followed are set out in sections 61A-D and Schedule 4A of the Town and Country Planning Act 1990 and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

11 HUMAN RESOURCES IMPACT

11.1 There are no implications arising from the proposals.

12 HEALTH & SAFETY IMPACT

12.1 There are no direct health and safety impacts from the proposals.

13 PROPERTY & ESTATES IMPACT

13.1 There are no implications arising from the proposals.

14 EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

14.1 There are no implications arising from the proposals.

15 CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

15.1 There are no direct adverse implications for Climate Change. The addition of Photovoltaic Panels onto buildings will support the reduction of emissions related to electricity, help safeguard occupants against increasing energy bills and help reduce grid dependency.

16 CRIME AND DISORDER REDUCTION IMPACT

16.1 There are no implications arising from the proposals.

17 HUMAN RIGHTS IMPACT

17.1 There are no implications arising from the proposals.

18 FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

18.1 There are no implications.

CONTACT OFFICER:

Name: Amber Willard

Job Title: Senior Planning Officer (Policy and Conservation)

Contact Number: 01903 737942

BACKGROUND DOCUMENTS:

Background Paper 1: The University of Chichester, Bognor Regis Campus Draft
Local Development Order, Map and Statement of Reasons updated 2023

[U-of-C-LDO-document-v3.docx \(live.com\)](#)

Appendix 1 – Representations received.

Bognor Regis Town Council

'I'm emailing in regard to the Draft Local Development Orders for the Butlins Complex and The University of Chichester Campus, Bognor Regis, which seek to provide limited permitted development rights to small scale development within the two sites, for a period of three years.

The draft LDO's were considered by Bognor Regis Town Council's Planning and Licensing Committee at their meeting on 27th June 2023.

After consideration, Members of the Committee unanimously agreed to raise NO OBJECTION, to either of the draft LDO's.'

The Environment Agency

Thank you for consulting the Environment Agency on the Draft Local Development Order for The University of Chichester, Bognor Regis.

We would like to emphasise that we would expect that any proposed residential development within the site boundary would not be part of any permitted development. Any proposed development should assess the impact of climate change using appropriate higher central and upper end allowances, see: 'Flood risk assessments: climate change allowances.

Compensatory storage should be considered for any works completed within the fluvial flood plain and this should be approved by the Environment Agency.

We would also note that any Local Development Order does not absolve the applicant from applying for a Flood Risk Activity Permit. Please see the below advice. Environmental Permit 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 further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Signing up for flood warnings *The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email, or text message. Anyone can sign*

up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families, and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

Flood resistance and resilience

We 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. In the meantime, 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.

Natural England

Based on our records it appears that both LDO areas may fall partly within the 5km Zone of Influence (ZOI) around the Pagham Harbour Special Protection Area (SPA) and Ramsar site within which your authority has committed to collecting financial contributions from new residential and tourist accommodation to put towards strategic mitigation measures. From our reading of the draft LDOs they do not appear to cover this type of development but if this is incorrect then your authority should make sure that the final wording of the LDOs does not preclude you being able to secure appropriate financial contributions where required.

Natural England has no other comments to make on either draft LDO.

Historic England

'Thank you for your letter of 14 June 2023 regarding the above application. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.'

West Sussex County Council

'I can confirm at this time there are no officer level comments being made to the consultations, however we would like to be consulted on this and other documents in the future.'

Environmental Health

Environmental Health have no comment to make on the LDO.

Conservation Officer

'It might help to state that there are various listed buildings within the university campus.'

Pars 1.5 Is it worth making it clear that listed buildings are excluded. Appendix A – the draft LDO section – the reference to the map is incorrect. The text refers to appendix A, whereas it is appendix B'.

Arun District Council

REPORT TO:	Planning Committee 14 December 2023
SUBJECT:	Fitzalan Link Road Acoustic Barrier
LEAD OFFICER:	Neil Crowther, Group Head of Planning
LEAD MEMBER:	Councillor June Hamilton - Chair of Planning Committee
WARDS:	Wick & Brookfield
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
Use regeneration opportunities to attract new and relocating businesses to the district.	
DIRECTORATE POLICY CONTEXT:	
The proposals will help to enhance the quality of the natural and built environment, protect the district's natural and heritage assets and to promote economic growth in a sustainable manner, striking a balance between the need for development and the protection of scarce resources.	
FINANCIAL SUMMARY:	
The decision of the Committee in respect of the Fitzalan Link Road acoustic barrier potentially has substantial financial implications for the Council.	

1. PURPOSE OF REPORT

- 1.1 For the Committee to confirm the councils position concerning the Fitzalan Link Road Acoustic Barrier.

2. RECOMMENDATIONS

- 2.1 That the Committee resolve to defer further consideration of this matter until the northern section of the Fitzalan Link Road is opened (currently scheduled for Autumn 2024).

3. EXECUTIVE SUMMARY

- 3.1 Planning Committee has considered numerous reports on this issue in recent years. In summary, the Committee have expressed a preference for the acoustic barrier to be reduced in height but have acknowledged the likely significant costs associated with this. Further detail on likely costs, process and risk have been sought but it has been exceptionally difficult to obtain expert advice on the subject.

4. DETAIL

- 4.1. This report follows on from previous reports to Planning Committee in May 2021, December 2021, May 2022 and February 2023. The outcome of these reports was that the Committee stated a preference to secure the reduction in height of the acoustic barrier to 2.5m. The Committee had resolved to seek expert advice (to be reported back to Committee) on the likely costs associated with this. A brief for this work was prepared and issued but no fee proposals were received.

- 4.2. After the meeting in February 2023, this was revisited but only one local company responded but only in respect of the likely construction process itself. The Council has been unable to obtain any advice on the legal process and risks associated with the process.
- 4.3. The report to Planning Committee in February 2023, refers to the likely required process and likely scale of costs.
- 4.4. At the request of Planning Committee, a consultation process took place with residents on the eastern side of Highdown Drive and Amberley Close. This was reported to Planning Committee in April 2022.

61% of those consulted expressed a preference for a reduction in height of the barrier regardless of whether it results in greater noise disturbance and 20% expressed a preference for it to be retained as it (with the remainder supporting a reduction only if there would be no greater noise).

- 4.5 Due to the frustrations in obtaining relevant expert advice it is difficult to give advice on a way forward currently. Further, it is anticipated that traffic flows will change once the road is completely open. Following informal discussions with members, it was suggested that any further decisions be held in abeyance until the northern section of the Fitzalan Link Road is open so that a more informed assessment of traffic volumes and noise disturbance can be taken.

5. CONSULTATION

- 5.1. Nothing specific at this stage.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1. The Committee must determine if they wish to pursue the resolution made in May 2022 or to agree to cease this and do nothing because of the likely scale of costs.

7. COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER

- 7.1. I endorse the recommendation contained in the report to “cease exploring options to reduce the height of the acoustic barrier”. As stated in the report the cost of such action is prohibitive (excess of £2.5m). This would form significant discretionary expenditure at a time that the Council is facing significant financial pressures.

8. RISK ASSESSMENT CONSIDERATIONS

- 8.1. None at this stage.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 9.1. The democratic and governance implications are set out within previous reports to Planning Committee on this subject.

10. HUMAN RESOURCES IMPACT

10.1 None

11. HEALTH & SAFETY IMPACT

11.1. None

12. PROPERTY & ESTATES IMPACT

12.1. None

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1. None

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1. Carrying out the works would result in additional carbon emissions over the course of the physical works on site.

15. CRIME AND DISORDER REDUCTION IMPACT

15.1. None

16. HUMAN RIGHTS IMPACT

16.1. None

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1. n/a

CONTACT OFFICER:

Name: Neil Crowther
Job Title: Group Head of Planning
Contact Number: 01903 737839

BACKGROUND DOCUMENTS:

Planning Committee agenda May 2021, December 2021, May 2022 and February 2023.

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Arun District Council

REPORT TO:	Planning Committee – 14 December 2023
SUBJECT:	Key Performance Indicators 2022-2026 – Quarter 2 performance report for the period 1 April 2023 to 30 September 2023.
LEAD OFFICER:	Jackie Follis, group Head of Organisational Excellence
LEAD MEMBER:	Councillor Hamilton – Chair of Planning Committee
WARDS:	N/A
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: The Key Performance Indicators support the Council's Vision and allows the Council to identify how well we are delivering across a full range of services.	
DIRECTORATE POLICY CONTEXT: This report is produced by the Group Head of Organisational Excellence to give an update on the Q2 Performance outcome of the Key Performance Indicators.	
FINANCIAL SUMMARY: Not required.	

1. PURPOSE OF REPORT

- 1.1. In order for the Committees to be updated with the Q2 Performance Outcome for the Key Performance indicators for the period 1 April 2023 to 30 September 2023.

2. RECOMMENDATIONS

- 1.2. It is recommended that the Committee notes the contents of this report and provides any questions or comments on the indicators relevant to this Committee to the Policy and Finance Committee on 8 February 2024.

2. EXECUTIVE SUMMARY

- 2.1. This report sets out the performance of the Key Performance indicators at Quarter 2 for the period 1 April 2023 to 30 September 2023.

3. DETAIL

- 3.1. The Council Vision 2022-2026 was approved at Full Council in March 2022. To support the Vision we need a comprehensive and meaningful set of performance measures which allow us to identify how well we are delivering across a full range of services. Two kinds of indicators were agreed at the Policy and Finance Committee on 17 March 2022. The first of these are annual indicators and will primarily update the progress against strategic milestones. In addition to this 'key performance indicators' (KPIs) will be reported to committees every quarter. These KPIs are known as our Corporate Plan.

- 3.2. A short report and appendix will go to each of the other Committees in the cycle of meetings after each quarter has ended. This appendix will only contain the indicators which are relevant to each Committee.
- 3.3. A full report showing quarterly performance against all indicators (which are measured at that quarter) will go to the relevant Policy and Finance Committee meeting at the end of the cycle of the other Committee meetings. Members of the other Committees will be able to give comments or ask questions about the KPI indicators that are relevant to their Committee and these will be submitted to the Policy and Finance Committee for consideration.
- 3.4. This is the quarterly report covering performance from 1 April 2023 to 30 September 2023 and will cover only those indicators that are due to be measured at this point.
- 3.5. Thresholds are used to establish which category of performance each indicator is within.

Achieved target	100% or above target figure
Didn't achieve target but within 15% range	85%-99.9% below target figure
Didn't achieve target by more than 15%	85% or less target figure

- 3.6. There are 42 Key Performance indicators. 10 of these indicators relate to this Committee and all 10 are measured at Q2.
- 3.7. This report gives the status of the indicators at Q2. Appendix A gives full commentary for each indicator.

Status	Number of Key Performance indicators in this category at Q2
Achieved target	3
Didn't achieve but within 15% range	4
Didn't achieve target by more than 15%	3
TOTAL	10

- 3.8. The Planning Committee have also requested a spreadsheet showing 12 month rolling average figures for the Planning indicators. This information is attached in Appendix B and gives the rolling average for the period October 2022 to September 2023.
- 3.9. Actions to be taken

CMT are monitoring the indicators which are not achieving at Q2. The Interim Chief Executive and Director of Growth will specifically monitor all indicators to encourage improved performance during 2023/24.

4. CONSULTATION

- 4.1. No consultation has taken place.

5. OPTIONS / ALTERNATIVES CONSIDERED

- 5.1. To review the report
- 5.2. To request further information and/or remedial actions be undertaken

6. COMMENTS BY THE GROUP HEAD OF CORPORATE SUPPORT/SECTION 151 OFFICER

- 6.1. None required.

7. RISK ASSESSMENT CONSIDERATIONS

- 7.1. None required

8. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 8.1. As this report is an information paper, there are no recommendations for the Committee to consider. This report is to be taken as read only with Members having the opportunity to ask questions at the meeting on service performance. Members can also submit questions or comments on the indicators relevant to their Committee and these will be considered by the Policy and Finance Committee on 8 February 2024.

9. HUMAN RESOURCES IMPACT

- 9.1. Not applicable.

10. HEALTH & SAFETY IMPACT

- 10.1. Not applicable.

11. PROPERTY & ESTATES IMPACT

- 11.1. Not applicable.

12. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

- 12.1. Not applicable.

13. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

- 13.1. Not applicable.

14. CRIME AND DISORDER REDUCTION IMPACT

- 14.1. Not applicable.

15.HUMAN RIGHTS IMPACT

15.1. Not applicable.

16.FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

16.1. Not applicable.






CONTACT OFFICER:






Name: Jackie Follis

Job Title: Group Head of Organisational Excellence

Contact Number: 01903 737580

BACKGROUND DOCUMENTS: *None*

No.	Indicator	Service Committee to consider this	CMT Member	Assess by	Target 2023	Q1 Status	Q2 Commentary	Q2 Outturn and status (April to Sept 2023)	Improved or not since Q1 figure (Q2 compared to Q1)
CP26	Major applications determined in 13 weeks or agreed extension of time	Planning	Karl Roberts	Higher is better	80%	Not achieving Outturn for Q1 50% (64%)	5 out of 16 applications determined within time. Of those that 11 were unable to be determined within time, 4 were either needed to be determined at Planning Committee or required a legal agreement. The figure in brackets is the extension of time figure and this is used when calculating the status for this indicator.	Not achieving but within 15% range Outturn for Q2 31% (75%)	Up by 11% (better) 
CP27	Minor applications determined in 8 weeks or agreed extension of time	Planning	Karl Roberts	Higher is better	90%	Not achieving Outturn for Q1 64% (75%)	This has seen a significant increase in performance and in productivity during Q2. Significantly more decisions issued in Q2 compared to Q1 (+9/14% more). 50 out of 68 decisions issued in time. The figure in brackets is the extension of time figure and this is used when calculating the status for this indicator.	Not achieving but within 15% range Outturn for Q2 74% (88%)	Up by 13% (better) 
CP28	% of other applications determined in 8 weeks or agreed extension of time	Planning	Karl Roberts	Higher is better	90%	Achieving Outturn for Q1 94% (97%)	Performance in this area remains excellent. The figure in brackets is the extension of time figure and this is used when calculating the status for this indicator.	Achieving Outturn for Q2 94% (95%)	Down by 2% (worse) Note: Whilst Q2 is worse than Q1, this is KPI is still achieving its target 
CP29	Average number of days to determine householder application	Planning	Karl Roberts	Lower is better	55 days	Achieving Outturn for Q1 54 days	Target achieved and better performance than Q1 (135)	Achieving Outturn for Q2 53 days	Down by 1 day (better) 
CP30	Average number of days to determine other applications	Planning	Karl Roberts	Lower is better	55 days	Not achieving but within 15% range Outturn for Q1 56 days	Target not achieved by only 2 days. Significantly more decisions issued in Q2 compared to Q1 (+15)	Not achieving but within 15% range Outturn for Q2 57 days	Up by 1 day (worse) 

No.	Indicator	Service Committee to consider this	CMT Member	Assess by	Target 2023	Q1 Status	Q2 Commentary	Q2 Outturn and status (April to Sept 2023)	Improved or not since Q1 figure (Q2 compared to Q1)
CP31	Average number of days to determine applications - Trees	Planning	Karl Roberts	Lower is better	40 days	Not achieving but within 15% range Outturn for Q1 46 days	Target not achieved by 5 days but better performance than Q1.	Not achieving but within 15% range Outturn for Q2 45 days	Down by 1 day (better) 
CP32	Average number of days to determine application - Discharge of Condition	Planning	Karl Roberts	Lower is better	40 days	Not achieving Outturn for Q1 73 days	Target not achieved. This performance has been significantly affected by some very old applications being determined in August.	Not achieving Outturn for Q2 84 days	Up by 1 1 days (worse) 
CP33	Average number of days to determine major planning applications	Planning	Karl Roberts	Lower is better	120 days	Not achieving but within 15% range Outturn for Q1 131 days	See CP 26	Not achieving Outturn for Q2 240 days	Up by 109 days (worse) 
CP34	Average number of days to determine minor planning applications	Planning	Karl Roberts	Lower is better	55 days	Not achieving Outturn for Q1 64 days	See CP 27	Not achieving Outturn for Q2 67 days	Up by 3 days (worse) 
CP35	% of planning applications registered within 5 days	Planning	Karl Roberts	Higher is better	70%	Achieving Outturn for Q1 91%	Target achieved	Achieving Outturn for Q2 97%	Up by 6% (better) 

KPI Number	Indicator	Target 2023	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	12 Month rolling average (Oct 22-Sept 23)
CP26	Major applications determined in 13 weeks or agreed extension of time (figure shown in brackets is the extension of time figure)	80%	43% (57%)	0% (100%)	29% (43%)	50% (83%)	25% (38%)	33% (67%)	67% (78%)	0% (0%)	50% (100%)	17% (50%)	33% (83%)	50% (75%)	64.50%
CP27	Minor applications determined in 8 weeks or agreed extension of time (figure shown in brackets is the extension of time figure)	90%	50% (88%)	43% (67%)	73% (77%)	78% (96%)	38% (57%)	60% (70%)	50% (59%)	79% (84%)	65% (85%)	73% (92%)	80% (96%)	65% (71%)	78.50%
CP28	% of other applications determined in 8 weeks or agreed extension of time (figure shown in brackets is the extension of time figure)	90%	87%	91% (94%)	88% (92%)	93% (93%)	88% (95%)	96% (96%)	97% (99%)	94% (97%)	90% (96%)	97% (97%)	91% (94%)	93% (95%)	94.58%
CP29	Average number of days to determine householder application	55 days	56	52	53	56	56	55	54	55	54	54	52	52	54
CP30	Average number of days to determine other applications	55 days	58	64	65	54	65	69	56	58	53	57	53	64	60
CP31	Average number of days to determine applications - Trees	40 days	41	46	44	51	46	45	47	46	45	47	47	42	46
CP32	Average number of days to determine application - Discharge of Condition	40 days	57	71	71	87	75	63	61	86	67	80	103	62	74
CP33	Average number of days to determine major planning applications	120 days	167	142	158	155	195	159	101	245	95	409	152	96	173
CP34	Average number of days to determine minor planning applications	55 days	93	105	59	65	102	67	69	58	64	69	59	74	74
CP35	% of planning applications registered within 5 days	70%	44%	47%	95%	76%	96%	95%	93%	89%	92%	98%	97%	96%	84.83%

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