



Public Document Pack

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Committee Manager Carrie O'Connor

23 May 2019

Development Control Committee

A meeting of the Development Control Committee will be held in Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF on the Wednesday 5th June 2019 at **2.30 pm** and you are requested to attend.

Members: Councillors Bennett (Chairman), Thurston (Vice-Chair), Baker, B Blanchard-Cooper, Bower, Charles, Coster, Hamilton, Lury, Oliver-Redgate, Northeast, Mrs Pendleton, Roberts, Mrs Stainton and Yeates

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 AT THE COUNCIL'S PLANNING RECEPTION AT THE CIVIC CENTRE AND/OR ON LINE AT www.arun.gov.uk/planning<<http://www.arun.gov.uk/planning>>

AGENDA

1. APOLOGIES

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. START TIMES

To agree the start times of meetings for the remainder of 2019/20.

5. MINUTES

(Pages 1 - 6)

To approve as a correct record the Minutes of the meeting held on 10 April 2019 (attached)

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

PLANNING APPLICATIONS

7. BR/270/18/PL 18-20 LONDON ROAD, BOGNOR REGIS (Pages 7 - 34)
PO21 1PY

8. BR/311/18/PL LAND TO THE EAST OF UNIVERSITY OF (Pages 35 - 62)
CHICHESTER, UPPER BOGNOR ROAD, BOGNOR REGIS
PO21 1HR

9. BR/329/18/PL 123 LONGFORD ROAD, BOGNOR REGIS (Pages 63 - 72)
PO21 1AE

10. FP/249/18/PL 22 NORTH WAY, FELPHAM PO22 7BT (Pages 73 - 80)

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|-----|---|----------------------|
| 11. | FG/29/19/PL SOUTH POINT, 1 BEEHIVE LANE, FERRING
BN12 5NL | (Pages 81 - 90) |
| 12. | FG/35/19/PL QUERCUS NURSERY, LITTLEHAMPTON
ROAD, FERRING BN12 6PH | (Pages 91 - 100) |
| 13. | LU/78/19/PL 32 GRIFFIN CRESCENT, LITTLEHAMPTON
BN17 7LJ | (Pages 101 -
108) |
| 14. | M/24/19/PL 3 THE HARD, ELMER PO22 6JS | (Pages 109 -
120) |
| 15. | M/155/18/PL 5 CENTRAL DRIVE, MIDDLETON PO22 7TT | (Pages 121 -
132) |
| 16. | R/34/19/PL 4 BROADMARK PARADE, BROADMARK LANE,
RUSTINGTON BN16 2NE | (Pages 133 -
142) |
| 17. | WA/18/19/PL LAND ADJACENT 1 ORCHARD WAY,
FONTWELL BN18 0SH | (Pages 143 -
158) |
| 18. | PLANNING APPEALS | (Pages 159 -
162) |

BACKGROUND PAPERS

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

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

Contact Officers :

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

Claire Potts (Ext 37698) email Claire.potts@arun.gov.uk

Note: *Indicates report is attached for Members of the Development Control Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or accessed via the website at www.arun.gov.uk.

Note: Members are reminded that if they have any detailed questions would they please inform the Chairman and/or the Group Head of Planning, in advance of the meeting. This is to ensure that officers can provide the best possible advice to Members during the meeting.

Agenda Item 5

Subject to approval at the next Committee meeting

403

DEVELOPMENT CONTROL COMMITTEE

10 April 2019 at 2.30 p.m.

Present: Councillors Bower (Chairman), Mrs Bence (Vice-Chairman), Mrs Bower, Brooks, Cates, Dillon, Mrs Hall, Haymes, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Mrs Rapnik and Mrs Stainton.

Councillors Ambler, Charles and Mrs Daniells were also in attendance at the meeting.

Note: Councillor Mrs Pendleton was absent from the meeting during consideration of the matters referred to in Minutes 493 to 496 (up to Planning Application FG/216/18/PL (part)).

493. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Northeast.

494. DECLARATIONS OF INTEREST

Declarations of interest were made as follows:-

Planning Application LU/330/18/PL – Councillor Haymes declared a personal interest as he was the Cabinet Member for Technical Services and, as the site was Council owned land, that was within the remit of his portfolio.

Planning Application AL/107/18/PL – Councillor Mrs Stainton declared a personal interest as she knew the applicant but had not discussed the matter with him.

495. MINUTES

The Minutes of the meeting held on 6 March 2019 were approved by the Committee and signed by the Chairman as a correct record.

Development Control
Committee – 10.04.19.

496. PLANNING APPLICATIONS

WA/1/19/PL – Variation of condition 24 following the grant of WA/22/15/OUT (APP/C3810/V/16/3143095) to read ‘No more than 150 units hereby permitted shall be occupied for more than two years lapse from the date of first occupation of the development (whichever is sooner) until the completion of the improvements to the A27/A29 Fontwell Roundabout shown on Drawing Number 1186-05 REV A – Proposed Roundabout Improvements’, Land East of Fontwell Avenue, Fontwell
This application also lies within the parish of Eastergate. Having received a report on the matter, together with a verbal update that three additional objections had been received and that they had not raised any further issues that had already been raised and addressed in the report, the Committee was advised by the Principal Planning Officer that it was not felt that the variation to the condition would result in a severe cumulative impact on the road network.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Haymes had declared a personal interest and remained in the meeting and took part in the debate and vote.

LU/330/18/PL – Demolition of existing buildings & erection of 77 residential homes with associated access, car parking, cycle parking, refuse/recycling storage, landscaping, earthworks & infrastructure, Land South of Cornfield Close, Littlehampton Having received a report on the matter, together with the officer’s written report detailing 2 further objections received; the detail of the Heads of Terms contributions; a revised site plan; advice from County Highways that they did not consider that the proposal would have an impact on the scheduled A259 improvements; and amendment to conditions following discussion with the agent, the Committee

RESOLVED - That

(1) the application be approved as detailed in the report and the officer report update; and

(2) if, after four months of the date of the resolution, the s106 has not been completed and signed, authority be delegated to the Group Head of Planning to refuse the application for the following reason:-

Subject to approval at the next Committee meeting

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Development Control
Committee – 10.04.19.

“The proposed development makes no contribution towards local infrastructure and is thereby contrary to the Policy INF SP1 of the Arun Local Plan and the National Planning Policy Framework.”

(During the course of discussion on the following item, Councillor Haymes declared a personal interest as comment was made relating to licensing regulations, which came under his remit as Cabinet Member for Technical Services.)

FG/216/18/PL – Application for variation of condition 11 following grant of planning permission FG/16/12 to allow for additional opening hours for the Christmas period to include 24 hour opening from 20 December to 24 December annually, Asda Stores Limited, Littlehampton Road, Ferring Having received a report on the matter, together with the officer’s written report update detailing the opening hours for Sainsburys, Rustington, as requested by Members, the Committee was advised by the Planning Team Leader that a temporary permission was being proposed to enable the situation to be reviewed in the future due to concerns around the potential for noise and disturbance to nearby dwellings.

The Committee participated in some discussion on the matter, following which it was

RESOLVED

That the application be approved as detailed in the report.

FG/228/18/PL – Additional office space & supporting facilities (amendment to FG/39/18/PL) This application is a Departure from the Development Plan, Yeomans Worthing Peugeot, Garage Premises, Littlehampton Road, Ferring Having received a report on the matter, the Committee was advised by the Planning Team Leader that, given the previous approvals on the site, what was being proposed represented a marginal increase and was therefore being recommended for approval by officers.

Following brief comment from Members both for and against the application, the Committee

RESOLVED

That the application be approved as detailed in the report.

Subject to approval at the next Committee meeting

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Development Control
Committee – 10.04.19.

(Prior to consideration of the following application, Councillor Mrs Daniells spoke in her role as a member of Bognor Regis Town Council.)

BR/273/18/PL – Change of use from Hotel (C1 Hotels) to 4 No. flats (C3 Dwelling House) including enlarged dormer & additional door on SE elevation, The Gables Hotel, 28 Cresecent Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing an additional condition relating to the need for a pre-commencement noise survey to be undertaken, Members acknowledged that it was disappointing to lose a small hotel in the centre of the town due to the unviability of the business. The Committee

RESOLVED

That the application be approved as detailed in the report and the report update.

A/114/18/PL – Demolition & erection of 70 bed care home within Use Class C2 (replacing building 4 approved by A/27/16/PL), access, parking, landscaping and other associated works, Broadlees, Dappers Lane, Angmering Having received a report on the matter, together with the officer's written report update detailing a lower S106 contribution of £33,026 towards general health care in Angmering following a consultation response from the NHS; and amended refined wording relating to conditions 2, 3, 4, 6, 7, 8, 9, 11, 13, and 18 as a result of discussions with the agent, Members raised issues around extra care provision and car parking, which were addressed at the meeting by the Planning Team Leader.

The Committee then

RESOLVED - That

(1) the application be approved as detailed in the report and the officer report update; and

(2) if, after two months of the date of the decision, the S106 has not been completed and signed, authority be delegated to the Group Head of Planning to refuse the application for the following reason:-

“The proposed development makes no contribution towards local infrastructure and is thereby contrary to the Policy INF SP1 of the Arun Local Plan and the National Planning Policy Framework.”

AW/315/18/HH – Retention of fence on front, side and rear elevation, 14 Churchill Avenue, Aldwick Having received a report on the matter, together with the officer's written report update detailing withdrawal of the Parish Council's objection

Subject to approval at the next Committee meeting

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Development Control
Committee – 10.04.19.

and online comment from the applicant relating to the position of the fence to the front of the dwelling, the Committee

RESOLVED

That the application be approved as detailed in the report.

AL/107/18/PL – Application for continued use for 3 No. approved permanent showpersons plots (temporary permission granted under AL/119/10 & permanent permission granted under AL/10/14/PL, planning permission for a further 8 No. plots consisting of 4 No. existing & 4 No. new plots (to a maximum of 11 plots) with associated hard & soft landscaping, boundary treatment, lighting & associated works, Nyton Stables, Nyton Road, Aldingbourne Having received a report on the matter, together with the officer's written report update detailing a consultation response from Chichester District Council and comment from a nearby resident, the Committee participated in some discussion on the proposal.

A number of questions were asked relating to:

- Plot sizes
- Access
- Landscaping
- Enforcement of conditions
- Lighting
- Compliance with the Neighbourhood Plan

The Principal Planning Officer and the Group Head of Planning addressed the issues raised at the meeting and the Committee then

RESOLVED

That the application be approved as detailed in the report.

497. PLANNING APPEALS

The Committee noted the planning appeals that had been received.

498. APPEALS MONITORING REPORT

The Committee received and noted this report which set out the detail of the Council's appeal performance and costs for the period 1 January 2018 to 31 December 2018 and participated in a brief discussion on its contents.

Subject to approval at the next Committee meeting

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Committee – 10.04.19.

499. VOTE OF THANKS

As this was the last meeting of the Committee for this administration, the Chairman thanked Members and officers for their support and input to the working of the Committee during the year. He also wished those Members well who were standing down and good luck to those who would be contesting the local elections on 2 May 2019.

(The meeting concluded at 4.45 p.m.)

PLANNING APPLICATION REPORT

REF NO: BR/270/18/PL

LOCATION: 18-20 London Road
Bognor Regis
PO21 1PY

PROPOSAL: Part conversion & extension of existing building to provide 6 No. additional storeys over existing rooftop to provide up to 104 No. student residential units with access from Bedford Street, associated servicing & ancillary accommodation, entrance & new internal stairs to existing building to provide access from Bedford Street. This application may the setting of listed buildings & the character & appearance of nearby conservation areas.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application proposes to part convert the existing Wilko's building and then extend above it with a part 1 and part 5-6 storey extension providing for 104 student residential units. The following is a summary of the works and uses by floor:

- (a) Wilko's Store Ground Floor - part conversion to provide new pedestrian entrance from Bedford Street including lobby, new stairs and lift. Some structural alteration of the perimeter of the existing shop floor areas;
- (b) Wilko's Store First Floor - part conversion of less than a third of the floorspace to provide 5 bedrooms with 1 shared kitchen, bin store, cycle store, cleaners store and office/post room;
- (c) Wilko's Store Roof - the ground floor of the new extension comprising 23 new bedrooms, 6 shared kitchens, 3 stores, laundry room, new plant room and external landscaped courtyard space. Wilko's will retain their existing second floor storage at the London Road end);
- (d) New Extension First Floor - 17 new bedrooms, 5 shared kitchens, 3 stores. Flat roof to the single storey element on the east side of the roof;
- (e) New Extension Second Floor - 17 new bedrooms, 5 shared kitchens, 3 stores;
- (f) New Extension Third Floor - 17 new bedrooms, 5 shared kitchens, 3 stores;
- (g) New Extension Fourth Floor - 17 new bedrooms, 5 shared kitchens, 3 stores; and
- (h) New Extension Fifth Floor - 6 new bedrooms, 1 shared kitchen, 2 stores. Also including protected external access across the roof to an existing staircase on the northern side of the building in case of emergency. New plant will also be located on the roof.

The new extensions vary in height with only a single storey flat roofed (4.2m) increase to the London Road frontage (and set back from the roof edge by 5.3m). The main bulk of the extension is to the Bedford Street side of the roof and this will be a total of 28.3m in height (albeit noting that the extension is 5-6 storeys high and that the 6th storey (fifth floor) represents less than the area of the 5th storey (4th floor)). These tall extensions will be built right up against the Bedford Street end of the roof but will be set back from the London Road roof edge by 26.4m thus minimising any impact on the pedestrianised shopping street. The total height of the extension is only marginally higher than the height of the lift overrun on the adjacent Morrisons Car Park which is approximately 26m high.

Access for new residents will be from Bedford Street and part of the built frontage here will be a glazed stair core in the south west corner. All flats are to be designed to be accessible to wheelchair users with four flats purpose designed to flexibly meet the requirements of Approved Document Part M and include bespoke wheelchair accessible bathrooms and kitchens.

Members should note that whilst the proposal is to provide student accommodation, there remains a possibility that within the lifetime of the proposal there may be requirement for a change of use and that under the terms of the proposal, the building could be occupied as some form of House in Multiple Occupation (HMO). The applicant wishes to keep their options open as to the end use and therefore have requested that a condition not be imposed to restrict the use to student accommodation.

SITE AREA	0.12 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	None.
SITE CHARACTERISTICS	The site is a building of predominantly two storeys with a third storey on the London Road frontage. It has retail use at ground floor and offices/storage above. The roof is currently used for ventilation plant and the service lift over-run. The building has a shop front to London Road but is rendered to the remaining elevations. There is no allocated parking but the site is close to town centre public car parks. Pedestrian access to the site is achieved from London Road and Bedford Street. A vehicle drop off point is located to the rear of the property on Bedford Street and deliveries occur during the night.
CHARACTER OF LOCALITY	Part of the main retail area of Bognor Regis town centre. This

section of London Road is pedestrianised and is home to mostly retail properties. Bedford Street to the rear is characterised by rear service areas of commercial premises and by Morrisons & its associated car park to the west.

Immediately neighbouring uses include Superdrug and Specsavers both of which have first floor offices. There are no residential properties immediately adjoining the site.

London Road is typically low rise of between 2 and 3 storeys but there is a 5 storey car park above Morrisons to the west and then the large residential tower block, Fitzfleet House further to the west.

RELEVANT SITE HISTORY

PAA/31/17/	The construction of student residences over the rooftop	Approve Pre App 22-03-17
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The application was subject to pre-application advice in March 2017. This concluded that were it to be supported by certain documents and with the inclusion of cycle storage facilities, then it would be likely to gain the support of planning officers. It was requested the applicant provide a lighting assessment, sunlight/shadow assessment, details of bin storage/collection, street scenes, structural survey, a transport statement and accommodation management plan.

It was requested that the applicant carry out a community consultation exercise. The supporting documentation to the application confirms that this happened and that this consisted of the following:

- (1) Briefing Meeting with the Bognor Regis Town Centre Manager (13/06/17);
- (2) Public Consultation Event (07/07/17) - advertised by flyers to 1,300 homes & businesses in the local area and by email from the Town Centre Manager. The local MP, and all Town and Ward Councillors were invited by individual emails to a preview session as well as the main event; and
- (3) Article published in the Bognor Regis Observer on 12/07/17 and on their Facebook feed including a commentary of the details provided at the public exhibition.

The applicant states that the vast majority of those who attended were supportive of the proposals and the only concerns were as follows:

- (a) Fire safety especially in light of the very recent (at that time) Grenfell Tower fire;
- (b) Student parking and on street parking congestion and as result of the proposals; and
- (c) Disruption for existing residents in the area.

In response, the applicant states that:

- (a) Fire resistant/retardant materials will be used and the facilities will include fire alarms to meet current regulations;
- (b) It is intended the proposals will be car free and students will not be allowed to bring their cars to the town unless they can demonstrate that they are eligible for an on-street permit. This will be monitored by the accommodation manager and penalties can be imposed if necessary; and

(c) Construction activities will be monitored and controlled through a construction management plan and appropriate planning conditions which will regulate the hours of construction work. Vehicle movements will be monitored and managed. The contractor will enter into the Considerate Contractor Scheme. A site manager will be available as a point of contact to address any day-to-day concerns arising. The premises will be operated in accordance with a student management plan. Any concerns for neighbouring residents should be addressed to the on site warden in the first instance.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

NO OBJECTION: Whilst the Town Council support of BR/270/18/PL they respectfully request any developer contributions are put towards enhancements being made to Bedford Street, such as lighting in keeping with the surrounding area, to improve the safety and security of residents. These enhancements should also include Fitzleet multi-storey car park.

The Town Council were notified of changes made to the Bedford Street elevations but wrote to say this did not change their opinions on the application.

Three letters of support and two letters of objection.

The supporters comments are:

- (1) Proposal makes absolute sense due to the expansion of the University;
- (2) Its vertical nature on an existing town centre building utilises space efficiently;
- (3) The town centre commercial area will benefit from increased trade from the new residents;
- (4) Suggest conditions re external CCTV to monitor behavioural issues and provision of cycle storage;
- (5) Students will be in easy walking distance of Bognor campus and very close to rail/bus so no need for parking;
- (6) Proposals retain any aesthetic impact to the high street; and
- (7) Proposal that tenants are not able to own cars show good thought for existing residents.

The objectors concerns are:

- (a) Is there not a height restriction for such a historic town to maintain its distinctive character?;
- (b) Height of the building is not in keeping with the rest of the environment;
- (c) Overdevelopment of plot;
- (d) The height of the building presents a fire risk; and
- (e) Lack of parking/facilities for the amount of residents with regard to doctors, dentists and hospitals.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Town Council requested enhancements to Bedford Street to improve safety/security of residents. The Councils Estates department advised that the pedestrian walkway on the north west side of Morrisons has recently had improved LED lighting and that the Morrisons car park lighting is generally on at night thus ensuring lighting around the building. It is not considered additional lighting is required.

The comments of supporters are noted. The request for CCTV is supported by Sussex Police and a condition to require details alongside other security measures would be appropriate.

The objections are considered within the conclusions section of this report.

CONSULTATIONS

Engineering Services Manager
 Engineers (Drainage)
 Engineers (structural)
 Conservation Officer
 WSCC Strategic Planning
 Sussex Police-Community Safety
 NHS Coastal West Sussex CCG
 Economic Regeneration
 Environmental Health
 Natural England
 Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND: No objection subject to appropriate mitigation being secured to offset the likely impact of the accommodation in combination with other residential proposals on the Pagham Harbour Special Protection Area (SPA) and Ramsar site. Require that an appropriate contribution should be made to the strategic approach to access management at Pagham Harbour.

Natural England confirm that it is appropriate for the contribution to be calculated using the same approach to student accommodation as the Bird Aware Solent strategy. This is because the site and interest features are similar to the Solent harbours, therefore it is likely that people, pets and wildlife will behave in the same way. As pets are not allowed in student accommodation and around half of major disturbance events recorded in the Solent were from dogs off leads, a 50% reduction in the tariff is appropriate. To further achieve a consistent approach, 5 student bedrooms should be treated as one residential dwelling.

SUSSEX POLICE: No objection but make a number of recommendations for measures to improve the security of the proposed accommodation. These are set out in full on the Councils website but include:

Entrance Doors; Windows & Glazing; Access Control System; Division of the accommodation into small secured units; Soundproofing of internal walls; Lighting; Fire escapes; Privacy measures; Security of internal services, cycle/bin stores, cleaners cupboards & plant; and Use of CCTV to cover entrances.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS: No objection subject to a condition to secure a construction management plan. Comment that:

- Site is sustainably located in walking distance of public car parks and close to a number of sustainable modes of transport including Bognor station and a wide variety of bus services;
- Chichester University's Bognor Campus is in walking/cycling distance of the site all within the existing footway network (approximately 20 mins walk or 10 minutes by cycle);
- The TA states that tenancy leases will contain a stipulation that residents will not be car users;
- This will not always deter the use of the private car it is a useful incentive;
- Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking

restrictions prohibiting vehicles from parking in places that would be detrimental to highway safety and therefore, would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision;

- The proposals would not be anticipated to generate any significant increase in vehicle movements which would warrant an objection in highway capacity terms;
- Within the TA some clarity is provided in relation to the construction phase of the development and the proposals will require the temporary suspension of some parking bays along Bedford Road should permission be obtained;
- The LHA considers that the site provides for safe and suitable access, and that the opportunities for sustainable transport modes have been satisfactorily taken up;
- It is not considered that the site will result in a severe residual cumulative impact on the operation of the local highway network. Therefore the proposals accords with paragraph 109 of the National Planning Policy Framework; and

WEST SUSSEX COUNTY COUNCIL INFRASTRUCTURE: No objection subject to a fire and rescue contribution of £1,560 being provided to be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Bognor Regis.

ADC ECONOMIC DEVELOPMENT: Support as the proposal meets an identified need for student accommodation generated by the newly opened Tech Park at the University, and on the basis the proposal will bring footfall into the town centre.

ADC DRAINAGE ENGINEERS: Request a condition to secure a surface water drainage scheme. Comment that:

- The proposal is not to increase impermeable area but does not increase the number of stories;
- Because of the site constraints infiltration is not possible;
- Surface water will likely be disposed of to the surface water sewer and will need approval from Southern Water; and
- Discharge rates should not be increased and ways to decrease discharge should be examined (such as green or blue roofs).

ADC STRUCTURAL ENGINEERS: No objection subject to a condition to secure a full site investigation report on the existing ground conditions and a construction method statement. Require a construction management plan condition. Comment that:

- There is little information about how they intend to protect the general public during the construction phase and the limited access/egress through Bedford Street for a mobile crane;
- There are a large number of technical difficulties associated with the proposal that will need to be detailed during the design phase which should be agreed prior to any works commencing on site;
- The main issues will be a full detailed design of the new foundations and steel framing in dealing with all loads including sway resistance and deflections;
- A site investigation report on the existing ground conditions is essential irrespective of the existing foundations to the Wilko building;
- Full design and details of the protection proposals for users of the surrounding buildings as well as Wilko is essential; and

ADC ENVIRONMENTAL HEALTH: No objection subject to a construction environmental plan condition and a condition to ensure the development is carried out in accordance with the acoustic assessment.

ADC HMO OFFICER: No objections. States that:

- Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary;
- Room sizes should meet minimum standards for houses in multiple occupation as flats are intended to be rented;
- Any property that has 5 or more people sharing facilities requires a license from the Council and the property must meet minimum standards;
- Bathrooms/ensuites without windows for natural ventilation should have adequate mechanical ventilation;
- Bin stores need to be appropriately managed particularly with this type of internal arrangement to ensure they are cleaned, maintained and do not allow build of waste to help prevent any potential public health issues; and

ADC CONSERVATION OFFICER: No objections. States that:

- The proposed development is substantial in nature, and as such has the potential to be visible from a different number of locations. Bognor Regis has a substantial amount of heritage assets within the town including conservation areas, listed buildings and locally listed buildings;
- Of note is the fact that the application site is located close to several Buildings of Character, it is approximately 100m from a Grade II Listed Building (The William Hardwicke, High Street); and approximately 150m from the edge of The Steyne Conservation Area;
- The conservation area is mainly focused around the two squares; Waterloo and the Steyne. These squares are flanked by nearly continuous, street fronted, development. Whilst there is a variety in age, style and size of buildings, they are generally 2/3 storeys high;
- It is considered that, due the height of the development it will be visible from within the conservation area. This opinion is confirmed by the Visual impact Assessment. The development would be read in the context of the other surrounding taller development, namely Fitzleet House;
- The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2018); and
- As such, 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 section 66/72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

WSCC Highways, ADC Environmental Health & ADC Structural Engineers have asked for measures to be secured by condition in respect of the management of the construction process. It has been decided to combine all the requirements into one condition.

In response to the HMO officers comments, the applicant has made the following points:

- Designs have been developed to satisfy the standards required for simultaneous evacuation. Further detail will be part of the design development towards Building Regulations approval;
- Room sizes are in excess of minimum requirements as set out for HMOs, based on the 'accommodation with facilities shared by occupiers' scenario. Non-ensuite rooms are generally a minimum of 11.6m² and ensuite bedrooms are 14.5m² (12.3m² plus ensuite);
- The accommodation is designed to be in excess of HMO minimum standards;
- All bathrooms/kitchens are ventilated through a hotel style central low velocity zonal supply and extract system incorporating heating and heat recovery;
- In the event of a breakdown of the lift, bins can be taken to ground floor level (by arrangement or agreement) using the Wilko goods lift on the same floor as the bin store; and
- Provision will be included in the legal agreement to require a payment if the property were to be

occupied as a HMO and this payment would cover the Council's additional costs in collecting rubbish from the first floor.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Boundary;
 Bognor Regis Economic Growth Area;
 Primary Retail Frontage (London Road);
 Within 5km of Pagham Harbour SPA;
 Within 2km of Bognor Reef SSSI;
 Within 2km of Felpham SSSI;
 Flood Zone 1;
 Close to several Buildings of Character (on London Road);
 Approximately 100m from the nearest Grade II Listed Building (The William Hardwicke, High Street); and
 Approximately 150m from the edge of The Steyne Conservation Area.

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
EMPSP2	EMP SP2 Economic Growth Areas
INFSP1	INF SP1 Infrastructure provision and implementation
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
ENVDM2	ENV DM2 Pagham Harbour
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
HSP4	H SP4 Houses in multiple occupation
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#) Delivery of the Vision

Bognor Regis Neighbourhood Plan 2015 Policy 4	Reducing underuse of property in the town centre
Bognor Regis Neighbourhood Plan 2015 Policy 8	Pre-Application Consultation
Bognor Regis Neighbourhood Plan 2015 Policy 8A	Design Excellence
Bognor Regis Neighbourhood Plan 2015 Policy 8B	Car Parking

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Policies 1, 4, 8, 8a and 8b of the Bognor Regis Neighbourhood Development Plan (BRNDP) are relevant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with most of the relevant Development Plan policies in that the new building would not have a materially adverse effect on the townscape or the visual amenities of the locality and there would be no harm to amenities of nearby residential properties. The lack of parking will not result in highway safety issues and there will be no harm to the viability or vitality of the Bognor Regis town centre. There will be no harm to heritage assets in the town centre area. There is conflict with policy D DM4 in that the extension is not visually subservient to the host building.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

Policy SD SP1 of the ALP states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)." The site is in a sustainable town centre location in walking and cycling distance of a range of shops, facilities and services including bus stops, a large food store, schools, Chichester University, medical services and a railway station. The introduction of residential accommodation should benefit the existing town centre economy.

NPPF para 118(d) states "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing". Para 123 states where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Higher densities will be encouraged for city/town centres and other locations that are well served by public transport.

Policy 4 of the Bognor Regis Neighbourhood Development Plan states proposals to reuse empty/underused property above shops and commercial premises located along designated primary and secondary retail frontages will be supported..

The proposal accords with policies SD SP1 and SD SP2 of the Arun Local Plan, policy 4 of the BRNDP and with guidance in the NPPF on the efficient use of land.

PLANNING POLICY ON HOUSES IN MULTIPLE OCCUPATION:

The proposal, whilst described as student accommodation, would allow for future occupation as a HMO. It is necessary to consider ALP policy H SP4 which states that:

"Where planning applications for houses in multiple occupation (HMOs) are not already covered by permitted development rights, they will be favourably considered where the proposals contribute to the creation of sustainable, inclusive and mixed communities and meet the following criteria:

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

There is no conflict with criteria (a) as the use is in the town centre (not in a residential area) and it is not considered the addition of residential accommodation would be out of character. Criteria (b) and (c) will be addressed in the following sections of this report.

IMPACT ON THE TOWN CENTRE:

Arun Local Plan policy RET SD1 states that Bognor Regis and Littlehampton will be the main focus for major retail, leisure, commercial, office, tourism, cultural, community and residential development. Also the Council will positively welcome developments and initiatives aimed at the sustainable economic growth and social wellbeing of these centres.

It is necessary to note that ALP policy EMP SP1 states that the Council will promote the sustainable growth of the District's economy to meet the varying needs of different economic sectors and to support regeneration within the two main towns. The policy sets out support for "the provision of appropriately scaled development where such uses compliment, and are compatible with, employment/commercial uses".

It is considered the new accommodation results in increase footfall in and around the town centre which will result in a boost to sales of local shops, particularly those catering to the student demographic. A populated building in a central location adds an element of passive surveillance in times when the area is least inhabited and this can help reduce antisocial behaviour in town centres.

ALP policy RET DM1 states that town centre uses will be permitted provided that:

- (a) The proposal is of a high standard of design, materials and layout and has due regard to the character of the site and its surroundings, however this does not limit the potential for outstanding or innovative design to enhance the character of the area;
- (b) It is easily accessible by public transport;
- (c) It includes provision for access by cycle and on foot;
- (d) It includes appropriate provision to enable access for people with disabilities; and
- (e) The design incorporates crime prevention measures.

The policy goes on to say that proposals for the re-use of vacant floorspace on the upper levels for residential, commercial and community purposes will be permitted provided that:

- (a) It can be demonstrated that non retail use of the upper floor will not inhibit business needs for workspace, storage or retail expansion;
- (b) The development has no significant adverse effects for the occupiers of neighbouring properties; and
- (c) The proposal reflects the need to minimise noise intrusion.

The policy states a reduction in car parking standards will normally be acceptable provided there is no adverse effect on the levels of traffic congestion and road safety.

The proposal complies with RET DM1 as the extension has been well designed such that it enhances its surroundings and is not out of character given the presence of other tall buildings in the town centre. The site is well located with regard to public transport and the building includes disabled access features, a cycle store and measures to prevent crime & unsocial behaviour.

It is not considered the proposed partial use of the existing first floor of Wilko's will be detrimental to the existing retail use as this will remain operational and will retain a large area of storage and office space. It is understood that nationally Wilko's are seeking to reduce retail storage areas to reduce rental payments on buildings they lease. There are no residential properties to consider in terms of impact. A noise assessment has been submitted and this is considered elsewhere in this report.

Policy 4 of the BRNDP states that development proposals concerned with the reuse of empty and or/underused property above shops and commercial premises located along designated primary and secondary retail frontages will be supported.

The application includes a Solar Study which seeks to demonstrate that new extension will not result in any new shading of London Road. The study provides images showing shadows caused by the extension at certain times of the day on the 21st December (Winter Solstice) and 21st June (Summer Solstice). The study demonstrates the extension will not cast any greater shadow over London Road than existing buildings. There will be shading of Bedford Street and Morrisons Car Park when the sun is in the east. The majority of shade will be over rooftops of existing buildings. It is not considered that the extension will have any impact in terms of shading on Bognor's main shopping street.

It is considered the proposal accords with policies ENV SP1, RET SP1 & RET DM1 of the Arun Local Plan and policy 4 of the BRNDP.

HERITAGE ASSETS:

The site is not considered to be a heritage asset. There are several non-designated heritage assets (Buildings of Character) within the town centre including several in London Road. There are two Conservation Areas within 190m of the site and Listed Buildings elsewhere in the town centre. There is potential for the development to affect the setting of these heritage assets.

Relevant Arun Local Plan policies are HER DM1 (Listed Buildings), HER DM2 (Buildings of Character) and HER DM3 (Conservation Areas). HER DM1 requires proposals protect and enhance the setting of Listed Buildings. HER DM2 does not refer to setting but seeks to protect such buildings from direct impact. Policy D DM3 lists criteria for proposals affecting the setting of a Conservation Area. In particular, proposals should not harm important views into, out of or within the Conservation Area.

In addition to the policies it is necessary to consider the policy guidance within the National Planning Policy Framework (NPPF) which sets out several steps to be taken in considering the impact on heritage assets. Paragraph 189 requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. This requires that applicants provide a heritage statement or similar. Paragraph 190 states that Local Planning Authorities need to identify and assess the particular significance of the heritage asset that may be affected by a proposal. The third step is that the Local Planning Authority must consider the level of harm associated with the proposal and decide whether there is any harm and if so, whether this is 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance this harm with the level of public benefits associated with the proposal (paras 193-196).

The applicants have provided a commentary on heritage issues in their Planning Statement and have supplied a Visual Impact Assessment which assesses the impact of the building on views from the local area. The applicant argues that:

- The proposals are some distance from the nearest Conservation Areas and it is concluded the proposals will not have any material or adverse impact upon a Conservation Area;
- The Visual Impact Assessment concludes the development will have, at worst a moderate impact but that in the case of many viewpoints, the impact will be minor or negligible;
- Areas containing important buildings are not affected;
- The proposal has been designed, in terms of materials and massing, to be sensitive to its proximity to London Road and the main built elements face onto Bedford Street; and
- The proposals will not have any unacceptable or detrimental impact upon designated or non-designated heritage assets or the setting of these.

Given there is no direct impact on heritage assets and the site is some distance from the nearest Conservation Area or Listed Building and with other existing built development in between, it is considered that harm to heritage assets will be less than substantial. This is the view expressed by the Conservation Officer. In accordance with para 196, it is necessary to consider the benefits of the proposal to the public at large. In this case the proposal will:

- Benefit the local economy by bringing in additional customers to the town centre shops and services;
- Benefit the streets surrounding the site from increased natural surveillance, reducing crime & anti social behaviour;
- Benefit the stock of family sized housing in town by reducing demand for student occupation; and
- Benefit the University of Chichester through the provision of additional accommodation.

It is considered the proposal complies with the NPPF and policies HER DM1, HER DM2 and HER DM3 of the ALP.

DESIGN AND CHARACTER:

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. 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. D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintains character/local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. D DM4 requires that extensions/alterations: sympathetically relate to and are visually integrated with the existing building in siting, massing, design, form, scale & materials; are visually subservient to the main building & provide a high standard of amenity; do not create a terracing effect where no terrace exists; and do not compromise established spatial character & pattern of the place.

BRNDP policy 8a is relevant due to this being a major development within the town centre area. It requires new development demonstrate 'design excellence' and help to establish a strong sense of place and create attractive and comfortable places to live, work and visit. This should include:

- Use of good quality materials that complement the existing palette;
- Use planting commonly found on the south coast for highway boundaries wherever possible and in keeping with the existing streetscape;
- Ensure safe access for pedestrians, cyclists and motorists;
- Provide adequate refuse and recycling storage to minimise visual impact;
- Use innovative design that is sustainable in its design, construction and operation;
- Promote high quality spaces and light; and
- Adopt the principles of sustainable urban drainage, where appropriate.

The development will increase the height of the building. The main bulk of the height is set back from the London Road roof edge such that it is unlikely the additional height will be visible from the pedestrianised area. The full height will be noticeable from Bedford Street but although the bulk is greater, the total height will be marginally higher than the highest part of the Morrisons Car Park and much lower than the tallest building in the town centre (Fitzfleet House) which is around 50m high.

Views of the extensions from these viewpoints to the west of the site will take in the rears of commercial premises which front London Road. Such views will be taken across Morrisons car park and will take in the multi-storey car park. This area to the west of London Road is not considered to be particularly attractive and although the extension will be large it is unlikely to harm the townscape from these directions. Long distance views from Station Road/High Street to the north/south will be limited and from these directions, the building should blend in with the town centre roofscape.

Notwithstanding the character of Bedford Street, the applicant has made changes to the scheme to ensure that the extension is not read as an oppressive vertical elevation and to ensure that there is transition between the rear of Wilko's and the new build above. The revised design comprises three distinct elements which come together to make a whole: the existing street level; a remodelled first floor; and new upper storeys. The design uses the remodelled first floor which is viewed in landscape to act as a transition from the existing to the new vertical extensions above. The design uses a shadow gap between the two elements to express the difference between existing and new. New windows on upper elevations are recessed or protruding.

The materials have been influenced by the context in which the site sits and materials are chosen which are similar to those found in the surroundings as to not appear out of place. White render is similar to the white masonry paint and render found in properties across the town whilst the mixed brick slip cladding relates to the predominant masonry appearance of the buildings neighbouring the rear of the plot, shades of which vary from cement greys through to buff and red variations. The render has a long guarantee such that the appearance of the building will not deteriorate due to age.

The development demonstrates a high standard of architectural principles and uses materials which reflect the surrounding area. The density of the scheme is considered to be appropriate given the sustainable location and the constraints on development such as structural load and need to minimise overshadowing. There will be an impact on the character of the townscape in this location however, it is considered that this will be a positive change to the local townscape and will create a new focal point for the Bedford Street/Morrisons Car Park area adding to the sense of place in this location

The proposal conflicts with policy D DM4 in that extensions are not visually subservient to the host building. There is no conflict with the other criteria or with policies D DM1 & D SP1 of the Arun Local Plan. There is no conflict with policy 8a of the BRNDP.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. D DM4 requires that extensions/alterations: do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Regard should be had to para 127 of the NPPF which states that development should provide a high standard of residential amenity for existing and future users.

QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

The site does not lie in a residential area and it is not considered there are nearby residential properties that would be adversely affected by the proposals. There may be some residential conversions in upper floors of buildings fronting London Road. However, the upper floors of the extension are set well back from the London Road elevation such that adequate interface distances between residential windows are maintained. There is no conflict with policies D DM1, QE SP1 or with the relevant part of D DM4.

SPACE STANDARDS:

D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". The national standards do not provide any relevant standards for Houses in Multiple Occupation. It is considered regard should be had to Arun's "Standards for Houses in Multiple Occupation" (March 2019). It will be necessary for the scheme to comply with these standards if it were to be occupied as a HMO in the future. This is not a material planning consideration as it is covered by separate legislation

The applicant states that all room sizes are in excess of the minimum requirements set out for HMOs, based on the 'accommodation with facilities shared by occupiers' scenario. The non ensuite rooms are generally a minimum of 11.6m² whilst ensuite bedrooms are 14.5m² (12.3m² plus ensuite). Kitchens vary depending on the number of bedrooms they serve but exceed the standards. The layout has been designed following the requirements of the University of Chichester Student Accommodation Standard

Design Guidelines document and includes disabled friendly accommodation and spaces.

D DM1 refers to the need for compliance with the Arun Design Guide. This is to part replace D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until this Design Guide is published, there is no policy within the ALP regarding private gardens sizes. Para 127 of the NPPF states planning decisions should ensure developments have a high standard of amenity for existing and future users.

The application proposes both internal (shared living room space) and external amenity space (consisting of a podium level hard landscaped external seating area). The site is in close proximity of the beach and Hotham Park such that residents can easily access places to sit out. Residents will have access to recreation facilities at the University. Should the use change in the future to become a HMO then the residents would have access to the same external amenity areas.

The proposal complies with D DM1 & D DM2 and the guidance on amenity within NPPF para. 127.

HIGHWAY SAFETY AND PARKING:

Policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking".

Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities. Para 108 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 109 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."

BRNDP policy 8b states that major developments should demonstrate through a Transport Assessment and Travel Plan that they do not impact on existing capacity of public highways to accommodate parking and regard should be had to seasonality of parking needs in Bognor Regis.

The application is accompanied by a Transport Statement (the Councils validation criteria requires a Statement as opposed to an Assessment and also does not require a Travel Plan for this development).

West Sussex Highways have assessed the proposal and raise no objections. They state the proposals is not be anticipated to generate any significant increase in vehicle movements which would warrant an objection in highway capacity terms. In respect of parking, they note that the Transport Statement states that tenancy leases will contain a stipulation that residents will not be car users and this should deter residents from owning a car. This is repeated in the submitted Management Plan and a condition will be imposed to enforce this plan. This will also apply should the use in future become a HMO. Due to the sustainable location, students will not need to own a car to get between the site and the University or to access shops, local services and other facilities. Highways consider the nil parking provision would not adversely affect highway safety

The Management Plan states that tenants move/out days will be staggered during summer months such that the impact on existing local pay & display parking facilities will be minimised. The application

includes a large internal cycle store such that students can cycle to and from nearby facilities whilst remaining confident of the security of their bicycle.

It is considered the proposal complies with the NPPF and the relevant policies of the development plan.

LIGHT POLLUTION:

ALP policy QE DM2 states: "Outdoor lighting schemes will be considered against the following criteria:

- a. No adverse impact on neighbouring uses or the wider landscape, particularly with regard the South Downs International Dark Sky Reserve designation;
- b. Light levels being the minimum required for security and working purposes;
- c. Minimising the potential glare and spillage; and
- d. The degree to which outdoor lighting can be powered by on-site renewable sources.

Where appropriate, the Local Planning Authority will seek to control the times of illumination."

The application states they intend to minimise light pollution by automatically controlling the lights and using an appropriate average luminous efficacy. The documents state it is anticipated the building will have external lighting but this will be developed in line with the requirements of this issue (specific lighting levels and auto switch off between 23.00 and 7.00 other than safety or security lighting). It is intended to coordinate with the Council to use lighting to enhance the public realm. There is no objection from Environmental Health regarding light pollution. It is still necessary to impose a condition to secure approval of the final lighting design. On this basis, the proposal accords with QE DM2.

NOISE POLLUTION:

Policy QE DM1 of the Arun Local Plan requires that applications for new noise generating development be subject to pre-application advice, are accompanied by a noise report and demonstrates that there will be no impact on any areas valued for their tranquillity.

The applicant has supplied an acoustic assessment which specifies noise mitigation measures namely the use of acoustic insulation to the building including window designs, air vents and the use of rockwool as insulation. Environmental Health have appraised this document and raise no objections on the proviso that mitigation measures are enforced by a condition. The Management Plan (which will be subject to a condition) states a local agent will be provide an out-of-hours on call service (24 hours and weekends also) for tenants to report emergency issues. An on-site warden will report back on any issues that may arise. The assured standard tenancy agreement will be modified to include penalties for unsocial behaviour, smoking, noise disturbance and pollution.

It is considered that the proposal is in accordance with policy QE DM1.

SECURITY:

Policy D DM1 requires new development provide security measures to make places feel safer. It states this should be achieved through natural surveillance and human presence by locating buildings along public routes and spaces. With respect to crime prevention, regard shall be had in particular to the document 'Secured by Design' and the 'Safer Places - The Planning System and Crime Prevention'.

The proposal will add movement and population to the comparatively under-occupied frontage along Bedford Street and the design follows all relevant Secure By Design protocols.

Improved security on site and adjacent rooftops will occur due to passive surveillance and occupied spaces will reduce opportunity for trespass which has been an issue across rooftops on London Road.

Lighting will further aid in reducing concealed locations available for potential crime and it is proposed that path improvements are to be included with the works to include a suitable handrail barrier or posts at the pedestrian entrance to form protection from vehicle collision.

The application has been assessed by Sussex Police who raise no objections but make a series of recommendations as to the security of the building. A condition be imposed to ensure that these measures are agreed. It is considered that the proposal is in accordance with policy D DM1.

WASTE MANAGEMENT:

ALP policy WM DM1 states that new residential development, will be permitted provided that it is designed to ensure that kerbside collection is possible for municipal waste vehicles.

The waste management arrangements comprise of a dedicated bin store on the first floor of the building accessed by a lift from the ground floor. Each 'unit' of 5 bedrooms is allocated the equivalent of 240 litres of waste and 240 litres of recycling storage. Collection would be arranged privately and would entail the collection company using the lift to take bins to street level. This equates to a 16m travel distance per bin.

There is no requirement for the Council to provide this service provided the building is occupied as student accommodation. There is potential that in the future the building is occupied as a different kind of HMO. If this were the case the residents would pay Council Tax and the Council would be liable to collect the waste. The Councils cleansing manager has expressed concern at the potential for Council refuse operatives having to enter a building to collect waste and it is preferred to collect from the street. There is not enough space within the pavement to temporarily store the bins until they are emptied.

In order to resolve this the applicant has agreed to provision in a Section 106 legal agreement which, should the building be occupied in such a way as to require the Council to collect waste, will require the payment of a financial contribution to the Council to cover the additional costs of having to enter the building. This resolves potential issues with waste collection should the building change use. There are no concerns with current waste arrangements. The proposal is accords with WM DM1.

DRAINAGE:

Arun Local Plan policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must 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." BRNDP policy 8a requires development adopt the principles of sustainable urban drainage where appropriate.

ADC Drainage Engineers have assessed the application. They consider infiltration is not possible and the surface water will likely be discharged to the Southern Water sewer as per the current situation. In view of the additional number of storeys they state that surface water discharge rates should not be increased and they recommend that green or blue roofs are considered in to slow down the rate of discharge. A condition is recommended and the applicant has agreed to this. It is considered the proposal accords with the relevant development plan policies.

SUSTAINABLE CONSTRUCTION:

Arun Local Plan policy ECC SP2 requires all new residential and commercial development be energy efficient and should incorporate decentralised, renewable and low carbon energy supply systems. It states for major developments, 10% of the total predicted energy requirements should be produced from renewable/low carbon energy generation on site, unless it is demonstrated this is unviable.

The application states:

- The core of the building will act as a thermal mass, helping retain a portion of the available heat and distribute it passively through the core circulation spaces;
- Highly insulated external walls and windows (exceeding minimum standards of the Building Regulations) reduce energy usage through the life of the building;
- Mechanical heat recovery and passive ventilation strategy aim to minimise fuel usage through careful design considerations;
- The use of rockwool as the predominant insulation greatly increases thermal performance of walls

A Sustainability and Energy Efficiency Report has been provided and this state:

- There is potential for roof mounted photovoltaic array and/or air source heat pump;
- A combined heat and power installation (CHP) is potentially appropriate form of clean technology for application to the development;
- The passive building design features take the building beyond the minimum U value and air infiltration standards set out in Part L of the Building Regulations;
- Key measures that are proposed for the scheme to reduce regulated energy usage are high efficiency condensing boiler technology, factory applied insulation on domestic hot water stores, heat recovery ventilation systems, high efficiency lighting installations with occupancy and photocell controls where appropriate and an intelligent automatic control system to optimise system performance; and
- It is proposed for key energy efficiency measures to be incorporated into the design of the lift systems and for plug in and white goods.

The application is accompanied by a BREEAM Pre Assessment which concludes the building will achieve excellent status should the assumptions summarised in the Assessment be taken forwards.

On this basis and with the imposition of a condition to secure the appropriate energy efficiency technologies, it is considered that the proposal complies with policy ECC SP2.

STRUCTURAL ISSUES:

There are no policies in the development plan which discuss structural aspects of development other than in respect of either Listed Buildings or the conversion of rural buildings.

The development has been designed around the use of lightweight/sustainable materials to ensure unnecessary additional loadings are mitigated so that as much of the existing structure can be utilised and to ensure the new structure can be incorporated into the existing store with minimal impact on the shop. Modular design and construction allow for increased off-site construction.

The application has been assessed by the Councils Structural Engineer who raises no objection and states that the structural matters will be considered through the Building Regulations process.

INFRASTRUCTURE REQUIREMENTS:

Arun Local Plan policy INF SP1 states: "The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support

development to meet the needs of occupiers and users of the development and the existing community." and "Any on-site provision or financial contribution required to address unacceptable impacts must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010."

WSSC have requested a financial contribution of £1,560 towards the supply and installation of fire safety equipment to vulnerable persons homes in the West Sussex Fire Rescue Services Southern Area serving Bognor Regis.

This contribution is necessary to make the development acceptable in terms of ALP policy INF SP1, is directly related to the needs of the development (with the contributions required to meet the demands of - and mitigate the impacts of - the development), and is fairly & reasonably related in scale and kind. The Council's pooling data has been checked and there are no other contributions to this particular project. The proposal is accords with policy INF SP1.

PAGHAM HARBOUR:

ALP Policy ENV DM2 requires new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The site lies in designated Zone B and it was necessary to apply this requirement. Natural England have been consulted and advise it is appropriate for the contribution to be calculated using the same approach to student accommodation as the Bird Aware Solent strategy. As pets are not allowed in student accommodation and around half of major disturbance events recorded in the Solent were from dogs off leads, a 50% reduction in the tariff is appropriate. To achieve a consistent approach, 5 student bedrooms should be treated as one residential dwelling. The contribution has been calculated by dividing the number of bedrooms by 5 and then by 2. The contribution will be £9,058.40 and this will be secured by the Section 106 agreement once it has been signed. There is no conflict with policy ENV DM2

SUMMARY:

The development will alter the character of the local townscape however the impact will be positive and the building has been designed to minimise impacts on the area to ensure compliance with the policies of the development plan. The development will benefit the town centre through increased footfall and through better natural surveillance of existing buildings and public spaces. The development represents design excellence and helps to establish a better sense of place to what is currently essential a service access to existing commercial properties.

There is some conflict with D DM4 in that the extensions are not visually subservient to the host building. This conflict is outweighed by the benefits to the scheme. The extension is unlikely to be read as such and will likely be seen as a new building atop an existing.

This report has addressed the relevant policies of the Local Plan, the Bognor Regis Neighbourhood Development Plan and the guidance in the NPPF. There will be no harm to the town centre, to the character of the area, to residential amenity, to the existing environment and townscape or to the safety and convenience of local highways.

The application will be accompanied by a signed Section 106 Agreement securing contributions to local fire safety measures, to offset the impact of the development on Pagham Harbour and to ensure that

future waste collections arrangements are acceptable to the Council. The application is recommended for approval in accordance with the following conditions and subject to the signing of the Section 106 agreement. Members will be updated at the Meeting as to whether the Section 106 has been signed.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This recommendation is made subject to the completion of a S106 legal agreement which will concern:

FIRE AND RESCUE

A contribution of £1,560 to be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in the West Sussex Fire Rescue Services Southern Area serving Bognor Regis. To be paid prior to commencement.

PAGHAM HARBOUR

A contribution of £9,058.40 towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour. To be paid upon the granting of the planning permission.

WASTE COLLECTION:

A financial contribution to be made by the Owner to cover the additional cost to the Council of having to collect Household Waste and Recycling from the first floor of the Development as opposed to the ground floor which would normally be the case. This financial contribution will be strictly limited to the valid and substantiated costs associated with the Council having to collect Household Waste and Recycling from

the first floor of the Development and for no other purpose. This provision shall apply if the development ceases to be used for Student Accommodation and is instead used for a purpose that requires the Council to collect Household Waste and Recycling from the Development.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

P150-P5 "Proposed Location Plan";
 P151-P5 "Site Plan Proposed";
 P610-P4 "Street Improvements Proposed";
 P201-P5 "Street Level Plan as Proposed";
 P202-P5 "Store First Floor Plan as Proposed";
 P204-P7 "Ground Floor Plan Proposed";
 P205-P6 "First Floor Plan Proposed";
 P206-P6 "Second Floor Plan Proposed";
 P207-P6 "Third Floor Plan Proposed";
 P208-P6 "Fourth Floor Plan Proposed";
 P209-P4 "Fifth Floor Plan Proposed";
 P210-P6 "Roof Plan Proposed";
 P221-P7 "Elevations North East Proposed";
 P222-P7 "Elevations South East Proposed";
 P223-P7 "Elevations South West Proposed";
 P224-P7 "Elevations North West Proposed";
 P250-P5 "Section A Proposed";
 P251-P6 "Section B Proposed";
 P255 "Street Section A - Existing and Proposed";
 P256 "Street Section B - Existing and Proposed";
 P260-P2 "Bay Elevation Proposed";
 P300-P4 "Proposed Flats Schedule";
 P500 "Typical Bedroom Layout";
 P501 "Typical Bedroom Elevations";
 P515 "Typical Kitchen Layout";
 P516 "Typical Kitchen Elevations";
 P600 "Cycle Storage Proposed";
 P615 "Refuse Strategy Proposed"; and
 P620-P1 "Landscape Proposed".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D DM4, T SP1, QE DM1, QE DM2 and QE SP1 of the Arun Local Plan.

- 3 The mitigation measures as detailed within the submitted acoustic report as a whole entitled "Vahnea Student Residences - Environmental Noise Assessment Acoustics Report" ref A1240 R01a and dated 27/09/2018 must be adhered to without compromise. In particular, the glazing

standards specified along with appropriate acoustic ventilation must be incorporated into the build and the materials used must match or better those standards quoted within the body of the report. Any deviation from the proposed planning application or any submitted alterations will need to be submitted to the Local Planning Authority for approval. In these circumstances, a further detailed noise assessment may be required to reassess the proposed alterations and the impact(s) these alterations may have upon the development. The mitigation measures as implemented must be permanently retained in good working order.

Reason: To protect the amenity of nearby local residents and the new residents within the proposed accommodation in accordance with policies QE DM1 and QE SP1 of the Arun Local Plan.

- 4 The development permitted shall only be carried out and occupied in accordance with the submitted "Framework Student Accommodation Management Plan" (Version 2.0) dated October 2018. The proposed mitigation measures shall be fully implemented prior to occupation of any part of the building and adhered to permanently thereafter. There shall be no deviation from these mitigation measures without approval in writing from the Local Planning Authority. This condition shall apply to any future alternative uses of the building unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that local parking facilities are not adversely affected and to protect the amenities of nearby local residents, nearby businesses and the new residents within the proposed accommodation in accordance with policies T SP1, T DM1, QE DM1 and QE SP1 of the Arun Local Plan.

- 5 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Any discharge must be at a rate no greater than the pre-development run-off values. 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 may be necessary to implement the surface water drainage system prior to commencing any building works.

- 6 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with West Sussex County Council and the Councils Environmental Health Officers & Structural Engineer). 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:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction (including details of any access by mobile cranes if required),
- 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),

- details of public engagement both prior to and during construction works,
- An indicative programme for carrying out of the works,
- 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),
- Safety measures to protect the occupiers of affected buildings and the general public during the construction phase
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination,
- Measures to control the emission of dust and dirt during construction,
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

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 and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff.

- 7 No development other than structural improvements to the existing building shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity the character and appearance of the town centre area by endeavouring to achieve a building of visual quality in accordance with policies D SP1, D DM1 and D DM4 of the Arun Local Plan.

- 8 The development shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems in accordance with the recommendations of the submitted Sustainability and Energy Efficiency Report (or as otherwise agreed). The approved scheme shall thereafter be implemented prior to occupation of the building and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

- 9 No external lighting shall be installed on the building or site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 or updated standard. The lighting approved shall be installed and shall then be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1 and QE DM2 of the Arun Local Plan.

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

concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

11 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 percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

12 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the following provisions:

FIRE AND RESCUE

A contribution of £1560 to be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in the West Sussex Fire Rescue Services Southern Area serving Bognor Regis. To be paid prior to commencement.

PAGHAM HARBOUR

A contribution of £9,058.40 towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour. To be paid upon the granting of the planning permission.

WASTE COLLECTION:

A financial contribution to be made by the Owner to cover the additional cost to the Council of having to collect Household Waste and Recycling from the first floor of the Development as opposed to the ground floor which would normally be the case. This financial contribution will be strictly limited to the valid and substantiated costs associated with the Council having to collect Household Waste and Recycling from the first floor of the Development and for no other purpose. This provision shall apply if the development ceases to be used for Student Accommodation and is instead used for a purpose that requires the Council to collect Household Waste and Recycling from the Development.

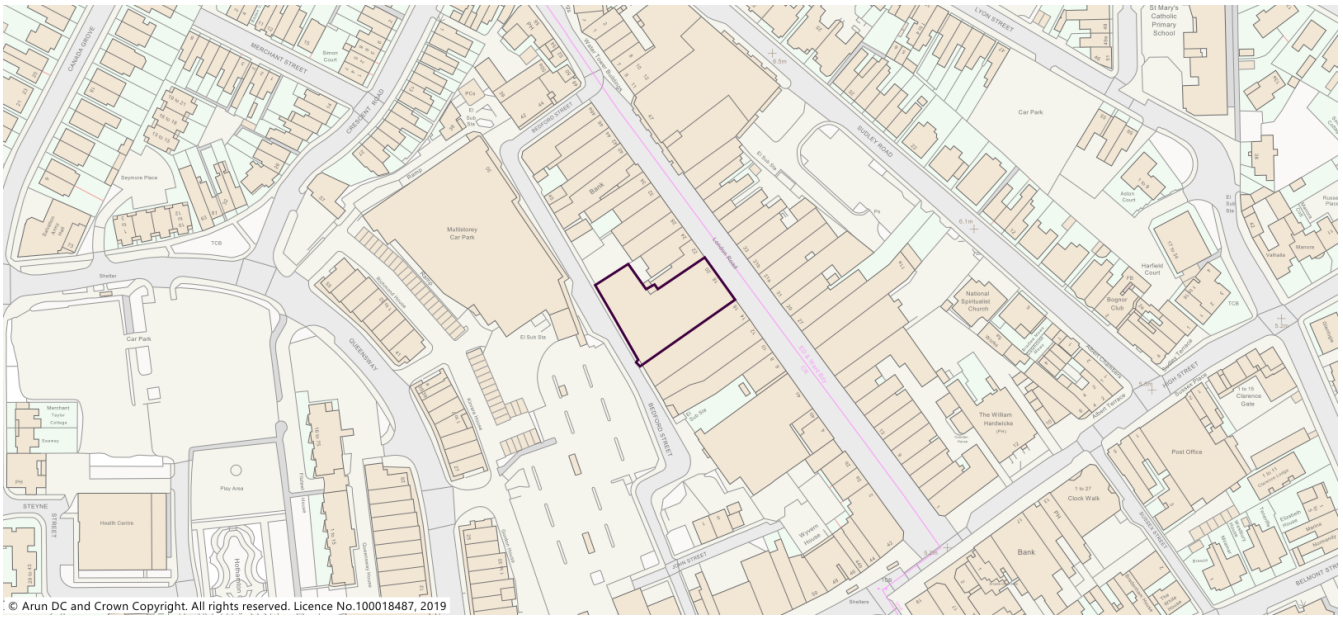
13 INFORMATIVE: This property will, when occupied, become a House in Multiple Occupation and will need to comply with the relevant fire safety and fitness for occupation standards under current Housing Acts. The applicant is advised to contact our Environmental Health Private Sector Housing Team for further information.

14 INFORMATIVE: In the interests of crime prevention and deterrence, the development should

incorporate security measures in accordance with the consultation advice of Sussex Police as available on the Councils website.

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

BR/270/18/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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100018487. 2015

Financial obligation(s) summary or change	Trigger Point	Amount	Due to (ADC, WSCC, NHS, other)	Destination/ project	5% or £15,000 for related projects	Spend by restriction
Pagham Harbour Contribution	Money to be paid on execution of the deed unless otherwise agreed by/with the applicant	£9,058.40	ADC	Pagham Harbour	n/a	n/a
Fire & Rescue Contribution	Prior to completion	£1,560	WSCC	To be used towards supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Bognor Regis	n/a	n/a
Waste Collection Contribution	If the Development ceases to be used for Student Accommodation and is used for a purpose that requires the Council, under the Environmental Protection Act 1990, to collect Household Waste and Recycling from the Development. The Owner shall upon receipt of a valid and substantiated invoice from the Council, pay to the Council, within 30 days of receipt of the invoice (or such other period as may be agreed in writing with the Council) the Waste Collection Contribution.	To be calculated at a later date (to be strictly limited to the valid and substantiated costs associated with the Council having to collect Household Waste and Recycling from the first floor of the Development)	ADC	To cover the additional cost to the Council of having to collect Household Waste and Recycling from the first floor of the Development as opposed to the ground floor which would normally be the case.	n/a	n/a

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PLANNING APPLICATION REPORT

REF NO: BR/311/18/PL

LOCATION: Land to the east of University of Chichester
Upper Bognor Road
Bognor Regis
PO21 1HR

PROPOSAL: Erection of 176 bedroom student accommodation building with associated hard & soft landscaping. This application may affect the setting of listed buildings, may affect the character & appearance of the Upper Bognor Road, Mead Lane Conservation Area & is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>Modification of student accommodation building (BR/54/16/PL) to change it from 136 bedrooms and a mix of 6-6-4-3 storeys to 176 bedrooms and a mix of 6-6-5-5 storeys. The design of the building has been amended to accommodate additional stair cores at each end of the building to provide a back up escape option in case of a fire. This results in some changes to the internal layout.</p> <p>Bedrooms are organised in two blocks. Block A is 6 storeys and 92 bedrooms in 12 clusters. Cluster size is a consistent 8 bedrooms per cluster, except for a cluster of 4 bedrooms at ground floor. Block B has 5 storeys with 84 bedrooms in 10 clusters of 8 or 9 bedrooms per cluster. Each bedroom is designed for wheelchair access and there are 11 bedrooms designed to cater for wheelchair or other specialist use. Each cluster has a wheelchair accessible communal Kitchen/Living/Dining room. The floorplans include a ground floor plant room and rooms for storage/ancillary services.</p>
SITE AREA	0.9 hectares.
TOPOGRAPHY	Relatively flat. Levels rising from north to south in order to cross a stream and access the Tech Park.
TREES	None affected by the development.
BOUNDARY TREATMENT	Open except to the south where there is a ranch style 2 bar timber fence. 2m high timber fence beyond the road/parking area to the west which forms the boundary to 100 Hook Lane.
SITE CHARACTERISTICS	Part of an area being redeveloped in connection with the expansion of the University. It is currently a grassed, broadly square shaped piece of land with an internal site road/parking areas on three sides. To the south lies a boundary fence and then trees with University buildings beyond.
CHARACTER OF LOCALITY	Differing land uses and character. To the north on each side of

Felpham Way the land is predominantly residential, to the south the Butlins complex provides hotel and holiday accommodation with associated leisure buildings including a modern tented structure. The Upper Bognor Road frontage has a more established character with a parkland setting behind flint walls. The site is prominent with a mix uses around the university which means there is no dominant character.

RELEVANT SITE HISTORY

BR/137/18/PL	Application for variation of condition following grant of planning permission BR/54/16/PL relating to condition no.2 - (List of plans/drawings) amendment to floor plans	
BR/264/17/PL	Plant on roof of EDTP building. This application affects the character and appearance of Upper Bognor Road & Mead Lane Conservation area & the setting of a Listed Building	ApproveConditionally 14-12-17
BR/54/16/PL	Development of land to east of The University of Chichester, Bognor Regis Campus to construct an Engineering & Digital Technology Park, new access from Felpham Way, erection of first phase of student accommodation (171 spaces), car parking & associated landscaping. This application affects the setting of listed buildings & affects the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area. This is a Departure from the Development Plan.	ApproveConditionally 14-07-16

BR/54/16/PL approved the redevelopment of land to the east of the campus. This included the Engineering & Digital Technology Park building on the corner of Felpham Way/Upper Bognor Road as well as three student accommodation buildings to the north of this. Included in this permission was the site subject to this application, on which was approved a building with 136 bedrooms.

The building was originally submitted to be 6 storeys in height (6-6-6-6 storeys considered as 4 quarters) and provided 171 bedrooms. Following concern over the impact on the Hook Lane residents, a lowered height at the west end was negotiated to reduce the building to 6-6-4-3 storeys and fewer bedrooms.

The Engineering & Digital Technology Park and associated site works (roads, parking, lighting, landscaping) have been completed.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

OBJECTION

- Although Members are keen to support the University, they wish to object to the design due to the impact the unsympathetic and austere design will have on its setting, adjacent to both listed buildings and a Conservation Area, also being detrimental to the gateway into Town.
- The proposed buildings are significant in their scale and massing, in relation to the Conservation Area and the listed buildings and will further erode the open landscape of the campus and conservation area in views from the north and from Felpham Way.
- The design does not comply with Policy 8a (Design Excellence) of the Neighbourhood Development Plan.
- A central part of achieving excellence in design is responding to and integrating with local surroundings landscape and context as well as the build environment through: using good quality materials that complement the existing palette of materials used within the area.
- This design also fails Policy 1 (Delivery of the Vision) of the Neighbourhood Development Plan which states that major developments should demonstrate how proposed changes will support the delivery of relevant Neighbourhood Development Plan objectives and our vision for Bognor Regis.
- Material considerations must be applied in respect of:
 - Highway safety and traffic: with problems already in existence with student cars being parked on surrounding streets;
 - Need to safeguard the countryside or protected species of plant or animal: with the application providing no evidence of a protected species survey having been undertaken;
 - Effect on the level of daylight and privacy of existing property: concern expressed at the effects shown in Shadow Study 1 to properties in Hook Lane, Brooks Lane and Brooks Mead.

2 letters of support including from the Bognor Regis Regeneration Board on the following grounds:

- (1) Provides student accommodation on the campus rather than in the town;
- (2) Meets the demand for student accommodation;
- (3) No need for much extra parking and students can get the bus;
- (4) Not the worst design;
- (5) Need cycle storage racks;
- (6) Chichester University is a key investor in Bognor Regis and the University assists with raising educational & skills attainment and average wages locally;
- (7) At the time of the previous application it was estimated the expanded Bognor Regis campus with the additional 1200 -1500 students will almost double the economic impact in the town to an estimated £69million per annum; and
- (8) The Engineering & Digital Technology Park is part of the strategic plans set out in the Local Plan.

COMMENTS ON REPRESENTATIONS RECEIVED:

The supporters comments are noted.

In response to the Town Council matters relating to design, scale, heritage assets, highway safety, traffic, parking, ecology, countryside policy and residential amenity are in the report's conclusions.

CONSULTATIONS

Conservation Officer

Engineering Services Manager

Engineers (Drainage)

Parks and Landscapes

Arboriculturist
Environmental Health
Highways England
WSCC Strategic Planning
Environment Agency
Surface Water Drainage Team
Ecology Advisor
Southern Water Planning
Economic Regeneration
Sussex Police-Community Safety
NHS Coastal West Sussex CCG
Natural England

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - No objection subject to a condition to ensure finished floor levels are set no lower than 2.75m above Ordnance Datum (AOD).

NATURAL ENGLAND - Advise no comments.

HIGHWAYS ENGLAND - Advise no objections.

SOUTHERN WATER - No objection subject to a condition to protect any existing sewers crossing the site and a condition to require approval of foul sewerage disposal.

SUSSEX POLICE - No objection - recommend measures to improve security of the accommodation.

WSCC HIGHWAYS - No objection subject to conditions to secure cycle parking, ensure students enter into a no-car tenancy agreement, to secure a travel plan and to secure a construction management plan.

- WSCC have undertaken a TRICS assessment and the proposals as a standalone application are anticipated to generate 24 daily movements, 0 in the network AM peak and 2 in the PM network peak;
- No concerns are raised concerning the vehicle generation potential of the application.
- 160 cycle parking spaces are to be provided as part of the application and no car parking for students is to be provided. 20 visitor spaces and 10 special permit places are provided within the existing parking arrangements;
- The site is in an accessible location with access to a range of services by foot, bicycle and public transport;
- A limited, or no, car parking arrangement is typical of student accommodation developments. The Local Highway Authority (LHA) are familiar with a number of appeals where restricted or no car parking provision has been made;
- Having reviewed the accident database there are no recorded accidents in the vicinity of the site that are attributable to a causation factor citing the presence of parked vehicles;
- There are numerous locations where parking restrictions are in place to protect the safety of highway users, such as at junctions, and are enforceable by civil parking enforcement officers;
- It is clear that some students do choose to park off-site on local roads and that an increase in residents may increase the number of vehicles doing so;
- Whilst the LHA do not consider that this would be detrimental to highway safety, the LPA should consider whether there is any impact on residential amenity;

- Should permission be granted it is recommended that students are required to enter into a no-car tenancy agreement; this should be secured by either condition or a S106 obligation;
- Car parking to the north and west of the site is not for regular use by residents of the accommodation but will serve the building in the event of 'drop off' and 'pick up' at the beginning and end of turn; and
- The application has been supported by the University of Chichester's Sustainable Travel Plan 2013-16, An updated version should be secured if consent is granted.

WSSC INFRASTRUCTURE - Require £2,640 to fire service infrastructure in Bognor Regis. Require an additional fire hydrant to serve the accommodation.

WSSC FLOOD RISK MANAGEMENT - No objections.

- Current surface water mapping shows the site is at moderate risk from surface water flooding;
- Risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events;
- Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed;
- The majority of the development is at high risk from ground water flooding based on the current mapping;
- There are no records of historic surface water flooding within the confines of the proposed site.

Recommend a surface water drainage condition.

COUNCILS ECOLOGIST - Advise no objections subject to conditions.

- As part of BR/54/16/PL a phase 1 habitat survey (February 2015) was undertaken identifying there was potential for reptiles and bats onsite; Subsequent phase 2 activity surveys showed there was a low population of reptile's onsite and a small scale translocation was required;
- Require that reptile habitat is recreated on the site;
- Require the lighting scheme employ measures to avoid/minimise potential impacts to bats by avoiding unnecessary artificial light spill through the use of directional light sources and shielding;
- Require hedgerows be protected during construction;
- Require any existing gaps in hedgerows be filled in;
- Require trees be protected during the bird breeding season; and
- Require habitat enhancements including planting native species, recreation of a small stream, on-site bird boxes and bat bricks & tiles.

ADC DRAINAGE ENGINEERS - No objection - following receipt of full details of the drainage scheme, recommends a condition requiring the development proceed in accordance with the approved details.

ADC LANDSCAPE OFFICER - No objection. No requirement for public open space or a play area contribution. Greening to soften the development is required - this should be secured by a condition.

ADC ENVIRONMENTAL HEALTH - No objection subject to conditions to secure a construction environmental management plan, to protect existing and new residents from noise and light, to control plant & equipment and ensure any contamination is brought to the Councils attention and remediated.

ADC CONSERVATION OFFICER - Any comments to be reported at the Meeting.

COMMENTS ON CONSULTATION RESPONSES:

Regarding ecology the applicants were within the terms of BR/54/16/PL to clear the site. The application

concerns a small part of the overall site and the previous application was subject to requirements for reptile mitigation and bird/bat boxes which have been approved and implemented.

WSSC Highways and ADC Environmental Health have asked for measures to be secured by condition in respect of the management of the construction process. It has been decided to combine both of their requirements into one condition.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Public Sewer On Site;
Within 2km Buffer of Bognor Reef SSSI;
Within 2km Buffer of Felpham SSSI; and
Flood Zone 3.

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPSP2	EMP SP2 Economic Growth Areas
INFSP1	INF SP1 Infrastructure provision and implementation
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
CSP1	C SP1 Countryside
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HSP4	H SP4 Houses in multiple occupation
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water
WMDM1	WM DM1 Waste Management
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp

ENVDM5 ENV DM5 Development and biodiversity

ENVSP1 ENV SP1 Natural Environment

Bognor Regis Neighbourhood Plan 2015 Policy 1	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 8	Pre-Application Consultation
Bognor Regis Neighbourhood Plan 2015 Policy 8A	Design Excellence
Bognor Regis Neighbourhood Plan 2015 Policy 8B	Car Parking
Bognor Regis Neighbourhood Plan 2015 Policy 8j	The University of Chichester Bognor Regis Campus

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Relevant policies of the Bognor Regis Neighbourhood Development Plan are considered in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with the relevant Development Plan policies in that the new building would not have a materially adverse effect on the townscape or the visual amenities of the locality and there would be no significant harm to the amenities of nearby residential properties. The lack of parking will not result in highway safety issues and there will be no harm to nearby heritage assets.

OTHER MATERIAL CONSIDERATIONS

The site already benefits from extant planning permission which enables the construction of a 136 bed student accommodation building on the same site.

CONCLUSIONS

BACKGROUND & KEY CHANGES:

There is a permission for a student accommodation building on the site which formed part of BR/54/16/PL which has been lawfully implemented and the applicants could erect the approved accommodation building at any time. The main changes between the permission and this proposal are:

- Increase of 40 bedrooms - 136 to 176;
- Increase in height at the western end of between 1 and 2 storeys. The new building will be 6-6-5-5 storeys (as opposed to 6-6-4-3) and will be circa 5.5 metre higher across the western end;
- Addition of 2 stair cores at each end of the building
- Increase in total length (NW corner to SE corner) from 66.5m to 71m; and
- Materials changed to reflect what was approved on the Engineering & Digital Technology Park.

The form and design of the building is essentially the same, it is only the increase in height at the western end.

PRINCIPLE:

Policy C SP1 "Countryside" sets out the classes of development that may be appropriate within the countryside. Included in this is development that accords with other policies in the Plan which refer to a specific use or type of development. Policy EMP SP2 makes it clear that the Council encourages the expansion and improvement of academic and recreational facilities for the University. On this basis, it is considered the proposal accords with policy C SP1 and is acceptable in principle.

Policy 8j of the Bognor Regis Neighbourhood Development Plan (BRNDP) states the Plan will support an appropriate amount of additional student housing at the University.

The proposal is considered to accord with policies SD SP1, SD SP2 and C SP1 of the Arun Local Plan. The site benefits from an extant permission which would enable the construction of a 136 bedroom student accommodation building on the same site.

PLANNING POLICY ON HOUSES IN MULTIPLE OCCUPATION:

The proposal, whilst described as student accommodation, is for a form of HMO and, if left unrestricted could if circumstances change, be occupied as a HMO. It would normally be necessary to consider ALP policy H SP4 which states:

"Where planning applications for houses in multiple occupation (HMOs) are not already covered by permitted development rights, they will be favourably considered where the proposals contribute to the creation of sustainable, inclusive and mixed communities and meet the following criteria:

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

It is appropriate, given the site is a part of the campus and given the principle of development is acceptable on the basis the proposal is for expansion of the University, that a condition be imposed to restrict occupation to students. It would then be necessary to make a planning application to change the use to a HMO and this would allow the Local Planning Authority to control the development.

Notwithstanding, it is considered there is no conflict with criteria (a) as the site forms part of the

expanded university. The campus has plenty of open space and recreation facilities to cater for students. Highway and parking considerations will be discussed below.

HERITAGE ASSETS:

The site is not considered to be a heritage asset. The edge of the site is within 10-15m of the "Upper Bognor Road & Mead Lane Conservation Area" and the curtilage of thirteen Grade I and II Listed Buildings & Structures within the campus. The proposal has the potential to affect the setting of Listed Buildings and the setting of the Conservation Area.

Relevant Local Plan policies are HER DM1 (Listed Buildings) and HER DM3 (Conservation Areas). HER DM1 requires proposals protect and enhance the setting of Listed Buildings and policy D DM3 lists criteria for proposals affecting the setting of a Conservation Area. Proposals should not harm important views into, out of or within the Conservation Area.

It is necessary to consider policy guidance in the National Planning Policy Framework (NPPF) which sets out several steps when considering impact on heritage assets. Para 189 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 190 states Local Planning Authorities need to identify and assess the particular significance of the heritage asset that may be affected by a proposal. The third step is that the Local Planning Authority must consider the level of harm associated with the proposal and decide whether there is any harm and if so, whether this is 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (paras 193-196).

The applicants have provided a copy of the Heritage Statement which formed part of BR/54/16/PL. In addition, in section 10 of their "Planning, Design and Access Statement", they provided a Heritage Statement update.

At the time of BR/54/16/PL, the conclusions of Historic England, the Council's Heritage Advisor and the Council's Conservation Officer were that there is a degree of harm associated with the proposals but that this harm is not so significant that it would warrant a redesign of the proposal. The proposed scheme is in the same location as the approved scheme and while the proposals revert back to the original scale (5-6 storeys) and include minor elevational changes, the visual separation caused by existing buildings and tree cover remains the same. On this basis the impact on the nearby heritage assets remain unchanged and is considered to be acceptable.

Comments of the Conservation Officer will be reported at the meeting. Given there is no direct impact on heritage assets and the previous application was considered favourably, it is anticipated that harm to heritage assets will be considered to be less than substantial. In accordance with para 196, it is necessary to consider the benefits of the proposal to the public at large. In this case the proposal will:

- Benefit the local economy by bringing in additional customers to local shops and services;
- Benefit the stock of family sized housing in the wider settlement by reducing demand for student occupation; and
- Benefit the University of Chichester through the provision of additional accommodation.

The proposal complies with the NPPF and policies HER DM1 and HER DM3 of the ALP.

DESIGN AND CHARACTER:

Policy D DM1 of the Local Plan requires the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to

consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. 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. D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintains character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. BRNDP policy 8a is relevant due to this being a major development within the town centre area. It requires new development demonstrate 'design excellence' and help to establish a strong sense of place and create attractive and comfortable places to live, work and visit. This should include:

- Use of good quality materials that complement the existing palette;
- Use planting commonly found on the south coast for highway boundaries wherever possible and in keeping with the existing streetscape;
- Ensure safe access for pedestrians, cyclists and motorists;
- Provide adequate refuse and recycling storage to minimise visual impact;
- Use innovative design that is sustainable in its design, construction and operation;
- Promote high quality spaces and light; and
- Adopt the principles of sustainable urban drainage, where appropriate.

Some of these criteria will be considered here whilst others relate to other sections of this report.

The building is to be higher at the west end than the original building with an increase in the western two quarters of the building from part 3 and part 4 storeys to a consistent 5 storeys. The remainder of the building will be similar in height to the approved scheme (6 storeys high). The design of the building is essentially the same (excepting additional stair cores on each end which marginally increase the footprint).

The materials slightly differ to those on plans approved by BR/54/16/PL but reflect materials approved by condition and which have been implemented on the Engineering & Digital Technology Park building. The proposed materials are:

- Dark brick at ground floor to provide a visually strong plinth to the building;
- Panels of textured dark brick also make reference to the academic building;
- At first floor and above the bedrooms are set in a lighter brick;
- Gold cladding is proposed to the communal and core areas; and
- External window frames, louvres, doors and curtain walling elements will be polyester powder coated (PPC) in dark grey to match the Tech Park academic building.

With the exception of the increase in height at the west end, it is not considered the building is materially different to what was approved and it is considered the design reflects the characteristics of the recently expanded University. The building helps further develop a strong sense of place on this part of the campus and the building uses good quality materials in character with the Engineering & Digital Technology Park building.

There is not considered to be any conflict with policies D DM1 & D SP1 of the Arun Local Plan or with the criteria relevant to design with policy 8a of the BRNDP.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering development

including having minimal impact to users and occupiers of nearby property and land. D DM4 requires that extensions/alterations: do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Regard should be had to para 127 of the NPPF which states that development should provide a high standard of residential amenity for existing and future users.

QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

During the previous application the plans for this student accommodation building were revised to avoid concerns that the accommodation would create an overbearing and overshadowing impact on nearby residential properties. An overbearing visual impact is one that has adverse impact on outlook resulting in an unduly oppressive living environment. Residential properties most likely to be affected are those on Hook Lane and Brooksmead.

These dwellings are to the northwest and are bungalows (some with rooms in the roof). The changes secured to BR/54/16/PL reduced the number of bedrooms from 171 to 136 and the applicant now wishes to increase the amount of accommodation to ensure there is enough accommodation to cater for future demand for student places.

In order to justify the increase in height at the western end, the applicant has provided a set of supporting plans. These are set out and analysed below:

(1) An annotated site plan showing the interface distances between the proposed building and the existing/proposed houses on the south side of Hook Lane.

This shows the building will be 37m at the closest point from the southeast corner of 100 Hook Lane. The building will be 45m at the closest point from the rear of the indicative position of the proposed dwellings in the rear of 98/100 Hook Lane. It is not considered, at these distances, the building would have an adverse impact on outlook resulting in an unduly oppressive living environment.

The western stair core is not fully enclosed such that although there are no windows in it, persons using the stairs would be able to look out. The applicant has confirmed it is only to be used in emergencies and the only times when overlooking could occur would be in the case of an emergency or fire drill. There are no windows in the other parts of the western end.

(2) A plan showing the view range from no. 100 Hook Lane.

This shows how much of the building will be visible with a viewing range of 25 degrees above the height of no. 100's 2m fence. This drawing highlights that the proposals would meet this test which assesses adequate daylight and outlook. Applying this rule to the original scheme (denoted by the red hashed line) would produce a similar result and highlights the acceptability of the proposals from a daylight and outlook perspective.

(3) A shadow study showing the shading from the proposed building at 10am, 12 midday and 5pm on Jan 20th, March 20th and September 20th in any given year.

This shows that of the 9 date/time combinations, shading of neighbouring dwellings will only occur on the 20th January at 10am. At this time, there will be shading of 98-100 Hook Lane, a very small part of 96, 2 Brooks Mead and 95-99 Hook Lane.

(4) Another version of (3) but showing the shading of the previously approved building.

This shows virtually the same amount of shading on the 20th January at 10am as the proposed building.

(5) A shadow study showing the shading from the proposed and approved buildings at 10.44am on December 20th, 10.48am on January 20th and 10.21am on February 20th in any given year.

This compares the approved and proposed buildings albeit on different day/timer combinations to the other shadow studies. This shows that:

- On the 20th December at 10.44am, there will be a slightly greater impact on the Pavilion Bungalow than the approval. The shading of other dwellings is the same;
- On the 20th January at 10.48am, there will be a slightly greater impact on the side of 99 Hook Lane than the approval. The shading of other dwellings is the same; and
- On the 20th February at 10.02am, there will be a slightly greater impact on the front garden of 99 Hook Lane than the approval. The shading of other dwellings is the same.

The proposals still include a step down in the height of the building providing added visual interest/variation and character to the 2 halves of the building. The evidence from the applicant shows although there will be greater amount of shading associated with the increase in height, this shading will not be significantly greater than the existing approval.

The approved building is of a large size and the changes proposed are not considered to tip the balance of acceptability and dominate the outlook of the existing and proposed residential dwellings to such an extent as to make the project overwhelming/oppressive particularly given the scale of the development as a whole. It is noted the Ocean Hotel at Butlins complex is 7 storeys, has balconies and is within 45m of adjacent properties.

On the basis of the above the proposal accords with policies D DM1 and QE SP1 of the Local Plan.

SPACE STANDARDS:

D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". National standards do not provide relevant standards for Houses in Multiple Occupation. Regard should be had to Arun's "Standards for Houses in Multiple Occupation" (March 2019). It is necessary for the scheme to comply with these standards if it were to be occupied as a HMO in the future. This is not a material planning consideration as it is covered by separate legislation.

The applicant states bedrooms will be 12.15 sqm in size with another 2.46 sqm en-suite bathroom and the larger disabled accessible bedrooms will be 23 sqm. This is appropriate as student accommodation.

The application proposes no designated amenity space. There is amenity and recreation space on campus such that residents are able to access places to sit out or engage in sport. The proposal complies with D DM1 & D DM2 and the guidance on amenity in NPPF para. 127.

HIGHWAY SAFETY AND PARKING:

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

T DM1 requires development be located in easy access of established non-car transport modes/routes

and also seek to contribute to the improvement of such routes & facilities. Para 108 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 109 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."

BRNDP policy 8a requires safe access is ensured for pedestrians, cyclists and motorists. Policy 8b states major developments should demonstrate through a Transport Assessment and Travel Plan that they do not impact on existing capacity of public highways to accommodate parking and regard should be had to seasonality of parking needs in Bognor Regis.

The application is accompanied by a Transport Assessment. The application states the Transport Assessment submitted with the previous application assessed a total of 289 student bedrooms and concluded:

- There is an excellent range of sustainable travel options for accessing the proposed development;
- A safe and convenient network of foot and cycle paths is available through and beyond the site;
- The site is well served by bus services which also provide links to Bognor Regis town centre and railway station, enabling connection with the wider public transport network;
- The existing Sustainable Travel Plan continues to provide means of encouraging the use of sustainable transport modes; and
- Additional traffic is not significant enough to warrant any changes to the surrounding road network.

The change in student numbers is not considered to be material in this context and the proposal would continue to have an acceptable impact on highway safety and not have a severe impact on the road network.

West Sussex Highways raise no objections. They state the proposal is not anticipated to generate any significant increase in vehicle movements above the approved scheme. In respect of parking, they note that the no car parking for students is to be provided and that this will be enforced through the tenancy agreement. They consider this is typical of student accommodation developments and they are familiar with a number of appeals and locations around the country restricted or no car parking provision has been made. WSCC do not consider parked vehicles are likely to result in an increase in traffic accidents attributable to a causation factor citing the presence of parked vehicles parking in unsafe location is restricted in the local area.

The site is in an accessible location with access to a range of services by foot, bicycle and public transport. Some students may decide to break the terms of their tenancy agreement and park on nearby streets. The likelihood of this happening compared to the increase in the number of bedrooms associated with this revised scheme is not considered to be so significant as to adversely affect amenity of residents. A condition will be imposed to prevent students from keeping a car on site. There is cycle parking elsewhere on campus so students can cycle to and from nearby facilities whilst remaining confident of the security of their bicycle.

The proposal complies with the NPPF and the relevant policies of the development plan.

BIODIVERSITY

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising

adverse impacts on existing habitats (whether designated or not)." Para 175 of the NPPF states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The application was not accompanied by a biodiversity report. The site has been cleared under BR/54/16/PL and it is not considered the site has any biodiversity value. Mitigation measures and enhancements proposed by BR/54/16/PL have been carried out so it is not appropriate to reconsider the biodiversity of the wider campus.

The application proposes a landscape strategy to include wildflower meadow and shrub planting and this will provide a net gain in biodiversity. The application states no hedgerows are proposed to be removed and 4 bat boxes and 3 bird boxes have been installed on the Tech building. It is appropriate to impose conditions requiring wildlife habitat in the boundaries of the application to achieve further net gains in biodiversity. On this basis, the proposals are in accordance with ALP policy ENV DM5.

NOISE AND LIGHT POLLUTION:

ALP policies QE DM1 and QE DM2 seek to protect residential properties from adverse effects of light and noise pollution.

The site is surrounded by new roadways, parking and with lighting approved by BR/54/16/PL. There have been requests from both Environmental Health and the Council's ecologist for a condition to control lighting. It is appropriate to ensure lighting on the building is designed to minimise harm to local bat populations and to ensure light spill is not significant beyond site boundaries.

Environmental Health consider it appropriate to control noise from students from in the building and from any plant/equipment located inside or on the outside/roof of the building. Conditions are proposed in this respect. The proposal is in accordance with QE DM1 and QE DM2.

FLOOD RISK:

According to mapping on the Environment Agency's website, the site lies within Flood Zone 3. Policy W DM2 of the Arun Local Plan states that:

"Development in areas at risk from flooding, identified on the latest Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment (SFRA), will only be permitted where all of the following criteria have been satisfied:

- a. The sequential test in accordance with the National Planning Policy Guidance has been met.
- b. A site specific Flood Risk Assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall.
- c. The sustainability benefits to the wider community are clearly identified.
- d. The scheme identifies adaptation and mitigation measures.
- e. Appropriate flood warning and evacuation plans are in place; and
- f. New site drainage systems are designed to take account of events which exceed the normal design standard i.e. consideration of flood flow routing and utilising temporary storage areas."

The application was accompanied by a Flood Risk Assessment (FRA) which the Environment Agency has considered and has been found to be acceptable. It is necessary to ensure (through a condition) that internal floor levels are set no lower than 2.75m above Ordnance Datum (AOD). This is to be achieved by partly raising the ground floor level of the building by 1.6m. On the previous application the building

was to include an undercroft void to raise the ground floor level 1m above the exterior ground level. The required increase is greater (by 0.6m) but this is not considered to be significant. The scheme includes a raised boardwalk outside the building which provides a pedestrian link to higher ground at the bridge to the south-east of the site.

The development of student accommodation in Flood Zone 3 requires the Exception Test to be met. Notwithstanding that there is already an extant permission for a building of 136 student bedrooms, it is necessary to consider how this new applications meet the Exceptions Test.

The site is the only land owned by the University in the vicinity of the campus, and this is the only feasible site available for development. The Exception Test requires proposed development to show:

- (1) It will provide wider sustainability benefits to the community that outweigh the flood risk; and
- (2) It will be safe for its lifetime without increasing flood risk elsewhere and where possible reduce flood risk overall.

The benefits of the scheme are discussed elsewhere and were previously accepted by BR/54/16/PL. In regard to the second point, the FRA demonstrates how the development can be implemented with appropriate mitigation measures despite the flood risks to the site and thus enables occupants and users to be safe from flooding for the lifetime of the development (50 years), accounting for the effects of climate change without increasing flood risks elsewhere.

It is therefore considered that the proposal complies with policy W DM2.

DRAINAGE:

Local Plan policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must 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." BRNDP policy 8a requires development adopt the principles of sustainable urban drainage where appropriate.

ADC Drainage Engineers have negotiated with the applicant on this application to the extent that a drainage scheme has been proposed which is acceptable to engineers and which therefore negates the need for any conditions requiring post permission approval. It is considered the proposal accords with ALP policy W DM3.

SUSTAINABLE CONSTRUCTION:

Local Plan policy ECC SP2 requires that residential and commercial development be energy efficient and should incorporate decentralised, renewable and low carbon energy supply systems. For major developments, 10% of the total predicted energy requirements should be produced from renewable/low carbon energy generation on site, unless it is demonstrated this is unviable. BRNDP policy 8a states that major proposal use innovative design that is sustainable in its design, construction and operation.

The supporting Energy Statement sets out that:

- A reduction in carbon emissions of 10% over a Part L 2013 compliant development can be achieved;
- This will be achieved through the incorporation of passive and active energy efficiency measures; and
- The proposals will use solar water heating which will achieve at least 6% regulated energy from renewable sources and in practice (with the inclusion of low water demand sanitary fittings and a more accurate occupancy profile) will be around 12%.

With the imposition of a condition to secure appropriate energy efficiency technologies, it is considered the proposal complies with policy ECC SP2.

INFRASTRUCTURE REQUIREMENTS:

Local Plan policy INF SP1 states: "The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community." and "Any on-site provision or financial contribution required to address unacceptable impacts must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010." The tests are that the contribution is necessary to make the development acceptable in planning terms, directly related to the development and fairly & reasonably related in scale and kind to the development.

WSCC requested a financial contribution of £2,640 towards the supply and installation of fire safety equipment to vulnerable persons homes in the West Sussex Fire Rescue Services Southern Area serving Bognor Regis.

The Council's pooling data has also been checked and there are no other contributions to this particular project.

In addition, an additional fire hydrant to serve the development will be secured by planning condition. The proposal accords with policy INF SP1.

SUMMARY:

In assessing this application, there is support for the expansion of the Bognor Regis Campus as set out in the Arun Local Plan and the Bognor Regis Neighbourhood Development Plan. The site benefits from an extant permission for a building of 136 student bedrooms. The proposal is essentially the same as that approved except for the increase in height at the western end, the addition of new emergency escape stair cores on each end (resulting in a slight increase in footprint), and an increase in the number of bedrooms from 131 to 176.

On the previous application, it was noted and accepted that the University expansion would result in a significant investment in Bognor Regis to include:

- An increase in the number of student places with additional student places of up to 1,500 by 2023/24, and 300 work placements within the local economy;
- Employment for at least 350 additional jobs by 2023;
- Additional spend of £12.4million a year by students at the Bognor Regis campus by 2023/24;
- An increase in the total economic impact of the University as a whole by £321million by 2023/24; and
- The opportunity to 'incubate' start-up Small to Medium Enterprises (SME's) and provide support to existing SME's.

It is considered student accommodation here will benefit the stock of family sized housing in the wider settlement by reducing demand for student occupation.

This report addresses relevant policies of the Local Plan, the Bognor Regis Neighbourhood Development Plan and guidance in the NPPF. There will be no substantial harm to visual amenities of the locality, to local residential amenity, to existing natural environment or to the safety and convenience of local highways.

The application will be accompanied by a signed Section 106 Agreement securing a contribution to local fire safety measures. The application is recommended for approval in accordance with the following conditions and subject to the signing of the Section 106 agreement. Members will be updated at the Meeting as to whether the Section 106 has been signed.

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 positive impact on the protected characteristics - disability.

SECTION 106 DETAILS

This recommendation is made subject to the completion of a S106 legal agreement regarding a contribution of £2,640 to be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in the West Sussex Fire Rescue Services Southern Area serving Bognor Regis to be paid prior to commencement.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

Dwg. 151933-AP_001 Rev P01 "Site Location Plan";

Dwg. 17001 Rev P14 "Site Plan";
 Dwg. V0002 "Shadow Study 1";
 Dwg. V0003 "Shadow Study Based on Previous Scheme";
 Dwg. V0003 Rev P01 "Shadow Study 2 - Current and Approved Scheme Comparison";
 Dwg. 01001 "Proposed Ground Floor Plan";
 Dwg. 01002 "Proposed First Floor Plan";
 Dwg. 01003 "Proposed Second Floor Plan";
 Dwg. 01004 "Proposed Third Floor Plan";
 Dwg. 01005 "Proposed Fourth Floor Plan";
 Dwg. 01006 "Proposed Fifth Floor Plan";
 Dwg. 02001 "Proposed East and South Elevations";
 Dwg. 02002 "Proposed North-West and North-East Elevations";
 Dwg. 02003 "Proposed West and South-West Elevations";
 Dwg. 03001 "Section Sheet 1";
 Dwg. 03002 "Section Sheet 2";
 Dwg. 03003 "Section Sheet 3";
 Dwg. 17002 Rev P01 "Proposed Landscaping Plan";
 Dwg. V0003 Rev P01 "CGI Views of Proposed Building in Context";
 Dwg. V0006 Rev P01 "Building Superimposed on Site Photograph";
 Dwg. 02007 Rev P16 "South West Elevation - View Range From Neighbouring Property"; and
 Dwg. 17004 Rev P01 "Site Plan with Hook Lane Overlay".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, T SP1, HER DM1, HER DM3, QE DM1, QE DM2 and QE SP1 of the Arun Local Plan..

- 3 The development hereby approved shall be carried out in accordance with the agreed proposed surface water drainage scheme which consists of the following drawings/documents:

"Standard Drainage Details" Dwg OUCC-ACM-ZZ-05-DR-DR-30001 Rev P02;
 "Section Through Attenuation" Dwg UOCC-ACM-ZZ-05-DR-DR-30002 Rev P02; and
 "Drainage Strategy" ref 60580070 April 2019.

The new building shall not 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.

- 4 The development shall be carried out in accordance with ecological enhancement measures detailed in the Extended Phase 1 Report (Version 3) submitted with application BR/54/16/PL unless otherwise agreed in writing. The enhancements and mitigation measures shall be retained and thereafter maintained.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 5 The development permitted shall only be carried out in accordance with the approved Flood Risk Assessment Addendum Report dated March 2019 and the following mitigation measures detailed within it:

1. Finished floor levels are set no lower than 2.75m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

- 6 The accommodation shall only be occupied by students enrolled on full-time courses at further and higher education establishments or students working at a medical or educational institution, as part of their medical or education course.

Reason: The Local Planning Authority has granted permission on the grounds that the accommodation will be used in connection with Chichester University and it is necessary to impose such a control to ensure the building is not sometime in the future occupied as a HMO. In accordance with policies C SP1, EMP SP2 and H SP4 of the Arun Local Plan.

- 7 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with West Sussex County Council and the Councils Environmental Health Officers). 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

- An indicative programme for carrying out of the works;
- 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, including permitted times for deliveries;
- The storage of plant and materials used in construction of the development;
- The erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- 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);
- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- 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);
- measures to control the emission of dust and dirt during construction;
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination; and
- A scheme for recycling / disposing of waste resulting from demolition and construction works.

Reason: In the interests of the amenity of the occupiers of any nearby noise sensitive premises, the general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff.

- 8 No development shall commence until a scheme has been submitted to and approved by the

Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the building. Thereafter, the building shall not be occupied unless and until the approved scheme has been fully implemented.

Reason: To protect the amenities of occupiers of nearby residential properties in accordance with Arun Local Plan policy QE DM1. It is considered necessary for this to be a pre-commencement condition because the noise control measures may need to be incorporated into the fabric of the building.

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

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a foul drainage scheme once development had been completed.

- 10 Development shall not commence until full details of measures to be undertaken to protect existing public sewers have been submitted and approved in writing by the Local Planning Authority in conjunction with Southern Water. The building shall not be occupied until the measures in respect of protecting sewers have been completed in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because new development has the potential to cause damage to any sewer crossing the site.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the character and appearance of the nearby heritage assets in accordance with policies D DM1, HER DM1 and HER DM3 of the Arun Local Plan.

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

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

- 13 No development above damp proof course (DPC) level shall take place until there has been

submitted to, and approved by, the Local Planning Authority, a scheme for the creation of new reptile habitat within the site (or in an alternative location as agreed) to include rough grassland margins, hibernacula, scrub and open basking areas within a dedicated reptile enhancement area. The approved scheme shall be carried out in the first planting and seeding season, following the occupation of the building or the completion of the development, whichever is the sooner, and any plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In accordance with Arun District Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 14 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a scheme to show the location of a fire hydrant to serve the development. The fire hydrant shall be provided in accordance with the approved details before the first occupation of the development and shall be retained thereafter.

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

- 15 No part of the development shall be first occupied until an amended version of the existing University Sustainable Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with the National Planning Policy Framework and policies T SP1 and T DM1 of the Arun Local Plan.

- 16 The development shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems in accordance with the recommendations of the submitted "University of Chichester - Student Accommodation Phase 1" (Rev 0, 16 November 2018) (or a different document as otherwise agreed). The approved scheme shall thereafter be implemented prior to occupation of the building and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

- 17 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The spaces shall be permanently retained and maintained in good working condition.

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

- 18 There shall be no partial occupation of the building whilst works to complete the development are continuing other than where a scheme has been submitted to and approved by the Local Planning Authority which specifies the measure to protect occupants from noise and

vibration. In such cases, the approved scheme shall then be implemented in full prior to partial occupation of the building. This condition does not apply in cases of any post completion future internal works.

Reason: To protect the amenities of occupiers of nearby residential properties in accordance with Arun Local Plan policy QE DM1.

- 19 Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment including fans, ducting and external openings, compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the Local Planning Authority before installation of such plant/machinery/equipment. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the measured background sound level when assessed by a competent acoustician using BS 4142:2014, at any adjoining or nearby noise sensitive premises. The approved plant/machinery/equipment shall thereafter be implemented in accordance with the agreed details and permanently retained in good working condition.

Reason: To protect the amenity of local residents in accordance with policies QE DM1 and QE SP1 of the Arun Local Plan and the National Planning Policy Framework.

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

Once the approved lighting has been installed a verification report shall be submitted to the Local Planning Authority to demonstrate that the light trespass does not exceed 5 Lux beyond 5m of the site boundaries.

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

- 21 In the event that contamination is found at any time during the carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All works must stop immediately and an investigation and risk assessment must be undertaken in accordance with the requirements of the local authority contaminated land officer. Where remediation is necessary, remediation scheme must be prepared in accordance with the local authority contaminated land officer guidance and which is subject to approval in writing of 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 policy QE DM4 of the Arun Local Plan.

- 22 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed.

Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policy ENV DM5 of the Arun Local Plan.

- 23 No deliveries by commercial vehicles shall be taken or despatched from the site outside of the following times (7.00am - 6.00pm Mondays to Saturdays), nor at any time on Sundays, Bank Holidays or Public Holidays.

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

- 24 The flat roofs on the student accommodation building are not to be used as amenity space or balconies at any time.

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

- 25 No Students residing in the accommodation will be permitted to keep a car on site. The University will manage this through a 'No Car' clause in the student tenancy agreement. Prior to commencement a copy of the standard tenancy agreement will be submitted for approval in writing by the Local Planning Authority.

Reason: The development is subject to maximum parking standards where parking is limited and alternative means of transport are provided as secured in the Travel Plan. In accordance with policies T SP1 and T DM1 of the Arun Local Plan.

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

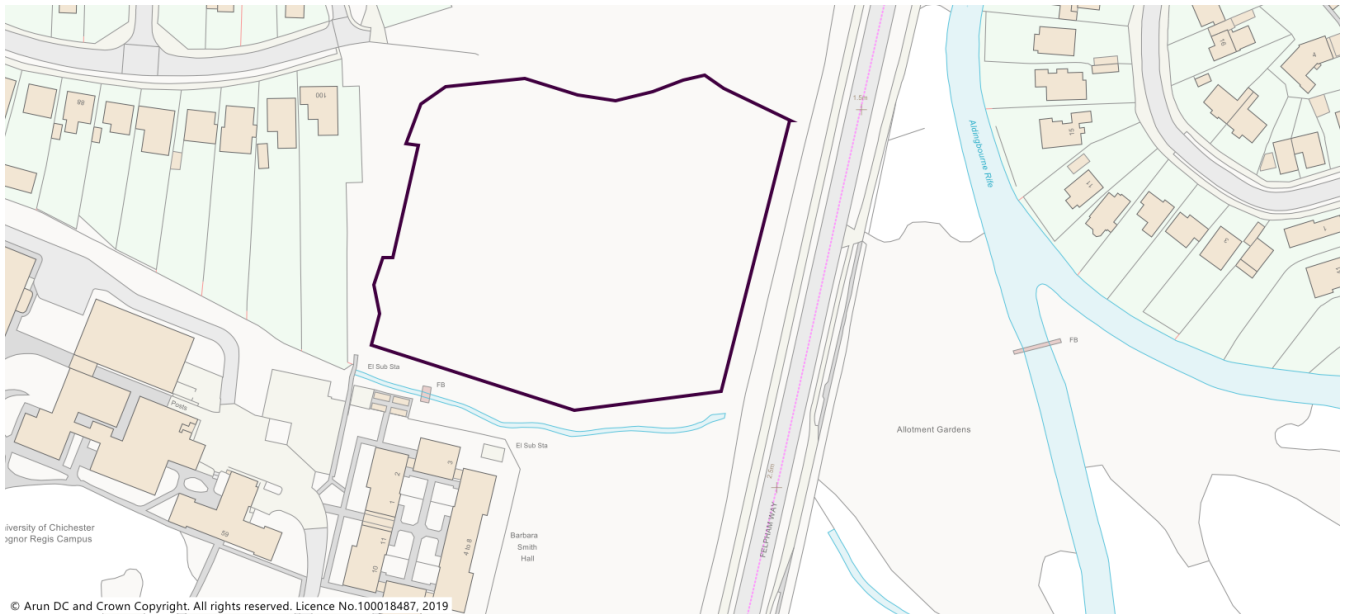
- 27 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £2,640 to be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in the West Sussex Fire Rescue Services Southern Area serving Bognor Regis. To be paid prior to commencement.

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

- 29 INFORMATIVE: The Environment Agency would recommend as previously discussed with the original FRA consultant that a weedscreen be fitted to the culvert entrance which conveys water under Felpham Way, to prevent large blockages, thus increasing localised flood risk, which is known to have occurred.. Any works in under or over, or within 3 - 5 metres of the watercourse bank edges, a flood defence consent will be required from the Lead Local Flood Authority.

- 30 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police as available on the Councils website.
- 31 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737500.
- 32 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A 'Statutory Nuisance' may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.

BR/311/18/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Financial obligation(s) summary or change	Trigger Point	Amount	Due to (ADC, WSCC, NHS, other)	Destination/ project	5% or £15,000 for related projects	Spend by restriction
Fire & Rescue	Prior to occupation	£2,640	WSCC	To be used towards supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Bognor Regis	n/a	n/a

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PLANNING APPLICATION REPORT

REF NO: BR/329/18/PL

LOCATION: 123 Longford Road
Bognor Regis
PO21 1AE

PROPOSAL: Change of use of single dwellinghouse to 2 No. residential apartments.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The dwelling would be converted into 2, two bedroom split level maisonettes. Each unit is served by bathroom, sitting room and kitchen. It should be noted the internal layout would allow for the main entrance to serve the upper floor and a rear side door to serve as the principle access to the ground floor. No parking is provided and the amenity space would serve the ground floor unit only.
SITE AREA	0.03 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open to the front abutting the road. It was not possible to access the very rear of the garden to check the boundary treatment.
SITE CHARACTERISTICS	Existing semi-detached three storey dwelling house. Five existing bedrooms spread over the first and second floors. The building is pebble clad rendered with a clay tile roof. Existing rear garden.
CHARACTER OF LOCALITY	Predominantly residential. Parking is restricted with a double yellow line abutting the site and a single yellow opposite. The site is in easy walking distance to the Bognor Regis Railway.

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"Objection: on the grounds this proposal is overdevelopment, resulting in the loss of a family residence in the area. The Committee is concerned with the lack of parking provision in the application which would add to the on-street parking problems in Longford Road".

COMMENTS ON REPRESENTATIONS RECEIVED:

Overdevelopment and parking provision will be considered in the conclusions section of the report.

CONSULTATIONS

Environmental Health
Network Rail
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - raise no objection and consider the proposal would not have any unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. Consent should be given on condition of securing an independent or communal cycle parking provision.

ADC ENVIRONMENTAL HEALTH - no comments received.

NATIONAL TOWN PLANNING MANAGER (NETWORK RAIL) - no comments received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Pagham Harbour Zone B; and
Class B Road.

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

There are no relevant Bognor Regis Neighbourhood Development Plan policies.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse impact on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area. The parking provision is also considered acceptable as the host dwelling is located in a sustainable location and there is a net loss of one bedroom as a result of the conversion.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

Regard should also be had to policy SD SP1 of the ALP which states that: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It is considered that the site is in a sustainable location within walking and cycling distance of a range of shops, facilities and services including bus stops, a large food store and a railway station.

Paragraph 118 (d) of the NPPF states that "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified

needs for housing". It goes on within the relevant footnote to state that: "As part of this approach, plans and decisions should support efforts to identify and bring back into residential use empty homes and other buildings".

Paragraph 123 of the NPPF states that "Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site."

The proposal is therefore in accordance with policies SD SP1 & SD SP2 of the Arun Local Plan.

CHARACTER OF THE AREA:

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area. It also requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is also necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that new housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. However, higher densities will be more appropriate in the most accessible locations. The policy also requires that the scale of development keep within the general confines of the overall character of a locality.

Furthermore, policy D SP1 "Design" states that:

"All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

There are no changes proposed to the external appearance of this building and therefore, it is only relevant to consider the impact of the additional dwelling on the established residential character of the area. There is a mix of house types in the area from purpose built flats to individual units. It is not therefore considered that a single dwelling to two new units would not be out of character in this mixed location.

Policy D DM4 - Extensions and alterations to existing buildings (residential and non-residential). There would only be slight alterations to the existing side and rear elevations of the property - infilling a rear door and replacing a window like for like. Therefore officers accept minimal changes with little impact to the building character and appearance.

It is therefore considered that the proposal complies with Arun Local Plan policies D DM1, D SP1, D DM4 and with the guidance on character within the NPPF.

RESIDENTIAL AMENITY:

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of

nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Furthermore, policy QE SP1 states that: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

There are no new windows proposed and the only changes in room type are that the pantry to the rear ground floor would become a bedroom and the first floor bedrooms become a sitting room and kitchen. As such, the only new overlooking impacts that will occur is from the rear ground floor bedroom and this is screened by a covered area to the rear and boundary treatment screening the outlook across to the rear garden of the abutting property. No additional harm would be created as a consequence of development to the detriment of neighbouring occupiers.

It is therefore considered that the proposal complies with Arun Local Plan policies D DM1, QE SP1 & QE DM1.

PARKING & HIGHWAYS:

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of highway safety, it states that:

"The Council will support transport and development which: (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."

In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Paragraph 108 of the NPPF states that: "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 also be had to paragraph 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The application site is in an accessible town centre location. The railway station is positioned no more than a ten minute walk, and provides regular train services to Barnham, Chichester, Littlehampton, Arundel and beyond. There are numerous bus stops, such as those is Longford Road, and Hotham Way providing services to a wide range of local destinations. In addition a taxi rank is provided at the railway station. Due to its central location, it is not considered parking generation would lead to a highway safety issue owing to parking availability. This is supported by the Highways comment with consent subject to a condition for securing an independent or communal cycle parking provision.

It is therefore considered that the proposal is in accordance with policy T SP1 of the ALP and with the guidance on highway safety within the NPPF.

INTERNAL & EXTERNAL SPACE STANDARDS

Policy D DM2 of the ALP states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the two houses are suitable for residential use.

Flat 1 would have a gross internal floor area of approximately 79.2m² (852 sq ft) and Flat 2 would have a gross internal floor area of approximately 52.4m² (564 sq ft). Both proposed apartments would have two bedrooms and would be suitable for family occupation therefore all dwellings are in accordance with the standards.

ALP policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. However, regard should be had to paragraph 127 of the NPPF which requires that new development has a high standard of amenity for existing and future users. The proposal includes a private garden to the rear serving the ground floor maisonette. The officers consider this to be an acceptable situation.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

Local Plan policy ENV DM2 states that all new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The report to Cabinet stated that:

"The access management measures identified are referred to as Strategic Access Management and Monitoring (SAMMs). As these do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, does not apply. It is common practice by many other authorities (for example Elmbridge) that contributions towards SAMMs are gathered through S106 planning obligations. This approach has also been confirmed within Counsel advice sought by the Council. As a contribution is required to make the development acceptable in planning terms, it is therefore in compliance with the tests under Regulation 122 of the CIL Regulations (2010) as amended"

The Council's Cabinet approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The site is in Zone B and it is necessary to apply this requirement. The net increase of one dwelling results in a contribution of £871. This will be secured by a direct payment from the applicant.

SUMMARY:

This proposal is considered to represent an efficient use of currently under-utilised residential dwelling without compromising the visual amenity of the area or the amenities of existing neighbouring residential occupiers. It is also considered to have a nil parking provision due to the sustainable location. The recommendation to approve is therefore made subject to the following conditions and a direct payment from the applicant to cover the Pagham Harbour mitigation requirements.

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

Drawing 830/05 "Location Plan & Proposed Site Plan"; and
 Drawing 830/01 "Existing Floor Plan".
 Drawing 830/02 REVC "Proposed Floor Plan".
 Drawing 830/04 "Existing & proposed Elevations"

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan 2011-2031.

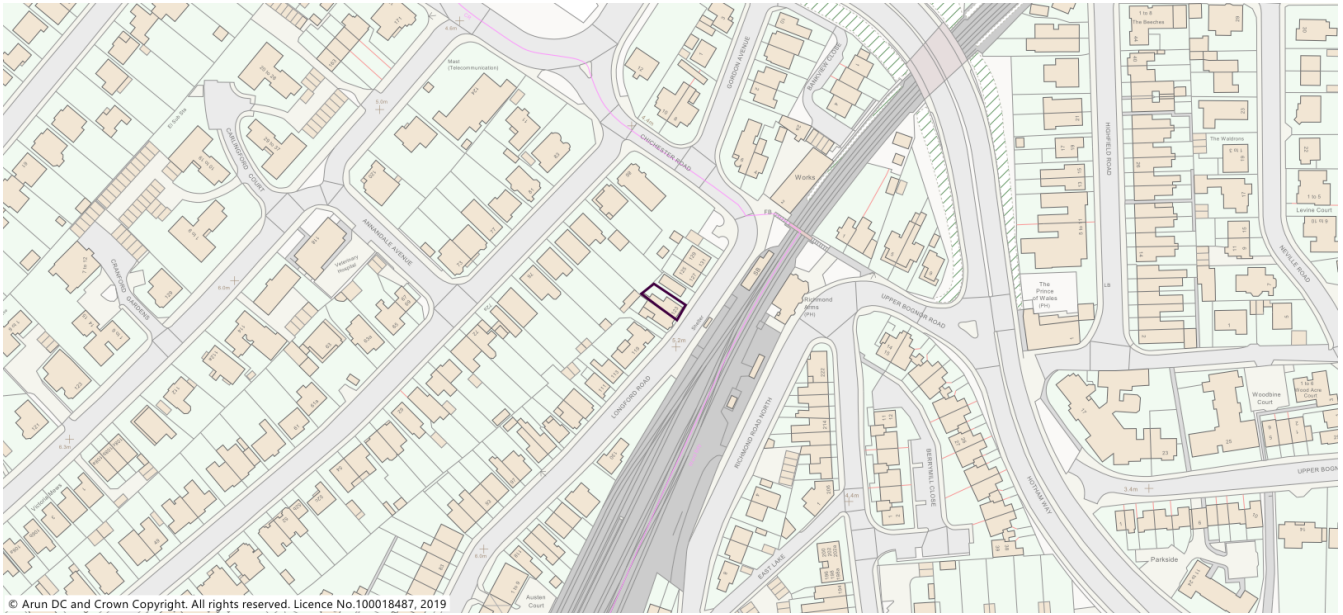
- 3 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details (including elevations) submitted to and approved by the Local Planning Authority. Such approved spaces shall thereafter be retained in good working condition.

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

sustainable transport policies and policy T SP1 of the Arun Local Plan.

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 5 INFORMATIVE: The application is subject to a direct payment of £871 in order to contribute to the Pagham Harbour Access Management Mitigation Measures.

BR/329/18/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: FP/249/18/PL

LOCATION: 22 North Way
Felpham
PO22 7BT

PROPOSAL: Replacement of existing bungalow with 1 No. chalet bungalow (to approved design FP/259/17/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The dwelling reflects the permission granted under FP/259/17/HH. The original dwelling was demolished when the extension was being implemented and there is a requirement for an application for a replacement dwelling. The main aspect of this application is to consider the impact in the locality of the appearance and design for a replacement dwelling, and its impact upon the amenity of neighbouring occupiers.
SITE AREA	0.0855 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	11.7 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Low brick wall approximately 0.5m high to front with hedge behind to approximately 1.3m.
SITE CHARACTERISTICS	Rendered detached single storey property with a steep pitch hipped tile roof set on a modest plot.
CHARACTER OF LOCALITY	Residential, mainly two storey houses to either side of the dwelling.

RELEVANT SITE HISTORY

FP/259/17/HH	Two storey rear infill & two storey side extension for loft conversion with 2 No. dormers at rear & 1 No. dormer to front.	ApproveConditionally 12-01-18
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A householder application for a two storey rear infill & two storey side extension for loft conversion with 2.dormers at rear & 1 dormer to front (FP/249/17/HH) was approved by delegated powers January 2018.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

Felpham Parish Council

Felpham Parish Council - Object:

No identification of car parking on the block plan or submission made under FP/259/17/HH.

Two parking bays proposed are 2.15m wide by 6.45m long (a standard UK car parking space is 2.4m by 4.8m) - the Council feels that the space to park cars in parallel format as could not be achieved.

Difference in the ground and first floor lay outs/plans which indicates this is not the same as approved.

Therefore object to the parking issue and that FP/249/18/PL is not to the approved design or details provided in FP/259/17/HH.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The responses are considered in the conclusion section.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Environmental Health

Environment Agency

Environment Agency

CONSULTATION RESPONSES RECEIVED:

Environment Agency: no objection subject to condition.

Environmental Health: no objections subject to a condition for construction hours limitation.

Drainage Engineer: no objections subject to condition ENGD2B.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The EA condition has been added. It is not considered necessary to impose the condition recommended by EH as they can control noise nuisance. The development has commenced and it is not possible to impose the pre-commencement condition suggested by Engineers. An application under the Building Regulations has been submitted and drainage will be dealt with by that application.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary; and
Bognor No. 3 Tree Preservation Order.

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

DDM2	D DM2 Internal space standards
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Felpham Neighbourhood Plan 2014 POLICY ESD1</u>	Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD5	Surface water management
Felpham Neighbourhood Plan 2014 POLICY ESD11	Increasing the energy efficiency of our buildings
Felpham Neighbourhood Plan 2014 POLICY ESD10	Design details
Felpham Neighbourhood Plan 2014 POLICY ESD8	Building design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The relevant Felpham Neighbourhood Plan has been considered in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no significant adverse effect on the visual amenities of the locality or the residential amenities of the

adjoining properties, nor would it have a significant adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) provided it accords with other policies of the Local Plan character/design, residential amenity, space standards and highway safety/parking.

Works permitted by FP/259/17/HH involved the partial removal and re-building of the original dwelling. Due to excessive amount of movement within the wall, it was classed as unsafe and structurally unsound in need of full demolition.

The principle of a 4 bed dwelling and its layout was agreed as acceptable under FP/259/17/HH. The principle of a two storey dwelling is acceptable and as previously assessed would not detract from the character of the street scene and the amenity impact of neighbouring occupiers.

DESIGN AND CHARACTER OF THE AREA:

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area".

Felpham Neighbourhood Plan policy ESD1 states: "New development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location."

It is necessary to consider policy ESD8 which includes the following: "The design of new buildings must reflect the design principles of their time so that the richness of varied character would continue and would be extended into the future."

Policy ESD10 states: "The following items must be considered early in the design process and integrated into the overall scheme:

- bin stores and recycling facilities
- cycle stores
- meter boxes
- lighting
- flues and ventilation ducts

- gutters and pipes
- satellite dishes and telephone lines"

The proposal accords with Local Plan D DM1 and with policies ESD1 and 8 of the Neighbourhood Plan. The proposal remains not to fully comply with policy ESD10 in that although the position of cycle and bin stores are shown(plan 236/01), other details are not. The missing details are not considered necessary at the planning stage. It is not considered that non-compliance with this policy should result in a refusal.

RESIDENTIAL AMENITY:

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including:

(3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Para 127 of the NPPF states: "Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

There is no loss of privacy to existing properties, namely no.20. Although two side 1st floor windows (serving bathrooms) appear in the side elevation, the rear garden at no.20 is occupied by an amenity space set away from the shared boundary. The siting of the dwelling has been designed to mitigate further harm to neighbouring occupiers. Its form prevents demonstrable harm caused by loss of light.

Therefore the proposal accords with policy D DM1 of the ALP.

INTERNAL SPACE STANDARDS

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

As the principle of development has been agreed (FP/259/17/HH) for 4 bedrooms and the internal layout and space standards have not altered the room sizes are considered sufficient.

PARKING

The comments of the Parish Council are noted.

The parking arrangement is similar to FP/259/17/HH where officers concluded "Although it is considered that there is limited amount of space for on-street parking due to existing vehicle accesses and crossovers and given the opportunity to park on both sides of the street, it is not considered that such matters are so severe as to merit refusal of permission and the proposed development would not conflict with GEN7 and GEN12 of the Arun Local Plan 2003." Following the adoption of the Local Plan July 2018 the above policies requirements of TSP1 superseding the previous Arun Plan Policies .

SUMMARY:

The dwelling replaces an existing dwelling without compromising the character of the area or the amenities of neighbouring properties or impact on highway safety to its detriment. It is recommended permission be granted subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Location Plan - 236/01
- Existing Plans - 236/02A
- Existing Elevation - 236/03A
- Proposed Plans - 236/04A
- Proposed Elevations - 236/05A
- Proposed Street Scene - 236/06

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

- 3 The development shall be carried out in accordance with the submitted flood risk assessment

(ref. FP/249/18/PL Dated Nov 2018, previously approved FP/259/17/HH) and the following mitigation measures which details: Finished floor levels shall be set no lower than 2.66 m above Ordnance Datum (AOD)

Reason: To reduce the risk of flooding to the proposed development and future occupants

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

Reason: To provide adequate on-site car parking and turning space for the development and in accordance with the National Planning Policy Framework.

- 5 The proposed first floor en-suite windows on the east elevation of the building shall at all times be glazed with obscured glass.

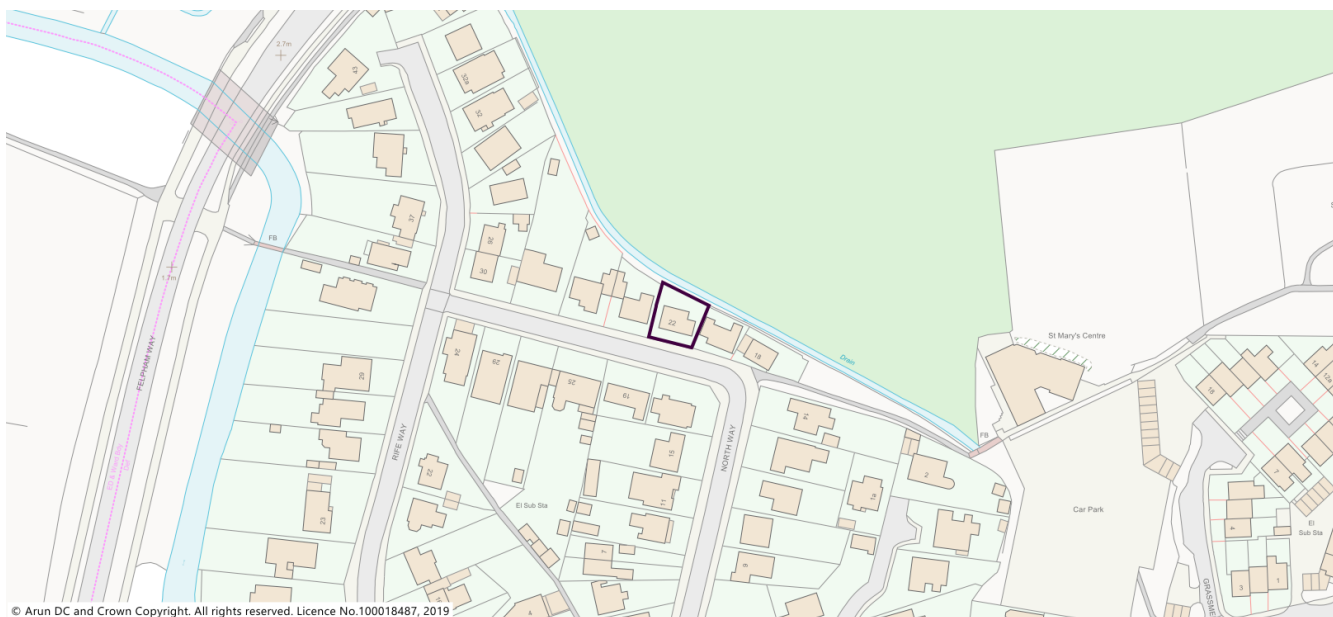
Reason: To protect the amenities and privacy of the adjoining properties in accordance with policy D DM1 of the Arun Local Plan.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order) the building shall not be extended in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and the locality in general in accordance with policy D DM1 of the Arun Local Plan.

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

FP/249/18/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: FG/29/19/PL

LOCATION: South Point
1 Beehive Lane
Ferring
BN12 5NL

PROPOSAL: Erection of 1 No. 2 bed dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal is for a flat roofed, single storey, apartment style, one bedroom dwelling with a footprint measuring 7.1 x 11.8m (compared with 7m by 10.6m approved under FG/194/17/PL) with a height of 3.3m. The materials would match those approved for the adjacent apartments currently under construction.

One parking space has been included in the red edged area for the purposes of this application. However the proposed occupier will utilise the communal parking area as a whole in the same manner as the occupiers of the approved eight apartments.

The occupier of the proposed dwelling will also have use of the cycle store which has been previously approved for ten cycles and the bin store at the entrance to the site.

SITE AREA 589 sq m.

RESIDENTIAL DEVELOPMENT DENSITY 17 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES None affected by the proposed development.

BOUNDARY TREATMENT Close boarded fencing to eastern boundary. Post and wire to frontage.

SITE CHARACTERISTICS The site is grassed and lies adjacent to recently completed apartments at the junction of Beehive Lane and Ocean Drive. Bungalow to east.

CHARACTER OF LOCALITY Mixed commercial and residential. Mainly bungalows fronting Beehive Lane. Houses at rear in Little Paddocks.

RELEVANT SITE HISTORY

FG/194/17/PL	Erection of 1 no. 1 bed dwelling - Resubmission of FG/135/17/PL	Refused 02-03-18
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FG/135/17/PL Erection of 1 no. 2 bed dwelling

Refused
18-10-17

FG/33/17/PL 8 No. 2 bed apartments, new access, bin & cycle store

ApproveConditionally
11-05-17

This proposal is not a resubmission of FG/135/17/PL which had a larger footprint. This application proposes a minor repositioning and slight enlargement of the approved one-bedroom dwelling the subject of FG/194/17/PL to accommodate a second bedroom within the property.

FG/194/17/PL for the one-bedroom 9th apartment was refused for the following reason:

'The proposal by virtue of its layout, position and footprint, is considered to represent an overdevelopment of the site which would result in an unduly cramped form of development which would damage the character and visual amenities of the surrounding residential area and provide an unsatisfactory amount of outdoor amenity space for occupiers of the dwelling contrary to policy GEN7 of the Arun District Local Plan and policies DDM1 and EDSP1 of the Emerging Local Plan, policy 1A of the Ferring Neighbourhood Plan and the National Planning Policy Framework.'

The decision was appealed and the development was allowed by the Inspector who noted that the width and depth of the plot would be broadly similar to other existing residential properties along this road. There would be an open, landscaped space around the building which would help integrate the development in to the prevailing suburban residential setting. He concluded that there would be no harm to the character and appearance of the area. In terms of outdoor space he considered that the proposed building was functionally connected to the landscaped space which would surround it, in a similar manner to the adjacent apartments. Both the living room and bedroom had patio doors which opened out on to this area. Consequently, there was a clear intention to provide external amenity space for the new unit and there was sufficient access to external amenity space, to provide acceptable living conditions for future residents. This current proposal has removed the rear patio door from the bedroom and replaced it with a window, but access is still available from the front and side door.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection:

- The importance of amenity space and the impact on the street scene was a key factor in the original refusal of the apartments and resulted in a re-aligned and reduced development. The subsequent addition of a ninth dwelling (allowed on appeal) to be built on the already limited amenity space and infilling the gap which was such a significant element of the permission for the apartment block was clearly unsympathetic with the environment and a loss of amenity space for the residents, only half of the apartments having been sold.
- The further erosion of that amenity space should not be allowed to continue unchecked.
- The proposal for a two bedroom dwelling is not justifiable. It would potentially provide accommodation for one extra person but to accommodate an extra person, the living areas have been impacted and are

less conducive to three residents in terms of size and layout.

- The front of the proposed dwelling has been squared off and the back extended reducing further the outside garden and amenity space for the dwelling. Even a reduction of that space by a further 6.4sq.m. is significant when so much has already been eroded since the original design was approved.

- With an additional resident, there is also the added potential for a further car with little on-site parking provision.

- The complex is served by narrow, unlit private streets with no pavements and is not appropriate for on street parking. The WSCC Highways 'desk-top' assessments underestimates the density of vehicular and pedestrian traffic on these narrow streets, especially at peak times with people making their way to and from the beach.

15 Objections:

- There are already too many residents in the village.

- Roads, parking, doctors etc are all over capacity.

- Persistent appealing against these rulings seems to win in the end which seems unfair.

- All 10 parking spaces should remain unallocated to ensure adequate parking is provided.

- The neighbour at No 2 must have some right to privacy and not be overlooked.

- Ferring needs as much open land as possible to absorb rainwater as the drainage system relies mainly on soakaways which are often blocked.

COMMENTS ON REPRESENTATIONS RECEIVED:

Whilst the flat roof form of the building differs from the appearance of other buildings along Beehive Lane, its fenestration and detailed design would replicate that found on South Point Apartments, which it would sit beside. The flat roof also reflects the two storey commercial style buildings found at the junction of Beehive Lane and Ocean Drive and is the same as that allowed at appeal.

The slight increase in size of the dwelling to create an additional bedroom would not result in a material increase in activity at the site or significantly increase the footprint and prominence of the development. All matters raised are discussed in greater detail in the conclusions section.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Environmental Health

Arboriculturist

Southern Water Planning

Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection provided the development proceeds in accordance with the submitted drainage details.

County Highways - No Objection. Cycle parking condition requested. The site is located on a private road leading off of Sea Lane which is a publicly maintained C Classified residential highway subject to a 30 mph speed limit, because of this the Local Highways Authority (LHA) comments form advice only.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. A cycle parking condition is not considered necessary as it is provided elsewhere adjacent to the site.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Tree Preservation Order

DEVELOPMENT PLAN POLICES

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

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

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

Ferring Neighbourhood Plan 2014 Policy 10

Sustainable water management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policies 1A 'Spatial Plan for the Parish' and 10 Sustainable Drainage Systems of Ferring Neighbourhood Plan are considered relevant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would not have a materially adverse effect on the visual amenities of the locality or the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE & BACKGROUND

This application is to provide a single storey 2 bedroom dwelling adjacent to the 8 flats, recently constructed, in an area that was originally allocated as amenity space to serve the flats.

The application proposes minor changes to the dwelling allowed at appeal under FG/194/17/PL that would extend the footprint and provide an additional bedroom. The only changes are the setting back of the dwelling a further 0.6m from its approved position and the increase in the depth of the dwelling by 1.2m. The overall gross internal area of the dwelling will be increased by 6.4sqm. Some minor alterations to the fenestration are proposed but overall, there is no change to the plot size, parking, height, general design or width of the proposed property. The Art Deco design with a flat roof has been retained.

DESIGN AND VISUAL AMENITY

This application proposes a slightly larger dwelling on the plot than that which was previously allowed at appeal. The dwelling would be located in an area that was allocated as amenity space to serve the 8 approved flats. The 1930s design would replicate that of the flats under construction and is acceptable. Whilst the proposal occupies part of an area which is acknowledged as an important visual break between the approved flats and the neighbouring bungalows in Beehive Lane, it replaces the large enclosed bin store which was previously approved in this area, albeit closer to the site frontage.

The width of the plot is narrower than other detached properties in Beehive Lane, but has already been allowed at appeal. The character of Beehive Lane is derived from detached bungalows and chalet dwellings in small/medium plots and the development would not compromise this general pattern of development in terms of layout and footprint. Its location in an area that has been allocated as amenity space to serve the new flat development has been accepted at appeal.

The most relevant comments of the Inspector when considering FG194/17/PL are set out below:

Paragraph 5 - "The proposed dwelling would follow the existing building line exhibited by South Point Apartments and the residential properties along Beehive Lane. The width and depth of the plot would be broadly similar to other existing residential properties along this road. There would be open, landscaped space around the building."

The proposed dwelling would be marginally set back from its approved position and would remain in keeping with the building line whilst slightly forward of the front elevation to no. 3 Beehive Lane but behind the main front elevation of the apartment building. The width of the dwelling is unchanged and the increase in depth of 1.2m would not be discernible from the street scene or out of character with the size of properties in the area. The open landscaped area around the building would remain.

Paragraph 6 - "Whilst the flat roof form of the building differs from the appearance of other buildings

along Beehive Lane, its fenestration and detailed design would replicate that found on South Point Apartments, which it would sit beside. The flat roof also reflects the two storey commercial style buildings found at the junction of Beehive Lane and Ocean Drive. Its limited height means that it would not appear unduly prominent. These considerations lead me to the view that the proposed building would not appear out of place or visually discordant, when viewed from Beehive Lane."

There is no significant change proposed to the appearance of the building from the street scene and therefore it will remain in keeping with the character of the area as described by the Inspector.

Paragraph 8 - "Within this area, the proposed building would be set well away from the main apartment building, beyond the access road. The immediate open setting of this apartment building would be preserved. There would also be a reasonably sized gap between the building and No.3 Beehive Lane. Consequently, the proposed building would not appear cramped in relation to its surroundings. The site would not appear overdeveloped."

This application does not propose any increase in the width of the building. The open setting of the apartment building will be maintained by this proposal, as will the gap to no. 3 Beehive Lane. This proposal will not result in any changes that would result in it appearing cramped or overdeveloped.

Policy 1A (Spatial Plan for the Parish) of the Ferring Neighbourhood Plan 2014 (NP), supports proposals inside the built-up area boundary provided they are suited to an urban setting and accord with the relevant development plan policies. Given the above it is considered that the proposal would comply with this spatial policy.

The wall/fencing treatments to the front and side boundaries which were approved under previous applications, have been provided and will remain unchanged. Additional landscaping is proposed to screen the amenity space from the parking area and precise details are included in the application and provision is conditioned.

RESIDENTIAL AMENITY

The apartment will be located a reasonable distance from site boundaries. At its closest point the development would be 1.1m from the boundary with 3 Beehive Lane and given its height of 3.3m it would not result in adverse overbearing impacts on the adjoining property. The rear elevation would face the communal garden area and parking spaces. No adverse overlooking would therefore result. This view was shared by the Inspector at Paragraph 16 which states "This proposal involves a detached single storey building of modest height, located a reasonable distance away from surrounding residential properties. It would not be overbearing on any neighbouring properties, and there would be no material loss of light, privacy or outlook. The effect on the living conditions of existing residents would be acceptable in all respects."

These considerations all remain the same for the application proposal. The distances to neighbouring properties are not reduced and the increase in length will be adjacent to the garage in the rear garden of no. 3 Beehive Lane so will not result in any additional impact on the adjoining occupiers.

The minor increase in the length of the building will not materially affect the space to the north of the dwelling which will remain usable and contribute to the external amenity space considered appropriate for the dwelling by the Inspector.

With regard to the communal garden area the Inspector did not accept that the erection of a dwelling on the application site harmed the living conditions of the occupiers of the apartments. This remains the case for this application proposal. At Paragraph 13 the Inspector stated "The loss of this communal garden area would not lead to unacceptable living conditions, for the occupants of this recently

constructed building."

The proposal accords with the Nationally Prescribed Space Standards and is acceptable in terms of the amenity of future residents in this respect. The standard for a 2 bedroom single storey dwelling is 70 sqm and the proposed Gross Internal Floor Area is 71.9m².

HIGHWAY ACCESS

The site is in on a private estate and will have only one access onto Beehive Lane. County Highways have no objections to this proposal in terms of highway safety.

The Inspector for application FG/194/17/PL considered the existing parking area of 10 spaces to be acceptable to serve both the apartment building and the proposed dwelling. He did not refer to the fact that only one bedroom was proposed in the appeal scheme. An additional bedroom as now proposed would not materially impact on the parking demand on the site and, as noted by the Inspector, there would be no harm in any event arising from overflow parking in the locality. At Paragraph 17 the Inspector stated- "Off street parking is provided both for South Point Apartments and the proposed additional residential unit. On the evidence before me, this would be sufficient to absorb most of the likely parking demand arising from this development. Any additional parking demand could be accommodated on the on-street parking spaces surrounding the site. The proposal for one additional unit would not lead to unacceptable congestion or materially obstruct the free flow of traffic in the surrounding area."

Additionally, it is noted that the provision of 10 parking spaces exceeds the Parking Demand Calculator which gives a total demand of eight unallocated spaces. The scheme allocates 1 car parking space for the property. County Highways have not raised this as being an inadequate level of parking.

SUMMARY

The proposal results in very little change to the overall appearance of the dwelling from the street scene perspective, and there would be no additional impact on the living conditions of adjoining occupiers or on parking. Distances to side boundaries, the height, width and general design of the dwelling all remain as approved by the Inspector. The additional depth of the property will not significantly affect the amount of amenity space available to serve the dwelling. The plot size remains the same and in keeping with the character of the area as described by the Inspector. The proposal is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Location/Block and Street Scene 1907 2.02A
Proposed Floor Plans and Elevations 1907 2.01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

3 The landscaping scheme indicated on drawing 155/03 rev03 and the planting schedule hereby approved shall be carried out in the first planting and seeding season, following the occupation of the building or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

4 Development shall proceed in accordance with submitted surface water drainage scheme detailed in the submitted calculations and on drawings Surface Water Drainage 2019/SK1 and Surface Water Drainage 2019/SK2. The building shall not 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.

5 The building shall not be occupied until the parking space and turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy DDM1 of the Arun Local Plan.

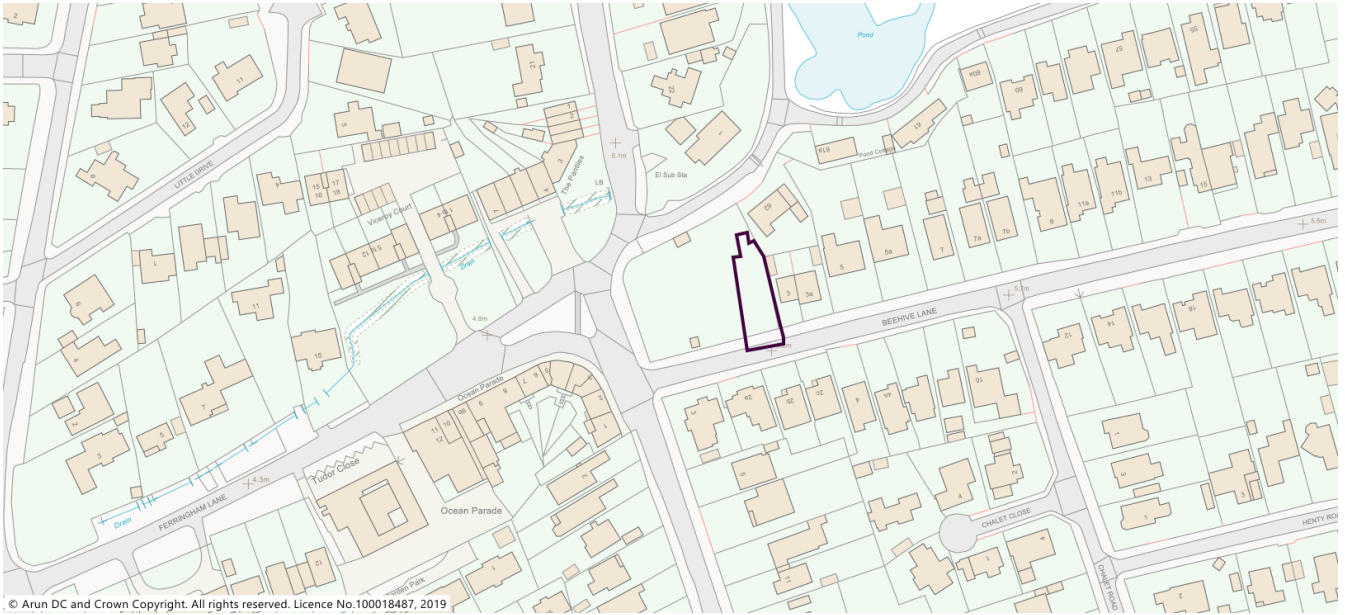
6 No part of the development shall be first occupied unless and until the applicant has submitted

a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the residential unit and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

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

FG/29/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: FG/35/19/PL

LOCATION: Quercus Nursery
Littlehampton Road
Ferring
BN12 6PH

PROPOSAL: Variation of condition 2 following a grant of planning permission FG/52/18/PL - permit deliveries to be made to the site by HGVs. No more than 5 times per week between the hours of 05.00 & 06.00 & in addition to deliveries made during the hours of 06.00 to 19.00.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This proposal seeks to amend condition 2 of FG/52/18/PL which states: 'There shall be no deliveries undertaken between 1900 hours and 0600 hours.'

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

This condition was attached at the request of Development Control Committee (DCC) on 12 December 2018. The committee considered that 6am was a reasonable time to commence deliveries. The recommendation to DCC was that some deliveries could take place between 05.00 - 06.00 hours.

The application seeks approval to undertake deliveries one hour earlier a day, from 5am, up to 5 times per week. This was proposed as part of FG/52/18/PL but the decision of DCC in December 2018 was to allow deliveries from 06.00 hours only.

The application is supported by a Noise Impact Assessment.

SITE AREA 1.4 hectares.

TOPOGRAPHY Predominantly flat.

TREES None affected by the proposed development.

BOUNDARY TREATMENT Fencing/hedging to approx. 1-2m height.

SITE CHARACTERISTICS Established nursery site used for tree growing with single storey poly tunnels and outbuildings within the site.

CHARACTER OF LOCALITY Predominantly rural. Equestrian Centre to north, Vineyard to east and nursery to west.

RELEVANT SITE HISTORY

FG/52/18/PL	Amendments to design approved under FG/95/16/PL, polytunnels, outdoor growing beds, tree nursery, storage & welfare facilities for a horticultural enterprise.	ApproveConditionally 13-12-18
FG/95/16/PL	Polytunnels, outdoor growing beds, tree nursery, storage & welfare facilities for a horticultural enterprise	ApproveConditionally 10-08-16

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection:

- Conditions were applied to the delivery times on this site as a direct consequence of the site owners failing to respect neighbouring residents by the ongoing practice of overnight deliveries with the associated noise and disturbance previously identified in the many objections. While the conditions were welcomed to give some degree of overnight relief from such disturbances to the nearby residents, the conditions did not adequately restrict the delivery times when taking account of the location.
- Totally opposed to any relaxation of the conditions in recognition of the impact of these frequent disturbances on the sleep patterns, general health and stress to which the residents are subjected.
- Deliveries have continued despite the conditions being imposed with a complete disregard for the planning process and the local community.
- There are no requirements for these deliveries to be received at unsocial hours other than for the convenience of the transport companies.
- Continuing to contravene the planning conditions cannot be justified and should not be tolerated with appropriate compliance measures being enforced without further delay.

6 Objections:

- 6.00 am deliveries are bad enough but 5.00am is ridiculous.
- This company doesn't consider neighbours and does not stick to even 6.00 am. We are constantly being woken between 1.30 and 5.00 am by intolerable noise levels.
- The site is also being used as an illegal lorry park at night and during the day.
- All the noise tests and reports are worthless. The only test that counts is that they disturb the local residents as can be seen from the numerous complaints.
- This site operates in breach of the existing planning conditions with night deliveries from articulated trucks from Europe making noise at all hours of the night.
- The agents are incorrect. Once drivers arrive they have to park on site. There is no where else unless they block the A 259.
- The lorries arrive completely unsupervised, drive up to the gates they then enter a code to open the gates, park, unload, open the gates at the exit and drive off or unload and sleep on site in their cabs some times till 12 hours later, the lorry drivers can come and go with out any monitoring by the applicant.

COMMENTS ON REPRESENTATIONS RECEIVED:

The planning use of the site is authorised. The early hours use of the site has been monitored by planning enforcement and Environmental Health officers. The issues raised will be covered in greater detail in the Conclusions section of this report.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection.

It would be unreasonable to prevent Quercus operating between 5am and 6am. Previous advice in relation to application number FG/52/18/PL is repeated which recommended delivery including unloading between 5:00 and 6:00am.

Request a condition, that the number of such lorries arriving at any one time should be no more than 2 so that lorries can enter the site without need for manoeuvring.

COMMENTS ON CONSULTATION RESPONSES:

Noted. It is considered that the site is not physically capable of accommodating more than one lorry at a time.

POLICY CONTEXT

Designation applicable to site:
 Outside Built Up Area Boundary
 Gaps between Settlements

DEVELOPMENT PLAN POLICES

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

CSP1	C SP1 Countryside
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

Ferring Neighbourhood Plan 2014 Policy 7

Land north of Littlehampton Road, encouraging of existing rural businesses

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The relevant Ferring Neighbourhood Plan policies have been taken account of in considering this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would not have a significant impact upon the residential amenity of adjoining properties sufficient to justify a refusal of planning permission.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site lies outside the built up area boundary where development which meets the operational needs of agriculture/horticulture is considered acceptable in principle as per policy C SP1 of the Arun Local Plan. Policy 1A of the Ferring Neighbourhood Plan supports the encouragement of existing rural business in this location. The site is located between an established nursery and an established vineyard.

Furthermore, paragraph 83 of the NPPF states that local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings and promote the development and diversification of agricultural and other land-based rural businesses.

BACKGROUND AND JUSTIFICATION FOR THE PROPOSAL

Planning permission was granted for the use of the site as a nursery under FG/95/16/PL and the original permission was amended by FG/52/18/PL which increased the size of 2 of the approved poly tunnels, altered their orientation and provided an additional poly tunnel. The application also included a pergola to facilitate loading and unloading of stock and materials. When taking this application to Development

Control Committee Members, in approving the application, imposed the condition that there should be no deliveries before 6 a.m.

This proposal seeks to amend Condition 2 of FG/52/18/PL to allow deliveries to take place from 5 a.m. no more than 5 times per week.

IMPACT ON VISUAL AMENITY AND THE CHARACTER OF THE AREA

The proposed changes to delivery times will not have a significantly greater impact on the character of the area to that already approved under FG/52/18/PL and would not materially increase the use of the approved development.

This proposal does not increase the built form within the site. Buildings have already been approved.

IMPACT ON HIGHWAY SAFETY

The access onto the A259 is existing and used by the nursery to the west and the equestrian centre to the north. There are no changes proposed to the access and the additional 5 deliveries per week would not significantly increase the volume of traffic using this access. All lorries are loaded and unloaded within the nursery yard and not on the highway. Lorry drivers give the applicant an estimated time of arrival and they ensure the gate is unlocked.

County Highways previously had no objection to the proposal in terms of highway safety. The proposal is therefore considered compliant with policy TSP1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Quercus Nurseries grow the majority of their own plants on site, however there is a need to 'import' specialist plants from other nurseries. The imported plants had previously been delivered in wheeled trollies/cages on lorries from 04:00 hours in the morning (the early delivery was received between 04:00 - 06:00 hours). Following the arrival of deliveries before 5am the applicant liaised with the delivery company over the timing of deliveries and informed the delivery company that the site cannot be accessed before 6am and the gate will be locked to ensure this. However, complaints received advise that delivery drivers are accessing the site before staff are present by using a keypad on the gate.

A Noise Impact Assessment Report which measures delivery/unloading noise levels and the impact on the nearest noise sensitive receivers in accordance with relevant national standards has been submitted with the application.

The agents have advised that the opening hours of the business are 07.00 to 18.00 and the majority of the deliveries are received in this time. Some early morning deliveries are made before the business opens and these amount to 5 deliveries per week (Tuesday to Saturday). Deliveries from the applicant's European supplier are limited on times for arrival to between 5am - 6am to accord with shipping timetables and UK restrictions on HGV driving hours, (which requires mandatory breaks in driving periods).

Any delay in the early morning delivery beyond 6am would result in the HGV driver not having sufficient time to reach the nearest truck stop at Arundel before the end of their daily driving allowance, after which they are required to take an extended sleep break to achieve the 11 hours rest every day required by European Union and AETR (European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport) rules. The 5am delivery driver (having driven overnight from Holland) only has 15 minutes left on their clock when they leave the nursery to get to Arundel.

At the time of the last application the Environmental Health Officer (EHO) considered the previously submitted acoustic report and undertook independent noise testing and was satisfied that with the imposition of appropriate conditions the noise generated could be controlled to an acceptable level and that it could operate without causing a statutory nuisance to neighbouring properties on the other side of the A259.

An out of hours Environmental Health Officer attended a nearby residence during 4 separate nights (Friday, Saturday, Monday and Tuesday), during which two deliveries were observed (Friday and Tuesday) between 5am and 6am and the EHO was satisfied that the noise generated by these deliveries was not audible over the background noise so as to disturb a resident while asleep.

The visits established that:

- Low background noise levels between the hours of 03:00 to 04:00 mean that any part of the delivery operation occurring at this time would constitute a statutory nuisance and should not be permitted.
- Road noise increases after 04.45 hours so that deliveries occurring at or after this time, are unlikely to be detrimental to local residential amenity and should be permitted.
- Between 03:00 and 04:45 hours it is considered that delivery noise would be to the detriment of sensitive receptors on the south side of the A259, but that this could be satisfactorily dealt with if vehicles immediately turned off their engines having arrived on site, with no unloading/loading to occur until 04.45 hours.

When commenting on FG/52/18/PL it was recommended by the EHO that early morning deliveries should not occur before 04:00 hours and should be conditioned accordingly. The delivery operation to be limited to arrival of lorries on site and parking up alone, with engines turned off immediately, between the hours of 04:00 and 04.45. The remaining period 04.45 to 06:00 hours shall be suitable for delivery operations to occur.

The outcome to FG/52/18/PL was that the officer recommendation to impose a condition stating that deliveries should not take place between 1900 hours and 0500 hours was replaced by Members to one that in their opinion was more reasonable and stated that deliveries should not take place before 06.00. Members also decided to delete a condition recommending that no more than 5 deliveries per week (Tuesday to Saturday inclusive) shall be taken between the hours of 0500 and 0600 hours.

As a result of discussions with the Environmental Health team the business has changed its operations so that empty trolleys are no longer loaded onto lorries during the early morning deliveries and these are loaded onto a later regular delivery lorry in the afternoon. The applicant's would be happy with a condition stipulating that no more than 5 deliveries per week (Tuesday - Saturday only) take place between 5 a.m. and 6 a.m. and that no empty trolleys are loaded into vehicles during this time.

There are no residential properties immediately adjoining the site. The closest properties on the north side of the A259 are Lansdowne Nursery to the west (70m away), Eastlands to the south (165m away), Highdown Vineyard to the east (160m away). The residential properties to the south, on the opposite side of the A259 Littlehampton Road, are a separation distance of 70m to the site frontage.

As a result of 4 neighbour complaints the Local Planning Authority has received neighbour reports of 12 incidents when deliveries to the site have taken place between 1.20 am and 5.35am since the approval of FG/52/18/PL in December last year. The noise and disturbance to nearby properties to the south and east has been evidenced by the Council's Environmental Health team and investigated by the planning enforcement team.

The Environmental Health Officer has visited the site and monitored noise with the out of hours officer on

7 occasions between 16th April and 3rd May 2019. These visits took place between the hours of 4:00 and 6:30am. The observation point was on the south side of the A259, immediately opposite the business. Delivery was only recorded on one day, 26th April consisting the largest 'Van Vliet' lorry. Although the vehicle arrived at 4.51am, unloading did not commence until 6.12am and this was not a cause of noise disturbance.

The Environmental Health Officer noted the volume of traffic flowing along the A259 varied during the above periods of observation. They have confirmed that even if a large lorry pulls up to site, opens the gate, enters the site and switches the engine and lights off immediately, this would only be reasonable after 05.00 hours. Unloading could occur at this time, before increased traffic on the A259. This would apply consistently at all times of the year.

Policy HOR DM1 (i) states that Noise levels resulting from machinery usage, vehicle movement or other activity on the site, when measured against the existing ambient noise levels in the locality should not unacceptably disturb occupants of nearby residential properties. Given the comments of the Environmental Health officer such disturbance is not being caused.

CONCLUSION

The additional delivery hour requested in this application, at the start of the day, would not generate a level of noise considered to result in significant harm to residential amenity and the proposal would accord with policies CSP1, DDM1, QE SP1 and QE DM1 of Arun Local Plan, policy 7 of the Ferring Neighbourhood Plan and paragraph 83 of the NPPF. It is therefore recommended that condition number 2 of FG/52/18/PL be amended to require the following.

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 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

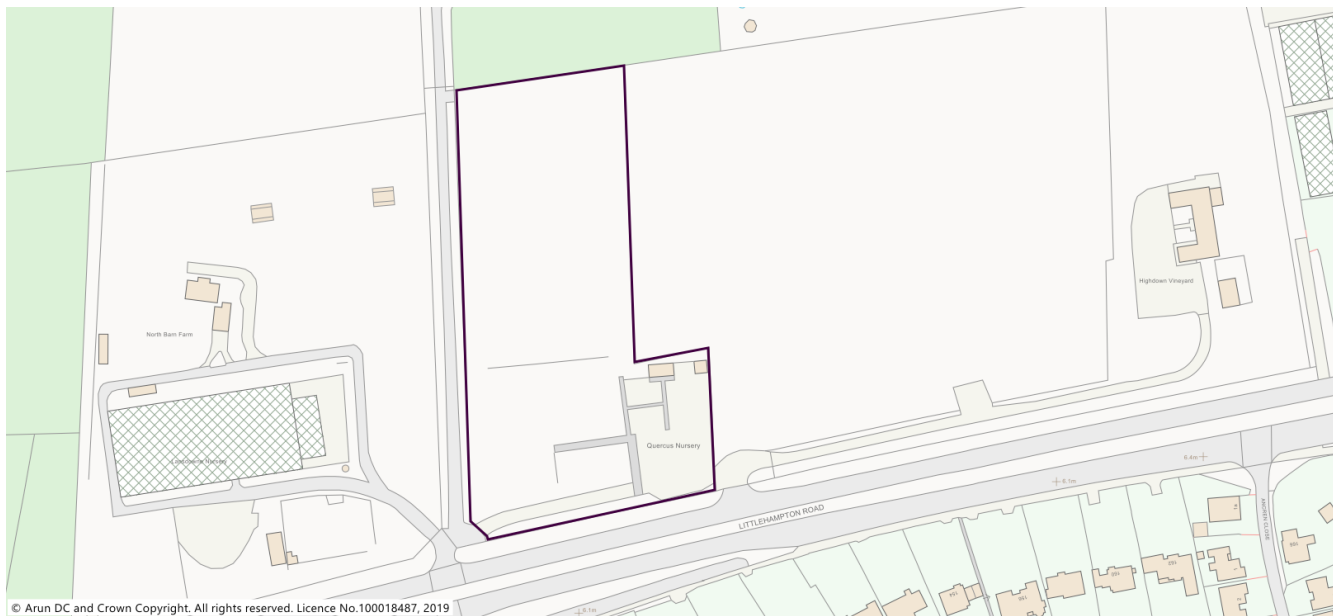
APPROVE CONDITIONALLY

- 1 There shall be no deliveries undertaken between 1900 hours and 0600 hours except for no more than 5 deliveries per week (Tuesday to Saturday inclusive) to be undertaken by one vehicle only between the hours of 05.00 and 06.00 hours on any one day.

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

- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by 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.
- 3 **INFORMATIVE:** This permission relates to the variation of condition 2 of planning permission FG/52/18/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number FG/52/18/PL remain in force and must be complied with. This decision only relates to the variation of Condition 2 of that planning permission.
- 4 **INFORMATIVE:** The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.

FG/35/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: LU/78/19/PL

LOCATION: 32 Griffin Crescent
Littlehampton
BN17 7LJ

PROPOSAL: Division of single dwelling into 2 No. dwellings & alterations to roof to form new rooms.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks planning permission for the subdivision of the existing 6 bed dwelling into a 1 x 2 bedroom dwelling and 1 x 3 bedroom dwelling. The proposal includes alterations of the original dwelling house comprising a full width rear dormer with a Juliet balcony to one of the openings and a half hipped roof.
SITE AREA	Approximately 304m ² .
RESIDENTIAL DEVELOPMENT DENSITY (NET)	66 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site consists of a low 0.5m high brick wall. The rear and side boundaries of the site consisting of close boarded fencing to approximately 2m in height.
SITE CHARACTERISTICS	The site is occupied by a semi-detached two storey dwelling constructed from brick with a hipped tiled roof. The property has previously been the subject of a two storey side extension.
CHARACTER OF LOCALITY	The character of the locality is residential and features properties of a uniform character. The properties in the immediate locality are brick built semi-detached or terraced properties with hipped roofs.

RELEVANT SITE HISTORY

LU/154/17/PL	Division of existing house to form a new separate dwelling. Reduce existing dwelling to its original size with new bedroom formed in new dormer and roof space.	Refused 21-07-17
LU/305/06/	Two storey extension at side	ApproveConditionally 02-11-06

LU/29/18/CLP Lawful development certificate for proposed alterations & PP Not Required
extension to roof to form new rooms. 22-03-18

Planning permission was granted under reference LU/305/06/ for the creation of a two storey side extension.

Planning application LU/154/17/PL was refused for the following reason:

'The creation of a dwelling through the alteration of the existing properties hipped roof to a half hip is considered to have an unacceptable incongruous impact upon the character and appearance of the existing dwelling as well as the character of the wider locality in conflict with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.'

The appearance of the current proposals are identical to those contained within LU/154/17/PL.

LU/29/18/CLP granted a lawful development certificate for proposed alterations & extension to roof to form new rooms on the adjacent property no 30. which formed the original half of the semi detached pair of properties. This proposal would provide an identical mirror image of the roof shape on the adjoining property.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection - The proposals will result in the creation of dwellings that are deficient in terms of external and internal space provision and do not therefore meet the current space standards.

COMMENTS ON REPRESENTATIONS RECEIVED:

Internal space standards are met. Each dwelling has adequate rear garden space to accommodate private useable amenity space.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary.

DEVELOPMENT PLAN POLICES

Arun Local Plan 2011 - 2031:

DEV19	Extensions to existing residential buildings
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
ECCSP2	ECC SP2 Energy and climate change mitagation

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The Littlehampton Neighbourhood Plan has been made and policies 1 'Presumption in Favour of Sustainable Development' and 2 A Spatial Plan for the Town are considered to be relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that there would be a

materially adverse effect on visual amenity and character of the area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background namely the granting of a Lawful Development Certificate (LU/29/18/CLP), on the adjacent dwelling, for the reasons set out in the conclusions section below.

CONCLUSIONS

PRINCIPLE

In this case the key policy considerations are deemed to be D DM1, D DM2 and D DM4 of Arun Local Plan which cover such issues as visual amenity/character, residential amenity, highway safety and parking. Policies 1 and 2 of the Neighbourhood Plan support development for housing within the built up area boundary.

Further, the NPPF generally seeks to promote the effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

PLANNING HISTORY

The approved Lawful Development Certificate for the adjoining dwelling (no 30) proposed to continue the ridge line of the existing dwelling outwards and form a gable with a small hip at the top side of the new roof (a pollarded hip) and a rear flat roofed dormer with a mock pitch surround. The dormer indicated was 6.2m wide by 2.85m deep to top of mock pitch and extended 2.9m out from the roof plane. The base of the dormer was 1m above existing eaves level. The proposed development was considered to accord with the limitations of Schedule 2, Part 1, Class B, C and G of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and therefore 'permitted development'. As such an extension on this part of the proposal does not require submission of an application for planning permission.

DESIGN AND VISUAL AMENITY

The proposed side alterations to the roof shape of the existing dwelling are considered to have an unacceptably adverse impact upon the character of the host dwelling and the wider locality. Properties in the locality are of a similar design/construction and feature hipped roofs. Even where two storey extensions have been approved this hipped roof construction has predominantly been retained. However the Lawful Development Certificate on the adjoining property is a material planning consideration and demonstrates that other similar roof alterations in the area could also be undertaken as permitted development outside of planning control.

Officers acknowledge that the proposals contained with LU/154/17/PL were refused planning permission in error as they were permitted development and therefore did not require planning permission.

The cumulative impact would be to alter the appearance of the original roofscape in the area. Further the applicants are aware that their neighbours at no 30 are intending to form rooms in their roof, including alterations to the hipped part of the roof and the applicant would like to match to the 2017 permitted development scheme (LU/154/17/PL). The proposal would restore the symmetry of the pair by carrying out the extension in a co-ordinated way with matching details and materials. The proposed alterations to the roof of the existing dwelling cannot therefore be reasonably refused despite the unacceptable impact contrary to policy DDM1(1) of the Arun Local Plan. Indeed retention of the symmetry of the roof shape of the original pair of dwellings on this corner site would be better than a visually unbalanced terrace of properties.

A rear dormer window in this location could be constructed as Permitted Development under Schedule 2, Part 1, Class B of the Town and Country (General Permitted Development) Order 2015 (as amended). It is considered that the proposed dormer by virtue of its location to the rear of the dwelling will not adversely impact upon the character of the existing dwelling or the wider locality and it is noted that other neighbouring properties including no 2 Griffin Crescent have rear dormers.

INTERNAL/EXTERNAL SPACE STANDARDS

The 2 bed dwelling has a gross internal floor area of 70m² which meets the standards for a 3 person, 2 storey dwelling. With regards to the 2 bed dwelling bedroom 2 has a floor area of 10.6m² and as such for the purposes of the Nationally Described Space Standards (NDSS) must be considered as a 2 bed 3 person dwelling. Therefore, the proposed dwelling would accord with the requirements of the NDSS.

The proposed 3 bed dwelling would have a gross internal floor area of approximately 110m² over three storeys which complies with the space standards of 108sqm for a 6 person 3 bed 3 storey property. The host dwelling will be reduced in size given the conversion of the previously approved two storey side extension under reference LU/305/06/. Therefore, it is considered that the size of the dwelling would be acceptable and in accordance with the NDSS.

The rear garden is specified as having a total area of approximately 45m² for the 2 bed dwelling and 92sqm for the 3 bed original dwelling house. Policy D DM3 of the emerging Local Plan is no longer being applied, but that sought the provision of a 50sqm rear garden for a 2 bedroom terraced property. It is considered that the shortfall of private amenity space for the proposed development would be acceptable and would not provide adequate justification for refusal.

RESIDENTIAL AMENITY

The proposed alterations to the host dwelling and creation of a separate dwelling is not considered to give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts on the residential amenity of neighbouring properties. The proposed dormer window would give rise to overlooking comparable to that which can be expected from the first floor windows of any terraced or semi-detached residential property.

Similarly the proposed garden of the new dwelling would not be subject to unacceptably adverse overlooking from neighbouring properties. 2 Griffin Crescent to the west of the application site is situated 9m from the shared boundary with the proposed dwelling. Whilst, there would be views towards the rear elevation of the proposed dwelling this relationship already exists and it is considered that the proposal would not result in unsatisfactory living conditions for any future occupier.

SUMMARY

The proposed alterations to the roof of the existing dwelling would result in visual harm to the character of the locality in conflict with policy DDM1 of the Arun Local Plan. Whilst the proposals are identical in appearance and scale to those refused planning permission under LU/154/17/PL it is now acknowledged that those proposals were permitted development and did not require planning permission. Further, following the approval of LU/29/18/CLP, on the adjoining property, the proposals are considered to be acceptable since they will allow the resultant roof shape to be visually balanced and symmetrical across the terrace of properties. In all other respects the proposal is acceptable. Therefore, it is recommended that planning permission is approved subject to the following conditions.

HUMAN RIGHTS ACT

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

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby 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 :
Floor Plan, Elevations, Block, and Location Plan Rev 2 dated 10/05/17.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 The materials and finishes of the dormer windows and roof alterations hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policy DDM1 of Arun Local Plan.

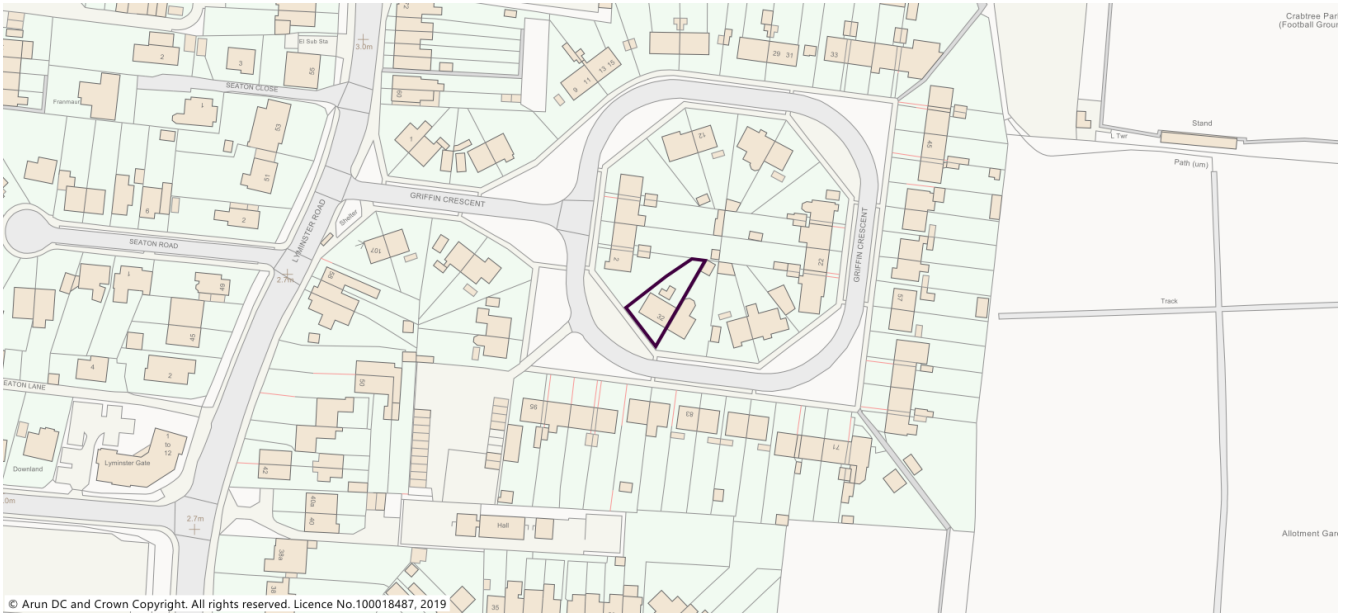
- 4 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy DDM1 of the Arun Local Plan.

- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning

(Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that 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.

LU/78/19/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: M/24/19/PL

LOCATION: 3 The Hard
Elmer
PO22 6JS

PROPOSAL: Replacement residential dwelling. This application may affect a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal is to demolish the existing traditional bungalow and replace it with a two storey modern designed, 3 bedroomed dwelling incorporating 3 parking external car parking spaces (1 in a car port formed by the overhang of a first floor bedroom) with an additional single storey utility building to the rear of the property and garden shed.

The secondary flood defence bund in the garden would be retained.

Notable features of this modern designed dwellinghouse are horizontal light well windows illuminating the first floor on the front elevation (north facing), two lean to zinc roofs in opposing directions forming the roof overall, a Juliet balcony and a conventional balcony to the rear first floor bedrooms and materials of smooth light grey render at ground floor, western red cedar cladding at first floor floor and a terne coated zinc metallic panelled roof.

SITE AREA 615 sq.m.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 16 dwellings per hectare.

TOPOGRAPHY Predominantly flat with a 1.2 metre high bund in the centre of the rear garden.

TREES None affected by the proposed development.

BOUNDARY TREATMENT Close boarded wooden fences to the side of the garden with a 2 metre wall and gate at the rear accessing onto a public footpath and the beach hinterland including a public landscaped 5 metre high flood defence bund. Open to the road frontage on The Hard.

SITE CHARACTERISTICS The application site comprises an existing single storey timber framed beach house. This is one of the last remaining of the old style holiday cottage bungalows in the beach front strip of detached bespoke designed properties along The Hard, Elmer Court and Sea Way.

The site faces toward the a landscaped flood defence bund at the rear.

The dwellinghouse has a 30 metre long rear garden with a secondary flood defence bund which runs through all the rear gardens on the south side of The Hard and neighbouring beach front properties nearby.

CHARACTER OF LOCALITY

The area is a residential private estate at the far eastern end of Elmer which fronts the beach. The character of the area is of a suburban residential beach side area comprising detached bungalows, two/three storey semi-detached and detached properties of a wide variety of designs.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Objection on the grounds of:

- Overall mass, height and scale out of keeping with surrounding properties.
- Concerns over risk of flooding.

2 neighbour objection and an objection from the estate association Elmer Sands Limited on the grounds that the removal of a mound/bund shown as a garden feature would remove part of the local sea defences.

COMMENTS ON REPRESENTATIONS RECEIVED:

The issue of flood defences has been addressed by an amendment to the application retaining the secondary defence bund as it currently exists. The issues of character, mass height and scale are addressed in the conclusions section of the report below.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

WSCC Strategic Planning

Environmental Health

Ecology Advisor

Environment Agency

CONSULTATION RESPONSES RECEIVED:

Environment Agency - No objection subject to a condition requiring that the bund in the garden is not reduced in size.

Southern Water - No objection.

ADC Drainage - No objection.

CDC Ecology - No objection.

WSCC Highways - No objection subject to standard conditions. The WSCC Public Rights of Way team provided comments requiring that the footpath to the rear of the site remains undisturbed.

ADC - Environmental Health - No objection. Subject to a condition relating to hours of construction.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Hours of work condition not necessary as this is a matter that can be controlled under separate legislation. The disturbance of a designated footpath is also controlled by separate legislation. There is no need to impose a cycle parking condition as requested by County Highways as the revised plan satisfactorily provides for it.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary.

DEVELOPMENT PLAN POLICES

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

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM1	WM DM1 Waste Management
ENVDM5	ENV DM5 Development and biodiversity
WSP1	W SP1 Water
QEDM2	QE DM2 Light pollution
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Middleton does not currently have a Neighbourhood Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that whilst the proposal will impact on the visual amenities of the locality and the residential amenities of the adjoining properties, that impact will not be significant.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 subject to other policies of the Arun Local Plan covering such issues as visual amenity/character, residential amenity, highway safety and parking.

Further, the NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

CHARACTER AND DESIGN.

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects including character, appearance/attractiveness, density, and scale.

Furthermore, policy D SP1 "Design" states that a development proposals should make efficient use of land but reflect the characteristics of the site and local area.

The key points regarding the proposed dwelling are that:

- The site and surroundings have been fully appraised via the Design and Access Statement and findings reflected in the design.
- There is a great variety of different styles of detached houses in the locality which developed in an

incremental way historically for use as holiday homes. In more recent times the properties in the area have been developed as permanent residential homes.

- The height, scale and mass of the property would be comparable to the next door properties and would not be in excess of the scale of nearby properties in the area such as 4 Elmer Court and 1 Sea Way which is a modern art deco style three storey property.

The area is characterised by bespoke designed properties covering a variety of design styles from the 20th century including Bauhaus style and 1920's art deco styled properties such that the proposed contemporary design is not considered out of character in the local area but rather responds to it.

The use of high quality materials used elsewhere in the neighbourhood on other dwellinghouses means that the proposed dwelling would not look out of keeping with surrounding properties.

The proposed new dwelling represents a significant improvement in the energy efficiency of the dwellinghouse and incorporates climate change mitigation measures including a raised ground floor height for additional flood protection, an electric car charging point as well as utilising the south elevation for significant solar gain.

Having regard to the size, scale, massing and overall design of the proposed dwelling, it is considered that the proposed dwelling would not have a detrimental impact on the street scene, public areas of the beach and wider area. The proposal is therefore considered to comply with policies D SP1 and D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain criteria when considering the impact of new developments on neighbouring properties which include avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

Regard should be had to paragraph 127 of the NPPF which states that Planning policies and decisions should ensure that developments should ensure a high standard of amenity for existing and future users.

The footprint of the proposed dwellinghouse and the absence of any clear glazed windows on the side elevations at first floor level would prevent any adverse impacts on privacy or overbearing impact to the 2 and 4 The Hard, two chalet bungalows on either side. The southern aspect of the rear elevation would ensure that no loss of sunlight or daylight would occur as a result of the development the sun being located in the southern half of the skies throughout the year.

A condition would be applied ensuring all windows on the side elevation at first floor level would be obscure glazed and non opening below 1.7 metres in height.

The Council uses the 45 degree rule in which new built development should not encroach within a 45 degree line drawn from the centre of the neighbours windows in order to avoid a loss of outlook, overbearing impacts and a loss of light to those properties. The proposed development does not breach this 45 degree rule.

No. 4 the Hard does have west side facing windows (directly toward the proposed two storey side elevation of the proposed dwelling) which serve a living room at ground floor level and a bedroom at first floor level. However these are secondary windows and whilst noting that they are only separated from the proposed dwelling by 1.2 metres there are other additional primary windows serving the same rooms facing south and thereby precluding any significant adverse impact on loss of light and overbearing impact on those rooms.

No. 2 The Hard would have a sole east facing, obscure glazed, bathroom window at first floor level facing the side elevation of the new development. However this is not considered to be a primary habitable room window and the impacts on residential amenity are not therefore considered significant.

The separate utility room building to the rear of the main property would abut the boundary with 2 The Hard to the west. With a flat roof of a height of 2.8 metres, just 30 centimetres above what could be constructed under permitted development rights without specific planning permission, it would not have a significant impact on the privacy or an overly dominate the rear garden areas of the neighbouring property.

Both 2 and 4 The Hard have balconies on the rear elevations and as such the impact of the proposed Juliet and master bedroom balcony would not significantly alter the privacy of the rear parts of the gardens of all 3 dwellings. A 1.7 metre high obscure glazed privacy screen on the east side would ensure the privacy of the rear elevations and garden areas immediately to the rear of their back doors as well as privacy of the occupants of the new dwelling. A solid wall would work as a balcony screen on the east facing side of the balcony is proposed toward 4 The Hard.

In summary it is not considered that the proposed development would cause a significant loss of residential amenity to neighbouring properties and it is considered to comply with policy D DM1 of the Arun Local Plan and para. 127 of the NPPF.

SPACE STANDARDS

In terms of the internal space requirements Policy D DM2 of the ALP states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance".

For a 3 bedroomed, property occupied by 6 people as proposed the national space standards state a required minimum gross internal floor area of 102 sq.m. including a minimum of 2.0 metres allocated as built in storage. From an assessment of the submitted floor plans the dwelling would have a gross internal floor area of 152 sq.m..

As such, the proposed dwelling would comply with the internal space standards as set out in the 'Technical housing standards - nationally described space standard (2015)' and Policy D DM2 of the Arun Local Plan 2011-2031.

In respect of outside amenity space the proposal includes a rear garden length of 30 metres across the width of the plot which is considered acceptable.

PARKING AND HIGHWAY SAFETY

Arun Local Plan 2011-2031 Policy T SP1 seeks to ensure that development provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states that:

"The Council will support transport in development which provides parking provision that accords with the West Sussex County Council guidance."

In respect of highway safety, it states that transport and development proposals relating to new development need to demonstrate how it will provide efficient and safe access onto and off site that prioritises pedestrians and cyclists, maximising access to public transport facilities.

Regard should also be had to paragraph 109 of the National Planning Policy Framework (NPPF) which

states that development should only be prevented where the residual cumulative impacts on the road network would be severe.

West Sussex County Council Highways Department have assessed the scheme and consider it has a suitable access arrangement, it would not have 'severe' impact on the operation of the Highway network and complies with the WSCC car parking demand calculator. They have requested that conditions be applied with respect to the provision of cycle parking and the laying out of the car parking prior to the occupation of the development.

The agents have provided details of the cycle parking in the rear shed including a ground anchor bolted down to the floor slab.

It is considered that the proposal is in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

FLOODING AND SURFACE WATER DRAINAGE

A flood risk assessment has been submitted with the application and the applicants have amended the application to include the retention of the secondary flood defence bund. Subject to conditions setting the minimum finished floor levels and the retention of the secondary flood defence bund there are no objections to the development from the Environment Agency nor the Arun District Council Engineers and therefore the proposal complies with policy W DM2 of the Arun Local Plan.

The proposed development replaces a dwelling with a similar roof profile and would not create any additional demand for surface water drainage capacity. Some measures are proposed to ensure the soaking away of surface water such as the inclusion of permeable driveways have been incorporated within the scheme. Arun District Council Engineers have made no objection to the scheme for this reason provided it complies with building regulations relating to surface water drainage. The proposal is considered to comply with policies W SP1 and W DM3 of the Arun Local Plan.

BIODIVERSITY AND LIGHTING

The Council Ecologist has no objections to the scheme subject to a condition seeking a lighting scheme that would 'avoid unnecessary artificial light spill through the use of directional light sources and shielding' and has requested an informative be applied relating to the disturbance of natural vegetation and nesting birds during the construction of the scheme provided.

The agent has included the provision of bird and bat boxes attached to the rear shed and independent ones in the rear garden.

Subject to the proposed conditions the proposed scheme complies with policy ENVDM5 relating to development and biodiversity and policy QE DM2 of the Arun Local Plan in relation to light pollution.

SUMMARY

This proposal is considered to represent an efficient use of urban brownfield land without harming the visual amenity of the area, highway safety or the amenities of existing residential occupiers. It is therefore recommended that permission be granted subject to the following conditions:

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby 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:

Dwg.no. - PL002 Rev B - Proposed Elevations, Roof Plan & Sections dated 10.05.19.

Dwg.no. - PL001 Rev B - Proposed Plans, & Site Plan dated 10.05.19.

Construction and other details received in email from Michael Wood - 10 May 2019 11:44

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

- 3 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: In the interests of the amenity of nearby residents & occupiers of any nearby noise sensitive premises, the general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1 and T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction traffic.

- 4 No part of the development shall be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the residential unit and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

- 5 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E and to avoid unnecessary light overspill which may adversely affect biodiversity.

Reason: To control the residential amenities of the local environment in accordance with Arun Local Plan policies QE SP1, QE DM2 and ENV DM5.

- 6 The development shall be carried out in accordance with the submitted flood risk assessment (February 2019, Sloane and Brown) and the following mitigation measures it details:

· Finished floor levels shall be set no lower than 2.85 m above Ordnance Datum (AOD).

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

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

- 7 No reduction in the height of the secondary flood bund shall be undertaken. The bund is referred to as the existing or retained bund and shall be retained at an AOD height of 3.24 metres in perpetuity as shown on the following approved plans:

Dwg.no. - PL002 Rev A - Proposed Elevations, Roof Plan & Sections dated 23.04.19

Dwg.no. - PL001 Rev A - Proposed Plans, & Site Plan dated 23.04.19

Reason: To reduce flood risk in accordance with policy W DM2 of the Arun Local Plan.

- 8 **INFORMATIVE:** We strongly recommend the use of flood proofing 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.

The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods

<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

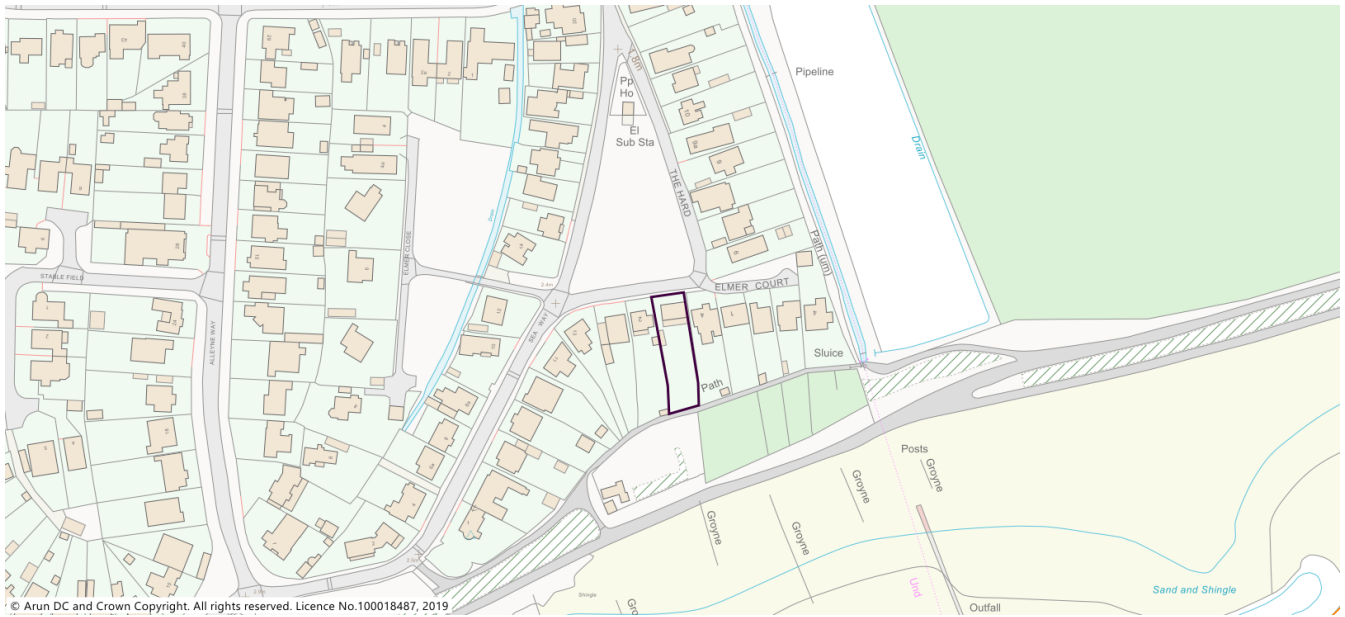
We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The planning practice guidance to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

- 9 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 10 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 0845 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.
- 11 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 12 A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

M/24/19/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: M/155/18/PL

LOCATION: 5 Central Drive
Middleton-On-Sea
PO22 7TT

PROPOSAL: Replacement dwelling (resubmission following M/114/18/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed development is to demolish an existing chalet bungalow with attached garage to the west side and replace it with a two storey flat roofed dwelling of a modern design with an integral garage.
SITE AREA	857 sq.metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	11 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	A large cedar tree would be affected by the proposed development. It is located at the front of the plot on the neighbouring property 7 Central Drive close to the boundary and to the foundations of the existing and proposed replacement dwelling at 5 Central Drive.
BOUNDARY TREATMENT	2 metre close boarded fence to the sides of the plot.
SITE CHARACTERISTICS	The application site comprises a chalet bungalow with rooms in the roof with gardens to the front and rear on the south side of Central Drive. The rear boundary adjoins the beach. The plot has a 17 metre wide frontage to Central Drive and an overall depth of approx. 46 metres The dwelling is currently unoccupied and appears in a poor state of repair.
CHARACTER OF LOCALITY	Predominantly residential. Both sides of Central Drive comprise similar sized plots with a wide variety of designs and house types, mainly with small gardens to the front and larger rear gardens. On the south side as in the case of the application site the gardens extend down to the beach area.

RELEVANT SITE HISTORY

M/114/18/PL	1 No. replacement dwelling.	Withdrawn 26-11-18
PAA/98/18/	Replacement Dwelling	Approve Pre App

A previous application for a similar development was withdrawn (M/114/18/PL) and a subsequent pre-application made (PAA/98/18) where amendments were proposed in an attempt to make the scheme acceptable which are included in the current application.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Objection on the following grounds:

- Out of character.
- The proposed development is overbearing.

1 letter of objection from the property opposite:

- Out of character.
- Unsympathetic to neighbouring properties.
- Contemporary design not in keeping.
- Rectangular design will reduce view of the sea for neighbours and visitors.

COMMENTS ON REPRESENTATIONS RECEIVED:

Loss of view is not a material planning consideration.

There are a variety of different beachfront dwelling styles including contemporary designed flat roof houses both on Central Drive and in Middleton/Elmer in general such that there is not one central type or style of dwelling.

The applicant has reduced the width of the proposed two storey building significantly to improve the impact on loss of amenity to neighbouring properties which has also reduced the bulk of the dwelling within the street scene following pre-application advice.

The dwelling would be set in approx. 2 metres from both side boundaries at ground and first floor level which is a greater set in than many other dwellings in the area.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

WSCC Strategic Planning

Environmental Health

Arboriculturist

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

ADC Environmental Health - No comment.

ADC Drainage Engineers - No objection subject to conditions.

Southern Water - No objection.

ADC Arboricultural Officer - No objection subject to conditions.

While this scheme requires an ambitious set of tree protection measures/demolition and construction methods, it is nonetheless achievable without undue detriment to the Monterey cypress tree (T02), providing there is adequate oversight and retained arboricultural input to ensure full and correct implementation of the same. As such, I see no reason to object on arboricultural grounds.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

It is not considered reasonable to impose a surface water drainage condition when the proposed dwelling is a replacement of an existing dwelling with no significant additional roof area created.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary.

DEVELOPMENT PLAN POLICES

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

SDSP2	SD SP2 Built-up Area Boundary
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
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
ECCSP2	ECC SP2 Energy and climate change mitigation

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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 Neighbourhood Development Plan. Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Middleton does not have a Neighbourhood Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the development, while having an impact on the locality in terms of design, massing and scale, would not be out of character with the varied designed properties which constitute the established spatial pattern of development in the surrounding area in general and it would not have a significant impact on the residential amenities of neighbouring properties.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The key policy considerations in the determination of this application are policies D DM1, D DM2, D SP1, T SP1 and ECCSP2 of the Local Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

Policy D DM1 of the Arun Local Plan (ALP) requires that the Council have regard to certain aspects of design including character, appearance/attractiveness, density and scale relative to this application.

Furthermore, policy D SP1 "Design" states that all development proposals should seek to make efficient use of land and reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Section 12 of the NPPF refers to high quality buildings and places being fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and creates better places in which to work and live. Paragraph 131 of the NPPF states that in determining applications great weight should be given to outstanding, innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The existing dwelling is located within an area characterised by a mix of mainly medium sized detached properties of single, 2 storey and chalet style design many of which overlook the foreshore to the south. The area lacks any one predominant architectural style or design.

The properties either side of the proposed dwelling are a more conventional pitched roofed chalet bungalow (3 Central Drive) and a two storey dwelling with a gable end pitched roof (7 Central Drive).

However, the properties at no.6 and no.10 Central Drive both have rectangular roof design features albeit of a more traditional type being weatherboard clad.

The proposals at 5 Central Drive has sought to use materials that reflect local features with the use of sandy coloured bricks (beach/pebbles) and larch wood in keeping with its maritime location.

The applicants have also cited that part of the reason for the use of brick on the elevations of the property in preference to white rendered elevations, more commonly used on contemporary buildings in the area, is due to concerns over the intense weathering of sea facing properties and the improved performance of brick in terms of building maintenance.

The position of the dwelling on the plot in relation to the road frontage would not be significantly altered and would be in keeping with neighbouring properties. Gaps of approx. 2 metres are retained at ground floor level to the site boundaries. The scale and massing of the proposed building is considered to be acceptable and serves to increase the open character of the area in comparison to many other local dwellings which are constructed right up to their side boundaries. The spatial pattern and character of the locality would therefore be retained and improved as a result.

The proposal makes a positive contribution to the appearance of the area reflecting the design style of nearby contemporary dwellings and local natural materials on the coast. In addition its modern design promotes a high level of sustainability using solar panels on the roof and solar gain from the extensive glazed panels on the south facing aspect of the dwelling.

The proposed building is of a high quality design in keeping with the character of the area and therefore complies with policy D SP1 and D DM1 of the Arun Local Plan with respect to design.

RESIDENTIAL AMENITY

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to the impact of new development on neighbouring residential amenity.

The proposed dwelling features a number of first floor windows in the eastern and western side facing elevations which could give rise to unacceptable overlooking of the adjoining properties. However a condition requiring them to be non opening and obscure glazed would address this issue. The dwelling also includes a first floor balcony on the rear elevation of the property. The brick built sides of the balcony contains a glazed panel which could also required to be non opening and obscure glazed by condition.

The proposed windows on the front and rear elevation of the property do not result in any additional adverse overlooking of neighbours given the level of glazing and windows present on the rear elevation of the original dwelling house and the orientation of the dwelling.

The built form of the proposed dwelling does not intersect a 45 degree line drawn from the centre of the primary habitable room windows at no.3 and no.7 Central Drive to the east and west of the property.

The side facing windows in the side elevation of the neighbouring property at no.7 are as follows:

- 1) An obscure glazed windows serving a bathroom.
- 2) A secondary window serving a rear bedroom where the primary windows providing light to the room is in the rear (south facing) elevation of the neighbouring property.

The side facing windows of no. 7 are therefore not significantly impacted in terms of a loss of light, privacy nor overbearing impact.

A further consideration with respect to loss of light and overbearing impact on the property opposite at 8 Central Drive is necessary as it would have a front elevation approx. 16 metres away. The property opposite is somewhat unusually sited right at the front of the plot leaving limited front garden space and no parking area to the front of the dwelling. The built form would cause some of loss of light and a degree of additional overbearing impact to this properties front elevation due to its greater height and mass than the current dwelling. Whilst the separating distance is less than the usual 20m which is expected for in the case where the relationship is with a neighbouring rear garden where privacy should be protected, in this case it is a front to front relationship where there is an intervening road and a front garden where normally privacy is not stringently expected.

The impact of the proposed dwellings on its neighbours in terms of loss of privacy, loss of light and overbearing impact is not significant and the proposal complies with policy D DM 1 of the Arun Local Plan

SPACE STANDARDS

Policy D DM2 of the Arun Local Plan seeks to ensure adequate internal space standards in new dwellings in accordance with guidance within the Nationally Described Space Standards part of National Planning Policy Guidance.

The proposed dwelling has in excess of 260 sq. m. of internal space. It would require a minimum of 124 sq.m. as specified within the Nationally Described Space Standards. The proposal therefore complies with policy D DM2 of the Arun Local Plan with respect to internal space standards.

Private amenity space is proposed in the rear garden in an area measuring approx. 30m x18m. The proposal provides a private garden of similar size to the existing dwelling and other properties in the area with private access direct onto the beach. In terms of external amenity space the proposal is acceptable.

TREES

The site has an open frontage to Central Drive with limited existing boundary screening. There are 2 existing small mature trees on the frontage of the property including a small beech tree and a further ornamental tree is proposed to be planted shown on the on the Proposed Block Plan which have some amenity value as a group and could be retained by condition as they provide some screening for the proposed dwelling. There are mature hedges to a height of approx. 2-3m along both side boundaries in the rear garden which also provide a degree of screening and privacy. There is a large cedar tree on the front boundary of the neighbouring property 7 Central Drive which also currently provides some screening to the proposed development.

The proposed development would potentially affect a mature cedar tree of significant amenity value on the neighbours property at 7 Central Drive.

A tree survey has been submitted where the Arboricultural Officer's supports the application subject to conditions.

PARKING AND HIGHWAY SAFETY

Arun Local Plan Policy T SP1 seeks to ensure that development does not have a severe impact on the highway network, provides adequate parking and promotes sustainable transport.

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only

be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The parking and access arrangements are identical in the proposed and existing developments on the site. The proposed garage has space for the garaging of vehicles and for the storage of bicycles.

The scheme provides sufficient space for the parking of 2 cars including the garage space based on standard car parking size of 5.5 metres by 2.9 metres.

West Sussex County Council Highways Department have not assessed the scheme however since the access arrangement and the parking provision are to remain substantially the same it is not considered that an objection on highway and parking grounds is justified.

The proposal is in accordance with policy T SP1 of the Arun Local Plan.

SUMMARY

Therefore for the above reasons, it is recommended that the application is approved subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Proposed Block Plan dwg.no. PA-270-11 dated 14.12.2018
Proposed Floor Plan dwg.no. PA-270-05 dated 14.12.2018
Proposed Roof dwg.no. PA-270-06 dated 14.12.2018
Proposed Section AA dwg.no. PA-270-08 dated 14.12.2018
Proposed Drainage Layout dwg.no. PA-270-12 dated 14.12.2018
Proposed Materials dwg.no. PA-270-25 Rev A dated 07.02.2019
Proposed Elevations dwg.no. PA-270-07 Rev A dated 07.02.2019

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and DSP1 of the Arun Local Plan.

- 3 All windows on the east and west elevations of the building at first floor level shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7 metres in height.

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

- 4 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment and Method Statement (LLD1671-ARB-REP-001, Rev.01, 27th March 2019).

Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Arun DC Tree Officer and the Arboricultural Expert representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Retention and Protection Plan (LLD1671-ARB-DWG-002, Rev.01, 26.03.19).

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the above site meeting to the satisfaction of the Arun DC Tree Officer.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area in accordance with policy ENV DM4 of the Arun Local Plan. The pre-commencement condition is required to ensure the protection of the neighbouring mature cedar tree on the adjoining site close to the boundary.

- 5 In respect of the facilitation of pruning of the proposed for Monterey cypress tree (T02) - where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice in accordance with policy ENV DM4 of the Arun Local Plan.

6 The planting of an ornamental tree and low level planting and construction of hard landscaping including the close boarded fence to the front of the property and the retention of the existing trees and hedging shall be carried out in accordance with the details shown on plan Proposed Block Plan dwg.no. PA-270-11 dated 14.12.2018. All tree and hedge planting 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, planting or hedging 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 of the Arun Local Plan.

7 No part of the development shall be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the residential unit and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

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

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

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water at the above address.

Due to surface water inundation issues in the Lidsey Catchment "The applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development".

Developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

M/155/18/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: R/34/19/PL

LOCATION: 4 Broadmark Parade
Broadmark Lane
Rustington
BN16 2NE

PROPOSAL: Change of use of currently vacant former A1 (Shops) ground floor premises to a mixed A3/A5 (Restaurants & Cafe & Hot Food Takeaway) use, incorporating the erection of a single storey rear extension, replacement shopfront & associated plant & extraction equipment

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Change of use of currently vacant former A1 (Shops) ground floor premises to a mixed A3/A5 (Restaurants & Cafe & Hot Food Takeaway) use. The single storey rear extension would be flat roofed and project approximately 11 metres by 5 metres in width with a height of 3 metres with additional air cooling and extraction systems rising to 4.4 metres in height.
	The scheme would incorporate a 1.4 metre high grey metal louvre 'grill' fence screening the extraction systems from public view. This would drop to approx. 1 metre in height close to the rear elevation windows of the flat dwelling at first floor.
SITE AREA	0.1 hectares.
BOUNDARY TREATMENT	The site currently has a 2 metre brick wall to the rear yard.
SITE CHARACTERISTICS	An A1 retail use with residential accommodation above. The shop was last used 18 months ago as a home nursing supplies shop. The site backs on to Rustington Waitrose car park (public car park).
CHARACTER OF LOCALITY	A local shopping parade serving Rustington village centre.

RELEVANT SITE HISTORY

R/67/10/	Change of use from A1 (retail) to A2 (estate agents)	ApproveConditionally 04-06-10
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The shop unit had previously been used for A2 - financial and professional services - as an estate agency.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Objection on the following grounds:

- The proposed change of use would attract standing vehicles causing a hazard to safety and additional congestion.
- The proposal to install extraction equipment on the roof of the proposed extension in close proximity to residential properties would be unneighbourly by reason of its mass, noise emission levels and fumes.
- The proposed use would have an unneighbourly impact on the locality due to the general nature of the use and activity that would be generated.

Two letters of objection have been received from the former retail occupier of the premises:

- Site notices posted in hard to access locations.
- A1 retail uses (shops) should be retained at this location.
- Already many non A1 uses in the area.
- Noise nuisance to neighbouring properties.
- Service and delivery vehicles will cause congestion.

COMMENTS ON REPRESENTATIONS RECEIVED:

Site notices were posted and photographed on 28th February 2019 as follows:

- 1) Lamppost to front.
- 2) Fence to rear along passageway.

The other issues raised are addressed within the Conclusions section of the report below.

CONSULTATIONS

Environmental Health
Economic Regeneration
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Arun District Council (ADC) Environmental Health - No objection subject to standard conditions relating to the type of use.

ADC Economic Development - No objection.

The Economic Development team would prefer to see an A1 use retained however they note the marketing information and would prefer to see the property in use rather than being an empty retail unit in a poor condition.

West Sussex County Highways have been consulted and comments are awaited.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Secondary Shopping Parade.

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
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POLICY COMMENTARY

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

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

There are no policies relevant to this application in the Rustington Neighbourhood Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the proposed use is not considered to have a significant impact on the residential amenity of neighbouring properties or

wider visual amenity within the area. In addition the proposed change of use away from a retail use is supported by the marketing information supplied.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The key policies applicable to this proposal include D DM1, D DM4, T SP1, RET DM1 and RET SP1 of the Arun Local Plan. These policies seek to ensure that the change of use is acceptable in relation to retail uses in Rustington village centre, that the proposed extension and development as a whole is of a high quality of design and acceptable impact on neighbouring residential amenity, that the development is adequately serviced by parking facilities, can be easily accessed and would not cause any hazards to the local transport network.

LOSS OF A1 RETAIL USE

In the case of Rustington the aim is to maintain its existing role as a centre providing a good range of local services.

The proposed use therefore falls to be considered against the provisions of policy RET DM1 of the Arun Local Plan which states that along secondary frontages A1 retail uses will be permitted and A3 uses will only be permitted where they would not create a concentration of non-retail uses harming the village centre. Proposals also need to show that they would retain a shop window and would not adversely affect the character of the area or local amenity due to smell, litter or noise. In the event of a change of use from A1, marketing evidence to demonstrate that an A1 use is not viable is required.

The agents have submitted a statement from Michael Jones & Company estate agents dated 4th February 2019 which sets out, with detailed marketing evidence, the unsuccessful marketing of the property for A1 retail use over the past 21 months from October 2017. This is accepted as sufficient evidence of marketing and viability for the purposes of this policy. The Council's Economic Regeneration team support the proposal to bring back a currently vacant use into commercial use.

Whilst the Arun Local Plan does not define what is regarded to be a concentration of retail use, the Rustington Design Statement advises at paragraph 13 that a concentration of non retail uses is defined as two or more adjacent uses. In this case there are two A1 uses on either side of the application unit. An A3/A5 use would be likely to contribute to the vitality and viability of the primary shopping area creating activity and provide a community resource throughout the day and evening.

The shop front, as submitted, would be in keeping with the area and the issues of noise, odour and litter have not resulted in an objection from the Council's Environmental Health Officers.

The proposal is considered to be in accordance with policies RET SP1, RET DM1 and the Rustington Design Statement.

VISUAL AMENITY AND CHARACTER OF THE AREA

The existing building comprises a two storey structure with residential above part of a purpose built local

parade of terraced shops. It is brick built with pitched roof. The proposed single storey extension would be located and only visible from the rear of the building. The first floor residential use would be retained. The design of the extension would be in keeping with other ancillary rear extensions in the parade. The materials would match the existing property.

An additional louvre fence screening the air conditioning unit and odour extraction structures on the roof is proposed to soften the appearance of the development which can be viewed from across the car park to the rear and public alleyway accessing the primary shopping area. Given other similar extensions and odour extraction systems nearby (i.e. at 9 Broadmark Parade) the proposal would not be at odds with the local shopping parade & commercial character of the area or appear prominent or obtrusive in the street scene in accordance with policy D DM1 and D DM4 of the Arun Local Plan.

The site lies in Character Area 4 of the Rustington Village Design Statement. This recognises the importance of the existing shopping centre and emphasises that alterations and extensions should not detract from the character and that the hard and soft landscaping should be retained and encouraged. The Village Design Statement has been endorsed as a material planning consideration by the Council and the advice contained therein has been afforded appropriate weight in the determination of this application.

The proposed development is considered to be acceptable with respect to visual amenity in that the development would not be out of character within the commercial area in which it is located and therefore would accord with policies D DM1, D DM4 and D SP1 of the Arun Local Plan and the Rustington Design Statement.

RESIDENTIAL AMENITY AND POLLUTION

The premises will retain residential accommodation at first floor and there are other residential units above adjoining units in the parade. While commercial uses and delivery vehicles and associated noise, disturbance and odours are part of the current residential environment, it is important to ensure any noise and activity generated by the proposal does not have a significant additional adverse impact on residential amenity. The hours of operation and delivery times are to be restricted by condition. Furthermore, the extraction system is considered acceptable to the Arun District Council Environmental Health subject to standard conditions.

The extraction systems would be located on the roof of the extension located at the rear on the east side of the two storey premises and would be screened by a grey metal louvre fence at up to 1.4 metres in height. The rear bedrooms of the first floor residential apartments would be set a minimum of 8 metres away from the extraction units. With these measures in place, it is not considered that the residential amenities of any neighbouring residential properties in terms of a loss of light and privacy, excessive noise or an overbearing impact would be unacceptable, given the current commercial nature of the properties.

The Environmental Health officer has also requested further conditions relating to the hours of operation and times of fast food takeaway deliveries. The site is already subject to significant noise and disturbance due to the use of the public car park which serves the Rustington village centre throughout the operating hours of, in particular the Waitrose supermarket, as well as other A3/A5 uses including the Dominos pizzeria at 9 Broadmark Parade. The use of this site has not generated any complaint to the Council despite having operated for a number of years. Therefore a similar restriction to opening hours of the application premises is considered reasonable and appropriate.

In summary, it is considered that the change of use and proposed extension could be undertaken without adversely affecting the residential amenities of adjoining properties in accordance with policy D DM1, D

DM4, QE SP1, QE DM1 and QE DM3 of the Arun Local Plan.

HIGHWAYS

The site is located adjacent to one of the main public car parks in Rustington which provides up to 3 hours parking as well as further public car parking opposite on the layby to the primary shopping frontage on The Street. In addition, there are adequate bus stops and services nearby. As a whole parking for deliveries and customers visiting the premises would be adequate and similar to other similar uses in the village centre.

To the front of the premises there are railings, double yellow lines and traffic lights to prevent vehicular access onto the pavement from the road frontage.

The proposal is acceptable with respect to policies T SP1 and T DM1 of the Arun Local Plan.

CONCLUSION

In summary the proposed development is acceptable in principle and would in all other respects accord with Development Plan policy and is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

date of this permission.

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

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

Proposed Roof Plan dwg. no. 2940/PL125 Rev. B dated 09.05.19.

Proposed External Elevations dwg.no.Rev. C 2940/PL211 dated 08.05.19.

Proposed Ground Floor GA Plan dwg.no. 2940/PL100 Rev. A dated 20.12.2018.

Proposed First Floor GA Plan dwg.no. 2940/PL101 Rev. A dated 06.02.19.

General Arrangement of HVAC Installation Plan & Side Elevation dwg.no. 0000/M/101 Rev B dated 08/02/19.

General Arrangement of HVAC Installations Sheet 2 of 2 - Elevations dwg.no. 0000/M/101 Rev B dated 08/02/19.

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

- 3 The use hereby approved and machinery, plant, ventilation and extraction shall only be operated between the hours of 10.30am to 11pm Monday to Saturday and between 10.30am and 10pm on Sundays and Bank Holidays.
10.30 - 23.00 Monday to Sunday (including Bank Holidays).

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policies D DM1, QE DM1 and QE DM3.

- 4 The extraction system shall be constructed and retained in perpetuity in accordance with the following document:

The Mechanical Ventilation & Environmental Control Equipment - Planning Application Information dated 21-01-18 & email update of 09/05/2019 15:32.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policies QE SP1, QE DM1 and QE DM3.

- 5 The use hereby permitted shall include the sound insulation scheme, recommended by Ned Johnson Acoustic Consultants' Acoustic Assessment (ref. 451819 Rev. A, dated February 2019), for protecting the upper floor residential unit from noise. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). Following implementation of the insulation scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out has achieved the minimum airborne sound insulation criteria. The use of the development shall not commence until test results, demonstrating the minimum sound insulation criteria has been achieved, has been submitted to and approved by the local planning authority.

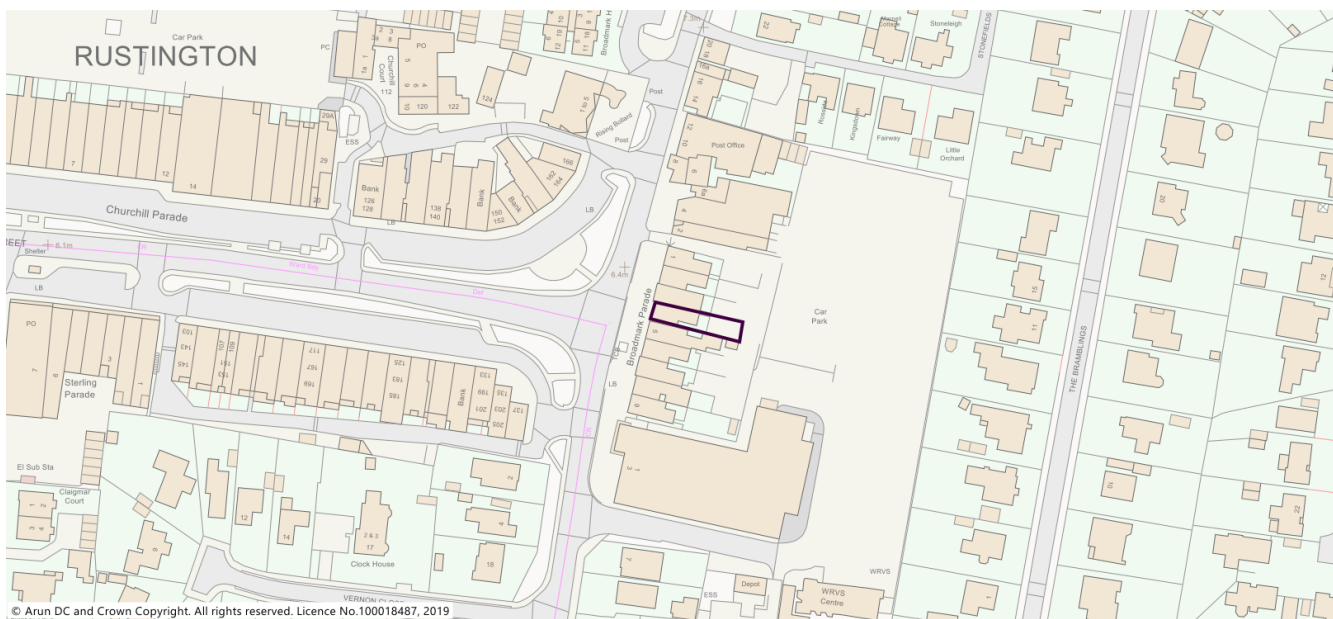
Reason: In the interests of the amenity of nearby residents & occupiers of any nearby noise sensitive premises, the general amenities of the area and in the interests of highway safety in accordance with policies D DM1 and QE SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 6 The development shall proceed in accordance with the details contained within the Delivery and Service Plan dated December 2018.

Reason: To protect the amenities of occupiers of adjoining properties and provide adequate servicing and delivery to the premises in accordance with Arun Local Plan policies QE SP1, QE DM1, QE DM3 and T SP1.

- 7 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 8 INFORMATIVE: The premises will require Registration under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. The applicant is advised to contact The Food Safety Team at Environmental Health on Tel 01903 737755 or via E-Mail at Food.Safety@arun.gov.uk.

R/34/19/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/18/19/PL

LOCATION: Land Adjacent
1 Orchard Way
Fontwell
BN18 0SH

PROPOSAL: Erection of 2 No. detached dwellings, adaptation to existing crossover & new driveway (resubmission following WA/58/18/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal is to erect 2 detached, 2 storey, 4 bedroom dwellings on land which currently forms part of the side garden of 1 Orchard Way. Each of the dwellings would comprise facing brickwork and a tiled roof. The dwellings would be a mirror image of one another, each having a catslide roof to the side.

The application is supported by a Noise Assessment report. The materials noted on the elevation plans indicate a tiled roof, cladding and face brickwork.

SITE AREA 946 sq. m.

RESIDENTIAL DEVELOPMENT DENSITY 11 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES A number of large trees have been removed from the site. There is a large Oak tree within the rear portion of the site which is protected by a Tree Preservation Order (TPO). There are also mature boundaries to the west and north boundaries defined by hedging approx. 2m to 6m wide and 3-6m high. The majority of these boundaries are indicated on the submitted plans for retention.

BOUNDARY TREATMENT High mature hedging to north and west.

SITE CHARACTERISTICS The site is in part, the garden of 1 Orchard Way. The A27 westbound carriageway is 12m to the north. To the west is overgrown scrubland and a walkway with a pedestrian underpass. The host dwelling is a one-and-a-half storey detached dwelling. The dwelling comprises brick walls and a tiled roof, with gable ends. It has a projecting pitched roof element to the front elevation and rear dormer.

CHARACTER OF LOCALITY Cul-de-sac development located south of main A27. Area characterised by residential development with mainly detached properties of varying design, scale and appearance both single and 2 storeys in height.

RELEVANT SITE HISTORY

WA/58/18/PL	Erection of 2 No. detached dwellings, adaptation to existing crossover & new driveway,	Withdrawn 07-02-19
WA/67/71	Proposed Addition And Demolition Of Existing Garage Alterations	Approve 30-12-71

This application follows an earlier application WA/58/18/PL which was withdrawn. The previous application was objected to by the Tree Officer who concluded that the development would have a significant negative impact on the ongoing health and vitality of the Oak tree.

This application has been submitted with an updated Tree Report, including the Tree Officer's suggested Root Protection Area and the dwellings have been repositioned 3.6m closer to the Orchard Way road frontage as a result. All other aspects of the application including dwelling size and design are as previously submitted.

The other main differences between the previously withdrawn scheme and the current proposal are as follows:-

- The existing tree is 11m deep to the south, and it is to be crown reduced to its south side to the 8m line, as indicated on the site plan.
- The two new dwellings have been moved away from the protected tree as shown in orange on the proposal plan drawing no. nb:17101+09h.
- The car parking arrangement to the eastern unit has been altered to side-by-side parking.
- The adapted dropped kerb has been extended from 8.9m as previously submitted to 10m wide.
- The gates to the access driveways have been altered from a single gate to double to facilitate better access.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

Objection - This application conflicts with the Neighbourhood Development Plan.

4 Objections:

- This mature oak tree must not be lopped, it is a fine specimen and adds to the street scene.
- Pleas'd a Tree Preservation Order has been made, but concern regarding the adverse effect the dwellings would have on its roots and canopy.
- Two houses is excessive for this plot.
- 2.2m between dwellings is not adequate.
- Out of keeping with the area.
- Wildlife should be re-assessed now that the tree is being retained.
- Widened access will add to hazards of highway users.
- Disappointed that the scheme has not been reduced to one unit.

- The proposal is not sympathetic to the long term retention of the tree.
- Noise assessment has not been updated.

COMMENTS ON REPRESENTATIONS RECEIVED:

The ecology report does not acknowledge retention of the existing tree, but this would only improve wildlife opportunities. County highways have no objection to the proposal in terms of highway safety. All other issues raised will be covered in greater detail in the Conclusions section of this report.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning
Environmental Health
Arboriculturist
WSCC Strategic Planning
South Downs National Park

CONSULTATION RESPONSES RECEIVED:

Tree Officer - No Objection.

The revised position of building footprints better respects oak tree (T2) and extensive ground protection is to be utilised. The promotion of screw-pile foundations (where main building footprint resides within a RPA) is supported. Recommend that specific construction method be required as part of any decision. While this scheme requires an ambitious set of tree protection measures/construction methods, it is nonetheless achievable without undue detriment to the oak tree (T2), providing there is adequate oversight and retained arboricultural input.
Conditions requested.

Southern Water - No Objection. Informative requested.

South Downs National Park - No Objection. Conditions to ensure long term retention of trees on the site would be supported.

Drainage Engineer - The application is within the Lidsey catchment, therefore surface water drainage design should be carefully considered. Infiltration must be fully investigated. Pre-commencement conditions requested.

County Highways - No Objection. Conditions requested.

Environmental Health - Awaited, but no objection was raised to the previous withdrawn scheme and the Noise Assessment is the same as submitted with the earlier application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Within the Built Up Area Boundary.
 Tree Preservation Order.

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ECCSP2	ECC SP2 Energy and climate change mitigation
LANDM1	LAN DM1 Protection of landscape character

<u>Walberton Neighbourhood Plan Policy 2017 GA3</u>	Car Parking
Walberton Neighbourhood Plan Policy 2017 VE8	'Unlit village' status
Walberton Neighbourhood Plan Policy 2017 HP1	Spatial Plan of the Parish
Walberton Neighbourhood Plan Policy 2017 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 Neighbourhood Development Plan. Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The relevant policies in the Walberton Neighbourhood Plan (WNP) have been taken into account in the determination of this application. As the Council can now demonstrate a housing land supply greater than 3 years the WNP policies relating to the supply of housing are not out of date.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that approximately half the site lies outside the built-up area boundary as it applies to the Arun Local Plan. However, within the Walberton Neighbourhood Plan, the site is within the built up area boundary.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The application site is located within the Parish of Walberton and as such the development plan in the determination of this application will consist of the Arun Local Plan (ALP) 2011 - 2031 and the Walberton Neighbourhood Plan (WNP).

Arun Local Plan (ALP):

The key policy considerations in the determination of this application are considered to be SD SP1, SD SP2 and C SP1 of the ALP.

Map 2 of the Arun Local Plan illustrates the extent of the Walberton village built up area boundary (BUAB). It shows that part of the application site (eastern portion) lies within the built up area boundary and the other portion, approximately 10m in width, is outside the boundary.

Walberton Neighbourhood Plan (WNP):

The WNP was made in November 2016 and as such forms part of the development plan in the determination of this application.

Policy HP1 of the WNP seeks to focus development within the BUAB. The WNP shows the site as being within the BUAB.

Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), the National Planning Policy Framework (2018) para. 12 states that permission should not usually be granted. Local Planning Authorities may only take decisions that depart from an up-to-date development plan when there are other material considerations which indicate that the plan should not be followed.

The NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)). Whilst some of the site is outside of the defined BUAB, the site is in a sustainable location.

Conclusion on Matters of Principle:

The principle of residential development on just over half of the site would accord with the development in that it is within the defined built up area boundary. Development of the remainder of the site would be contrary to the development plan Arun Local Plan policy C SP1.

For the proposal to be considered contrary to Policy C SP1, there needs to be a demonstrable harm to the aims of this policy. The aims of this policy are to preserve the character and beauty of the countryside and to manage the urban/rural fringe. In this case the proposal is on the fringe of an urban settlement and the part of rural designation that it falls on is not unacceptably affected for the reasons set out below. The proposal is therefore not contrary to the stated aims of policy C SP1.

CHARACTER & DESIGN

Arun Local Plan policy D DM1 lists a series of 15 criteria that development must comply with - these include character where the policy suggests that proposals should make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.

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

Policy HP11 of the Walberton Neighbourhood Plan seeks to ensure that the density of proposed development is in keeping with its location so as to maintain the local character and appearance of the locality.

Policy HP13 of the WNP builds on policy HP11 by requiring that development 'must contribute to local character by creating a sense of place appropriate to its location.'

It is also necessary to consider the guidance within the National Planning Policy Framework.

Section 12 paragraph 127 states that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). Paragraph 130 seeks to prevent poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The proposal would accord with the prevailing character of the immediate locality and would not appear cramped or an overdevelopment. The plot widths and depths are comparable with other properties in Orchard Way and the proposed detached 2 storey dwellings would reflect the development on the adjoining site to the east. Orchard Way is characterised by detached dwellings of varying design and these properties would be in keeping with the pattern and nature of the adjacent development. The dwellings would have a similar set back from the site frontage and a similar footprint and spacing to site boundaries. Much of the hedging is to be retained which would safeguard the existing character and rural appearance of the locality.

The submitted street scene illustrates that the proposed dwellings would be 0.5m higher than the dwellings to the east which is not a significant difference. The dwellings have steep 2 storey pitched roofs with narrow widths and relatively low eaves levels and incorporate the gable feature of the adjacent dwelling and a pitched roof porch. The design is relatively simple and the dwellings have a 2 storey appearance with no windows at second floor in the front or rear elevation which accords with the design

of other 2 storey dwellings in the locality.

It is therefore considered that the proposal would be in accordance with policy D DM1 (1) and D SP1 of the ALP, policy HP11 & HP13 of the WNP and paragraphs 127 (c) and 130 of the National Planning Policy Framework.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 (3) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the WNP policies specifically refer to residential amenity issues.

The NPPF in paragraph 180 seeks development that is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Furthermore when considering applications for housing paragraph 123 c) suggests a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site.

The proposed dwelling to the east does not project significantly to the rear of the existing neighbouring dwelling. The landing window at first floor in the side elevation is the only first floor window in the proposed dwellings and is indicated on the plans to be obscure glazed. Condition 4 makes this fixed shut below 1.7m. The other windows in the roof are roof lights and would not facilitate direct overlooking of neighbouring properties given their height. It is proposed to restrict the addition of further windows in the side elevations of the eastern dwelling adjacent to 1 Orchard Way in the interests of residential amenity. Furthermore, the layout and position of the dwellings would not give rise to any loss of light, overshadowing or general amenity. The existing dwelling to the east has one window in the side elevation at ground floor which would lose some light entering, but this is not the only window serving the room.

The gross floor area of the proposed properties is 132 sq m. This exceeds the nationally prescribed space standards for a 4 bed-8 person dwelling. Therefore there is no policy conflict with the policy for internal space standards.

In terms of external space standards, specific guidance is proposed in the form of a Design Guide to be published. In the interim, each case has to be considered on its own merits. The proposed site is currently the side garden of No.1. It is considered that the amount of space and the depth of garden available for both the new dwellings and the existing dwelling would be acceptable and compatible with the character of the locality. The rear garden areas, when compared with the withdrawn scheme, have increased. Plot 1 now has an area of 185sqm compared to 176sqm and plot 2 has altered from 251sqm to 308sqm. It is considered appropriate to remove Permitted Development rights to add extensions to the westerly plot since there is limited amenity space available to accommodate these whilst retaining adequate rear amenity space and the Root Protection Area of the protected tree.

HIGHWAYS AND ACCESS

Each of the proposed dwellings has off street parking available for 2 cars and the proposal includes a new vehicle crossover. Policy T SP1 of the ALP addresses transport issues including safe highway access.

Regard should be had to paragraph 109 of the National Planning Policy Framework (NPPF) which

requires that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or impacts on the road network would be severe.

The application has been assessed by WSCC Highways and they are satisfied with the proposal in this location and raise no objection.

Provision for cycle parking is included in the proposal.

It is not considered that there is any conflict with the adopted development plan policies or with the NPPF.

ECOLOGY IMPLICATIONS

The agent has submitted a Preliminary Ecological Appraisal. The site has been assessed as unsuitable for reptiles, roosting bats, and great crested newts and therefore no further surveys are recommended. The recommendations made to enhance the biodiversity of the site where appropriate have been included as a condition in accordance with policy ENV DM5.

IMPACT ON TREES

The Oak tree on the site has been protected following concern by the Council's tree officer that the site was not properly surveyed for trees initially at the time the original application WA/58/18/PL was submitted. An Arboricultural Impact Assessment and Method Statement has been provided with this proposal and the dwellings have been repositioned 3.6m closer to the Orchard Way site frontage. The Tree Officer is now satisfied that the health of the tree would not be compromised by the development. Long term maintenance would be controlled given that the tree is the subject of a Tree Preservation Order. The proposal therefore accords with policy ENV DM4 of Arun Local Plan.

Some of the mature hedging to the front of the site will be removed to create the access to the site. However, it is not considered that this will be substantial and large sections of the existing boundary planting will be retained.

LIGHT POLLUTION

WNP Policy VE 8 - Unlit Village Status requires that new lighting conforms to the highest standard of light pollution restrictions in force at the time. Security and other outside lighting on private and public premises will be restricted or regulated to be neighbourly.

There are a number of residential properties that immediately adjoin the application site. As a result the immediate area will be less dark and more illuminated to the point that this proposal will not conflict with Policy VE8.

SOUTH DOWNS NATIONAL PARK

Given the screening and limited number of units proposed and land coverage the proposal is not expected to impact negatively on the area of South Downs National Park that abuts the site to the north thereby complying with policy LAND DM1 of the Arun Local Plan.

DRAINAGE

The Council's Engineers confirm that with suitably worded conditions the proposal will not give rise to any unacceptable drainage/sewerage conditions.

NOISE CONSIDERATIONS

The site is adjacent to the A27 where noise traffic levels are high. The applicant has submitted a Noise Assessment with the application which was previously reviewed and found acceptable by Environmental Health. The report concludes that the noise modelling software predictions suggests that internal noise levels for both living and sleeping accommodation are capable of being met for both daytime and night time periods, albeit with windows closed. With windows open, internal noise levels, are likely to exceed the requirements of BS8233:2014.

Whilst external amenity areas are seen to be above those recommended noise levels it is considered that given that all other properties garden areas are exposed to traffic noise in this location it would be unreasonable to refuse permission on these grounds.

A condition is suggested to secure implementation of the mitigation measures listed above and on this basis the proposal would accord with policy QE DM1 of the Arun Local Plan.

SUMMARY

Given the existence of adjoining residential property on 2 sides of the application site and the boundary with the A27, the proposal will not detrimentally and unacceptably alter the character and appearance of the area in conflict with policies D DM1 & D SP1 of the ALP and policies HP11 & HP13 of the WNP.

For the purposes of the Development Plan this site is partly outside the defined built-up area boundary of Walberton as defined by policy C SP1 of the Arun Local Plan. Policy C SP1 seeks to protect the countryside for its intrinsic character and beauty. In the case, as explained above, the intrinsic character and beauty of this site is not unacceptably harmed and the proposal is therefore not in conflict with policy C SP1.

The proposed development is recommended for permission subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the

following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Site Plan nb17101+001
- Survey Drawing nb17101+09h
- Street Elevation, Site Section, Proposed Floors & Elevations nb17101+10f
- Block Plan and Location nb17101+100

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

3 The landing window on the east elevation of the easterly plot shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m internal floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy DDM1 of the Arun Local Plan.

4 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level or above in the east or west elevation of the easterly dwelling hereby permitted which adjoins the existing dwelling, 1 Orchard Way, without the prior permission of the Local Planning Authority.

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

5 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no rear extensions to the westerly dwelling house shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain adequate amenity space and safeguard the protected tree in accordance with policy DDM1 of the Arun Local Plan.

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

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

7 The development shall proceed in accordance with the submitted Preliminary Ecological Appraisal dated 08-11-2018 including permanent adherence to the 'Mitigation Measures'

detailed within point 6 of the report summary and section 4.8 of the report.

Reason: To safeguard the amenities of the occupiers of the properties and neighbouring residents in accordance with Arun Local Plan policies D DM1 and ENV DM5.

- 8 Prior to occupation of the buildings bird boxes shall be installed at the site in accordance with details indicating the design and position of bird boxes to be submitted to and approved by the Local Planning Authority and the approved boxes shall thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the ecology of the area, and in the interests of birds to ensure that a habitat remains for them during and after development in accordance with policy ENVDM5 of the Arun Local Plan.

- 9 No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
- a. An indicative programme for carrying out of the works.
 - b. The arrangements for public consultation and liaison during the construction works.
 - c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work.
 - d. The parking of vehicles of site operatives and visitors.
 - e. Loading and unloading of plant and materials.
 - f. Storage of plant and materials used in constructing the development.

Reason: To protect the amenity of the local residents and to ensure the safety of highway users in accordance with policies DDM1 and TSP1 of the Arun Local Plan. This will be required to be a pre-commencement condition because these details have to be agreed and in place before any work commences in the interest of highway safety and amenities of adjoining residents.

- 10 The 'Mitigation Measures' as detailed within the submitted acoustic report entitled 'Acoustic Associates Sussex Ltd. Planning Application Noise Assessment - Site: Land Adjacent to 1 Orchard Way, Fontwell, BN18 0SH - Dated: 27/07/2018 - Project: J2505 - Issue 1' must be adhered to at all times. In particular, Section 8.1 - Glazing and Section 8.2 - Ventilation must be incorporated into the build and the materials used must match or better those standards quoted within the body of the report.

Any deviation from the proposed planning application or any submitted alterations will need to be submitted to the Local Planning Authority for approval. In these circumstances, a further detailed noise assessment may be required to reassess the proposed alterations and the impact(s) these alterations may have upon the development. The details so incorporated shall be retained thereafter.

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

- 11 In the event that contamination is found at any time during the carrying out of the approved development, it must be reported in writing immediately to the Local Planning Authority. All works must stop immediately and an investigation and risk assessment must be undertaken in accordance with the requirements of the local authority contaminated land officer. Where remediation is necessary, a remediation scheme must be prepared in accordance with the local authority contaminated land officer guidance and which is subject to the approval in writing of the Local Planning Authority.

Reason: In the interests of the residential amenities of adjoining properties in accordance with Arun Local Plan policies QE SP1 and QE DM4. This may be required to be a pre-commencement condition because these details have to be agreed and in place before any work commences in the interest of human health.

- 12 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed 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 building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy DDM1 of the Arun Local Plan.

- 13 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment (Arbortrack Systems Ltd, ref: jwmb/ rpt1/ 1orchardway/ AIAAMS, 15th December 2018 amended 4th March 2019).

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area in accordance with policy ENV DM4 of Arun Local Plan.

- 14 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Arun DC Tree Officer and the Arboricultural Expert or Site Agent representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan (Appendix A, Rev C, March 2019).

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area in accordance with policy ENV DM4 of Arun Local Plan. This will be required to be a pre-commencement condition because these details have to be agreed and in place before any work commences in the interest of a protected tree.

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

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area in accordance with policy ENV DM4 of Arun Local Plan.

- 16 No part of the development shall be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the

time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the residential units and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

- 17 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. 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.

- 18 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 19 INFORMATIVE: The applicant is advised to contact the Department for Transport in order to commence the "Stopping Up" process under Section 247 of the Town and Country Planning Act.
- 20 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>
- 21 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.
For further information please contact the Environmental Health Department on 01903 737500
- 22 INFORMATIVE: The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.
- 23 INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a

vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the following link, alternatively please call 01243 642105.

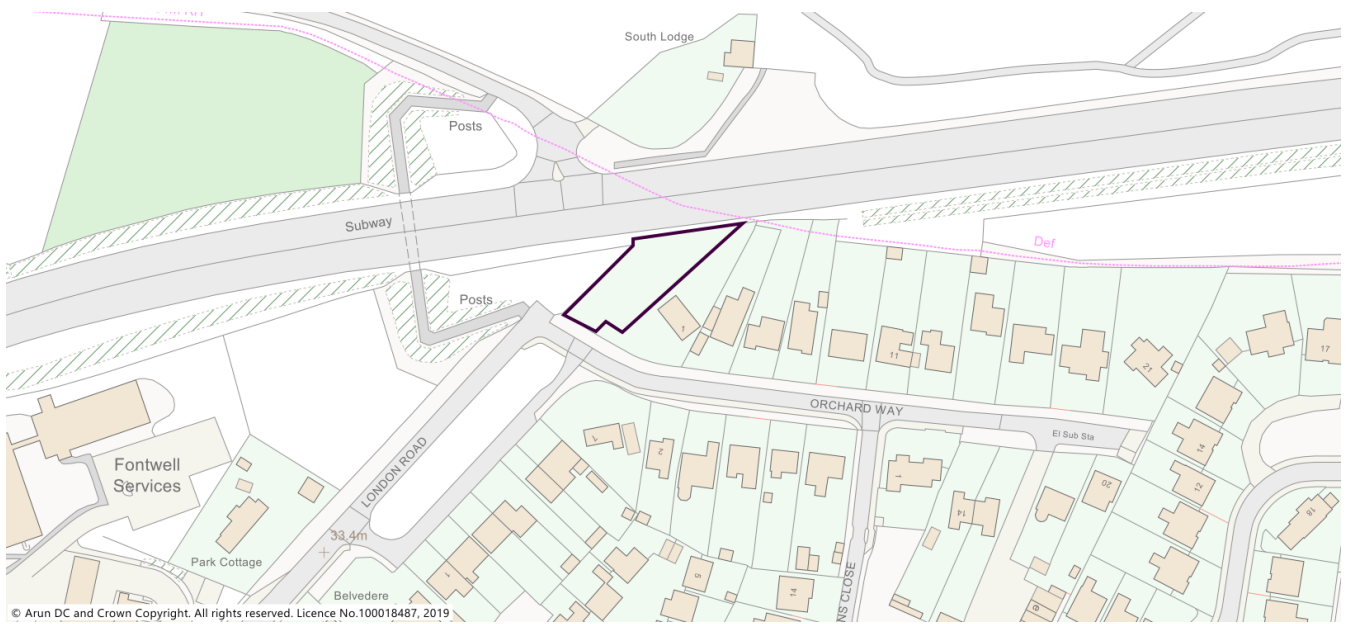
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/> .

24 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

25 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 percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

WA/18/19/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 Awaiting a Decision

A/46/18/RES

Received: 20-04-19

Land west of Brook Lane and South of A259 Angmering

Approval of reserved matters following outline consent A/169/17/OUT for access. This application also lies within the parishes of Littlehampton & Rustington.

Written Representations

PINS Ref: APP/C3810/W/18/3210144

AB/36/18/PL

Received: 21-03-19

Blastreat Limited & adj Greenhurst Fitzalan Road Arundel

Demolition of existing buildings & erection of a block of 46 No. sheltered apartments for the elderly (comprising 22 x one bedroom apartments & 24 x two bedroom apartments age restricted to 60 years and over), with associated access electric buggy/cycle stores & refuse bin store & 32 No. parking spaces. Resubmission of AB/77/17/PL. This application affects the character and appearance of Arundel Conservation Area

Public Inquiry

PINS Ref: APP/C3810/W/19/3224632

AL/115/17/OUT

Received: 22-02-19

Wings Nursery Lidsey Road Aldingbourne

Outline application with some matters reserved for the erection of 55 No. dwellings, sustainable drainage measures, public open space, children's play area, landscaping & all other associated works. This application is a Departure from the Development Plan

Public Inquiry

PINS Ref: APP/C3810/W/19/3221968

BE/74/18/PL

Received: 27-03-19

1 Finch Gardens Bersted

Erection of 1 No. attached dwelling

Written Representations

PINS Ref: APP/C3810/W/19/3223827

BR/267/18/T

Received: 04-02-19

4 Pinewood Gardens Bognor Regis

Fell 1No. Liquid Amber tree

Written Representations

PINS Ref: APP/TPO/C3810/7203

BR/52/18/PL

Received: 29-04-19

Bradlaw House 5 Sudley Road Bognor Regis

Change of use from mixed use development consisting of Dental Surgery (D1 Non-Residential Institutions), night club (Sui Generis) & part residential (2 No. units existing) (C3 Dwellinghouse) to conversion to 8 No. flats with associated services (6 No. new units). This application may affect the setting of a listed building.

Written Representations

PINS Ref: APP/C3810/W/19/3219856

EP/160/18/PL 11 Beechlands Close East Preston
Received: 07-05-19 Variation of condition No.3 imposed under planning reference no: EP/45/17/HH relating to the proposed materials
Written Representations
PINS Ref: APP/C3810/D/19/3226601

EP/185/18/PL Land rear of Beechlands Cottages Beechlands Close East Preston
Received: 13-05-19 Demolition of existing buildings & erection of 3 No. dwellings with associated parking, alterations to existing access & relocation of staircase to flats (resubmission following EP/7/18/PL).
Written Representations
PINS Ref: APP/C3810/W/19/3226561

F/10/18/PL Waterbury House Ford Road Ford
Received: 14-03-19 Construction of 5 No. 1 bedroom flats together with staff accommodation, hard landscaping & parking, (resubmission following F/29/17/PL). This application affects the setting of a listed building & is a Departure from the Development Plan.
Written Representations
PINS Ref: APP/C3810/W/19/3224753

FG/137/18/PL 11 Telgarth Road Ferring
Received: 14-03-19 Application for variation of a condition 2 imposed under planning permission FG/180/16/HH relating to approved plans
Written Representations
PINS Ref: APP/C3810/W/19/3222806

FG/16/19/T 3 Lavender Court 38 Ferringham Lane Ferring
Received: 25-04-19 Fell 1 No. Himalayan Cedar tree.
Written Representations
PINS Ref: APP/TPO/P3800/7334

FG/168/18/PL 4 Sea Lane Ferring
Received: 13-01-19 Erection of 2 bedroom single storey dwelling to rear of existing property
Written Representations
PINS Ref: APP/C3810/W/19/3221037

FG/191/18/PL Land north of 21 Ocean Drive Ferring
Received: 27-03-19 Erection of 2 No. 3 bed chalet style dwellings with associated parking, landscaping & bin store.
Written Representations
PINS Ref: APP/C3810/W/19/3223637

FP/45/18/T Japonica 9 Lionel Avenue Bognor Regis
Received: 18-07-18 Fell 1No. Silver Birch and 1No. Ash Tree.
Written Representations

PINS Ref: APP/TPO/C3810/6874

K/5/17/HH

Received: 17-08-17

Kingston Manor Kingston Lane Kingston

Construction of a Detached 6 Bay Barn with Log Store

Written Representations

PINS Ref: APP/C3810/W/17/3175616

P/6/17/OUT

Received: 28-02-19

Land North of Hook Lane Pagham

Outline application with some matters reserved for construction of up to 300No. new homes, Care home of up to 80No. beds, D1uses of up to 4000sqm including a 2 form entry Primary School, formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure.

Public Inquiry

PINS Ref: APP/C3810/W/19/3223144

R/182/18/PL

Received: 18-04-19

55 Milton Avenue Rustington

Demolition of garage & construction of 1 No. 2-storey dwelling.

Written Representations

PINS Ref: APP/C3810/W/19/3225912

R/197/18/HH

Received: 15-04-19

1 Pigeonhouse Lane Rustington

Rear ground & first floor extension & front first floor gable extension.

Written Representations

PINS Ref: APP/C3810/D/19/3223538

WA/75/17/PL

Received: 12-02-19

Land adjacent to Sunny Corner Copse Lane Walberton

9 No. dwellings with associated car parking, bin storage & landscaping & creation of new access road from existing access onto West Walberton Lane. This application is a Departure from the Development Plan.

Written Representations

PINS Ref: APP/C3810/W/18/3210153

ENF/513/17

Received:

Green Gates Shripney Road Bognor Regis West Sussex

Written Representations

PINS Ref: APP/C3810/C/18/3201500

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