



Public Document Pack

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Committee Manager Carrie O'Connor

25 July 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 7th August 2019 at 2.30 pm** and you are requested to attend.

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

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 officers 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 Procedure as laid down in the Council's adopted Local Code of Conduct for Members/Officers dealing with planning matters. A copy of the Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

(Pages 1 - 8)

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

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

PLANNING APPLICATIONS

- 6. PREVIOUSLY CONSIDERED APPLICATION P/134/16/OUT, LAND NORTH OF SEFTER ROAD & 80 ROSE GREEN ROAD, PAGHAM (Pages 9 - 14)
- 7. PREVIOUSLY CONSIDERED APPLICATION P/25/17/OUT CHURCH BARTON, HORNS LANE, PAGHAM PO21 4NZ (Pages 15 - 18)
- 8. P/30/19/OUT LAND NORTH OF HOOK LANE PAGHAM (Pages 19 - 74)
- 9. Y/103/18/PL 10 ACRE FIELD, NORTH OF GREVATTS LANE, YAPTON (Pages 75 - 104)
- 10. CM/4/19/PL LAND SOUTH OF THE A259, GREVATTS LANE, CLIMPING BN17 5RE (Pages 105 - 128)
- 11. AW/134/19/HH 33 BALLIOL CLOSE, ALDWICK CLOSE PO21 5QE (Pages 129 - 134)

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| 12. | A/9/19/PL POUND PLACE, ROUNDSTONE LANE, ANGMERING BN16 4AL | (Pages 135 - 150) |
| 13. | AB/23/19/PL 67/69 TARRANT STREET & 2A ARUN STREET, ARUNDEL BN18 9DN | (Pages 151 - 162) |
| 14. | CM/25/19/PL KENTS YARD, BROOKPIT LANE, CLIMPING BN17 5QT | (Pages 163 - 174) |
| 15. | CM/16/19/PL RUDFORD INDUSTRIAL ESTATE, UNIT J1, J2 & Z, FORD ROAD, FORD BN18 0BF | (Pages 175 - 184) |
| 16. | PLANNING APPEALS | (Pages 185 - 188) |

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 of 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.

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Note : *Indicates report is attached for all Members of the Council only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager).

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

1.

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DEVELOPMENT CONTROL COMMITTEE

10 July 2019 at 2.30 pm

Present: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Charles, Coster, Huntley (substituting for Councillor Mrs Hamilton) Lury, Mrs Pendleton, Roberts, Mrs Yeates and Mrs Worne

78. APOLOGIES

Apologies had been received from Councillors Mrs Hamilton, Northeast, Oliver-Redgate and Mrs Stainton.

79. DECLARATIONS OF INTEREST

Planning Application -LU/136/19/PL – Councillor Blanchard-Cooper declared a prejudicial interest and stated that he would leave the room during its consideration and take no part in the debate and vote.

80. PLANNING APPLICATION BE/135/18/PL, SALT BOX FIELD, LAND OFF ROWAN WAY, BOGNOR REGIS

The Chairman advised the meeting that this application had been withdrawn.

81. PLANNING APPLICATION LU/330/18/PL, LAND SOUTH OF CORNFIELD CLOSE, LITTLEHAMPTON

LU/330/18/PL – Demolition of existing buildings & the erection of 77 residential homes with associated access, car parking, cycle parking, refuse/recycling storage, landscaping, earthworks & infrastructure, Land South of Cornfield Close, Littlehampton

With the agreement of the Chairman, this item was dealt with as a matter of urgency as the site was Council owned land where a financial receipt was urgently required. As the application had previously been considered by the Committee in February 2019 it was now required to be resolved urgently.

A report had been circulated to Members prior to the meeting and was also circulated at the meeting as an officer report update.

The Planning Team Leader introduced this application and advised the Committee that it had originally been approved, subject to a S106 Agreement relating to infrastructure contributions, at the meeting on 10 April 2019. However, it had now come to light that Affordable Housing had been excluded from the Heads of Terms and authority was therefore being sought to amend the Heads of Terms as delegated authority was not in place to do so. Furthermore, by advising that all contributions for

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facilities listed on the Heads of Terms e.g. braille facilities, science labs, etc were examples, that would enable Arun and WSCC more scope on what to spend the money on. If the facilities were left drafted without this inclusion then contributions would have to be spent on the list of facilities mentioned on the Head of Terms, which was restrictive. However, officers were aware that this was not compliant with regulations applicable to infrastructure requirements where it was expected that contributions had to be specific.

In addition, West Sussex County Council, as the Education Authority, had since April revised its financial requirement for secondary schools down from £33,538 per additional pupil to £27,000 per additional pupil, resulting in a reduced contribution figure of £268,677 for this particular development.

Members were advised that the trigger points set out in the Heads of Terms that had been agreed on 10 April 2019 had not defined whether they were prior to commencement or on commencement. Therefore it would be made clear that it was prior and which all parties were currently working towards.

Condition 3 in the original approval made reference to the tree protection plan. However Japanese Knotweed had since been identified on the site and Members were made aware of two particular areas where this would impact on the retention trees/screen. Condition 3 was therefore required to be amended to take account of the trees/shrubs that now needed to be felled/removed. new planting to replace those trees felled. Condition 2 would also need to be amended to take account of amended plans. Confirmation was given that the Council's Tree Officer had no objections to what was being proposed and that separate consent would be required from County Highways as the landowner. The Planning Team Leader also advised Members that Condition 5 of LU/330/18/PL on landscaping would allow officers to compensate for any required felling/removal.

In debating the issues, Members sought reassurance that the replanting to be undertaken would be equivalent or better to replace the felled trees and officer advice was given that details of the landscaping would have to be approved by officers prior to discharge of the condition.

Before turning to the vote, the Group Head of Planning provided clarification to Members as to what they were being asked to approve, as follows:-

- (i) Amendment to conditions 2 and 3
- (ii) The inclusion of Affordable Housing in the Heads of Terms
- (iii) Change to the secondary school contributions as advised by West Sussex County Council
- (iv) The original approval required the S106 to be completed by 9 August 2019 but agreement was now sought for delegated authority to extend the period to 9 October 2019
- (v) Authority be delegated to the Group Head of Planning to make any subsequent minor amendment to the S106 Agreement

The Committee then

RESOLVED – That

- (1) amendment to conditions 2 and 3 be agreed.
- (2) the inclusion of Affordable Housing in the Heads of Terms be agreed
- (3) the change to the secondary school contributions, as advised by West Sussex County Council, be noted;
- (4) authority be delegated to the Group Head of Planning to extend the completion period for the S106 Agreement to 9 October 2019; and
- (5) authority be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, to make any subsequent minor amendment to the S106 Agreement.

82. MINUTES

The Minutes of the meeting held on 5 June 2019 and the Special meeting on 27 June 2019 were approved by the Committee and signed by the Chairman as a correct record.

83. BE/135/18/PL SALT BOX FIELD, LAND OFF ROWAN WAY, BOGNOR REGIS, PO22 9NW

This application had been deferred from the meeting held on 5 June 2019 to enable further assessment of the surface water drainage plans. However, that information was still being worked on and the matter had therefore been withdrawn from the agenda.

84. WA/75/18/OUT LAND TO THE REAR OF 7 THE MEADOWS, WALBERTON BN18 0PB

WA/75/18/OUT – Outline application with some matters reserved for 1 No. dwelling. This application may affect the character & appearance of the Walberton Village Conservation Area, Land to the rear of 7 The Meadows, Walberton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

85. P/37/19/PL 10 HARBOUR ROAD PAGHAM PO21 4TG

(Councillor Huntley advised that he had attended a Pagham Parish Council meeting and had stated there that he would be voting on the matter based on the information placed before him at Parish Council. If he considered the matter again at the District Council and further information became available then he might come to a different decision.

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He wished to make this meeting aware that he had attended a planning meeting at Parish level but was entering this meeting with an open mind.)

P/37/19/PL – Demolition of existing structures and the building of a new modern family home, 10 Harbour Road, Pagham Having received a report on the matter, a concern was raised with regard to overlooking of the neighbour's property by way of the roof garden. The Planning Team Leader advised that conditions would be placed on any approval, as detailed in the report, to prevent adverse overlooking with no direct views into neighbouring properties.

Following a brief discussion, the Committee

RESOLVED

That the application be approved as detailed in the report.

86. LU/136/19/PL LITTLEHAMPTON SKATE PARK, SEA ROAD, LITTLEHAMPTON BN16 2NA

(Councillor B. Blanchard-Cooper had declared a prejudicial interest and left the meeting for this item following public speaking and took no part in the debate or vote.)

LU/136/19/PL – Application under Regulation 3 of the Town & Country Planning (General Regulations) 1992 for new concrete skate park with 4 No. floodlighting & new parkour training facility. This application is a Departure from the Development Plan, Littlehampton Skate Park, Sea Road, Littlehampton The Committee had received a report on the matter, together with the officer's written report update detailing:-

- Additional drainage details, which the Drainage Engineer was satisfied with, and resultant amended Condition 4 to refer to implementation in accordance with the approved details.
- The Environment Agency had provided a consultation response of no objection for the reasons detailed in the update.
- Substitute and additional lighting details had been submitted and Conditions 2 and 3 had been amended accordingly.

A verbal update was also provided by the Planning Team Leader which advised that the actual lighting column was to be relocated from east to west of the site to prevent any spillage having an adverse impact on nearby properties.

In consideration of the application, Members were concerned that it did not address work to the perimeter fencing, which was required to assist in reducing anti-social behaviour being experienced at the site. It was recognised that the problem was not a planning matter but, as the Council was the landowner, an informative could be placed on any approval to ensure the matter was highlighted and could be addressed. It was agreed that the wording of the informative would be left to officers.

The Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update and subject to addition of the following informative:-

INFORMATIVE: The applicant is advised that the Council considers that the erection of a 2m high fence on the western boundary to be highly desirable for the purpose of containing activity within the application site and preventing access to the railway line. Further, the Council's Wellbeing team should be contacted to discuss how potential anti-social behaviour might be managed.

87. BR/14/19/PL COOPERS YARD, SHRIPNEY ROAD, BOGNOR REGIS PO22 9LN

BR/14/19/PL – Retention of Storage Container. This application may affect the setting of listed buildings, Coopers Yard, Shripney Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing an additional report with regard to the provision of screening to conceal the unit and further advice in respect of heritage assets, the Committee participated in some discussion.

Member comment was made that an additional condition should be attached to any approval to require removal of the unit if the applicant vacated the site, i.e to make any approval personal to the applicant. The Planning Team Leader advised that that could be accommodated by amending the wording of Condition 1 and, having been formally proposed and seconded, the Committee agreed.

Members also indicated that they would prefer to see the screening be at least the height of the container and perhaps of wickerwork to blend in more with the setting of the neighbouring listed cottage.

Following further discussion, the Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update and subject to amendment of condition 1 to read:-

“ The building hereby permitted shall be removed and the land restored to its former condition on or before the expiration of the period ending 2 years from the date of this permission or the date the current user vacates the premises, whichever is the sooner.”

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88. BR/35/19/HH CULVER COTTAGE, 37 ALDWICK ROAD, BOGNOR REGIS PO21 2LN

BR/35/19/HH – Two storey side extension including demolition of existing garden room. This application affects the character and appearance of the Aldwick Road Conservation Area, Culver Cottage, 37 Aldwick Road, Bognor Regis Having received a report on the matter, Members participated in some discussion on the merits of the design. The Committee then

RESOLVED

That the application be approved as detailed in the report.

89. BR/36/19/L CULVER COTTAGE, 37 ALDWICK ROAD, BOGNOR REGIS PO21 2LN

BR/36/19/L – Listed building consent for a two storey side extension including demolition of existing garden room, Culver Cottage, 37 Aldwick Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

90. BR/87/19/PL VARIOUS SITES ALONG BOGNOR REGIS PROMENADE, BOGNOR REGIS

BR/87/19/PL – Change of use of parts of seafront for temporary food & drink outlets & other seaside uses together with associated temporary/portable structures & equipment for use by businesses associated with those outlets, Various sites along Bognor Regis Promenade, Bognor Regis Having received a report on the matter, together with the Planning Team Leader's advice that the sites would be on Council owned land, the Committee, following a brief discussion,

RESOLVED

That the application be approved as detailed in the report.

91. BE/30/19/PL BABSHAM BUSINESS CENTRE, BABSHAM LANE, BERSTED PO21 5EL

BE/30/19/PL – Retention of secure containers, welfare facilities & secure fencing together with associated landscaping works, Babsham Business Centre, Babsham Lane, Bersted Having received a report on the matter, the Committee was advised by the Planning Team Leader that the applicant was not seeking to vary the use of the site and that the source of complaints from nearby residents emanated from the use of a generator to repair the skips. That generator had now been placed inside a temporary building.

In the course of discussion, sympathy was expressed for the nuisance being caused to neighbours and Member comment was made that it was hoped that the applicant would provide suitable boundary treatment to alleviate the problem.

The Committee

RESOLVED

That the application be approved as detailed in the report.

92. PLANNING APPEALS

The Committee noted the appeals received.

93. TO CONSULT ON THE RENEWAL OF THE BUTLIN'S LOCAL DEVELOPMENT ORDER

The Committee received a report from the Group Head of Planning which set out the detail of Butlins' Local Development Order (LDO) which had been in place since 1 September 2014 and was valid for a period of 5 years. Butlins had requested that the LDO be renewed as they regarded it as a useful tool for saving time and money for all parties when making small changes to their buildings without requiring a planning application to be submitted each time.

The Group Head of Planning was of the view that it was reasonable to renew the LDO and in order to progress that, a consultation would be required to take place and would involve consulting on the draft LDO, draft Statement of Reasons and a plan identifying the land.

Members' approval was sought to commence the process and, following consideration, the Committee

RECOMMEND TO FULL COUNCIL – That

- (1) The principle of a Local Development Order for Butlins be agreed for a further 5 year period;
- (2) Delegated authority be granted to the Group Head of Planning to:-
 - a. Carry out formal public consultation on the draft renewal of the Local Development Order;
 - b. Consider the representations to the draft Butlins Local Development Order and make amendments, if necessary;
 - c. Submit the Local Development Order to the Secretary of State for Communities and Local Government; and
 - d. Subject to the Secretary of State for Communities and Local Government not intervening through making a direction under Section 61B(1) of the Town and Country Planning Act, the

Subject to approval at the next Development Control Committee meeting

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Butlins Local Development Order be adopted as soon as reasonably practicable after 1 September 2019

(The meeting concluded at 4.15 pm)

REPORT UPDATE

Application No: P/134/16/OUT

Location: Land north of Sefter Road & 80 Rose Green Road, Pagham

Description: Outline application for the development of up to 280 dwellings (including affordable homes), land for a replacement scout hut, land for an Ambulance Community Response Post Facility and land for either a 1FE primary school or care home. Provision of a primary vehicular access from Sefter Road and demolition of No. 80 Rose Green Road and creation of a pedestrian and emergency only access. Provision of Public Open Spaces including associated children's play areas, landscaping, drainage and earthworks. This application also falls within the parish of Aldwick.

UPDATE DETAILS

The application was determined by Members of the Development Control Committee on the 23rd January 2019 with Planning Permission having been resolved to be granted subject to completion of the s106 agreement in accordance with the officer's recommendation.

The application has been brought back for further consideration by Members in relation to the impact of the development upon non-designated heritage assets and consideration of the draft Pagham Neighbourhood Plan following publication under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

Consultation Response

A consultation response from received from the Council's Conservation Officer on the 19th July 2019. Below is a summary of the comments (please note the full consultation response is available on the Arun District Council website):

- The site contains a World War 2 (WW2) Infantry Section Post (ISP) in the west of the site, as well as the line of a former anti-tank ditch (which has subsequently been culverted).
- The ISP was likely to have been built as part of a wider anti-invasion plan, comprising static defence lines, to counter the danger of invasion after the defeat at Dunkirk in May 1940. It is considered that both the Infantry Section Post, and the anti-tank ditch were erected as part of the perimeter defences around Bognor Regis.
- The Bognor Advance Landing Ground was located c. 1km northwest of the site, which consisted of an airfield and tented camp used by the RAF. As identified in the Heritage Statement, the relationship of the infantry section post to this airfield is unclear; it may have been a means of defence against a possible attack on the airfield.
- It is considered that the proposed use of this parcel of land for some form of open space offers the opportunity to retain the asset as part of a sensitively designed

scheme. Such a scheme would allow the development to link in to the history of the local area, whilst maintaining an important heritage asset.

- The loss of the ISP has the potential to have a severe but localised negative impact on the WW2 Infantry Section Post. It is considered that, based on the current information, that this statement is supported.
- If demolition is ultimately considered to be necessary, the developer should prepare a full record of the asset for inclusion on the Historic Environment Record.

Non-designated heritage assets

The site features a World War 2 (WW2) Infantry Section post on the western-most portion of the site as well as the former anti-tank ditch which has subsequently been culverted. Whilst, the ditch is no longer visible, it appears to run in close proximity to the Infantry Section Post. The Infantry Post is considered to constitute a non-designated heritage asset.

Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

It is identified within the heritage statement submitted in support of the planning application that the Infantry Section Post is likely to have been built as part of a wider anti-invasion plan, comprising static defence lines, to counter the danger of invasion after the defeat at Dunkirk in May 1940. It is considered that the Infantry Section Post and anti-tank ditch were constructed as part of the perimeter defences around Bognor Regis.

The heritage statement acknowledges that the loss of the Infantry Section Post has the potential to have a severe but localised negative impact. However, the indicative development proposals show that the Infantry Section Post will be situated within an area of open space, with this portion of the site not intended for residential development. The retention of this portion of the site as open space would offer the opportunity to retain the asset as part of a sensitively designed scheme. Such a scheme would allow the development to link in to the history of the local area through the retention of the non-designated heritage asset.

Therefore, it is considered that subject to the retention of the WW2 Infantry Section Post the proposed development would result in no harm to the significance of the non-designated heritage asset. As such the below Condition is recommended for inclusion with the decision notice:

The World War 2 Infantry Section Post shall be retained and prior to the commencement of development details of how it shall be made safe and secure shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To preserve the significance of the non-designated heritage asset in accordance with paragraph 197 of the National Planning Policy Framework.

Pagham Neighbourhood Plan

On 19th July 2019 the 'Pagham Development Management Plan 2019-2026' was published. The Plan contains four policies; one of which seeks to designate large parts of the strategic allocation in the Local Plan as Local Green Space. The PNP has been published under regulation 14 with the revised consultation period running until 5pm on the 31st August 2019.

Given the recent publication of the plan and its conflict with the NPPF the PNP can only be attributed exceptionally limited weight at this time. It must also be highlighted that the PNP in its current format is not considered to be in general conformity with strategic local policy (as set out below) in conflict with Paragraph 036 (Reference ID: 41-036-20190509) of the Planning Practice Guidance.

Neighbourhood Plans should not re-allocate sites that are already allocated through strategic plans and that the National planning policy states that it should support the strategic development needs set out in strategic policies for the area, plan positively to support local development and should not promote less development than set out in the strategic policies (see paragraph 13 and paragraph 29 of the National Planning Policy Framework). Nor should it be used to constrain the delivery of a strategic site allocated for development in the local plan or spatial development strategy." (Paragraph 044 Reference ID: 41-044-20190509).

Irrespective of the above conclusions on weight, it is necessary, in accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended), for the Local Planning Authority to consider the proposed developments compliance with the policies contained within the PNP so far as they are material to the application.

The National Planning Policy Framework (NPPF) under paragraph 48 identifies that Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the NPPF. Given the recent publication of the plan and its conflict with the NPPF the PNP can only be attributed extremely limited weight at this time. It must also be highlighted that the PNP in its current format is not considered to be in general conformity with strategic local policy (as set out below) in conflict with Paragraph 036 (Reference ID: 41-036-20190509) of the Planning Practice Guidance.

DM Policy 1 of the PNP states that major development will be permitted in Pagham where any application for such development is supported by sufficient evidence at the

date of submission to demonstrate that the development proposed will meet the social, economic and environmental objectives set out in the NPPF at paragraphs 8 and 9 and will meet the requirements of other policies in this plan. Therefore, the proposal accords with the requirements of DM Policy 1 of the PNP as at the time of submission the application was supported by the Sustainability Appraisal prepared in support of the Arun Local Plan which has been the subject of consideration at Examination in Public. It is also considered that the proposed will not conflict with DM Policies 2, 3 and 4 as set out below.

DM Policy 2 relates to Local Green Space and identifies that land shown on the Plan at Appendix 1, of the PNP, is designated as Local Green Space and all development proposed for land within this area will be considered inappropriate and will not be permitted unless specific criteria are met. The site the subject of this application is not identified on the Plan at Appendix 1 of the PNP and as such the proposed development will not conflict with DM Policy 2 of the PNP.

DM Policy 3 of the PNP identifies that major development in the plan area will not be permitted unless it can be demonstrated that significant harm to Pagham Harbour resulting from the development cannot be avoided through locating on an alternative site with less harmful impacts; that it can be demonstrated that the harm that it will cause to Pagham Harbour can be adequately mitigated or as a last resort compensated for by way of measures to be implemented; that proposals for major development that rely on and propose connection to the existing foul water sewer network that connects to Pagham Waste Water Treatment Works (WwTW) can demonstrate that there is sufficient capacity or that material considerations indicate otherwise. It is also stated that major development that proposes network reinforcement which will enable foul sewerage discharge to waste water treatment works located outside of the plan area will not be permitted unless it can be demonstrated at submission that such network reinforcement will be available before the development is occupied.

DM Policy 3 is not in general conformity with the Arun Local Plan and is also considered to conflict with paragraph 175 of the National Planning Policy Framework. A written submission prepared by the Secretary of State concerning the application of Paragraph 175 of the NPPF by order of Mr Justice Holgate in relation to Ground 4 of the judicial review (Claim No. CO/50/2019) concerning planning application P/140/16/OUT.

It was identified by the Secretary of State that the issue raised by the Claimant under Ground 4 (namely the failure to satisfy the 'mitigation hierarchy' set out in paragraph 175 of the NPPF) has already been resolved against the Claimant by the Courts in R (Buglife) v Thurrock TGDC [2009] EWCA Civ 29 and R (Prideaux) v Bucks CC [2013] EWHC 1054 (Admin).

It was submitted by the Secretary of State that the judgements in these cases are directly applicable to the construction of paragraph 175(a) of the NPPF. Therefore, paragraph 175(a) is not to be read as if it were a statute imposing a strict, sequential hierarchy, where a decision-maker is required artificially to close its mind to mitigation when considering whether the development would cause significant harm to biodiversity. A common-sense approach should be adopted, as set out in Buglife and Prideux. This is consistent with the Courts' general approach to the interpretation of policy, namely that a measure of flexibility must be applied in the construction of planning policy and a legalistic approach to the interpretation of policy must be avoided.

It was further highlighted in the Secretary of State's submission that when considering if a development would result in significant harm to biodiversity for the purposes of paragraph 175(a), a decision-maker is entitled to take into account mitigation. Mitigation is not to be taken into account only if it has been shown that there are no alternative sites on which the development could be located.

Therefore, DM Policy 3 conflicts with the intentions of paragraph 175(a) of the NPPF. In the determination of this application the appropriate assessment has shown that significant harm to biodiversity, through increased recreational disturbance and water quality impacts, can be avoided (and not just reduced or minimised) through mitigation. With mitigation having been considered there would be no "significant harm to biodiversity". As such, where significant harm to biodiversity could be avoided through mitigation the decision-maker is not obliged by Paragraph 175(a) to consider whether the development could be located on an alternative site with less harmful impacts.

As such, the proposed development is acceptable and appropriate mitigation can be secured through appropriately worded conditions and s106 obligations.

DM Policy 4 states that development within the plan area will not be permitted unless and until it has been demonstrated that the transport, social, environmental and economic infrastructure that is necessary to make the development acceptable in planning terms will be delivered within the plan area before the development proposed is anticipated to be occupied. This policy has failed to take into consideration that the planning impact of the development upon transport, social, environmental and economic infrastructure can be properly addressed through the use of conditions and s106 contributions with appropriate triggers. Given the trigger points identified the impact of development will be adequately mitigated.

Therefore, the publication of the Pagham Neighbourhood Plan whilst a material consideration does not result in any amendment to the original recommendation and decision of the Local Planning Authority.

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REPORT UPDATE

Application No: P/25/17/OUT

Location: Church Barton, Horns Lane, Pagham

Description: Outline application with all matters reserved - Erection of up to 65 No. dwellings, access roads, landscaping, open space & associated works.

UPDATE DETAILS

The application was determined by Members of the Development Control Committee on the 23rd January 2019 with Planning Permission having been resolved to be granted subject to completion of the s106 agreement in accordance with the officer's recommendation.

The application has been brought back for further consideration by Members in relation to the impact of the development upon non-designated heritage assets and consideration of the draft Pagham Neighbourhood Plan following publication under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

Pagham Neighbourhood Plan

Officers confirmed to Pagham Parish Council on 18 July 2019 that this application was to be presented to Committee. On 19 July 2019 the 'Pagham Development Management Plan 2019-2026' was published. The Plan contains four policies; one of which seeks to designate large parts of the strategic allocation in the Local Plan as Local Green Space. The PNP has been published under regulation 14 with the revised consultation period running until 5pm on the 31st August 2019.

Given the recent publication of the plan and its conflict with the NPPF the PNP can only be attributed exceptionally limited weight at this time. It must also be highlighted that the PNP in its current format is not considered to be in general conformity with strategic local policy (as set out below) in conflict with Paragraph 036 (Reference ID: 41-036-20190509) of the Planning Practice Guidance.

Neighbourhood Plans should not re-allocate sites that are already allocated through strategic plans and that the National planning policy states that it should support the strategic development needs set out in strategic policies for the area, plan positively to support local development and should not promote less development than set out in the strategic policies (see paragraph 13 and paragraph 29 of the National Planning Policy Framework). Nor should it be used to constrain the delivery of a strategic site allocated for development in the local plan or spatial development strategy." (Paragraph 044 Reference ID: 41-044-20190509).

Irrespective of the above conclusions on weight, it is necessary, in accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended), for the Local Planning Authority to consider the proposed developments compliance with the policies contained within the PNP so far as they are material to the application.

The National Planning Policy Framework (NPPF) under paragraph 48 identifies that Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the NPPF. Given the recent publication of the plan and its conflict with the NPPF the PNP can only be attributed extremely limited weight at this time. It must also be highlighted that the PNP in its current format is not considered to be in general conformity with strategic local policy (as set out below) in conflict with Paragraph 036 (Reference ID: 41-036-20190509) of the Planning Practice Guidance.

DM Policy 1 of the PNP states that major development will be permitted in Pagham where any application for such development is supported by sufficient evidence at the date of submission to demonstrate that the development proposed will meet the social, economic and environmental objectives set out in the NPPF at paragraphs 8 and 9 and will meet the requirements of other policies in this plan. Therefore, the proposal accords with the requirements of DM Policy 1 of the PNP as at the time of submission the application was supported by the Sustainability Appraisal prepared in support of the Arun Local Plan which has been the subject of consideration at Examination in Public. It is also considered that the proposed will not conflict with DM Policies 2, 3 and 4 as set out below.

DM Policy 2 relates to Local Green Space and identifies that land shown on the Plan at Appendix 1, of the PNP, is designated as Local Green Space and all development proposed for land within this area will be considered inappropriate and will not be permitted unless specific criteria are met. However, the land identified within the PNP at Appendix 1 incorporates the entirety of Strategic Allocation SD1 (Pagham South) and as such the proposed policy (within the PNP) conflicts with policy H SP2a of the Arun Local Plan. Therefore, the policy proposal is not in general conformity with strategic local policy as specified by Paragraph 036 (Reference ID: 41-036-20190509) of the Planning Practice Guidance.

DM Policy 3 of the PNP identifies that major development in the plan area will not be permitted unless it can be demonstrated that significant harm to Pagham Harbour resulting from the development cannot be avoided through locating on an alternative site with less harmful impacts; that it can be demonstrated that the harm that it will cause to Pagham Harbour can be adequately mitigated or as a last resort compensated for by way of measures to be implemented; that proposals for major development that rely on and propose connection to the existing foul water sewer

network that connects to Pagham Waste Water Treatment Works (WwTW) can demonstrate that there is sufficient capacity or that material considerations indicate otherwise. It is also stated that major development that proposes network reinforcement which will enable foul sewerage discharge to waste water treatment works located outside of the plan area will not be permitted unless it can be demonstrated at submission that such network reinforcement will be available before the development is occupied.

DM Policy 3 is not in general conformity with the Arun Local Plan and is also considered to conflict with paragraph 175 of the National Planning Policy Framework. A written submission prepared by the Secretary of State concerning the application of Paragraph 175 of the NPPF by order of Mr Justice Holgate in relation to Ground 4 of the judicial review (Claim No. CO/50/2019) concerning planning application P/140/16/OUT.

It was identified by the Secretary of State that the issue raised by the Claimant under Ground 4 (namely the failure to satisfy the 'mitigation hierarchy' set out in paragraph 175 of the NPPF) has already been resolved against the Claimant by the Courts in R (Buglife) v Thurrock TGDC [2009] EWCA Civ 29 and R (Prideaux) v Bucks CC [2013] EWHC 1054 (Admin).

It was submitted by the Secretary of State that the judgements in these cases are directly applicable to the construction of paragraph 175(a) of the NPPF. Therefore, paragraph 175(a) is not to be read as if it were a statute imposing a strict, sequential hierarchy, where a decision-maker is required artificially to close its mind to mitigation when considering whether the development would cause significant harm to biodiversity. A common-sense approach should be adopted, as set out in Buglife and Prideaux. This is consistent with the Courts' general approach to the interpretation of policy, namely that a measure of flexibility must be applied in the construction of planning policy and a legalistic approach to the interpretation of policy must be avoided.

It was further highlighted in the Secretary of States submission that when considering if a development would result in significant harm to biodiversity for the purposes of paragraph 175(a), a decision-maker is entitled to take into account mitigation. Mitigation is not to be taken into account only if it has been shown that there are no alternative sites on which the development could be located.

Therefore, DM Policy 3 conflicts with the intentions of paragraph 175(a) of the NPPF. In the determination of this application the appropriate assessment has shown that significant harm to biodiversity, through increased recreational disturbance and water quality impacts, can be avoided (and not just reduced or minimised) through mitigation. With mitigation having been considered there would be no "significant harm to biodiversity". As such, where significant harm to biodiversity could be avoided through

mitigation the decision-maker is not obliged by Paragraph 175(a) to consider whether the development could be located on an alternative site with less harmful impacts.

As such, the proposed development is acceptable and appropriate mitigation can be secured through appropriately worded conditions and s106 obligations.

DM Policy 4 states that development within the plan area will not be permitted unless and until it has been demonstrated that the transport, social, environmental and economic infrastructure that is necessary to make the development acceptable in planning terms will be delivered within the plan area before the development proposed is anticipated to be occupied. This policy has failed to take into consideration that the planning impact of the development upon transport, social, environmental and economic infrastructure can be properly addressed through the use of conditions and s106 contributions with appropriate triggers. Given the trigger points identified the impact of development will be adequately mitigated.

Therefore, the publication of the Pagham Neighbourhood Plan whilst a material consideration does not result in any amendment to the original officer's recommendation.

PLANNING APPLICATION REPORT

REF NO: P/30/19/OUT

LOCATION: Land north of Hook Lane
Pagham

PROPOSAL: Outline application with some matters reserved for the construction of up to 300 No. new homes, a care home of up to 80 beds, D1 uses of up to 4,000 sqm including a 2 form entry primary school, the formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure. This application may affect the setting of a listed building (resubmission following P/6/17/OUT).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks outline permission with all matters reserved except access for the construction of up to 300No. new homes, care home of up to 80No. beds, D1 uses 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.
SITE AREA	Approximately 17.5 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 17.14 dwellings per hectare (based on overall site area). 30 dwellings per ha based on net developable area.
TOPOGRAPHY	Predominantly flat.
TREES	Trees are situated along the boundaries of the site. No trees of any significance are affected by the proposed development.
BOUNDARY TREATMENT	The western and northern boundaries of the site feature mature trees and hedgerow planting of between 2 and 5 metres in height. The eastern boundary (adjacent to Hook Lane) primarily consists of hedgerow planting measuring approximately 2m in height. However, there are portions of the eastern boundary which feature hedgerow planting measuring <1.2m and sections which are devoid of any hedgerow planting.
SITE CHARACTERISTICS	The existing land use is a greenfield site in agricultural use and is situated within the built up area boundary of Pagham. The application site is situated to the east of Pagham Road and measures approximately 17.5 hectares. Further agricultural land is situated to the west of the application site, with the Pagham Harbour situated approximately 1.9km to the south-west.

CHARACTER OF LOCALITY

Pagham Road runs along the western boundary of the site, with Sefter Road to the north and Hook Lane to the east and south-east. The site is identified as falling within Flood Zone 1 with the exception of a portion of the site measuring approximately 22m² in the north-western corner of the site identified as Flood Zone 2.

The locality of the site is predominantly rural in character but on the edge of the existing built up area. However, development is present to the east of Pagham Road which is characterised predominantly by two storey dwellings and bungalows of various designs and styles which are set back from the highway. A cluster of two storey residential development is situated to the north-west of the application site.

Bus stops are situated along the western boundary of the site along Pagham Road.

RELEVANT SITE HISTORY

P/6/17/OUT	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.	Refused 24-01-19
P/25/17/OUT	Outline application with all matters reserved - Erection of up to 65 No. dwellings, access roads, landscaping, open space & associated works.	
P/140/16/OUT	Outline application for access only - mixed use development comprising of up to 400 dwellings, a care home with up to 70 beds, a Local Centre comprising up to 2000sqm of A1/A2/A3/D1/sui generis floorspace, provision of land for a 1FE primary school (with sufficient space to ensure that it is expandable to 2FE), provision of land for a scout hut, safeguarding of land to help link the site to the Pagham Harbour Cycle Route & other community uses including public open space & allotments with some matters reserved.	App Cond with S106 22-11-18

P/134/16/OUT Outline application for the development of up to 280 dwellings (including affordable homes), land for a replacement scout hut, land for an Ambulance Community Response Post Facility and land for either a 1FE primary school or care home. Provision of a primary vehicular access from Sefter Road and demolition of No. 80 Rose Green Road and creation of a pedestrian and emergency only access. Provision of Public Open Spaces including associated children's play areas, landscaping, drainage and earthworks. This application also falls within the parish of Aldwick

P/14/99/ Outline application for development of land to provide a maximum of 175 dwellings (6.55ha), public open space (1.42ha) and structural landscaping (1ha). (Departure from the Development Plan)

NON DET APPEAL
28-03-00

**Appeal: Dismissed
05-09-00**

P/6/17/OUT was refused on highways ground and is now the subject of an appeal which is due to be heard at a public inquiry on 22-25 October 2019.

The application was refused by the Development Control Committee against officer recommendation for the following reason:

"The increased vehicle movements generated by the application will exacerbate the capacity issues on the local highway network and the mitigation measures proposed are insufficient to overcome the safety concerns resulting from the additional vehicle movements contrary to policy TSP1 of the Arun Local Plan."

Members should note that the applications for all of the sites that comprise the strategic allocation prepared a cumulative Transport Assessment. This was assessed by West Sussex County Council (as Local Highway Authority), Highways England as well as independent highways consultants (appointed by the Council). In the determination of planning applications P/134/16/OUT, P/140/16/OUT, P/6/17/OUT and P/25/17/OUT the committee concluded that three applications were acceptable in highways terms when assessed against the cumulative transport assessment. However, the committee concluded that P/6/17/OUT was unacceptable based upon the same highways assessment.

The appeal under reference P/14/99/ was dismissed on the 5th September 2000 as the Inspector Considered that the site performed poorly on sustainability grounds, had a potential role in helping to retain the separate identity of and amenity of settlements, and that the merits of the site should have been examined in the context of the local plan.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council
Pagham Parish Council

- It has not been demonstrated that the scheme will deliver development of the type envisaged by the

Arun Local Plan (ALP) Policy SP1a or a comprehensive, master planned and integrated development which will accord with ALP policies H SP2 and H SP2a and related national policy in the NPPF 2019.

- Given the scale of the development proposed for the site it has not been demonstrated that the site can be developed in a manner that will preserve or enhance the quality and landscape character of its environs, the Bognor Regis to Chichester Gap or existing Green Infrastructure assets or contribute positively to the quality of the environment contrary to policies H SP2, H SP2a, LAN DM1, SD SP3, GI SP1, D SP1, QE SP1 and ENV DM4 of the Arun Local Plan (2018) and related national policy in the NPPF 2019.

- Given the scale of the development proposed for the site it has not been demonstrated that the site can be developed in a manner that will preserve heritage assets including the setting of the nearby Grade II listed Rookery Farm and Grade II listed Nyetimber Windmill, contrary to policies, HER SP1, HER DM1 and H SP2a (b) of the Arun Local Plan (2018) and related standing advice from Historic England and national policy in the NPPF 2019.

- It has not been demonstrated that the development of the site can be undertaken in a manner that will safeguard the water quality of Paghham Harbour or on site habitats for protected species contrary to policies H SP2a, ENV DM2, ENV DM4 and ENV DM5 of the Arun Local Plan (2018) and related standing advice from Natural England and national policy in the NPPF 2019.

- It has not been demonstrated that the scheme will provide for the necessary infrastructure requirements of policies H SP2, INF SP1, INF SP2, T SP1, T DM1, T SP3, W SP1, W DM1 and W DM3.

ALDWICK PARISH COUNCIL:

- Members strongly oppose the application on the grounds that it is in direct conflict with Policies SD SP1 A; SD SP1 J; ECC SP1; HER SP1; 6.24;8.11.1; ENV DM4; SP1 A (K); T DM1; and TSP1, of the Arun Local Plan 2011-2031.

- Flood risk, drainage issues, not got the required infrastructure to sustain such a development. Bio-diversity is not sufficient as the development does not retain significant open or wooded areas which would make a positive contribution to the local environment. Loss of habitat. Road safety, risk to pedestrians and car users.

NORTH MUNDHAM PARISH COUNCIL

Objection on the basis concerns lie with the potential for increased traffic through the parish mainly, but not exclusively, on the B2166 and Vinnetrow Road - the volume of traffic on Marsh Lane is already an additional issue for local residents. Also expressing concerns about drainage, the lack of provision of cycle routes, pedestrian safety, traffic pollution (air and noise) and the effect on the environment.

310 letters of objection. Below is a summary of the key issues raised:

Sustainability

- Loss of tourism.
- Reduces the diversity of the landscapes
- Strain on the local market to supply food to the people moving into the area.

Agricultural land

- The development will result in a loss of high-grade agricultural land.
- Farmland is required for food production.
- The land should be kept for agricultural purposes.

Design and visual amenity

- The area will become overdeveloped.
- Development will adversely impact upon rural character.
- Development will adversely impact upon existing character of the locality.
- Development will adversely impact upon strategic gap.

- Loss of green space and areas for children to play.
- Development of this kind leads to boring and unimaginative house designs with tiny gardens and limited parking.

Development plan

- Not in line with the current development plan.

Surface water and drainage

- Existing drainage will not cope.
- Site is vulnerable to flooding.
- Extra water on a system that already struggles will cause raw sewage to be pumped into the sea.

Highways

- Roads are heavily trafficked and congested.
- Pedestrian safety trying to cross roads at or near the already busy junctions (Walnut Tree junction).
- Lack of proposals to address the provision of enhanced cycle routes.
- B2166 and B2145 are unsuitable and unsafe for cyclists.
- Issues regarding the A27 should be resolved prior to the development taking place.
- Increased traffic and congestion will cause emergency services to take longer to arrive.
- Increased level of noise pollution.
- Increase in the use of 'rat runs' through existing housing.
- Chichester A27 options rejected. Therefore, Cumulative TA work is out of date.
- Cumulative TA does not take account of the Chichester District Council draft Local Plan.

Infrastructure

- Schools are currently oversubscribed.
- Doctors surgery cannot accommodate existing demand.
- Dental surgery cannot accommodate existing demand.
- Hospitals in the local area struggling with the current demand.
- Bus services being scaled down leading to public services to be under strain already.
- Emergency services fully stretched already.
- Stress on all utilities will be unsustainable.
- No major source of local employment.
- The internet connection as is struggles and drops out.

Biodiversity and Ecology

- Development will result in an increase in air pollution.
- Increased light pollution and the impact on wildlife that comes with it.
- Threat to the environment of Pagham Harbour.
- Eliminate the ability of the land to store carbon.
- The farmland is a breeding ground for Brent Geese.
- Development will increase the loss of dark skies.
- The development would be in the flight path for bats causing further disruption to the wildlife.
- Habitats Regulation Assessment does not incorporate Chichester District Council developments.
- Arun District Council should have considered alternative locations in the district for housing with no impacts on the Pagham Harbour Ramsar/Special Protection Area (SPA).
- Arun District Council has not satisfied itself that all adverse impacts on the Pagham Harbour Ramsar/SPA can be mitigated.

Other

- Chichester District Council intend to meet their objectively assessed need and as such Arun District Council allocation are not longer required.

- Arun District Council have not met the Parish Council's legitimate expectations regarding involvement and consultation regarding the still emerging draft s106.

Non-Material

- Leaving the European Union means we will need to be more self-sufficient and not lose high-grade soils for food.
- Disruption of community cohesion.
- Development has already been refused on this site.
- Poor water pressure during busy times.
- Likely to lead to an increase in anti-social behaviour.
- Loss of views (looking at a mound of dirt).
- Unaffordable housing for local people.
- Impact on the quality of life for elderly residents who may not see the construction completed.
- More suitable areas for the development to occur.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are provided in response to the consultation response from Pagham Parish Council:

i. The proposed development accords with policy H SP1, HSP2 and H SP2a of the Arun District Local Plan. In terms of the master planning of the site this matter was the subject of Judicial Review by the Parish Council following determination of planning application P/140/16/OUT. In this case it was concluded in the Judgement (following the renewal hearing) that the indicative masterplan and condition securing the provision of a Design Code Masterplan was adequate to address the policy requirement of H SP2 for sites to be comprehensively master planned. The above approach has also been accepted in resolving to grant planning permission on the other sites within the Strategic Allocation.

ii. It has been adequately demonstrated that the site can be developed in a manner that will preserve or enhance the quality and landscape character of its environs. The site does not fall within the Bognor Regis to Chichester Gap and as such policy SD SP3 is not relevant to the determination of this application. The proposed development will accord with policy H SP2, H SP2a, LAN DM1, GI SP1, D SP1, QE SP1 and ENV DM4 of the Arun Local Plan and related national policy in the National Planning Policy Framework (NPPF).

iii. The impact of the proposed development upon the preservation of heritage assets, including the setting of nearby Grade II listed buildings have been considered and accord with policies HER SP1, HER DM1 and H SP2a (b) of the Arun Local Plan and related standing advice from Historic England and national policy in the NPPF.

iv. Adequate evidence is available to the LPA and suitably worded conditions will ensure that the development can be undertaken in a manner that will safeguard the water quality of Pagham Harbour and on site habitats for protected species and as such the development would accord with policies H SP2a, ENV DM2, ENV DM4 and ENV DM5 of the Arun Local Plan and related standing advice from Natural England (who have raised no objection to the proposed development) and national policy in the NPPF.

v. The proposed development on the basis of consultation responses from statutory consultees as well as independent studies commissioned by the Council has demonstrated that the proposal will provide for the necessary infrastructure requirements of policies H SP2, INF SP1, INF SP2, T SP1, T DM1, W SP1, W DM1 and W DM3 of the Arun Local Plan. Reference has been made by Pagham Parish Council to policy T SP3 which is not relevant to the determination of this planning application.

All other comments are noted and will be considered in greater detail in the conclusion to this report.

CONSULTATIONS

WSCC Strategic Planning
Conservation Officer
Highways England
Natural England
Chichester District Council
Ecology Advisor
Southern Water Planning
Environment Agency
Archaeology Advisor
Environmental Health
Planning and Housing Strategy
Parks and Landscapes
NHS Coastal West Sussex CCG
Sussex Police-Community Safety
Engineering Services Manager
Engineers (Drainage)
Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

HOUSING STRATEGY AND ENABLING MANAGER

- The Council aims to ensure that 30% affordable housing is achieved on all new residential development in the district where more than 11 dwellings are proposed.
- The applicants are proposing to provide 90 dwellings (30%) of the 300 dwellings for affordable housing, which accords with policy AH SP2 in the Arun Local Plan.
- However, the Council's Affordable Housing Policy extends to C2 developments, so in addition we would expect to see the proposed care home providing 30% affordable dwellings.
- The Council's Affordable Housing policy requires a tenure split of 75% rented and 25% intermediate housing.
- The proposals should accord with the 'Provision of Accommodation suitable for older people and people with disabilities', agreed by the Planning Policy sub-committee on the 27th February 2019.
- There is high demand for affordable housing throughout the Arun District for all types of housing. As at May 2019 there were 845 households in housing need on the Council's housing register.
- All of the affordable housing requirements would need to be included in the S106 planning obligation not secured by planning condition.

HIGHWAYS ENGLAND

No material matters that would change previous position. Proposed mitigation contribution of £255,000 towards A27 Whyke Hill junction satisfies HE that development proposals can be achieved without detriment to safe and efficient operation of Strategic Road Network.

Previous comments apply (received 27th January 2017 in relation to P/6/17/OUT) as follows:

Comments received 18th April 2018:

- Following our liaison with the applicant, we have now received confirmation that the applicant has agreed to contribute £255,000 towards the proposed mitigation improvements at the A27 Whyke Hill junction. As such, Highways England is now satisfied that the development proposals can be achieved, subject to certain necessary s106 obligations.
- On the basis that it has been agreed that Arun District Council will enter into a s106 Agreement with the applicant to the effect that 'prior to the commencement of the development hereby permitted the applicant will enter into a s278 Highways Agreement with Highways England for a contribution of £255,000 towards the improvement of the A27 Whyke Hill junction as shown on RPS drawing JNY8840-19 Revision B (or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority in consultation with Highways England).
- Provided that it will be a term of the Highways Agreement that not more than 10 dwelling units will be occupied until the Highways England Contribution has been paid to Highways England.

SUSSEX POLICE

- Guidance for designing out crime provided - no objection raised.

Previous comments received in relation to P/6/17/OUT

- Request for contribution towards infrastructure of £47,108 - NO UPDATED COMMENTS

WSCC STRATEGIC PLANNING - LOCAL HIGHWAY AUTHORITY

Comments received 23rd April 2019

LHA offered no objection to previously refused application P/6/17/OUT. No material change in circumstances that may change advice. Previous comments re-iterated as follows:

Access

- Accesses designed to appropriate standards and guidance and reviewed by Stage One Road Safety Audit.
- Condition recommended to ensure pedestrian crossing points connect to footways opposite.

Highway Capacity

- Mitigation identified in previously agreed cumulative assessment is still appropriate and took account of all Pagham sites.
- Trip generation data used in the assessment is robust and principles of traffic modelling established through P/6/17/OUT.
- Various elements still require consideration including - trips from D1 use routing through site and other local junctions; trip distribution diagrams showing development only trips; details of traffic routing in light of three proposed accesses.
- Hook Lane was to provide the B2166/ Vinnetrov Road roundabout improvement - details of the required improvement shown on drawing number 1616/14 need to be submitted with the application with requirement to undertake the works in the S106 agreement.

Accessibility by sustainable modes

- Previously agreed methodology for seeking proportionate contributions towards proposed off road cycle route between Pagham and South Mundham still applies, application would contribute £30,612.
- Consideration should be given to infrastructure improvements to encourage use of bus e.g. improved real time bus information or waiting facilities.
- Travel plan to be secured through a condition.
- In principle, satisfied that future residents have realistic choice of travel without reliance on private car.

Conclusion

WSCC has previously assessed and accepted the highways and transport impacts arising from

P/6/17/OUT. This scheme reflect the application presently under consideration, and as such the principle remains acceptable. There are however certain aspects though that require further consideration. This includes;

- Consideration of trips from the proposed D1 use routing through the site access and other local junctions;
- The provision of trip distribution diagrams showing the development only trips (this should account for trips from D1 uses too);
- Details of traffic routing in light of the three proposed development accesses;
- An agreement that those contributions and works required to mitigate the cumulative impact of the developments are still proposed. This should include the resubmission of any associated plans.

Comments received 10th July 2019

- It has been confirmed that the development will have two points of access (one from Pagham Road and a second from Hook Lane) rather than the three as suggested within the initial application.
- Confirmation has also been provided by the safety auditor that the safety audit meets current standards.
- Trip generation from the residential uses has been agreed. Trip generation from the 4,000 sqm D1 uses was questioned.

Comments received 16th July 2019

- The exact mix of D1 uses is unknown at this time. Assumptions have therefore been applied to determine potential trip generation and impact on the local highway network. For the purposes of the current application additional modelling has been provided based on a 3,000sqm health centre and 1,000sqm children's nursery. Junctions in the immediate vicinity of the site have been modelled and the results indicate that the alternate D1 uses would have minimal consequences upon the surrounding highway network.
- The applicant has confirmed that the mitigation intended to be provided in connection with this development and as listed in the Common Statement of Cumulative Assessment (dated 3rd April 2018) will be provided.
- Therefore, the Local Highway Authority have raised no objection to the proposals and have concluded that the development would not result in any unacceptable safety or any other such impacts that could be considered severe.

WSSC FLOOD RISK MANAGEMENT:

- Modelled surface water flood risk - low risk. Any existing surface water flow paths across the site should be maintained or appropriate mitigation strategies proposed.
- Modelled ground water flood risk susceptibility - high risk. The area is shown to be at high risk of ground water flooding based on current mapping.
- Records of any historic flooding - no. We do not have any records of historic flooding within the confines of the proposed site but in June 2012 Hook Lane and the surrounding area suffered extensive flooding.
- Ordinary water courses on site - yes. No development should take place within 3m of any ordinary watercourse.

DRAINAGE ENGINEERS:

- Proposed surface water drainage through attenuated discharge to local watercourse.
- Shallow infiltration testing should be carried out in winter to establish if shallow infiltration appropriate
- Drainage design should follow hierarchy of preference (exploring infiltration first, then drainage via restricted discharge to local watercourse), advice on design of systems given.
- Conditions recommended to ensure: submission and approval of full drainage details prior to commencement; approval of any discharge to watercourses and ensuring riparian maintenance; submission and approval of details for future management and maintenance of the drainage; and

provision of completion report when implemented. Plus three informatives.

GREENSPACE

- The minimum open space requirement for a site of this size would be 2.3ha. The open space indicated would appear to be largely in periphery locations which would allow for the protection of existing trees, particularly those situated to the east of the development. However, areas of centrally situated open space would be welcome additions to the scheme.
- Detailing of the onsite play provision or offsite contributions to be approved by the LPA.
- The landscape proposals will need to make provision for new planting that will subsequently reinforce screening of the site, improve biodiversity and enhance the landscape character of the site and its surroundings.
- The care home element of this application will pose a separate set of demands and requirements regarding suitable outdoor space provision to meet the needs of residents, carers and visitors.

NATURAL ENGLAND

No comments received.

ECOLOGY

Habitat Regulations Assessment

- Due to the scale of the site and its location to Pagham Harbour SPA we require a Habitat Regulations Assessment is undertaken for the site.

Water Voles

- Phase one surveys on site have demonstrated that water voles are using ditches within the proposed site.
- Ecological Appraisal by FCBR (2017) has stated that more surveys need to be undertaken closer to the time of construction to help assess the population dynamics, however we require that these surveys are undertaken prior to determination.
- Natural England licence will be required and though two methods have been proposed we require the full details of the chosen methodology so we can ensure the mitigation would be suitable for the site.
- We would not recommend that these further surveys are conditioned as depending upon the findings, the site layout may need to change to accommodate the requirements of the mitigation strategy.

Bats

- Hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats.
- 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.

Reptiles

- Reptile survey has shown that there is a moderate population of reptiles' onsite. Due to this mitigation has been proposed within the Ecological Appraisal by FCPR (2017) and we are happy that the proposed mitigation is suitable and this can be conditioned.
- Further details of reptile mitigation should be included within a Construction and Environmental Management Plan (CEMP) and a condition should be used to ensure this takes place.

Badgers

- Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site.

Birds

- Due to the location of the site to Pagham Harbour the majority of the features suitable for resting birds

should be retained and enhanced.

- Any works to trees or vegetation clearance on site should only be undertaken outside of the bird breeding season which takes place between 1st March and 1st October.

ARCHAEOLOGY:

- Agree with the conclusion of the heritage desk-based assessment regarding the likely archaeological potential of the site and the need for this to be evaluated in order that the impact of the development on anything of interest might be properly mitigated. I therefore recommend condition to secure implementation of archaeological works in accordance with a written scheme of investigation before any development takes place.

SOUTHERN WATER:

- Network reinforcement required to provide sufficient capacity overall, some capacity may be available prior to reinforcement works.

Condition requested to ensure that occupation of the development phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water capacity is available to drain the development

- A public pressurized foul sewer (rising main) crosses the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

- It might be possible to divert the public sewers, so long as this would result in no unacceptable loss of hydraulic capacity and the work was carried out at the developers expense to the satisfaction of Southern Water under the relevant statutory provisions.

- Southern Water requests that in order to protect drainage apparatus, a condition is attached to any planning permission.

CHICHESTER DISTRICT COUNCIL

Previous comments received on P/6/17/OUT dated 8th August 2017 re-submitted

- The traffic generated by the development proposed would, without effective mitigation, result in a severe impact on the roads and junctions within Chichester District, particularly the A27/B2145 junction (Whyke Roundabout) and the A27/A259 junction (Bognor Road Roundabout) on the trunk road network, and the Runction and North Mundham/Hunston roundabouts on the WSCC road network.

- Mitigation should be secured through the local plan or on a bespoke basis for additional development. Chichester District Council would expect Arun District Council to adopt the same approach in partnership with WSCC and Highways England.

- CDC preference would be for a comprehensive assessment and mitigation strategy for all development allocated at both strategic and neighbourhood level within the emerging Local Plan (as modified).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be considered further in the conclusion to this report. Where updated consultation responses have not been received on this application a report update will be provided to the Committee. The conclusion has been prepared on the basis of the updated consultation responses received and where no revised comments have been received reference has been made to the original consultation responses received in relation to planning application P/6/17/OUT.

POLICY CONTEXT

Designation applicable to site:
Policy H SP2a Site SD2 Pagham North

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HDM2	H DM2 Independent living and care homes
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERDM4	HER DM4 Areas of Special Character
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2A	HSP2a Greater Bognor Regis Urban Area
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
INFSP2	INF SP2 New Secondary School
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SKILLSSP1	SKILLS SP1 Employment and Skills
1	
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM1	WM DM1 Waste Management

WSP1 W SP1 Water

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1 Open Space & Recreation Standards
 SPD2 Conservation Areas
 SPD8 Areas of Special Character

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 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.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Regulation 14).

On 19 July 2019, the 'Pagham Development Management Plan 2019-2026' was published. The Plan contains four policies; one of which seeks to designate large parts of the strategic allocation in the Local Plan as site as Local Green Space. The PNP has been published under regulation 14 with the revised consultation period running until 5pm on the 31st August 2019.

Given the recent publication of the plan and its conflict with the NPPF the PNP can only be attributed exceptionally limited weight at this time. It must also be highlighted that the PNP in its current format is not considered to be in general conformity with strategic local policy (as set out below) in conflict with Paragraph 036 (Reference ID: 41-036-20190509) of the Planning Practice Guidance. The policies within this Plan will be considered in the Conclusions section of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is a strategic allocation within the built-up area boundary and has adequately demonstrated

that the development would accord with the requirements of policy H SP2 and will cumulatively meet the requirements of H SP2a in conjunction with other applications within the strategic allocations in Pagham.

The proposal also makes adequate contributions towards necessary infrastructure in accordance with policy INF SP1 of the Arun Local Plan (2011-2031).

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 development plan for the determination of this application comprises the Arun Local Plan (2011-2031).

Arun Local Plan (2011-2031)

The key policy considerations in the determination of this application are considered to be;

Policy H SP1 - establishes the housing requirement within the plan period (2011-2031) of at least 20,000 new homes within the Arun District. This includes SD2 Pagham north (at least 800 dwellings) and SD1 Pagham south (at least 400 dwellings).

Policy H SP2 - identifies that development proposals within the Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas which incorporates high quality imaginative design which gives a sense of place.

It is identified that the comprehensive development of the allocation will need to meet the following key requirements;

- a. Integrate appropriately with surrounding communities through an appropriate design particularly where they adjoin by providing for public realm improvements, shared community uses, and connectivity of transport modes including walking, cycling and public transport.
- b. Ensure a clear and harmonious relationship between town and country including clearly defined boundaries, using physical features that are readily recognisable and likely to be permanent.
- c. Protects, conserves or enhances the natural environment, landscapes and biodiversity.
- d. Incorporate high quality, well connected green spaces, planting within main streets and biodiversity rich open spaces.
- e. Extend, enhance and reinforce strategic green infrastructure and publically accessible open space.
- f. New community hubs where required to be provided, shall be well located taking account of the permeable layout to all transport modes and shall as far as possible cluster retail, commercial and community uses.
- g. Where existing village centres are within or will serve the needs of strategic development sites their improvement as sustainable centres will be required.
- h. Where community buildings are provided these shall be designed and provide for a range of uses such as healthcare, police, faith and community groups.
- i. Integration of community hubs and local centres of an appropriate form and scale into the design and layout of development proposals where identified in the specific allocations policies in H SP2 a-c.
- j. Ensure walkable access to local community, recreational and shopping facilities, jobs and accessible transport.
- k. Address the off-site capacity requirements, that related to that particular allocation, identified in the Arun Transport Assessment (2016 and update 2017 and taking into account subsequent relevant

assessments) and the local highway network.

- l. Positively respond to sustainable water management taking particular account of the coastal plain topography which may require strategic surface water solutions.
- m. Maintain and enhance any important features, characteristics and assets of the local area.
- n. Provide for the required infrastructure, which relate to that particular allocation, in accordance with Policy INF SP1 and the Infrastructure Delivery Plan.
- o. Enable strategic District wide infrastructure to be delivered at strategic sites if the location is appropriate for the District.
- p. Consider inclusion of an area of the sites for self-build and custom build.
- q. Consider the delivery of an area as a site for Gypsy and Traveller accommodation.

Policy H SP2a - identifies the strategic allocation of at least 1,200 dwellings in Pagham over the plan period. This includes allocation SD1 (Pagham South) for at least 400 dwellings and allocation SD2 (Pagham North) for the provision of at least 800 dwellings. The policy requires development proposals to meet the following key design and infrastructure requirements;

- a. Ensure no detrimental impact to Pagham Harbour SPA.
- b. Take into account nearby heritage assets.
- c. Provide a new one-form (expandable to two-form) primary school and nursery places.
- d. Provide a care home facility.
- e. Provide a community hub which includes.
 - shops and complimentary uses.
 - community building (Tier 7 library, D1/sui generis floor space)
 - provision of land for scout hut, and
 - land for an ambulance community response post
- f. Provision of public open space to include children's play areas, landscaping, drainage, and earthworks.
- g. Contribute to the provision of an enhanced local cycle network by making on site provision and appropriate off site financial contributions.
- h. Where possible, provide pedestrian and cycle routes to Bognor Regis town centre in order to enhance the sustainability of the site.

In order to establish the principle of the proposed development it will be necessary to assess the proposed development against the policy requirements of H SP1, H SP2 and H SP2a.

The application site is located within the built-up area boundary (BUAB) as defined by policy SD SP2 and forms part of strategic allocation SD2 and seeks outline planning permission for up to 300 dwellings with an 80 bed care home. Therefore, this application in conjunction with P/134/17/OUT will equate to a total of 580 dwellings of the 800 identified by strategic allocation SD2 (H SP2a) and accords with Policy H SP1 of the Arun Local Plan (2011-2031).

The original application (under reference P/6/17/OUT) and this application includes sufficient land for the delivery of a 2 form entry (FE) primary school should West Sussex have wished the school to be delivered on this site. Policy H SP2(c) identifies the need for a 1FE (expandable to 2) school to meet the primary education needs generated by the Pagham allocations. However, the preferred location for the primary school has been identified as Summer Lane (P/140/16/OUT) by West Sussex County Council (WSCC) as this would provide a primary school facility closer to the centre of Pagham. Planning application P/140/16/OUT has been approved and as such this site will need to make financial contributions towards the delivery of the primary school but there is no requirement for the application to provide land to deliver this facility as part of this application. Therefore, this application as demonstrated later in this report will accord with policy H SP2(c) of the Arun Local Plan.

Planning application P/140/16/OUT (previously approved) has incorporated 2,000sqm of

A1/A2/A3/D1/sui generis floor space which would provide a community hub and address the requirements of policies H SP2 (i) and (f) and H SP2a (e. i) of the Arun Local Plan. Therefore, there is no requirement for the inclusion of a local centre as part of this application although it will be necessary for the development to provide walkable access to local centres and facilities in accordance with policy H SP2 (j) of the Arun Local Plan. The proposal incorporates 3 pedestrian access points onto Hook Lane linking with the existing footpath network and will provide suitable pedestrian access to existing facilities. Therefore, the proposed development will enhance integration with existing communities and provide opportunities for walking to nearby facilities and services in accordance with policy H SP2 (g) as well as policy T DM1 of the Arun Local Plan.

Views of the site will be restricted by existing field boundary planting which is proposed to be reinforced with new woodland planting along the northern and western boundaries of the site. Development is also set back from the junctions of Hook Lane and Pagham Road through the provision of open space in the form of 'Sefter Green' and 'Hook meadow' in the north-east and south-west corners of the site (as shown on the indicative Landscape Masterplan - 167/P/003 Rev D). The application was accompanied by a Heritage Assessment which considered measures to assess any likely archaeological remains and considered that the proposal would have a negligible impact on the setting and significance of designated heritage assets. It has been concluded later in the report that the proposals will not result in any harm to the significance or setting of any nearby heritage assets. Thus, the proposed development accords with policies H SP2 (c), (m) and H SP2a (b) of the Arun Local Plan.

The Council's Ecological Advisor has advised that subject to appropriate conditions the proposed development would not result in an unacceptably adverse impact upon biodiversity or ecology at the site. The application site is situated approximately 1.9km to the north-east of the Pagham Harbour SPA/Ramsar and as such it is necessary, in accordance with the Birds and Habitats Directives, to consider the impact of the proposal upon the integrity of the SPA/Ramsar site. The Local Planning Authority instructed Ecological Planning & Research Ltd (EPR) to undertake a Habitat Regulations Assessment on behalf of the LPA. The Appropriate Assessment has concluded that, providing avoidance and mitigation measures are secured and implemented, the development would result in no adverse effect upon the integrity of Pagham Harbour SPA/Ramsar. As such the development accords with policy H SP2a (a) of the Arun Local Plan. The proposals compliance with Policy ENV DM2 is considered in detail later in the conclusion to this report.

The Design and Access Statement has demonstrated how green infrastructure has been incorporated throughout the development, with small greens, meadows and linear green features providing buffer planting. The design code masterplan (which will be secured via condition) will need to demonstrate how planting will be incorporated throughout the site. Financial contributions have been secured as part of the S106 agreement towards the enhancement of footpaths 101, 104 and 106 to create an off-road cycle route towards Chichester (via south Mundham). Therefore, the proposal will accord with policy H SP2 (d) and (e) as well as policy H SP2a (f) and (g) of the Arun Local Plan.

A Sustainability Appraisal was undertaken in support of the Arun Local Plan with the site being considered sustainably located. The site is located within acceptable walking distance of existing facilities and those proposed by nearby developments (incorporating a scout hut, primary school and community hub). Bus stops are situated to the south and east of the application site on Hook Lane and Pagham Road and are within acceptable walking distances. Therefore, the proposal accords with policy H SP2 (j) of the Arun Local Plan.

Financial contribution are to be secured towards highway infrastructure via the s106 agreement, these contributions are sufficient and adequate to mitigate against any highway impacts generated by the proposed development in accordance with policy H SP2 (k) of the Arun Local Plan. Highway matters have been considered in greater detail later in the conclusion to this report.

However, the applicant has identified additional measures to address the previous concerns of the Development Control Committee in the refusal of P/6/17/OUT. These additional measures would take the form of an obligation to monitor safety on the Pagham Road corridor to the A27. This monitoring would be undertaken prior to the commencement of development; upon occupation of the 150th dwelling; and upon full occupation of the site. Should it be identified that following full occupation there is a material increase in the number or severity of incidents occurring along the corridor that is significantly different from the historic data then a sum of £100,000 (secured via bond) will be available to WSCC to implement measures considered appropriate by the Local Highway Authority to improve safety along the road corridor.

Officers do not consider the additional mitigation measure identified above are necessary to mitigate the impact of the proposed development upon the operation of the highway network. Therefore, these measures were not a material consideration in the preparation of this recommendation report. However, should members consider the original mitigation package insufficient to mitigate the impact of the proposed development upon the safe operation of the highways network then the additional mitigation proposed by the applicant must be considered by the Committee in the determination of this application.

The Council's Drainage Engineers have been consulted in relation to the proposed drainage strategy and no objection has been raised. Conditions have been requested by the Council's Drainage Engineers and these have been included as part of the recommendation (see condition no's. 10,11, 12, 13 and 14). This has included the requirement for winter groundwater monitoring to be undertaken prior to the commencement of development which will ensure that the detailed drainage design takes account of site specific conditions. Therefore, subject to the inclusion of these conditions the proposed development will accord with policy H SP2 (l) of the Arun Local Plan. Surface and foul drainage have been considered in further detail later in the conclusion to this report.

A number of financial contributions will be secured towards infrastructure provision via the S106 agreement. These contributions are detailed in the attached Heads of Terms and considered in detail later in the conclusion to this report. However, based upon the contributions to be secured the proposals will accord with H SP2 (n) of the Arun Local Plan. The Infrastructure Delivery Plan (IDP) 2017 does not identify the requirement for any district wide infrastructure to be incorporated as part of the strategic allocations at Pagham and as such the proposals does not conflict with policy H SP2 (o) of the Arun Local Plan.

No desire has been expressed by the applicants to incorporate self-build or custom build dwellings at the site and no evidence has been submitted in support of the application detailing any considered of the incorporation of an area of Gypsy and Traveller accommodation. However, policy H SP2 only requires consideration and does not require inclusion and as such the proposal is not considered to conflict with policy H SP2 (p) and (q) of the Arun Local Plan.

As identified above, the proposed development will accord with policies H SP1, H SP2 and H SP2a of the Arun Local Plan. Therefore, the principle of the proposed development is acceptable subject to accordance with relevant policies contained with the Arun Local Plan and the National Planning Policy Framework (NPPF).

ILLUSTRATIVE LAYOUT AND DESIGN

Policy H SP2 of the Arun Local Plan requires that Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas incorporating high quality imaginative design giving a strong sense of place and a permeable layout. It also requires strategic allocations to (amongst other matters) integrate with the surrounding communities, provide well connected green spaces, provide improvements to existing village centres and deliver

infrastructure.

This outline application only relates to access with layout, scale, appearance and landscaping being reserved matters. Therefore, the Design and Access Statement submitted in support of the application is only indicative but does show that the site can accommodate the scale of development proposed whilst providing adequate open space provision and respecting the site's location on the edge of the settlement.

The application is supported by a Design and Access Statement which clearly demonstrates how the indicative layout was arrived at and adequately demonstrates that the proposed development can be efficiently accommodated on site. The Design and Access statement has identified the opportunities and constraints present at the site and responded to these with the design of the development.

The Design and Access Statement shows the sites vehicular access from Hook Lane and Pagham Road along a central spine road with pedestrian accesses being provided onto Hook Lane and Pagham Road. The indicative layout will achieve acceptable walkable access to community, recreational and shopping facilities both within the proposed development and outside of the site boundaries in accordance with H SP2 (f), (i) & (j) of the Arun Local Plan.

The site proposes approximately up to 9.6ha of residential development, 0.4ha for a D1 use (potential for nursery or health facilities as required) and 0.55 ha for a care home or specialist housing for the elderly, with 6.65ha of open space, structural planting and habitats. The Design and Access Statement establishes key principles to inform the development including permeability, street design, scale and external appearance.

The indicative layout shows the care home and D1 use situated in the southernmost portion of the site with the main route through the site running from the south-western corner to the north-eastern corner of the site, the majority of the residential development proposed is situated to the east of this primary road. The bulk of the green infrastructure is situated in the north-western corner of the site with a buffer strip running the full length of the eastern boundary. A 20m wider green buffer is shown on the western boundary providing separation between the development and the countryside to the west of Pagham Road as well as providing a green infrastructure link.

The Design and Access Statement submitted in support of the application identifies that the site will accommodate up to 300 dwellings, with development being up to 2 storeys in height with a maximum ridge height of 9.5m which is likely to be acceptable depending upon the detailed design of the layout. However, it should be noted that the scale of development is not for determination as part of this outline application.

The proposed development is only considered to have limited impacts on long and medium range views of the site from the west and north. These views will be predominantly limited to the roof tops of the proposed dwellings and it should be noted that the existing residential development to the east of Hook Lane already has a similar presence and impact upon long range views to that of the proposed development.

From Hook Lane to the east of the application site views across the site will be possible. Whilst in places the boundary screening can reach up to 2m in height there are portions of the boundary devoid of treatment or with hedging below 1.2m in height. Therefore, the development proposed will have a significant presence within the street scene when viewed from Hook Lane. However, whilst an impact upon existing views to the west would exist this alone does not result in unacceptable harm to the character of the locality.

The east of Hook Lane for the majority of its length features residential development up to 2 storeys in height and subject to appropriate design the development will appear as an acceptable continuation of the existing built environment. The existing agricultural field (the subject of this application) is separated from the wider countryside to the west and north by Pagham Road and Sefter Road respectively.

This separation from the open countryside is further enhanced by virtue of the existing residential development to the north-west of the application site and the Barfoots of Botley site further to the north-west. Additional residential properties and the Mill Farm residential park homes site are situated to the south-west of the site (west of Pagham Road). Therefore, the development of the proposed site will not result in unacceptable harm to the semi-rural character of the locality with the proposed development appearing well integrated with the existing built environment.

The application was considered at a Design Review Panel (May 2017) which highlighted that the indicative proposal fails to integrate with the existing village along Hook Lane and Pagham Road and that more interconnectivity could be introduced between the site and surrounding streets. The Panel also highlighted that the internal movement network needed to be further refined, green spaces reworked to redistribute the spaces more evenly across the site. Concern was also raised about the proposed mound within one of the green spaces, as it would be out of character with the location. Scope was also identified for the built form of the development to reinforce and help animate key spaces within the layout.

With layout, scale and appearance being reserved matters the comments from the Panel can be addressed at reserved matters stage, as they will need to be balanced against other considerations, for example, the need for hedgerow retention and a noise buffer to Hook Lane.

The LPA will not accept a generic housing estate adjacent to the countryside and the developer will be expected to undertake the necessary work to achieve a development of the highest possible quality which reflects the character of the locality. A condition has been incorporated with the approval requiring the submission and approval by the LPA of a 'Design Code Masterplan' prior to the submission of any reserved matters application. It is a requirement of the condition that this document will reflect the principles established within the Design and Access Statement submitted in support of this application in accordance with the comprehensive masterplanning requirements of policy H SP2.

The development framework plan in conjunction with the Design and Access statement demonstrates that the development has been adequately master planned in accordance with policy H SP2 of the Arun Local Plan. Given the isolated nature of the allocated sites within Pagham that an overarching masterplan for the allocation would not be of sufficient value, so long as pedestrian linkages have been adequately addressed and considered.

With layout, scale and appearance being reserved matters there is no requirement at outline stage to undertake a detailed analysis of the indicative information provided. However, the indicative information provided adequately demonstrates that the proposed development can be accommodated on the site and designed in a way which will ensure that the established character of the locality is respected in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

EMERING PLANS

Officers confirmed to Pagham Parish Council on 18 July 2019 that this application was to be presented to Committee. On 19 July 2019 the 'Pagham Development Management Plan 2019-2026' was published. The Plan contains four policies; one of which seeks to designate large parts of the strategic allocation in the Local Plan as site as Local Green Space. The PNP has been published under regulation 14 with the revised consultation period running until 5pm on the 31st August 2019.

Given the recent publication of the plan and its conflict with the NPPF the PNP can only be attributed exceptionally limited weight at this time. It must also be highlighted that the PNP in its current format is not considered to be in general conformity with strategic local policy (as set out below) in conflict with Paragraph 036 (Reference ID: 41-036-20190509) of the Planning Practice Guidance.

Neighbourhood Plans should not re-allocate sites that are already allocated through strategic plans and that the National planning policy states that it should support the strategic development needs set out in strategic policies for the area, plan positively to support local development and should not promote less development than set out in the strategic policies (see paragraph 13 and paragraph 29 of the National Planning Policy Framework). Nor should it be used to constrain the delivery of a strategic site allocated for development in the local plan or spatial development strategy." (Paragraph 044 Reference ID: 41-044-20190509).

Irrespective of the above conclusions on weight, it is necessary, in accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended), for the Local Planning Authority to consider the proposed developments compliance with the policies contained within the PNP so far as they are material to the application.

DM Policy 1 of the PNP states that major development will be permitted in Pagham where any application for such development is supported by sufficient evidence at the date of submission to demonstrate that the development proposed will meet the social, economic and environmental objectives set out in the NPPF at paragraphs 8 and 9 and will meet the requirements of other policies in this plan. Therefore, the proposal accords with the requirements of DM Policy 1 of the PNP as at the time of submission the application was supported by the Sustainability Appraisal prepared in support of the Arun Local Plan which has been the subject of consideration at Examination in Public. It is also considered that the proposed will not conflict with DM Policies 2, 3 and 4 as set out below.

DM Policy 2 relates to Local Green Space and identifies that land shown on the Plan at Appendix 1, of the PNP, is designated as Local Green Space and all development proposed for land within this area will be considered to be inappropriate and will not be permitted unless specific criteria are met. The site the subject of this application is not identified on the Plan at Appendix 1 of the PNP and as such the proposed development will not conflict with DM Policy 2 of the PNP.

DM Policy 3 of the PNP identifies that major development in the plan area will not be permitted unless it can be demonstrated that significant harm to Pagham Harbour resulting from the development cannot be avoided through locating on an alternative site with less harmful impacts; that it can be demonstrated that the harm that it will cause to Pagham Harbour can be adequately mitigated or as a last resort compensated for by way of measures to be implemented; that proposals for major development that rely on and propose connection to the existing foul water sewer network that connects to Pagham Waste Water Treatment Works (WwTW) can demonstrate that there is sufficient capacity or that material considerations indicate otherwise. It is also stated that major development that proposes network reinforcement which will enable foul sewerage discharge to waste water treatment works located outside of the plan area will not be permitted unless it can be demonstrated at submission that such network reinforcement will be available before the development is occupied.

DM Policy 3 is not in general conformity with the Arun Local Plan and is also considered to conflict with paragraph 175 of the National Planning Policy Framework. A written submission was prepared by the Secretary of State concerning the application of Paragraph 175 of the NPPF by order of Mr Justice Holgate in relation to Ground 4 of the judicial review (Claim No. CO/50/2019) concerning planning application P/140/16/OUT.

It was identified by the Secretary of State that the issue raised by the Claimant under Ground 4 (namely

the failure to satisfy the 'mitigation hierarchy' set out in paragraph 175 of the NPPF) has already been resolved against the Claimant by the Courts in R (Buglife) v Thurrock TGDC EWCA Civ 29 and R (Prideaux) v Bucks CC EWHC 1054 (Admin).

It was submitted by the Secretary of State that the judgements in these cases are directly applicable to the construction of paragraph 175(a) of the NPPF. Therefore, paragraph 175(a) is not to be read as if it were a statute imposing a strict, sequential hierarchy, where a decision-maker is required artificially to close its mind to mitigation when considering whether the development would cause significant harm to biodiversity. A common-sense approach should be adopted, as set out in Buglife and Prideaux. This is consistent with the Courts' general approach to the interpretation of policy, namely that a measure of flexibility must be applied in the construction of planning policy and a legalistic approach to the interpretation of policy must be avoided.

It was further highlighted in the Secretary of State's submission that when considering if a development would result in significant harm to biodiversity for the purposes of paragraph 175(a), a decision-maker is entitled to take into account mitigation. Mitigation is not to be taken into account only if it has been shown that there are no alternative sites on which the development could be located.

Therefore, DM Policy 3 conflicts with the intentions of paragraph 175(a) of the NPPF. In the determination of this application the appropriate assessment has shown that significant harm to biodiversity, through increased recreational disturbance and water quality impacts, can be avoided (and not just reduced or minimised) through mitigation. With mitigation having been considered there would be no "significant harm to biodiversity". As such, where significant harm to biodiversity could be avoided through mitigation the decision-maker is not obliged by Paragraph 175(a) to consider whether the development could be located on an alternative site with less harmful impacts.

As such, the proposed development is acceptable and appropriate mitigation can be secured through appropriately worded conditions and s106 obligations.

DM Policy 4 states that development within the plan area will not be permitted unless and until it has been demonstrated that the transport, social, environmental and economic infrastructure that is necessary to make the development acceptable in planning terms will be delivered within the plan area before the development proposed is anticipated to be occupied. This policy has failed to take into consideration that the planning impact of the development upon transport, social, environmental and economic infrastructure can be properly addressed through the use of conditions and s106 contributions with appropriate triggers. Therefore, given the trigger points identified the impact of development will be adequately mitigated.

RESIDENTIAL AMENITY

Given that this application has been submitted in outline and relates to access only it is not necessary or possible to make a full analysis of the potential residential amenity impacts of the development. Nevertheless, given the separation distances between the existing residential development to the east of Hook Lane and the separation distances shown on the indicative layout plan to existing residential development to the north-west of the application site there would not be any unacceptably adverse overbearing, overshadowing or overlooking impacts (subject to appropriate design, fenestration arrangements and scale).

It is acknowledged that the proposed development will likely give rise to some adverse impacts upon existing views from nearby residential properties. However, the loss of a private view is not a material consideration in the determination of a planning application.

The impacts of noise upon the residential amenity of future occupiers has been considered in the Noise

Assessment (Dec 2016) submitted in support of the application. The report has identified that traffic noise from Hook Lane, Sefter Road and Pagham Road is the most significant noise source. The site has been identified as falling mostly within acceptable limits. Mitigation measures have been identified to ensure that internal noise levels are acceptable and with the inclusion of window glazing the maximum internal noise level would be 22.7dB during the daytime and 17.4dB at night which accords with BS 8233. The Council's Environmental Health department have been consulted in relation to this application but no comments have been received. However, they were consulted on the previous application under reference P/6/17/OUT and no objection was raised in relation to the same development as that proposed by this application.

Some disturbance is anticipated during development of the site and an appropriately worded construction management condition has been incorporated as part of the recommendation and such a condition would provide adequate control to minimise disturbance during development.

Therefore, the proposed development would not give rise to any unacceptably adverse harm to the residential amenity of existing nearby residential properties or future occupiers of the site in accordance with policy D DM1 of the Arun Local Plan.

Policy QEDM2 of the Arun Local Plan requires proposals which involve outdoor lighting to be accompanied by a lighting scheme prepared according to the latest national design guidance and relevant British Standards. The Design and Access Statement includes principles for the design of street lighting which would form the basis for an external lighting scheme. A condition has been included requiring the submission of a scheme for external lighting in accordance with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E3. Therefore, subject to inclusion of the proposed condition the proposal will accord with policy QE DM2 of the Arun Local Plan.

Paragraphs 112 - 116 of the NPPF refers to advanced, high quality and reliable communications infrastructure as being essential for economic growth and social well-being. Therefore, the provision of broadband for future occupiers on site is essential and as such a condition has been incorporated within the recommendation requiring the submission of a strategy for the provision of broadband to be submitted and approved by the Local Planning Authority prior to the commencement of development.

HOUSING MIX

The application is in outline and has not identified an indicative housing mix for the proposed development. Policy H DM1 states that the tenure mix for development schemes should be negotiated on a case by case basis taking any necessary viability considerations into account. However, developments should have regard to the most up to date version of the Strategic Housing Market Assessment (SHMA). The proposal would include a range of 2 to 5 bedroom houses and would include both shared ownership and rented accommodation.

Paragraph 61 of the NPPF identifies that planning policies should secure dwellings of sizes, types and tenures to meet the needs of different groups within the community. This includes but is not limited to, families with children, older people, students, people with disabilities, service families and travellers.

Policy H DM1 identifies a requirement to secure housing that would meet the needs of older people. The 'Updated Housing Needs Evidence - September 2016' (PELVP23) paragraph 5.17 states that there is a requirement to secure both specialist housing for older people as well as residential and nursing home bedspaces (falling within use class C2). The application identifies that the site will accommodate a D1 use Care Home or similar facility. Therefore, the development has made provision for older people on site to help in meeting the increasing demand.

In addition a report was presented to the Planning Policy Sub-Committee on the 27th February 2019 relating to the provision of accommodation suitable for older people and people with disabilities. This report was approved and adopted as intermediate guidance and is currently the subject of public consultation. The report requires developments of more than 51 units to provide 50% of the dwellings to m4(2) (accessible and adaptable) standard with an additional two dwellings per 50 designed to m4(3) (wheelchair accessible) standard. Therefore, for a scheme of 300 dwellings the developer would need to provide 150 dwellings to m4(2) standard and an additional 12 dwellings to m4(3) standard. This requirement accords with policy H DM1 of the Arun Local Plan and paragraph 61 of the NPPF and will be secured via condition.

It is also expected that the development should incorporate single floor living such as bungalows or ground floor flats. It is expected that any reserved matters application will incorporate such accommodation to meet the needs of the community. In order to ensure that these needs are addressed a condition has been incorporated requiring the provision of accessible dwellings as part of any future reserved matters application.

Therefore, the proposed development accords with policies H DM1 and AH SP2 of the Arun Local Plan.

HIGHWAYS AND PARKING

Access Arrangements:

The application when originally submitted (under reference P/6/17/OUT) proposed three accesses, with the southernmost access onto Hook Lane serving the potential primary school. However, this southernmost access onto Hook Lane has been removed from the current proposals under consideration.

The application therefore proposes two accesses to the site with priority junctions proposed to the east (onto Hook Lane) and the west (onto Pagham Road). The vehicular accesses proposed will measure 6m in width reducing to 5.5m as it enters the site. The 6m wide access is sufficient to allow two large vehicles to pass and re-pass and is in accordance with the advice contained within manual for streets. The junction radii have been designed to accommodate the swept path of the largest vehicle which will enter the site on a regular basis (large refuse vehicle).

Planning application P/6/17/OUT originally proposed a right turn lane for the Pagham Road access. However, it was identified within the initial Stage One Road Safety Audit (RSA) that the right turn lane could be used for overtaking. Therefore, the right turn lane has been removed in the interests of highway safety as shown on drawing number JNY8840-12 Rev A.

The revised vehicular access arrangements have been deemed acceptable by WSCC although it has been identified that the non-motorised accesses remain as an outstanding matter. However, it has been advised by WSCC that the non-motorised accesses along Hook Lane can be addressed through the use of an appropriately worded condition.

The application also proposes an extension of the proposed footway along the western edge of Hook Lane, to the north of the proposed access, providing a direct pedestrian link to the footway proposed under P/134/16/OUT as shown on drawing JNY8840/09D. The delivery of this footway will be secured via the s106 agreement.

The proposal also includes the provision of a bus layby to the east of Pagham Road to the north of the Hook Lane junction.

Policy T SP1 requires that appropriate levels of parking are provided in line with WSCC guidance, including considering the impact on street parking. The application is currently for outline permission with

all matters reserved save for access. Therefore, parking provision and arrangement will be considered in detail at reserved matters stage, although it is indicated in the Planning Statement that it would accord with the minimum residential parking standards. The Design and Access Statement also details parking provision for both the residential units and the D1 use. It is expected that the applicant will consult with WSCC Highways and consider the WSCC Parking Demand Calculator (and any subsequent updates to this) in the preparation of any detailed design for the site. It is also a requirement for cycle storage to be provided on site. Any garages to be provided on site will be expected to have minimum internal dimensions of 3.0m x 6.0m and internal cycle racks or fixings should be provided in garages and properties without garages should be provided with cycle sheds in rear gardens.

Strategic Highways Network:

Highways England have been consulted on this resubmission and have maintained their position as set out in their consultation response to the original application under reference P/6/17/OUT. Advising that the development proposals can be achieved without detriment to the safe and efficient operation of the Strategic Road Network, subject to the agreed financial contribution of £255,000 towards the mitigation improvements at the A27 Whyke Hill junction being secured.

The financial contributions required for these enhancements have been identified by Highways England but will not be secured as a financial contribution via the S106 Agreement. Instead a non-financial obligation requiring the developer to enter into a section 278 agreement with Highways England will be a requirement of the s106 agreement.

Cumulative Impacts:

A Cumulative Transport Assessment (CTA) has been prepared to support the strategic allocations in Pagham, this was prepared collaboratively with planning applications P/134/16/OUT and P/140/16/OUT. The scope of the CTA was the subject of discussion and agreement with the Local Highway Authority (LHA).

The CTA has considered the impact of the proposed development, in conjunction with other developments in Pagham, on a number of junctions in and around the application sites.

There have been a large number of 3rd party objections submitted to the Local Planning Authority (LPA) regarding delays on the B2166 (Pagham Road) arising from slow moving traffic associated with other uses. Whilst, these comments are acknowledged it must be considered that this is an existing issue and as such it is necessary to consider the additional impact of the proposed development upon the operation of the Highways Network beyond the existing situation. It is not the responsibility of the applicants of the current application to resolve existing highways issues but to mitigate the impact of their development.

The three CTA's submitted in support of P/134/16/OUT, P/140/16/OUT and P/6/17/OUT have been considered by the LHA and have been identified as being in accordance with current best practice. The majority of the conclusions within the CTA's are broadly comparable; there were notable difference in the anticipated future operation of the junctions. Most notable of which was Pagham Road/Sefter Road and a further review of the operation of this junction was identified as necessary.

For those junctions where mitigation is required, the proposed works or contributions are considered to mitigate the cumulative impacts of the development.

A further technical note has been submitted that reviews the operation of the Pagham Road/Sefter Road junction and this has been considered further by WSCC. The Consultation response (from WSCC) on application P/6/17/OUT dated the 27th March 2018 considered the revised modelling for the Pagham Road/Sefter Road junction which provided a single model of the junction, with the geometry and traffic

flows within this having been agreed by all three applicants (P/134/16/OUT, P/140/16/OUT and P/6/17/OUT).

It was confirmed that the modelled results show that the Sefter Road arm of the junction will start to operate at theoretical capacity in the future without taking into account the proposed development. However, it was identified by WSCC that whilst the development would take the junction over capacity, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe. It was acknowledged by WSCC in their consultation response to planning application P/6/17/OUT that whilst drivers will be subjected to minor additional delays this alone is not considered to constitute a severe impact for the purposes of paragraph 109 of the NPPF.

However, further mitigation measures have been identified through the Sensitivity Assessment commissioned by the Council and this is set out below.

Dougal Baillie Associates - Sensitivity Assessment

To ensure that the mitigation measures proposed are adequately robust and mitigate the impact of the proposed development upon the highways network commissioned an independent 'Sensitivity Assessment' undertaken by Dougall Baillie Associates (DBA).

The sensitivity assessment undertaken by DBA confirmed that the proposed mitigation works to the A27 Whyke Hill junction would address the impact of the Pagham developments provided that the works are implemented at the appropriate time. Therefore, the sensitivity analysis was focused upon the following key junctions;

1. B2145/B2166 roundabout;
2. B2166/Vinnetrow Road/Mill Lane roundabout;
3. Pagham Road/B2166 Lower Bognor Road priority junction;
4. Pagham Road/Sefter Road priority junction; and
5. Grosvenor Gardens/Rose Green Road/Nyetimber Lane/Gossamer Lane traffic signals.

The sensitivity assessment in this case has identified that;

1. The junction improvements proposed for junction 1 (above) would not entirely offset the impacts of the Pagham developments. However, relatively modest enhancement of the proposed roundabout approach widening would adequately offset the predicted impact.
2. The proposed physical improvements to junction 2 (above) would be sufficient to offset the cumulative traffic impact of the Pagham sites.
3. The sensitivity assessment revealed that simple signalisation of this junction would not be sufficient to offset development traffic impact, and widening of the southbound approach to two traffic lanes for a distance of 50m would also be required.
4. Signalisation of the existing junction would offset development traffic impact in conjunction with a localised speed limit.
5. The signal timings proposed in the Pagham Transport Assessments would accommodate the additional traffic generated by the proposed developments.

The sensitivity analysis commissioned by the LPA identified supplementary improvements to the following junctions and associated indicative costs;

- B2145/B2166 roundabout - £98,000
- Pagham Road / Sefter Road - £140,000
- Pagham Road / Lower Bognor Road - £250,000

Total: 488,000

In addition to these modified works the following junction improvements identified within the applicants transport assessments are necessary;

- Rose Green Road widening - £81,000
- B2166/Vinnetrow Rd. widening - £23,000

Total: £104,000

Following the publication of the DBA sensitivity analysis the developers (for P/134/16/OUT, P/140/16/OUT and P/6/17/OUT) submitted an amended 'Common Statement of Cumulative Assessments'. Each of the developers agreed to undertake junction improvement works on behalf of the Local Highway Authority (LHA), as follows;

P/134/16/OUT - Rose Green Road junction improvement

P/140/16/OUT - B2166/ B2145 widening

P/6/17/OUT - B2166/ Vinnetrow Road junction widening

The Common Statement of Cumulative Assessment identified cumulative contributions for each of the developments taking into account the associated costs of the junction improvements identified within the sensitivity analysis. Therefore, the developments will generate a combined highways contribution of £390,000 and a £100,000 contribution towards improvements of footpaths 101, 104 and 106 to provide a route from Pagham to Chichester via Sidlesham. As such, each developer will make the following adjusted contributions;

P/134/16/OUT - Land North of Sefter Road - £88,142.29 & Footpath Contribution of £28,572.00

P/140/16/OUT - Pagham South - £143,632.98 & Footpath Contribution of £40,816.00

P/6/17/OUT - Land north of Hook Lane - £158,224.73 & Footpath Contribution of £30,612.00

The proposed junction improvements go beyond those originally identified and proposed by the applicants and are intended to achieve no net detriment as a result of the additional development traffic. The Community Infrastructure Levy Regulations 2010 set out that a planning obligation must be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, whilst existing issues are present on the highways network around Pagham it is not the responsibility of the applicant for this application to resolve these existing issues. Such a request would not be lawful against the Community Infrastructure Levy 2010.

Concerns were raised in relation to the CTA being out of date due to the proposed solution for the A27. This matter has been discussed with Highways England and it has been confirmed that the withdrawal of the national scheme from the roads programmed does not affect the financial contribution and mitigation previously agreed towards the A27 for this application, because the mitigation identified is not dependent upon the implementation of the large off-line improvements.

The Council also commissioned an independent Road Safety Audit (RSA) Review to assess the RSA submitted in support of this planning application. The Report concludes that the accesses onto Pagham Road and Hook Lane have been the subject of a Stage 1 RSA in accordance with good practice. The accesses and Stage 1 RSA have been reviewed by the Local Highway Authority (WSCC - LHA) who raised no objection to the development proposal subject to conditions. The Report identified an issue with the lack of a formal RSA brief which was not submitted to the LHA for approval. Nevertheless, the Report concludes that the subsequent reviews by the RSA team and the checks undertaken by the LHA have not identified any outstanding significant road safety risk which cannot be resolved as part of the

detailed design. Further checks on road safety issues should be considered as part of a Stage 2 RSA on the detailed design and the Report recommends that a formal brief for this next stage is submitted to the LHA prior to it being undertaken.

The Report therefore recommends that a Stage 2 Road Safety Audit be carried out on the detailed design prior to discharge of planning conditions on all the proposed highway works. A Stage 2 RSA brief should also be submitted to and approved by the LHA before this is carried out.

Based on the findings of the RSA Audit Review, there are not considered to be any outstanding safety issues associated with the proposed accesses that will not be satisfactorily addressed through the proposed conditions and at the detailed design stage through the Stage 2 RSA. A condition relating to the submission of plans and details of the proposed pedestrian and cyclist access points for approval is recommended.

However, the previous application was refused, by the Development Control Committee on the 23rd January 2019 contrary to officer recommendation, due to the increase in vehicle movements exacerbating the capacity issues on the local highway network and the mitigation measures being insufficient to overcome the safety concerns resulting from the additional vehicle movements. In order to overcome the previous reason for refusal the applicant has identified possible additional mitigation.

This additional mitigation, if considered necessary by the Committee, would take the form of an obligation (as part of the S106 agreement) to monitor safety on the Pagham Road corridor to the A27. This monitoring would be undertaken prior to the commencement of development; upon occupation of the 150th dwelling; and upon full occupation of the site. Should it be identified that following full occupation there is a material increase in the number or severity of incidents occurring along the corridor that is significantly different from the historic data then a sum of £100,000 (secured via bond) will be available to WSCC to implement measures considered appropriate by the Local Highway Authority to improve safety along the road corridor.

The mitigation package as originally proposed in the determination of P/6/17/OUT is considered appropriate and sufficient to address the impacts of the proposed development upon the safe operation of the highways network in accordance with policies T SP1 and H SP2(k) of the Arun Local Plan. However, should members disagree with this conclusion then the additional mitigation measures (monitoring and financial contribution) would need to be taken into consideration in the determination of this application.

EDUCATION

Policy INF SP1 of the Arun Local Plan states that the Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development (including the necessary infrastructure set out in the Infrastructure Delivery Plan).

In terms of education provision within the Infrastructure Delivery Plan (IDP) dated February 2017 it is identified that Pagham north and south should make provision of land and contributions towards a new 1FE primary school (expandable to 2FE) to serve Pagham; contributions towards the 10FE Secondary School located centrally within the District; and contributions towards 50 new nursery places to serve Pagham.

The IDP identifies a total cost of £6million for the construction cost of the new primary school and appropriate contributions have been secured from each of the allocated sites in Pagham towards the delivery of the new primary school. West Sussex County Council (WSCC) in their Section 106 contributions response for P/6/17/OUT dated the 24th April 2018 identified a financial contribution of £1,566,600. A 2 hectare site to facilitate the construction of the new primary school will be secured via

planning application P/140/16/OUT. The preferred primary school site is suitably located within Pagham and will be accessible by future occupiers of the strategic allocations as well as existing Pagham residents. The financial contribution and school site will be secured via the s106 agreement.

Therefore, following the approval of P/140/16/OUT the primary school land has been secured and IDP compliant financial contributions are to be secured from this application to delivery the primary school.

The IDP identifies a total contribution of £1,896,000, from the 1,200 unit Pagham strategic allocation, towards the creation of 50 new nursery places. Therefore, WSCC have requested a financial contribution of £470,250 from this development, in accordance with the IDP 2017, which will be secured via the s106 agreement.

The IDP 2017 identifies a financial contribution from the 1,200 unit strategic allocations at Pagham north and south of £5.27 million towards the 10FE Secondary school to serve the district (6FE expandable to 10FE). WSCC in their consultation response, dated 9th May 2019, have identified that the secondary contributions secured from this development should be directed towards design and feasibility work for the provision of the new secondary school serving Arun District. The financial contributions requested by WSCC align with those previously requested from the original application under reference P/6/17/OUT. Therefore, the proposal would contribute towards the necessary infrastructure identified within the IDP 2017 as required by policy INF SP1.

A financial contribution has also been requested by WSCC towards sixth form education and this contribution will be directed towards the expansion of Felpham Community College Sixth Form.

Therefore, the proposed development (in terms of education provision and contributions identified) will accord with policies H SP2(n), H SP2a and INF SP1 of the Arun Local Plan.

HEALTH CARE PROVISION

Policy H SP2a (e) (iv) requires the strategic allocations at Pagham (SD1 & SD2) to provide contributions towards new healthcare facilities at West of Bersted (SD3) or alternatively where appropriate proposals may make contributions towards new facilities or improvement or expansion of the relevant existing facility, subject to agreement with the Council.

The Consultation response from the Coastal West Sussex Clinical Commissioning Group dated the 2 April 2019 has requested a financial contribution to Grove House GP Surgery for GP consultant rooms and working with new facilities in Bognor Regis. This proposed project accords with the requirements of policy H SP2a (e) (iv) of the Arun Local Plan and accords with the requirements of the IDP 2017.

However, in order to ensure that the needs of future residents are best met through health care provision the Section 106 agreement has been worded to secure various potential health care solutions. This includes the provision of a new health care facility as part of the West of Bersted (SD3) strategic allocation; the expansion or improvement of Grove House GP Surgery; or the expansion or relocation of Sir Arthur Griffith clinic located in Pagham.

Therefore, the proposal would accord with policy INF SP1 of the Arun Local Plan.

OPEN SPACE AND PLAY PROVISION:

The indicative masterplan incorporates a total open space provision of approximately 6.65ha which exceeds the Fields in Trust Standards by approximately 4.13ha. Therefore, the open space provision proposed by this development is acceptable and is in accordance with policy OSR DM1 of the Arun Local Plan.

The design and siting of the on-site play facilities will be secured at reserved matters stage. However, the s106 agreement requires the submission of a Public Open Space Scheme which will incorporate the location and specification of any children's play areas and that these facilities shall be completed prior to the occupation of 75% of dwellings within a phase. The Public Open Space Scheme will also secure details of the play provision on site and details of how 9 'play experiences' will be accommodated on site. A proportional financial contributions towards providing fencing around the existing Multi Use Games Area (MUGA) at Avisford Recreation Ground will also be secured.

In lieu of on-site playing pitch provision a financial contribution has been secured towards the enhancement of existing playing fields and changing facilities at Avisford recreation ground, Westmeads recreation ground and Hawthorn Road recreation ground. This contribution is considered to accord with policy OSR DM1 (2) (b) of the Arun Local Plan.

Financial contributions have also been secured towards leisure provision within the district with contributions towards Swimming, Sports Halls and 3G Pitches being secured. The swimming and sports halls contributions will be directed towards the Arun Leisure Centre (Felpham Way, Bognor Regis). The Arun Leisure Centre is situated within 10 minutes' drive time of the development site which accords with Sports England recommendations on travel times for leisure facilities. The 3G pitch contribution will be directed towards the provision of a new 3G pitch to serve the western half of the district (within the catchment of Pagham) specifically to provide the base layer and pitch surface. Given the contributions which have been secured the proposed development accords with policy OSR DM1 and HWB SP1 of the Arun Local Plan.

GREEN INFRASTRUCTURE

Policy GI SP1 states that the existing Green Infrastructure Network (as shown on the Green Infrastructure Maps for each parish and town) must be considered early in the design process for all major development proposals. The policy goes on to state that all major development must be designed to protect and enhance existing Green Infrastructure assets in order to ensure a joined up Green Infrastructure Network.

There is a conflict between the adopted Arun Local Plan policies map with the Green Network Maps for Pagham with the Strategic Allocations being located on land identified as 'Gaps between settlements'. However, in this instance the statutory Development Plan must prevail. The Arun Local Plan identifies that the built up area boundary (BUAB) incorporates the strategically allocated site and as such it is not situated within a 'gap between settlements'. Policy SD SP3 (e) confirms that development will only be permitted within gaps if a subsequent DPD or Neighbourhood Plan deems it appropriate through an allocation.

The Green Network Maps predate the strategic allocations and it is identified under paragraphs 7.3.4 and 7.3.12 that the Green Network Maps and Strategic Gap maps contained within the Green Infrastructure Study will need to be updated but this has not happened yet.

Irrespective of the above the supporting text under paragraph 7.2.1 of the Arun Local Plan identifies that the protection of the countryside is the fixed extent of the existing built development and is defined as all land outside of the Built up Area Boundary. Therefore, given the location of the site within the Built up Area Boundary it cannot be considered that the site falls within a gap between settlements. However, it is nevertheless necessary to consider the overall Green Infrastructure Network quanta and its connectivity, and the impact of the proposal upon this.

In this case the application is only considering access with all other matters reserved (including layout). However, the indicative layout has identified a total open space provision on site of approximately 6.65ha with a green corridor running along the western boundary of the site with extensive tree planting shown.

Therefore, the indicative layout has considered and demonstrated the retention of a joined up green infrastructure network.

Policy GI SP1 also identifies that the Green Infrastructure Network must be protected from light pollution to ensure that the areas defined by their tranquillity are protected from the negative effects of light in development. A condition has been included as part of this recommendation which requires the submission of a lighting strategy which will allow the Local Planning Authority to consider the impact of lighting in detail.

Therefore, the proposed development accords with policy GI SP1 of the Arun Local Plan.

ADDITIONAL INFRASTRUCTURE CONTRIBUTIONS

Additional infrastructure contributions have been secured towards libraries, fire & rescue, police and leisure facilities. These financial contributions and the identified projects are deemed to accord with the Community Infrastructure Levy Regulation 123 and meet the demand and need generated by the proposed development in accordance with policy INF SP1 of the Arun Local Plan.

Full details of the contributions secured are provided in the heads of terms attached to this report.

AGRICULTURAL LAND

The Natural England 'Agricultural Land Classification map London and the South East (ALC007)' identifies the site being classified as Grade 2 agricultural land.

The Ministry of Agriculture, Fisheries and Food 'Agricultural Land Classification - October 1988' identifies Grade 2 as 'very good quality' and Grade 3 as 'good to moderate quality'. The NPPF (paragraph 170b) requires that the Local Planning Authority takes into account the economic and other benefits of this type of land.

The application was accompanied by an Agricultural Land and Soil Resources Report provided more detail on the quality of the soils which confirms that the soil on site is classified as Grade 2 (58%), 3a (36%) and 3b (6%). Therefore, the site comprises 17.3ha of best and most versatile (BMV) agricultural land.

The application site has been allocated for residential development under policies H SP1 and H SP2a of the Arun Local Plan and has been the subject of significant assessment prior to allocation. Therefore, this provides sufficient evidence that alternative options for the location of this strategic allocation have been explored and subjected to a Sustainability Appraisal process to select the most sustainable sites. The Arun Local Plan (2011-2031) Sustainability Appraisal recognised that most of the undeveloped coastal plain within the District is high grade agricultural land and that the majority of the strategic allocations would have a significant negative effect on the objective of avoiding the loss of 'best and most versatile' (BMV) land. The loss of BMV is one factor in the site selection and decision making process.

Policy SO DM1 of the Arun Local Plan states that development will not be permitted on this type of land unless 'designated by this plan' or unless the need for the development outweighs the need to protect such land in the long term. As the site is a strategic allocated within the Local Plan the proposal would not be the subject of assessment under policy SO DM1.

AFFORDABLE HOUSING

For all developments over 11 residential units the Council requires a minimum of 30% affordable housing on site, as set out in Policy AH SP2 of the Arun Local Plan. Policy AH SP2 of the Arun District Local Plan (2011-2031) identifies the following mix of affordable homes (unless evidence indicates otherwise):

- 1 Bed - 35-40%
- 2 Bed - 30-35%
- 3 Bed - 20-25%
- 4 Bed - 5-10%

The proposed affordable housing provision has been the subject of consultation with the Council's Housing Strategy and Enabling Manager. A consultation response has been received and it has been concluded that the proposed 30% provision would accord with the requirements of AH SP2. It was also identified in the response that the Council would wish to secure 30% affordable housing from the care home element. However, as the care home would fall within use class C2 (as identified in the application) the Council would not be seeking to secure any affordable units from the care home element of the proposal.

Therefore, the affordable housing provision and tenure mix is acceptable and will accord with policy AH SP2 of the Arun Local Plan subject to the completion of the s106 agreement.

ECOLOGY AND BIODIVERSITY

The application is accompanied by an Ecological Appraisal (January 2017) which has considered the ecological interests of the application site and the importance of the habitats present in accordance with current guidance. The Ecological Appraisal has considered mitigation measures as well as ecological enhancements. The application has also been supported by a 'Phase 1 Walkover & Badger Technical Note' dated February 2019. This additional statement provides ecological updates from those surveys previously undertaken and report in the Ecological Appraisal (2017) and documents any changes in the habitats from those previously recorded, which might coincidentally effect the assemblages of protected or notable species.

The updated Phase 1 Habitat Survey concludes that there was no significant change in the composition or structure of habitats from the initial Phase 1 assessment undertaken and that the original assessment remains accurate and reliable for the purposes of assessing the conservation value of the site as a whole. It was further concluded that the assessment of protected species utilising the site was also unlikely to have changed over the intervening period, owing to the minimal changes of certain habitats.

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will need to include a buffer strip around hedgerows during construction with fencing used to ensure that these areas are undisturbed. It has also been highlighted, by the Council's Ecological Advisor, that none of hedgerows H1, H2 and H3 should be removed and an additional 20m of hedgerow planting should be undertaken. The lighting scheme should also be designed to take into account the presence of bats.

Water voles were found to be using the ditches on site and as such a condition has been incorporated with the recommendation requiring the submission and approval of adequate mitigation measures prior to the commencement of development on site. The submission of this detail has been secured via condition 32.

A reptile survey accompanied the application showing that a moderate population of reptiles resides onsite. Due to this mitigation has been proposed within the Ecology Appraisal in support of the application. It has been confirmed by the LPAs Ecological Advisor that the mitigation proposed is suitable and should be secured via condition.

Due to the proximity of the site to the Pagham Harbour SPA it has been advised that any features suitable for nesting birds should be retained and enhanced. Any vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between the 1st March and

1st October.

The proposed development has been considered by the Council's Ecological Advisor who has raised no objection to the proposed development subject to the imposition of conditions, including the submission of a detailed mitigation and enhancement strategy prior to the commencement of development.

Therefore, subject to the proposed conditions the development will not give rise to any unacceptably adverse effects to ecology or biodiversity at the site. The proposed development subject to appropriate conditions (included with this recommendation) accords with policy ENV SP1, ENV DM1 and ENV DM5 of the Arun Local Plan.

TREES

An Arboricultural Assessment has been submitted with the application. The Tree Officer (in their consultation response to P/6/17/OUT) recommended that the removal of hedgerows for achieving sightlines is minimised and losses are mitigated through replacement planting set out in a landscaping scheme. However, it has been identified that an Arboricultural Method Statement and Tree Protection Plan will need to be provided in support of the application at reserved matters stage. A condition has been incorporated as part of this recommendation report requiring the submission and approval of this detail prior to the commencement of development on site. Therefore, subject to this condition the objection of the Council's Tree Officer is overcome and the proposed development would therefore accord with policy ENV DM4 of the Arun Local Plan. The Council's Tree Officer also identified that a Tree Preservation Order (TPO) should be created at the site to protect a maturing oak in the hedgeline opposite 60 Hook Lane.

PAGHAM HARBOUR SPA/RAMSAR

Policy H SP2a (a) (SD1 and SD2) identifies that proposals will need to ensure no detrimental impact to Pagham Harbour SPA through compliance with policy ENV DM2 and its supporting text.

Policy ENV DM2 of the Arun District Local Plan states that within Zone B (0-5km) all new residential development which is likely to have an impact on Pagham Harbour will be required to;

- i. Make developer contributions towards the agreed strategic approach to access management at Pagham Harbour.
- ii. Create easily accessible new green spaces for recreation within or adjacent to the development site. These shall be capable of accommodating the predicted increases in demand for local walking, including dog walking. Good pedestrian links shall be provided between existing housing areas and new and existing green spaces in order to discourage car use.

The supporting text under Paragraphs 17.1.18 - 17.1.22 of the Arun Local Plan includes relevant background information on the Pagham Harbour SPA/Ramsar and the means by which the Local Plan policies will ensure its protection.

Paragraph 12.1.15 of the supporting text for policy H SP2a within the Arun Local Plan identifies that the Pagham South (SD1) allocation is within close proximity to Pagham Harbour, which is an important and sensitive natural site within the wider Bognor Regis area. Development from this allocation should reduce any impacts from loss of supporting habitat or recreational disturbance that may arise.

The decision of the European Court of Justice in 'People Over Wind' (case C-323/17) concluded that it was not appropriate to take account of mitigation measures intended to avoid or reduce the harmful effects of the plan or project at the screening stage of the Habitats Regulation Assessment (HRA) process.

Therefore, it was necessary for the LPA to consider the efficacy of impact avoidance and mitigation measures such as the strategic access management and monitoring (SAMM) through an Appropriate Assessment.

The Local Planning Authority (LPA) appointed Ecological Planning & Research Ltd (EPR) to undertake the Appropriate Assessment (AA) for the original planning application under reference P/6/17/OUT. This AA is applicable to this application given that this application seeks permission for the same development. The purpose of an AA is to further analyse likely significant effects identified during the screening stage. The AA evaluates the implications of the plan or project, in light of the conservation objectives of the affected International Sites and includes a test as to if the plan or project would result in significant adverse effects on site integrity.

Consideration within the AA has also been given to 'in combination effects' where other nearby plans or projects may have the potential to cause negative effects on the integrity of the International Site. These negative effects may act in combination, with those of this planning application, potentially leading to a 'Likely Significant Effect' (LSE) becoming significant. Therefore consideration has been given to whether this application could contribute to effects generated by other plans or projects and vice versa.

The Arun Local Plan HRA Screening Report (UEEC, 2016b) identifies potential effects on Pagham Harbour SPA/Ramsar associated with the 'Pagham North' developments. These are;

- Disturbance;
- Effects on supporting habitat; and
- Water pollution.

These have been considered in Section 4 'Screening of Likely Significant Effects' of the Habitats Regulations Assessment (18/32-1A) dated 14th September 2018 prepared by EPR (on behalf of the LPA).

In relation to disturbance it is concluded in paragraph 4.19 that disturbance impacts arising from the proposed development alone will not trigger a Likely Significant Effect (LSE). However, in combination with other plans and projects there is the potential for a LSE. The recent European Court Judgement (ECJ) in 'People Over Wind' means where mitigation measures are relied upon it is not possible to screen out a LSE. Therefore, it will be necessary to explore if the mitigation proposed will avoid an adverse effect upon the integrity of the site.

In terms of recreational disturbance this has been considered under paragraphs 4.14-4.22 of the HRA and it has been concluded that following the recent ECJ ruling (People over Wind) it is no longer possible to rule out a Likely Significant Effect where mitigation measures are relied upon. Therefore, the assessment must progress to AA stage to explore whether any contribution towards an adverse effect on the integrity of the site can be ruled out.

In respect of effects on supporting habitat it has been identified in the 'Screening Conclusion' (paragraph 4.37) that there is compelling evidence in the recent work reported in Habitats Regulations Assessment (HRA) Technical Note (PELP 33a) and Map 2 of the HRA that Dark-bellied Brent Geese are unlikely to use land within or adjacent to the application site to the extent that it can be considered to be 'regularly used functionally linked habitat for Brent Geese'. Natural England (NE) agreed with this view in their consultation response to the original planning application (P/6/17/OUT) and advised that, in view of this and given the presence of other agricultural land being available nearer the SPA, the proposal would not lead to a Likely Significant Effect (LSE) through loss of supporting habitat.

Consideration was also given in the HRA (18/32-1A) to the combined impacts with other plans and

projects. This was considered in the Arun Local Plan HRA documents that informed the Local Plan examination in public. These documents were aimed mostly at addressing issues surrounding loss of functional supporting habitat for Dark-bellied Brent Geese at Pagham South, but did clarify the situation at Pagham North. In particular, it referred to new data compiled by Sussex Ornithological Society (SOS), submitted as part of its representations on a number of related planning applications at Pagham North and South.

It was concluded by Natural England (NE) that the nature of the site and its distance from Pagham Harbour means that it is unlikely to be regularly used functionally linked habitat. This and the availability of other agricultural land nearer the SPA led NE to conclude that the proposal would not lead to a LSE through loss of supporting habitat.

Paragraphs 4.42-4.61 of the HRA (18/32-1A) consider the potential 'Water Pollution' impacts of the development. It is identified under paragraph 4.56 that the Arun Local Plan HRA Screening Report identifies a potential issue with capacity at the Pagham Waste Water Treatment Works (WwTW) and it was advised by NE that subject to sufficient capacity in combination with other developments there will be no LSE from water quality impacts.

It has been acknowledged under paragraph 4.59 of the HRA that Southern Water will be seeking to provide adequate capacity for each of the developments. However, in order to secure this a condition has been proposed to ensure that each of the developments are delivered in phases in line with the reinforcement works to be implemented by Southern Water. It is likely that water pollution impacts from the development will not trigger a LSE on the Pagham Harbour SPA/Ramsar. However, as the proposed planning condition constitutes mitigation it is not possible for water pollution impacts to be screened out and an AA in relation to water pollution impacts was required.

Recreational disturbance and water pollution have been identified as required to progress to the Appropriate Assessment stage. The proposed mitigation measures in relation to recreation impacts at Pagham Harbour SPA/Ramsar are identified under paragraph 5.45 of the HRA (18/32-1A) as consisting of;

- Provision of suitable greenspace within the development; and
- Payment of strategic access management and monitoring (SAMM) tariff.

Paragraph 5.52 of the HRA (18/32-1A) states that the avoidance and mitigation strategy outlined by the applicant is suitably robust and meets the tests set by the consideration under AA, provided that any planning permission is conditional on the Council agreeing in writing;

- A 25 year management plan for the open space, setting out the costed prescriptions for delivering appropriate public access and providing clear commitments from appropriately qualified operators to implement the prescriptions; and
- The signing of a legal agreement obliging the applicant to secure appropriate ownership of the open space and to provide funds for the 25 year management plan.

It is identified under paragraph 5.56 of the HRA (18/32-1A) that reliance on Southern Water has been tested through the Examination in Public of the Arun Local Plan and it is reasonable to rely on them to deliver effective mitigation through enhancement and reinforcement works. In order to avoid water pollution effects it has been identified that ADC will require any planning permission to be conditional on a suitably worded condition to ensure development is phased and implemented to align with delivery of sewerage network reinforcement.

As a consequence of the proposed mitigation measures Arun District Council can be confident that they

will avoid or mitigate an adverse effect on the integrity of Pagham Harbour SPA/Ramsar, alone and in combination with other plans and projects. Natural England (NE) previously reviewed the Habitat Regulations Assessment Report and concurred with the findings that the proposal is likely to have a significant effect on Pagham Harbour SPA/Ramsar through increased recreational disturbance and water quality impacts. They also agreed with the conclusions of the Appropriate Assessment that the mitigation measures set out above (i.e. contribution to Strategic Access Management and Monitoring (SAMM) Strategy, provision of greenspace on site and alignment with Southern Water's delivery programme, surface water drainage strategy with additional treatment) are required to avoid an adverse impact on the integrity of the SPA/ Ramsar site. NE advise that appropriate planning conditions or obligations are attached to any permission to secure these measures. NE have been consulted on the Appropriate Assessment again in the determination of this application and their response is currently awaited.

As set out above conditions and obligations proposed will ensure these measures are secured. Therefore, the proposed development will accord with policy ENV DM2 of the Arun Local Plan.

DRAINAGE AND FLOODING

The site primarily falls within Flood Zone 1 with the exception of a portion of the site measuring approximately 22m² in the north-western corner of the site identified as Flood Zone 2.

The Environment Agency have been consulted in relation to this application but have not provided a consultation response at this time. However, in the determination of P/6/17/OUT they advised that in line with the External Consultation Checklist they would not be providing any response to the application.

Surface water drainage was considered in the preparation of the Arun Local Plan with the Arun Strategic Surface Water Management Study identifying SuDS measures and opportunities at the site. In addition to this policy W DM3 of the Local Plan states that proposals for major and minor development must incorporate SuDS within the private area of the development in order to provide source control features to the overall SuDS design.

The Flood Risk Assessment (Jan 2017) submitted in support of the application includes a drainage strategy under section 5. It is identified that it is proposed to discharge surface water flows to existing naturalised watercourses on site. Calculations undertaken by the developer have identified that attenuation storage extending to 3,078m³ will be required to attenuate storm water discharges from the site during a critical 1 in 100 year storm event. The attenuation requirements are shown on drawing no. 167/P/003 D. Therefore, the proposed attenuation basins will not result in an unacceptable impact upon the open space provision at the site.

The Council's Drainage Engineers have been consulted in respect of surface water drainage and no objection has been raised. Conditions have been requested and these have been included in the recommendation. This includes the requirement to undertake winter ground water monitoring at the site prior to the commencement of development which will inform the detailed design of surface water drainage at the site ensuring that it takes account of site specific conditions.

The proposed development accords with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

FOUL DRAINAGE

Southern Water has been consulted in relation to this application and have advised that they have undertake a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. It has been identified by Southern Water that this initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. It is further advised that any such network reinforcement

(which may or may not be required) would be part funded through the 'New Infrastructure Charge' with the remainder funded through Southern Water's Capital Works Programme.

It is further stated that Southern Water and the Developer will need to work together in order to review if the delivery of the network reinforcement aligns with the proposed occupation of the development, as it will take time to design and delivery any such reinforcement. This was considered in the AA where it was identified that an appropriately worded condition to ensure the phasing of the development aligns with the delivery of the sewerage network reinforcement. This has been secured via condition and as such the proposal meets the requirements of Southern Water to mitigate potential flooding as identified within Southern Water's consultation response.

Foul drainage was considered as part of the Arun Local Plan Examination in Public and it was identified that the agreed approach for addressing waste water treatment capacity for the strategic allocations at Pagham, is to divert flows to Lidsey and Ford Waste Water Treatment Works (WwTW), with reinforcement works (funded by developer contributions) to plants and pumping mains to be brought forward over time in line with housing delivery.

Therefore, in accordance with the Conclusions of the Appropriate Assessment (AA) and the Southern Water consultation response the proposed condition would avoid any unacceptably adverse impact upon Pagham Harbour SPA/Ramsar in accordance with policy ENV DM2 and would avoid any potential increased risk of flooding in accordance with policies W SP1 and W DM2 of the Arun Local Plan.

HERITAGE AND LISTED BUILDINGS

Paragraph 20(d) of the National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment. The application is accompanied by a 'Heritage Desk Based Assessment' which provides sufficient detail to accord with paragraph 189 of the NPPF.

Paragraph 190 of the NPPF identifies that the LPA should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development which may affect the setting of a heritage asset), taking into account any available evidence and necessary expertise.

Paragraph 192 of the NPPF states that in the determination of planning applications the LPA should take account of the desirability of sustaining and enhancing the significance of a heritage asset; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Irrespective of whether any potential harm amounts to substantial harm.

Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Several listed buildings are situated within the vicinity of the application site. To the west of the application site is the Grade II listed building Rookery Farm which is located approximately 100m from the site boundary. Rookery Farm is an 18th century two story farmhouse with a tiled roof, the significance of the property derives from its vernacular architectural and historic interest. Rookery Farm is well screened when viewed from the west and as such there is no inter-visibility between the listed building and the application site. Countryside to the north and west of the listed building informs its setting and as

such the development of the application site would not result in any harm to the significance of the heritage asset.

To the south-west of the application site is the Grade II listed Nyetimber Windmill which was constructed in 1840 and is missing its fantail. Nyetimber Windmill by virtue of its height is a dominant feature within the street scene and is visible from the north, south, east and west with views possible from the southern end of Hook Lane. The mill has subsequently been incorporated into the Mill Lodge development with two storey development constructed around the mill. The significance of the mill is derived from its historic interest. It is considered that Nyetimber Windmill's setting has been adversely impacted by the existing development of Mill Lodge surrounding it. The setting of the listed building is informed by the existing agricultural land situated to the north of the listed building with the application site making no contribution to the setting of the Mill. Therefore, the proposed development would not result in any harm to the building, setting or significance of the heritage asset.

There is a further cluster of listed buildings situated to the south-west of the application site and these consist of Mill Cottage (261 Pagham Road) which is a Grade II listed two storey cottage with thatched roof; Mill Farm which consists of a cluster of four thatched buildings and is also Grade II listed; and Inglenook Hotel (253-255 Pagham Road) also a two storey Grade II listed building. These buildings are situated within Pagham and as such the settings of these buildings are limited to their immediate surroundings, with residential development situated to the north, south, east and west of the properties. By virtue of the separation between these listed buildings and the application site, their existing setting and the severely limited inter-visibility between these heritage assets and the application site means that the proposed development will not result in any harm to the significance of these heritage assets.

To the north-west of the application site and approximately 440m from the site boundary are the Grade II listed buildings of Sefter Farm House and Sefter Granary. These structures are situated to the north of Barfoots Farm and their setting is informed by the agricultural land surrounding them. The structures and facilities on Barfoots Farm are situated between the heritage assets and the application site and as such the application site does not make any contribution to the existing setting of these listed buildings. Therefore, the proposed development will not result in any harm to the significance of these heritage assets.

The proposed development does not result in any harm to the significance of any designated heritage assets and will conserve the historic environment in accordance with policy HER SP1 and will not conflict with policy HER DM1 of the Arun Local Plan.

Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this case non-designated heritage assets considered relevant to the determination of the application are considered to be 56/58 Hook Lane (locally listed buildings) and the Area of Character to the south of the application site.

In terms of the impact of the proposal upon the significance of the locally listed buildings of 56/58 Hook Lane these structures are surrounded by 20th Century development to the north, east and south. The setting of these buildings now read as part of the built up area, as opposed to being rural as would have once been the case. Therefore, the proposed development will not give rise to any harm to the significance of these non-designated heritage assets in accordance with policy HER DM2 of the Arun Local Plan.

The Barton Close Area of Character is situated approximately 440m to the south of the application site,

by virtue of the existing built development surrounding the Area of Character and the geometry of Pagham Road the proposed development will have no impact upon the significance of this non-designated heritage asset and would preserve the special character of this area. Therefore, the proposed development accords with policy HER DM4 of the Arun Local Plan.

Given that no harm to the significance of any heritage assets have been identified above it will not be necessary to assess the development against the requirements of paragraph 196 of the NPPF which requires the harm to be balanced against the public benefits of the scheme. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also not relevant to the determination of this application as it is only relevant when considering whether to grant planning permission for development which affects a listed building or its setting and in this case no harm has been identified to any listed buildings or their setting.

ARCHAEOLOGY

A Heritage Assessment was submitted with the application which concluded that the site has low potential for remains of all archaeological periods but cannot be ruled out. The proposal has been considered by the Council's Archaeology Adviser who has stated that the potential of the proposed development to impact on unknown remains of archaeological importance justifies an investigation of the site and would be best secured via a suitably worded condition. This condition has been included as part of the recommendation and by virtue of this the proposed development will accord with policy HER DM6 of the Arun Local Plan.

RENEWABLE ENERGY

Policy ECC SP2 of the Arun Local Plan identifies that major developments must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable. A condition has been included with this recommendation report requiring the submission of details for approval by the Local Planning Authority as to how this will be achieved on site.

SUMMARY

The proposed development is considered to be acceptable in principle as has been established above and it has been identified within the report that the proposal will not conflict with the development plan.

The impact of the proposed development upon existing infrastructure has been mitigated through financial contributions and the provision of services and facilities. Adequate mitigation measures have also been identified which will mitigate the impact of the development upon the Pagham Harbour SPA/Ramsar site to the south of the application site. The developer has also agreed to provide 30% affordable housing which equates to 90 dwellings for a scheme of 300 units.

Therefore, the proposed development accords with the requirements of policy H SP2 and will cumulatively meet the requirements of H SP2a (SD1 & SD2) in conjunctions with planning applications P/134/16/OUT and P/140/16/OUT.

RECOMMENDATION

It is recommended that planning permission is granted for the proposed development subject to the completion of the s106 agreement and the inclusion of the conditions proposed below. It is also requested that delegated authority is granted to the Group Head of Planning to make minor amendments that are substantially in accordance with the s106 Heads of Terms.

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

See attached Heads of Terms document

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

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

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

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

Red Line Boundary - 167/P/007 Rev C

Proposed Access Arrangement On Hook Lane (North) - JNY8840-09 Rev A

Proposed Access Arrangement Pagham Road - JNY8840-12 Rev A

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).

- 4 No development shall take place until a detailed scheme of phasing for the construction of the dwellings and associated highways and public areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a schedule identifying the order of commencement and completion within each phase of construction.

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. It is considered necessary for this to be a pre-commencement condition because the phasing of the development needs to be satisfactory before work commences.

- 5 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings has been submitted to and approved by the Local Planning Authority. A 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the use of satisfactory external materials goes to the heart of the planning permission.

- 6 Prior to the submission of any reserved matters application for the housing phases identified by Condition 4 a design code masterplan shall be submitted to, and approved in writing, by the Local Planning Authority. This document shall demonstrate how the detailed proposals will reflect the objectives of the;

- Development Framework - 167/P/006 Rev E
- Landscape Masterplan - 167/P/003 Rev D
- Design and Access Statement - January 2017

The design code masterplan will provide further details on matters such as character areas, street hierarchy, building typologies, key buildings, the approach to car parking, structural planting, street furniture, lighting and treatment of the public realm. The development shall be carried out in accordance with the approved design code masterplan.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan.

- 7 The landscaping and layout particulars to be submitted in accordance with Condition 1 shall include:

- i. Details of all existing trees and hedgerows on the land, showing which are to be retained and which removed;
- ii. Details of the positions, height, design, materials and type of boundary treatment to be

provided;

iii. Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree

iv. The detailed hard and soft landscape design for the development including the layout and design of the public realm within the development;

v. Details of the surfacing, lighting and signage of all footpaths, cycle routes and a phasing plan for their provision;

No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

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

- 8 Landscaping (hard and soft) shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the first occupation of each phase or sub phase of the development hereby permitted or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the phase or sub-phase 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.

- 9 Prior to the commencement of the development an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in strict accordance with the details so approved.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 10 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

- 11 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses;

or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

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

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

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

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

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

- 14 Before the development hereby permitted is commenced, details of a proposed the 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, if appropriate).

Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that waste water network capacity is available to adequately drain the development and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details of any phase or sub-phase.

Reason: To ensure adequate infrastructure is provided to enable the scheme to be satisfactorily drained and avoids adverse impacts upon the Pagham Harbour SPA/Ramsar in accordance with policies D DM1, W DM1, W SP1, ENV DM2 and H SP2a of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the foul drainage system goes to the heart of the planning permission.

- 15 Prior to the occupation of any dwelling of a particular phase, a scheme for external lighting

shall be submitted and approved in writing by the Local Planning Authority. The scheme shall ensure that the lighting is sensitive to bats by minimising the lighting of the woodland along the southern and western boundaries and shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E3.

The scheme should 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 and no lighting will be installed within the buffer zones and GI areas. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: To control the residential amenities of the local environment in accordance with Policies D DM1 and QE DM2 of the Arun Local Plan.

- 16 Prior to the commencement of development, including any works of demolition, a Construction Management Plan shall be submitted for approval in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- full details of the construction compound,
- soil resources plan,
- dust mitigation measures,
- noise reduction measures,
- 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 effective 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.

Reason: In the interests of highway safety and the amenities of the area in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the safety and amenity issues that need to be addressed.

- 17 During the construction phase no machinery/vehicles or plant shall be operated on the site, no process shall be carried out and no deliveries taken at or despatched except between the hours of:

7.00 a.m. and 6.00 p.m. on Mondays to Fridays inclusive

8.00 a.m. and 1.00 p.m. on Saturday

Not at any time on Sundays or Public Holidays

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

- 18 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the storage areas identified in the

Construction Management Plan at any time approved by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy D DM1 of the Arun Local Plan.

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

Reason: in accordance with Policy SKILLS SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to as it relates to the construction phase of development.

- 20 No use within the phase of the development to be served from the Pagham Road access shall be first occupied until such time as the vehicular, pedestrian accesses and bus stop lay by have been constructed in accordance with the details shown on drawing no. JNY8840-12 Rev A and provided with visibility splays of 4.5 by 149 metres to the north and 152 metres to the south. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metres above carriageway level or as otherwise agreed.

Reason: In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policy T SP1 of the Arun Local Plan.

- 21 No use within the phase of the development to be served from the Hook Lane access shall be first occupied until such time as the vehicular and pedestrian accesses have been constructed in accordance with the details shown on drawing no. JNY8840-09 Rev D and provided with visibility splays of 2.4 by 74 metres to the north and 77 metres to the south. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metres above carriageway level or as otherwise agreed.

Reason: In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policy T SP1 of the Arun Local Plan.

- 22 No part of the development shall be first occupied until such time as the existing vehicular accesses onto Sefter Road and Pagham Road have been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. No existing access shall be used for construction purposes unless agreed as part of the construction management plan.

Reason: In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policy T SP1 of the Arun Local Plan.

- 23 No dwelling shall be first occupied until plans and details and a timetable for their installation showing the provision of real time information screens at the north and south bound bus stops on Pagham Road to the north of the Hook Lane Junction have been agreed in writing by the Local Planning Authority. The real time information screens once approved shall thereafter be implemented in accordance with the agreed details and timetable.

Reason: To promote and encourage sustainable transport to and from the proposed development in accordance with policy T DM1 of the Arun Local Plan.

- 24 No part of the development shall be first occupied until plans and details of the proposed pedestrian and cyclist access points have been submitted to and approved in writing by the Local Planning Authority. The approved access points shall thereafter be constructed in accordance with a phasing plan or timetable as may be agreed with the Local Planning

Authority.

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

- 25 No part of the development shall be first occupied until a 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 Policies D DM1 and T SP1 of the Arun Local Plan.

- 26 At least 10% of the total predicted energy requirements for the development (taking into account energy efficiency measures) will be generated through renewable or low carbon energy generation on site. The Local Planning Authority will consider 'allowable solutions' where it is clearly demonstrated that the provision of on-site renewable or low carbon energy generation is unviable or not feasible and where equivalent energy savings can be demonstrated.

Details and a timetable of how this is to be achieved for the development hereby approved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before development of the dwellings hereby approved commences. The development shall be implemented in accordance with the approved details and timetable and will be retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, in accordance with policy ECC SP2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the requisite infrastructure is designed into the housing development.

- 27 Prior to the commencement of development, a strategy for the provision or facilitation of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To ensure that the needs of future residents to connect to the internet does not necessarily entail engineering works to an otherwise finished and high quality living environment in accordance with Policy TEL SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

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

Reason: The site has the potential to contain unknown remains of archaeological importance

therefore in accordance with Policies D DM1 and HER DM6 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences.

- 29 Prior to the commencement of development details shall be submitted providing clarification as to how the existing hedgerows on site will be enhanced for use by bats. This shall include details of a buffer strip around the hedgerows measuring 5m in width and details of fencing to be used during construction to ensure that this area is undisturbed. Details shall also be provided of additional planting to infill gaps in the existing hedgerow using native hedge species to improve connectivity. No hedgerow shall be removed or disturbed from hedgerows H1, H2 and H3 and an additional minimum 20 metres of additional hedgerow planting shall be undertaken on site due to the loss of small areas of hedgerow H4 (as identified on Appendix D 6932-E-AD within the Ecological Appraisal - Jan 2017). 'Hop overs' shall be provided adjacent to any hedgerow haps greater than 7m wide to allow continued echolocation across the break.

Reason: In accordance with Policies ENV SP1 and ENV DM5 of the Arun Local Plan. It is considered that this condition must be pre-commencement to prevent harm to the sites biodiversity.

- 30 Prior to commencement of development an updated badger survey should be undertaken (if the survey submitted in support of the application is more than 12 months old) to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced and submitted to the Local Planning Authority for approval.

Reason: In accordance with Policies ENV SP1 and ENV DM5 of the Arun Local Plan. It is considered that this condition must be pre-commencement to prevent harm to potentially vulnerable species on site.

- 31 Any works to the trees or vegetation clearance on site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required during the bird breeding season an ecologist will undertake site surveys prior to any works taking place (within 24 hours of any work).

Reason: In accordance with Policies ENV SP1 and ENV DM5 of the Arun Local Plan. It is considered that this condition must be pre-commencement to prevent harm to potentially vulnerable species on site.

- 32 Prior to the commencement of development of any preparatory works an Ecological Protection & Enhancement Plan shall be submitted to and agreed in writing by the Council. The Plan shall be based on the mitigation measures proposed in Ecological Appraisal dated January 2017 prepared by FPCR Environment & Design Ltd and the correspondence from FPCR dated 20 April 2017 and will include a programme of ecological monitoring to inform the long term management of the site. The Ecological Protection & Enhancement Plan shall include a full mitigation strategy for Water Voles and Reptiles and a work programme with clear timelines for each mitigation measure to be carried out. The mitigation measures shall be implemented in accordance with the timescales set out in the agreed plan.

Reason: To ensure the protection and retention of biodiversity in accordance with Arun District Local Plan policy QE SP1. It is considered that this condition must be pre-commencement to prevent harm to potentially vulnerable species on site.

- 33 Prior to the commencement of development, an Electric Vehicle Charging Strategy will be prepared and submitted to the Local Planning Authority which identifies the nature, form and location of electric charging infrastructure to be provided across the development. The electric

vehicle strategy shall then be implemented in accordance with the approved details.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy D DM1 and Policy QE DM3 (c) of the Arun Local Plan and the NPPF. It is considered necessary for this to be a pre-commencement condition to ensure that the requisite charging infrastructure is designed into the housing development and it is implemented.

- 34 At least 50% of the total number of dwellings shall be designed and constructed to m4(2) (accessible and adaptable) standard and an additional two units shall be constructed to m4(3) (wheelchair user dwellings) standard, for every 50 dwellings developed on the site, as defined by 'Access to and use of buildings: Approved Document M'.

Reason: To ensure that dwellings are adaptable and meet the needs of different groups in the community in accordance with policy H DM1 and D DM1 of the Arun Local Plan and Paragraph 61 of the NPPF.

- 35 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.

- 36 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.

- 37 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.

- 38 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.

- 39 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.
The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.
- 40 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

BACKGROUND PAPERS

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

P/30/19/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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HEADS OF TERMS P/30/19/OUT

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
Affordable Housing		30% (thirty percent) of the Dwellings within the Development to be provided (subject to the terms of this Agreement) as Affordable Housing with a tenure split of: Affordable Rented Housing Units 75%; and Intermediate Housing Units 25%.	ADC		N/A	
Early Years	TBC by WSCC	£470,250	WSCC	Towards the delivery of an early years facility serving the Development as set out in the Arun Infrastructure Delivery Plan 2017.	N/A	Ten (10) years of the date of receipt of the Contribution.
Education (Secondary)	TBC by WSCC	To be calculated using the following formula; DfE Figure x ACP	WSCC	The contribution shall be spent on design and feasibility work for the provision of a new secondary school to serve the district and the implementation of access.	N/A	Ten (10) years of the date of receipt of the Contribution.
Education (Sixth Form)	TBC by WSCC	To be calculated using the following formula; DfE Figure x ACP	WSCC	The contribution shall be spent on expansion of Felpham Community College.	N/A	Ten (10) years of the date of receipt of the Contribution.
WSCC (Primary Education)	TBC by WSCC	£1,678,500	WSCC	Towards the construction of the Primary School on the Primary School Land or the construction of such other new primary school or extension to a primary school serving the Development as the	N/A	Ten (10) years of the date of receipt of the Contribution.

				County Council and the Owners shall agree.		
Libraries	TBC by WSCC	£25,000	WSCC	Provision of Tier 7 library facility to serve Pagham.	N/A	Ten (10) years of the date of receipt of the Contribution.
Fire & Rescue	TBC by WSCC	To be calculated using the following formula; $Y \times (Z / M)$	WSCC	Towards the redevelopment of Bognor Regis Fire Station.	N/A	Ten (10) years of the date of receipt of the Contribution.
Police Contribution	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	Total contribution of £47,108.93	ADC	<ul style="list-style-type: none"> • Officer start-up equipment cost - £4,048.89 • Officer start-up recruitment and training - £5,132.40 • Staff start-up equipment cost - £1,355.90 • Staff start-up recruitment and training - £689 • Premises - £22,164.17 • Fleet - £10,290 • ANPR - £3,428.57 	N/A	
Access Management Contribution at Pagham Harbour	Prior to the occupation of the first dwelling.	£871 per dwelling (total contribution of £261,300 for 300 dwellings)	ADC	Towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.	N/A	Ten (10) years of the date of receipt of the Contribution.
Leisure (Pools)	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£145,020	ADC	Expansion and reconfiguration of the wet side changing rooms at Arun Leisure Centre.	N/A	Ten (10) years of the date of receipt of the Contribution.
Leisure (Sports halls)	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£134,679	ADC	Expansion and reconfiguration of the ground floor dry side main public changing rooms, to increase capacity and overall customer experience at Arun Leisure Centre.	N/A	Ten (10) years of the date of receipt of the Contribution.

Leisure (3G Pitch)	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£19,818	ADC	Financial contribution towards the pitch surface and base layer of a new 3G playing pitch facility in the western analysis area, within the catchment of Pagham.	N/A	Ten (10) years of the date of receipt of the Contribution.
NHS	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£402,673	ADC	Contribution towards the infrastructure needs of managing GP consultant health care at Grove House GP Surgery or provision of new healthcare facilities at strategic allocation SD3 west of Bersted or the expansion or relocation of the Arthur Griffith Clinic at Pagham.	N/A	Ten (10) years of the date of receipt of the Contribution.
WSCC Highways Contributions	Contribution to be paid prior to the occupation of the 100 th dwelling.	£158,224.73	ADC	<ul style="list-style-type: none"> • Towards the enhancement of the Pagham Road/Sefter Road priority junction. • Towards the enhancement of the Pagham Road/Lower Bognor Road junction. 	N/A	Ten (10) years of the date of receipt of the Contribution.
WSCC Footpath contribution	Contribution to be paid prior to the occupation of the 150 th dwelling.	£30,612	ADC	Upgrade of public rights of way 100, 106 and 104 to enable creation of an off road cycle route.	N/A	Ten (10) years of the date of receipt of the Contribution.
Playing Pitch Contribution	Staged payments of 33%, 33% and 34% of the total contribution for each phase prior to occupations of 33%, 66% and 100% of the dwellings in that phase.	£82,092	ADC	Towards pitch and changing room improvements at Avisford recreation ground.	N/A	Ten (10) years of the date of receipt of the Contribution.
MUGA Contribution	Staged payments of 33%, 33% and 34% of the total contribution for each phase	£33.33 per dwelling (total of £9,999 for a 300 dwelling development).	ADC	Towards the installation of fencing around the existing MUGA at Avisford Recreation Ground.	N/A	Ten (10) years of the date of receipt of the Contribution.

	prior to occupations of 33%, 66% and 100% of the dwellings in that phase.					
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NON-FINANCIAL Obligation Summary	Trigger Point	Due To (ADC, WSCC, Other)	Department/Officer to Confirm Compliance
Junction improvement works to B2166 with Vinnetrov Road through the widening of the western entry arm as shown on - Drawing No. 14 'Proposed mitigation works – B2166 Vinnetrov Road' drawing no. 1616/14.	Prior to the occupation of the 100 th dwelling.	Works	WSCC/ADC
Upgrade of local bus stops on Pagham Road at Hook Lane junction to provide northbound bus stop with raised kerbs and bus timetable information and southbound bus stop with new layby, raised kerbs and timetable information. Upgrade of local bus stops on Hook Lane near Hook Lane Close and on Lodsworth Road to include raised kerbs.	Prior to the occupation of the 100 th dwelling.	Works	WSCC/ADC
Whyke Hill Junction Contribution Agreement - means a Highways Agreement under section 38 and/or section 278 of the Highways Act 1980 or such other enabling powers as may be appropriate having regard to the item of highways works in question between the Owners and/or the Developer and Highways England which secures the payment of the Whyke Hill Junction Contribution to Highways England	Prior to the commencement of the development.	Highways England	ADC
Public Open Space Scheme – establishing the provision of public open space and (where applicable) sports pitches within or associated with the development. Including submission of a 25 year management plan for the open space, setting out the costed prescriptions for delivering appropriate public access and providing clear commitments from appropriately qualified operators to implement the prescriptions.	Prior to the commencement of development of any dwelling	ADC	ADC
Public Open Space Scheme - establishing the provision of public open space and play provision. To incorporate 1 no. enhanced LEAP consisting of 9 pieces of play experiences. Including submission of a 25 year	Prior to the commencement of development of any dwelling	ADC	ADC

<p>management plan for the open space, setting out the costed prescriptions for delivering appropriate public access and providing clear commitments from appropriately qualified operators to implement the prescriptions.</p>			
<p>The below is only applicable if members consider the highways mitigation package as insufficient to address the impact of the development upon the highways network.</p> <p>To submit a monitoring scheme to the County Council for approval in writing in respect of:</p> <p>a) The changes in traffic using the Pagham Road Corridor. b) The changes in recorded personal injury accidents (as recorded by Sussex Police) occurring along the Pagham Road Corridor.</p> <p>Once the County Council has approved a Monitoring Scheme (The approved monitoring scheme) to implement the respective Approved Monitoring Scheme as follows;</p> <p>In respect of:</p> <p>a) The changes in traffic using the Pagham Road Corridor prior to or upon commencement of construction on site, upon occupation of 50% of the development and upon full occupation of the development. b) The changes in recorded personal injury accidents occurring along Pagham Road Corridor prior to or upon commencement of construction on the site, upon occupation of 50% of the development and upon full occupation of the development.</p> <p>In the event that the above monitoring identifies a material worsening in highway safety compared with the baseline assessment undertaken prior to the commencement of development, the County Council shall instruct Hallam (or their successor in title) to prepare and implement a highway safety scheme (the cost of which shall be capped at £100,000) for Pagham Road or make a contribution of £100,000 towards measures to improve highway safety along Pagham Road as proposed by West Sussex County Council. The highway safety scheme shall be implemented in accordance</p>			

with a timetable submitted to and approved by West Sussex County Council.			
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PLANNING APPLICATION REPORT

REF NO: Y/103/18/PL

LOCATION: 10 Acre Field
North of Grevatts Lane
Yapton

PROPOSAL: Single Chapel Crematorium with car parking, landscape works, surface water drainage features & associated highway improvements. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The single chapel crematorium building includes a single cremator and various facilities necessary for the crematorium to function. The majority of the building has a length of 55m but is adjoined by a flat roofed covered porch to a waiting room/toilets area at a right angle to the main building. This area includes a "Changing Places Toilet" facility. The majority of the buildings are single storey albeit there is a small mezzanine plant room area above the cremator. The buildings have pitched roofs mixed in heights between 7.2m, 9.3m and 9.9m. A single flue 13m high extends above the roofs. Materials consist of timber cladding, clay tiles, timber/aluminium windows/doors and brick plinths.

There is to be a secure service yard to the rear and a small pitched roof (7.3m high, 5.9m wide, 7.2m deep) Remembrance Court building to one side of the main building. To the opposite side is a walled floral tribute area. The rest of the site has vehicle parking, access roads and landscaping. Parking consists of 32 spaces in the main car park, 56 in the overflow, 19 in the overflow (on reinforced grass) and 12 staff/visitor spaces. Landscaping consists of native planting, native trees, wildflower meadows and evergreen tree planting. Drainage features (an attenuation basin & a swale) are shown.

The site is accessed from Grevatts Lane West with vehicles encouraged by way of the proposed entrance/exit design arrangement and signage to then head east to a new vehicle access onto the A259. Grevatt's Lane West will be widened within the highway boundary (circa 1.8m) to provide a continuous width of 4.8m. Approximately 10m to the west of the access from the site onto Grevatt's Lane West, the carriageway width will taper to the existing carriageway width of circa 3m.

The west bound carriageway of the A259 will also be widened

to accommodate a 3.5m wide right turn ghost lane so cars waiting to turn right do not hold up other traffic. The existing westbound lane will be 3.65m wide. The widening of the A259 carriageway to allow the creation of the ghost lane will solely utilise existing highways land on the southern side of the road. Approximately 36m to the west of the connection onto the A259 it is proposed the access road, (Grevatt's Lane West) would decrease from 7.3m wide to a width of 4.8m. The junction onto the A259 includes a crossing point across the access to allow cyclists and pedestrians to continue along the existing shared surface route safely.

The site is anticipated to operate between 09:00 and 17:00 Monday to Friday with potential for Saturday operation. Services are anticipated to last approximately 1 hour - a maximum of 8 services a day. The site will be staffed Monday to Fridays and during weekends as needed. The site is anticipated to have 5 full time staff, with infrequent visits by maintenance personnel and gardeners.

The applicant is Landlink Estates as owners of the land. They advise Dignity Caring Funeral Services are their chosen operator. Dignity currently operate Chichester Crematorium.

SITE AREA

2.47 Hectares.

TOPOGRAPHY

Predominantly flat.

TREES

No trees within the site but some (mature Scots Pines) as part of the eastern boundary. None of these will be affected.

BOUNDARY TREATMENT

Hedgerows with some ditches or open to adjoining land.

SITE CHARACTERISTICS

Agricultural (arable) use.

CHARACTER OF LOCALITY

Rural area being some distance from the nearest built development to the west. Aside from Grevatts Lane West (GLW) to the immediate south, all surrounding land is agricultural. The closest dwellings are to the west fronting Bilsham Road (the closest being at least 270m from the western boundary). There is a small light industrial site to the west with a second access point from GLW also west of the site. This part of Grevatts Lane West is closed to public vehicles and used solely by agricultural traffic. There is a public footpath 250m to the east of the site which turns west and then north of the site at a distance of some 300m.

There are heritage assets in the wider landscape to the west. They include locally listed buildings (84 & 85 Bilsham Road) and a Grade II Listed Farmhouse (Hobbs Farm House on Bilsham Road).

RELEVANT SITE HISTORY

crematorium building & associated structures, car parking, access & landscaped spaces. This application is a Departure from the Development Plan.

Y/70/07/	Crematorium with associated car parking, memorial garden and landscaping - Re-submission following application Y/78/06/ (Departure from the Development Plan)	Withdrawn 28-09-07
Y/78/06/	Crematorium with associated car parking, memorial garden and landscaping. (Departure from the Development Plan)	Withdrawn 16-03-07

There have been applications for a crematorium locally (not on the application site). Applications Y/78/06/ and Y/70/07/ proposed a Crematorium on land to the immediate south west of the Grevatts Lane West/Bilsham Road junction. Both applications were withdrawn.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

The full response of Yapton Parish Council is on the Councils website but in summary they OBJECT on the following grounds:

- (1) The need for an additional crematorium has not been identified in the ADC Local Plan;
- (2) The crematorium is not in the original or emerging updated Yapton Neighbourhood Plan;
- (3) The land is good quality agricultural land;
- (4) Access arrangements to Gravett's Lane West, to and from the A259 in close proximity to Comet Corner are not safe unless major improvements are made at Comet Corner. This junction is already dangerous and congested and an additional junction will exacerbate safety issues;
- (5) Safety on the Bognor to Littlehampton cycle route at the new access junction and the proposed cycle route connecting Bilsham Road to the A259 which makes use of Grevatt's Lane;
- (6) Public transport arrangements for access by visitors are not considered to be adequate or safe; and
- (7) An overriding need for a crematorium at this location has not been demonstrated.

Middleton Parish Council object. Their full response is on the Councils website. In summary they raise the following concerns:

- (1) Departure from the Local Plan;
- (2) Should have been allocated within the Local Plan
- (3) Neither the public, officers, councillors or the Planning Inspector identified a need for a crematorium;
- (4) Access is dangerous and flawed;
- (5) Adding a break to the cycle path will encourage cyclists to use the main carriageway; and
- (6) Conditions should be applied to ensure vehicle access is only from Bilsham Road and that opening hours are 09.00 -17.00 hours on Mondays to Fridays with a maximum number of 8 services per day.

Clymping Parish Council object. Their full response is on the Councils website. In summary, they raise the following concerns:

- (1) Development is in open countryside;
- (2) Increased traffic congestion and highway safety issues; and
- (3) Both crematorium applications should be considered by Development Control Committee at the same time.

RESIDENTS:

51 letters of objection have been received raising the following concerns and comments:

- (1) No need for a Crematorium;
- (2) Two existing local crematoriums have no capacity issues;
- (3) Objection is not to the crematorium which is needed but to the location;
- (4) Most crematoriums are sited near urban areas not in the countryside;
- (5) Statement of Community Involvement not detailed enough;
- (6) Loss of good quality agricultural land;
- (7) Land should be given to young people to run as a farm;
- (8) Safety concerns re the A259 and the cycle path;
- (9) Safety concerns exacerbated by emotional state of drivers;
- (10) Contrary to NPPF paragraph 98 ("Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.");
- (11) Severe impact on the highway in contravention of the NPPF;
- (12) Access should be from Bilsham Road with improvements to Comet Corner such as a roundabout;
- (13) Contrary to views of Middleton Parish Council, the junction of Grevatts Lane West with Bilsham Road is dangerous and therefore access should be from the A259;
- (14) Increased congestion on A259;
- (15) The cycling survey undertaken is irrelevant as the cycle path is less than one year old and will become much more frequented as connectivity between other cycle routes is established;
- (16) Issues with the transport documents in particular how and when traffic was counted;
- (17) A better option would be to widen Grevatts Lane West with improved junctions at both ends and allow it to be used as an alternative route to Comet Corner;
- (18) Proposed highway works will result in delays;
- (19) A better location would be on the south side of the A259;
- (20) Would be better located either next to a church or near the A27;
- (21) Not allocated in the Local Plan;
- (22) Not accordance with Government guidance on the siting of new crematoriums;
- (23) Air and ground pollution from cremations;
- (24) Two existing crematoriums in Chichester and Worthing emit fumes over open countryside;
- (25) Visual impact of 13m high flue;
- (26) Noise disturbance and loss of privacy from cars passing the houses on Grevatts Lane West;
- (27) Impact on existing on-street parking for residents on Grevatts Lane West;
- (28) Impact on wildlife (deer, bats, stoats, water voles) who use the application site;
- (29) Loss of Green Belt;
- (30) Crematorium will be a reminder of death & sorrow;
- (31) The two crematorium applications should be decided at the same time;
- (32) Contrary to ALP policy SD SP3 which requires a green gap between Middleton and Littlehampton;
- (33) No site notice at the A259/Grevatts Lane junction; and
- (34) Decision not made by 25/03/19.

In addition, the Council has received 2 further objections since the previous postponed Committee Meeting. These raise the following concerns:

- (a) Application seems to be a done deal and the agent and case officer are on first name terms;
- (b) Traffic and cycling figures as quoted by the applicant are unrealistic;
- (c) There are currently 150 cyclists per day as recorded by the cycle counter;
- (d) Users of the shared path have been totally ignored;
- (e) The application lacks the requisite information in that no sequential assessment has been provided and therefore fails to meet the requirements of paragraph 163 of the NPPF;
- (f) The application is contrary to Policy E2 of the YNDP; and
- (g) The S.106 clause to allow the buildings to be removed in 90 years time would not be compliant with flood risk policy and would open to challenge.

COMMENTS ON REPRESENTATIONS RECEIVED:

YAPTON PARISH COUNCIL:

The points are noted and where relevant considered in the conclusions section. In respect of (1) & (2), whilst it is accepted there are no crematorium allocations or policies in the development plan, this should not be taken to mean that there is no need for a crematorium, only that when the development plans were put together, there was no proposals in place.

INTERESTED RESIDENTS:

The Conclusions section assesses the application in respect of the principle of development in the countryside, the need for the proposal, the location of the site, agricultural land, the impact on highway safety/traffic congestion, visual amenity, pollution, residential amenity and biodiversity. The following comments are offered in respect of some of the points raised:

- (5) There is no requirement in planning policy to provide a Statement of Community Involvement. The Council cannot determine this application on the basis of the content of this document;
- (10) It is not considered there is a conflict as the plans make provisions for cyclists and pedestrians to cross the road junction with a central reservation to protect them;
- (12) - (13) & (17) There are a lot of differing opinions as to which is the safest way to access the site;
- (18) Delays arising from construction of the highway works will be temporary in nature
- (26) - (27) These issues will be mitigated by measures proposed to deter crematorium vehicles from exiting the site to the west and potentially future measures to prevent vehicles heading east along Grevatts Lane West;
- (32) The site does not fall in the designated Strategic Gap as shown on the Local Plan Proposals Map.

The following comments are offered in response to more recent objections:

- (a) The informal nature of email correspondence is not an indication that anything untoward is going on;
- (b) - (d) Noted however WSCC Highways maintain the position that there will be no harm to vehicle or cyclist safety;
- (e) This is covered within the Flood Risk section of the report's conclusions;
- (f) This is covered within the Agricultural Land section of the report's conclusions; and
- (g) The s.106 wording has been agreed by the Council's legal adviser.

CONSULTATIONS

Environmental Health
Engineering Services Manager
Engineers (Drainage)
Parks and Landscapes
WSCC Strategic Planning
Arboriculturist
Highways England
Environment Agency
Surface Water Drainage Team
Economic Regeneration
Archaeology Advisor
Ecology Advisor
WSCC Strategic Planning
Environmental Health
WSCC Strategic Planning
WSCC Strategic Planning
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - No objection - the discharge of effluent associated with this development will require an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies.

HIGHWAYS ENGLAND - No objection on the basis the proposals generates an acceptable, change in traffic on the A27 and will not materially affect the safety, reliability and/or operation of the A27.

WSCC HIGHWAYS - No objection subject to conditions and the inclusion in a S106 Agreement of £7,500 towards the costs associated with the implementation of a Traffic Regulation Order (TRO) and £965 towards the costs of installing lockable bollards to restrict vehicle movements along Grevatts Lane West (west of the site access) in association with the TRO.

- Grevatts Lane West is currently gated at a point approximately 100m from Bilsham Road and at its junction with the A259 but is public highway land;
- A road safety audit has been provided for the site access and junction of Gravatts Lane West and the A259 Grevatts Lane. This did not identify any issues with the proposals;
- The applicant has revised the proposals since original consultation response to reduce the number of lanes accessing the A259;
- The applicant has provided additional pedestrian and cycle counts along the A259 to identify the existing usage levels on a weekday and weekend; and
- The applicant has identified measures to deter vehicles from heading west along Grevatts Lane West and these address the County Council's concerns over the use of Grevatt's Lane West.

WSCC FLOOD RISK MANAGEMENT - Raise no objections.

- Current surface water mapping shows the site is at low risk from surface water flooding;
- Any existing surface water flow paths across the site must be maintained or appropriate mitigation

strategies proposed;

- A wholesale site level rise via the spreading of excavated material should therefore be avoided;
- The majority of the development is shown to be at high risk from ground water flooding based on the current mapping;
- Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment;
- No records of historic surface water flooding within the confines of the proposed site;
- Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent;
- The FRA for this application proposes that sustainable drainage techniques (swales and detention basin) would be used to control the surface water from this development to Greenfield run-off rates; and
- Infiltration methods should be explored for the entire site.

COUNCILS ECOLOGIST - No objections subject to conditions being imposed to:

- Retain and enhance existing hedgerows for bats & dormice;
- Protect hedgerows with a 5m deep buffer zone during construction (for bats and reptiles);
- Ensure the lighting scheme for the site takes into consideration the presence of bats in the local area and avoids unnecessary artificial light spill through the use of directional light sources and shielding;
- Undertake a precautionary approach for reptiles in the small area of grassland on site which needs clearing. This involves any removal of scrub, grassland or ruderal vegetation to be undertaken sensitively and done with a two phased cut;
- Protect watercourses with a 5m deep buffer zone during construction (for water voles); and
- Prevent any works to trees during the bird breeding season unless supervised by an ecologist.

COUNCILS ARCHAEOLOGIST - No objection subject to a standard condition to evaluate the potential of the site to contain archaeological interest features (likely to be prehistoric burnt mound deposits).

ADC ENVIRONMENTAL HEALTH - No objections subject to a condition on construction hours of working and a condition to require approval of a construction environmental management plan.

ADC DRAINAGE ENGINEERS - Note that attenuated discharge is proposed and it must be demonstrated that infiltration has been fully investigated prior to attenuated discharge being agreed. Request that standard drainage conditions be imposed.

ADC ECONOMIC REGENERATION - Offer no comments.

ADC LANDSCAPE OFFICER - No objections subject to landscaping condition and any trees at risk are protected during construction.

- The site is located in a largely open agricultural setting with incomplete screening to surrounds;
- Additional planting would be required to gap up existing and to provide new screening particularly to the long viewpoints and to from views from higher ground to the North and where presently exposed arable field lacking in tree cover;
- Proposed planting would need to be sufficient in height with a mix of tree and shrub species that are sufficiently fast growing to provide a year round screen;
- Any screening needs to provide a good mix of native species which when planted should establish quickly to form a balanced and appropriate planting scheme;
- The proposals could provide opportunity to enhance existing vegetation and to secure on-going management to any structural vegetation to the periphery of the site;
- The landscape scheme should maximise biodiversity with the inclusion of native species and the retention of a variety of habitats; and
- The planting with particular emphasis on screening is recommended to be in place prior to, but no later

than the first planting season following the construction of this proposal.

ADC TREE OFFICER - No response received.

COMMENTS ON CONSULTATION RESPONSES:

The need for the Traffic Regulation Order is explained within the Conclusions section.

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

In respect of WSSC Flood Risk Management comments high groundwater risk is not an indication that the site will flood from groundwater sources or that there is a potential risk to human safety. The Councils Engineers state there are only a few places in the district where groundwater floods above the surface and these are known to the Council (and do not include this site). The height of groundwater does inform the design of surface water drainage. For example, soakaways must be located above the highest groundwater levels (i.e. the highest water table level). Whilst not an issue with this proposal, development below the ground level has the potential to be affected by groundwater flooding. The applicants Flood Risk Assessment states:

"A review of the SFRA suggests the site is situated in an area which has a high potential for groundwater to reach the surface although no historical groundwater flood events had been recorded for the site. In the absence of site-specific records to inform on this element, reference has been made to a nearby site promoted by LEL under Planning Reference: Y/92/17/OUT. That site is approximately 1.4 km to the north west of the proposed development site and groundwater is anticipated at depths of 0.4m below ground in that area. Bedrock geology of the site is likely to be permeable in nature and it is possible for a shallow groundwater table to be present beneath the site."

The applicant has agreed to all of the pre-commencement type planning conditions.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Grade 2 Agricultural Land;
Flood Zone 1; and
Area of Special Control of Adverts.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment

HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
LANDM1	LAN DM1 Protection of landscape character
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SODM1	SO DM1 Soils
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
WMDM1	WM DM1 Waste Management

Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E4	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy KS21	Retention of community facilities

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.

The relevant policies of the Yapton Neighbourhood 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 conflict with the relevant Development Plan policies in that the proposed site lies in the countryside and the proposal does not meet any of the criteria in the policies of the development plan with respect to new development in the countryside. The proposal results in the loss of high value (grade 2) agricultural land.

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 as detailed in the Conclusion section. These are as follows:

- (1) The quantitative and qualitative need for the proposed crematorium as evidenced by the submitted Need Assessment and also by application CM/4/19/PL for a site to the east of the application site;
- (2) The assessment of other suitable sites within the Arun District;
- (3) The National Planning Policy Framework and associated planning practice guidance;
- (4) The presumption in favour of sustainable development; and
- (5) The requirements in respect of location constraints as set out in the 1902 Cremation Act.

CONCLUSIONS

PRINCIPLE:

The key policy considerations in the determination of the principle of this proposal would be C SP1 and SD SP1 of the Arun Local Plan (ALP). Policy C SP1 "Countryside" states that outside of the defined built up area boundaries (BUAB) land is defined as countryside and development will only be permitted here where it is:

- a. for the operational needs of agriculture, horticulture, forestry, the extraction of minerals or the management of waste as part of a waste site allocation within the West Sussex Waste Local Plan; or
- b. for quiet, informal recreation; or
- c. for green infrastructure; or
- d. for the diversification of the rural economy; or
- e. for road and/or cycle schemes; or
- f. in accordance with other policies in the Plan which refer to a specific use or type of development.

The proposal doesn't fall into these categories and is contrary to adopted countryside policy.

The Yapton Neighbourhood Development Plan:

The Yapton Neighbourhood Plan (YNDP) was made in November 2014 on the basis of saved policies in the 2003 Arun Local Plan and draft policies in the 2014 publication version of the then emerging Arun Local Plan. The site lies outside the BUAB in the YNDP and therefore is also defined as countryside.

Policy BB1 states development outside of the BUAB will not be permitted unless in accordance with 4 listed criteria. The fourth of these refers to "new or relocated health or community facilities in accordance with policies KS1 and KS2". Policy KS2 states that:

"Proposals for new and/or improved community facilities will be supported subject to the following criteria:

- the proposal would not have significant harmful impacts on the amenities of surrounding residents and other activities; and
- the proposal would not have significant harmful impacts on the surrounding local environment; and
- the proposal would not have unacceptable impacts on the local road network; and
- the proposal would provide appropriate car parking facilities; and
- the proposal is located within or immediately adjacent to the built up area boundary as defined in Policy BB1."

Although the preamble to this policy refers to community facilities in Yapton enabling a range of activities and services to be run which are important for people's wellbeing, there is no formal definition of what a community facility is and the crematorium clearly provides social benefit to the community of Arun and beyond. The proposal nevertheless conflicts with this policy as it is not directly adjacent to the defined edge of the built up area.

The proposal is considered to be conflict with ALP policy C SP1 and with YNDP policies BB1 and KS2.

LOSS OF AGRICULTURAL LAND:

As per Figure 2 of the YNDP, the site is classified as Grade 2 agricultural land. Policy E1 of the YNDP states "Planning permission will be refused for development on grade 1 and grade 2 agricultural land unless: (1) it involves the granting of planning permission for the development of the housing allocations identified in this Plan (Policy SA1 and Policy SA2); or (2) it involves the granting of planning permission for any additional housing sites required by Policy H1 to meet objectively assessed housing needs in the Plan area."

It should be noted that the Figure 2 map within the YNDP is based on the data provided by the national Provisional Agricultural Land Classification Grading system (ALC). This data is not based on site specific surveys but instead is assessed using various criteria including temperature, rainfall, aspect, exposure, frost risk, gradient, micro-relief, flood risk, soil depth, soil structure, soil texture, ground based chemicals and stoniness. The ALC uses a grading system to assess and compare the quality of agricultural land at national, regional and local levels. It assesses the potential for land to support different agricultural uses, such as growing crops for food. It doesn't consider the land's current use and intensity of use.

ALP policy SO DM1 considers soils and states: "Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term." It should be noted that where there is conflict between policies that make up the development plan, the conflict must be resolved in favour of the most recent policy (in this case the ALP).

The applicant does not dispute the agricultural grading of the land but considers the clear benefits of the proposal and the compelling need for the proposal outweighs the loss of this Grade 2 land. The application supporting information states that:

- There are no alternative sites to this that are at a lower flood risk, outside the strategic gap and would

meet the 1902 Crematorium Act Locational criteria;

- The loss of 4.08ha of agricultural land represents a crop profit which is calculated at £395/ha which is £1,611.60 per annum (data from November 2018) whilst the agricultural gross margin of the 4 hectare site is £589m*;
- This is miniscule by comparison to the value of the business proposed; and
- The loss of the land equates to the loss of a tiny % of the Langmead Farm holding;- Only a very small portion of the site has permanent development that removes the land for agriculture.

* It should be noted that both of these figures are calculated on the basis of 4 hectares since the data was only available for the whole of the field not just the part subject to the application. Therefore, the crop value or gross margin would be lower for the site subject of the application.

The need for this development is clearly set out elsewhere in this report (below in the next section) and it is considered that this need outweighs the need for the future retention of this 2.47 hectare parcel of agricultural land.

Policy SO DM1 then states that if development is permitted by the policy, the applicant should submit sustainability & options appraisals, mitigation measures and a soil resources plan for the development site. The applicant has stated that sustainability and options appraisals for soils are unnecessary as the limitations on location of the development provide no other alternative site. However, the applicant will be submitting a Soil Resource Survey and Soil Resource Plan for consideration by the Council. The latter could then be subject of a planning condition to ensure that its recommendations are followed.

Although the need for the development outweighs the need to safeguard this area of agricultural land, at the time of writing the applicant has not provided a response to the 2nd part of the policy. Therefore, the proposal remains partly in conflict with the YNDP (policy E2) and with policy SO DM1 of the ALP. This position may however change upon receipt and assessment of the Soil Resource Survey and Soil Resource Plan.

OTHER MATERIAL CONSIDERATIONS:

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."

It is considered that there are other material considerations which would allow in the case of this proposal for a decision to be made despite being in conflict with ALP policies C SP1 & SO DM1 and with YNDP policies BB1, KS2 and E2. These will now be discussed under the following headings.

(1) The Quantitative and Qualitative Need for the Proposed Crematorium;

The Council has two applications for Crematoria with only 660m between the two.

The applicant has provided a Need Assessment which states whilst there is a compelling quantitative and qualitative need for a single new crematorium at Grevatts Lane West, there is no need for two crematoria at this location and, if both were developed neither would be financially viable. The Need Assessment noted there is no national policy or guidance in relation to the assessment of need for crematoria and the assessment criteria that has been taken into account has been drawn from a number of appeal decisions and a court judgement.

The Need Assessment states:

- In 2016 cremation accounted for approximately 80% of all funerals in England;
- 2014 based National Population Projections indicate a 19.5% projected increase in deaths in the UK between 2014 and 2039;
- Arun's population will increase by 19% to 2039 (England 12.9%);
- Arun's death rate to 2039 will increase by 30% (England 25.3%);
- The location of crematoria coupled with drive time and qualitative issues demonstrate that there is need for additional crematorium capacity in mid Arun;
- The key factor influencing most people's choice of crematorium for a funeral is its location, and there is a general preference to minimise travel times;
- On average, Chichester Crematorium is operating at 104% of its practical capacity and Worthing Crematorium is operating at 90% of its practical capacity;
- This alone demonstrates need for additional capacity in this area;
- When seasonal variation in deaths is included, during peak months, Chichester is operating at 146% of its practical capacity whilst Worthing is operating at 126% of its practical capacity;
- The crematorium provides one hour service slots which is typical of new-build crematoria in contrast to the shorter time slots available at Chichester (40 minutes) and Worthing (45 minutes);
- Longer services could be provided at Worthing or Chichester but at the expense of less services per day and longer waiting times for new bookings;
- With hourly service intervals, the crematorium offers eight slots between 0900 and 1600 will add over 2,000 potential slots per year to those already available.
- Using the assumption that crematoria operate at approximately 75% of theoretical capacity, the factored capacity of the development would be 1,550 services per year, calculated from death rates within the 30 minute drive time;
- In Arun there is a prediction of 600 additional deaths per annum from 2018 to 2039, higher than any of the surrounding districts in numerical terms.
- This increase in death needs to be catered for in cremation capacity as qualitative issues will deteriorate at Chichester and Worthing, moving further way from recommended operational standards;
- A new crematorium in Arun will make a positive impact on satisfying quantitative need;
- It is not just about numbers. The development of a central Arun crematorium adds very significantly to the qualitative experience of bereaved people of the District;

(2) The Availability of other Suitable Sites within the Arun District;

The applicant has provided a list of alternative sites that could accommodate the crematorium. The applicant has undertaken this assessment with regards to both ADC's 2017 "Housing Economic Land Availability Assessment" (HELAA), the location requirements of the Cremation Act and the need for a size of site that would accommodate the ancillary parking and gardens.

The assessment assesses 19 other sites. It demonstrates there is no known alternative site that is free of the constraints and therefore equal or better than the site. Many of the sites were discounted due to having already been rejected as part of the HELAA or being located within the strategic gap.

(3) The National Planning Policy Framework (NPPF);

The NPPF is an important material consideration in the determination of planning applications. Although there is no reference to crematoria in the document, there is other guidance which is relevant to this application.

Paragraph 83 which states planning decisions should enable: (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed

new buildings.

Secondly, paragraph 84 which advises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

(4) The Presumption in favour of Sustainable Development;

Policy SD SP1 states 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 will work to secure development that contributes to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

The NPPF defines the achievement of sustainable development as meeting three interdependent objectives - economic, social and environmental. These need to be pursued in mutually supportive ways.

It is not considered the location of the site is sustainable from the point of view of access by non-car modes of transport. Demand for the facility is unlikely to be local enough to mean that there will be many visitors walking, cycling or taking the bus to access the site. Although there are bus stops on Bilsham Road (BR) close to the junction with Grevatts Lane West (GLW), the bus service is not considered to be sufficiently regular to prove attractive to staff members. It is noted there is no pavement or street lighting on GLW. It is accepted that staff and locally based guests could cycle to the site given the flat landscape and the cycle path along the A259.

There will be environmental costs in respect of the loss of some grassland wildlife habitat and a visual change to the landscape. The proposal demonstrates environmental gains through biodiversity enhancements. In the long term additional planting will result in a benefit to the local landscape.

A new Crematorium located between existing facilities at Chichester and Findon will mean people in the areas between the two existing facilities will have less far to travel to access a crematorium. Therefore, these visitors will not contribute to congestion on certain roads between their homes and the existing facilities such as the A27 and its pinch points around Arundel, Chichester and Worthing. The location of the crematorium reduces travel time that would have been necessary to the existing facilities and result in lower vehicle emissions. However, there will be a similar amount of people accessing the new site as would access the existing facilities.

The proposal will result in new employment & other economic benefits and meet an existing social/community need. There is a loss of agricultural land to consider, however figures provided by the applicant suggest that the impact will be much lower than the value of the new crematorium business.

On balance it is considered that the proposal does represent sustainable development and would therefore comply with policy SD SP1

(5) The 1902 Cremation Act;

The 1902 Cremation Act sets out locational criteria for new crematoria. It states crematoria must be at least 200 yards (183 metres) from any dwelling unless the owner, lessee or occupier has given their consent in writing, and at least 50 yards (46m) from a public highway. This effectively means that it is not possible to develop crematoriums in or adjoining the built up area boundary and pushes the search for new sites into the countryside. The edge of the site is around 270m from the nearest residential dwelling.

Summary of Material Considerations

Although the principle of development on this site in the countryside is considered to be contrary to the development plan, it is considered the proposal represents sustainable development and that other material considerations as set out above (including the need for the proposal and the need for a countryside location) combine to allow for a decision to be taken to allow the principle of development on this countryside site and the loss of the grade 2 agricultural land.

FLOOD RISK:

According to mapping on the Environment Agency's website, the site is in Flood Zone 1 which is low risk. The site is shown in the Council's Strategic Flood Risk Assessment (SFRA) as being at risk of flooding in the future. The SFRA includes maps showing the future effects of climate change and these suggest that the application site may become part of flood zone 3a by the year 2111.

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). This concludes that the site currently is at low risk of flooding and that subject to the provision of further information from the Environment Agency on projected future flood levels, consideration can be given during the detailed design of the buildings to the incorporation of flood proofing and flood resilience measures. The Environment Agency have been consulted and raise no objections. Neither do the Council's own Drainage Engineers.

A sequential assessment is required where a site is at high risk of current or future flooding. Para 158 of the NPPF states that the sequential approach should be used in areas known to be at risk now or in future from any form of flooding. Para 155 NPPF states that the development 'should be made safe for its lifetime without increasing flood risk elsewhere.' Furthermore, para 33 (Reference ID: 7-033-20140306) of the associated Planning Practice Guidance states that it should not normally be necessary to apply the sequential test to development in proposals in flood zone 1 (and with a low probability of flooding from rivers or the sea) unless the flood risk assessment indicates there may be flooding issues now or in the future (for example by climate change).

The applicants for the Climping crematorium undertook a sequential test for a similar area which concluded there were no other preferable sites and therefore it is highly likely that if a sequential assessment was provided for this application given the proximity of the two sites (680m), it would provide the same assessment of sites and likely reveal the application site to be the best one. A sequential assessment has therefore not been sought.

The applicant has confirmed that the lease with the crematorium operator is for a maximum of 90 years and that they will therefore accept an additional clause within the section 106 that requires the removal of the building by 2110 if a future flood risk assessment confirms the site remains at risk of flooding. This is not capable of being a material planning consideration in the determination of the application and is only referred to here due to the applicant offering it.

In respect of the other criteria in policy W DM2, it has already been demonstrated that the application will result in sustainability benefits to the wider community, there are no objections to the scheme from the Councils drainage engineers and the proposed clause within the Section 106 will ensure that the crematorium is within flood zone 1 for the length of the lease. Further, that if the flood zone changes then it will be subject to a further FRA which could require further mitigation measures and a Flood Warning/Evacuation Plan. It is therefore considered that the proposal complies with policy W DM2.

HIGHWAY SAFETY, TRAFFIC & PARKING:

Local Plan policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. In respect of highway safety, it states: "The Council will support transport and development which: explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, T SP1 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". In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined up cycle network and Public Rights of Way network.

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."

The advice of WSCC Highways is summarised above. They have assessed the proposals and supporting documents provided including a Road Safety Audit and do not consider there will be any severe harm to the safety or convenience of the local highway network either solely or in combination with other developments.

WSCC Highways note that Grevatts Lane West is adopted highway but at some point in time, gates were illegally installed to prevent unauthorised access to the agricultural land. These gates are locked and currently prevent any non-agricultural vehicles from travelling up or down using Grevatts Lane West. However, as the road is public highway and as the effect of the proposal would be to open up and improve the junction with the A259, members of the public may be encouraged to try to use Grevatts Lane West as a cut through to avoid Comet Corner. They would then encounter the locked gate situated to the west of the Crematorium site and they would be within their right to request that the Highways Authority remove the gate. If this were to happen, there would then be nothing to stop vehicles bypassing Comet Corner in order to head east along the A259 or turning right off the A259 and using Grevatts Lane West to reach Bilsham Road.

The applicant therefore proposed a solution entailing the installation of lockable bollards on the highway, west of the site, to be secured by a future Traffic Regulation Order (TRO). This would act as a fail-safe mechanism to be implemented should the existing gate ever be removed and should a certain number of traffic movements be reached. It is not possible to say at this time what the trigger number of vehicles will be but it will need to be a sufficient number to support the TRO as this process will be led by County, will be subject to consultation (the implementation of bollards could therefore attract objections) and will be subject to a County Council committee decision.

A condition is therefore proposed to secure a regime of post approval traffic monitoring. The applicant will be responsible for installing the monitoring equipment and for providing this data to the Highway authority.

Consideration has been given to instead achieving these same aims through a planning condition but as the Traffic Regulation Order is not a planning matter and is dependant on a decision to be taken by the County Council, a condition would give no certainty and could stifle the development. Also, it would not be appropriate to close the access off for good as access is required by agricultural vehicles.

It should also be noted that the proposed site layout has itself been designed so as to encourage vehicles to head east from the crematorium site towards the A259. The layout forces drivers to drive left out of the access and although it would then be possible for smaller vehicles (not a hearse or refuse vehicle) to swing back right and head west, in practice the layout and the condition of the Grevatts Lane West surface will deter the majority of drivers. Therefore, it is unlikely that users of the crematorium will contribute to the need for a TRO.

The proposed access improvement works on the A259 are considered to be safe and reduce the potential for congestion from vehicles waiting to turn right onto Grevatts Lane West. The improvements include a pedestrian/cycle crossing point with island to allow users of the shared path to safely cross the access. The widening of the A259 carriageway to allow the creation of the ghost lane will solely utilise existing highways land on the southern side of the road and not any third party owned land.

The Federation of Burial and Cremation Authorities (FBCA) suggest parking for crematoria should be provided for approximately two thirds of the total seating capacity of the chapel. The chapel provides 126 seats and this equates to a demand of 84 parking spaces. The applicant proposes 107 spaces for guests with 12 for staff and other site visitors.

The application states a total of 6 cycle parking spaces for staff members will be provided in the service yard. Plans demonstrate that cars, refuse lorries and fire engines can all navigate & track around the site without restriction and can enter and exit in a forward gear.

WSSC Highways are the Councils technical experts on such matters and given they raise no objections, it is not considered a refusal on the grounds of highway safety or highway convenience could be sustained on appeal. It is considered the proposal accords with the relevant development plan policies and with the NPPF in terms of highway safety.

HERITAGE ASSETS:

The site is not itself a heritage asset and there are not considered to be any heritage assets, designated or non-designated, in close proximity. There are two locally listed buildings (nos. 84 & 85 Bilsham Road) to the west of the site however these are some distance away (approximately 355m between the building and the application site edge) with three further houses and fields between.

There is a Grade II Listed Building (Hobbs Farmhouse) also fronting Bilsham Road albeit slightly more in a north-westerly direction. This is further from the site with a distance of 440m between the edge of its curtilage and the application site boundary. There is a small industrial site and two dwellings within the landscape directly between Hobbs Farm and the application site.

The NPPF defines setting as the surroundings in which a heritage asset is experienced and states that the extent of the setting is not fixed and may change as the asset and its surroundings evolve. It is not considered that the setting of Hobbs Farm and the buildings within its curtilage extends far enough from its boundaries so as to include the application site.

On the basis that the application proposal does not directly affect these nearby heritage assets and does not affect their setting either, it is not considered necessary to assess the proposal against the heritage guidance within the NPPF, against the Planning (Listed Buildings and Conservation Areas) Act 1990 or against policy HER DM1 of the Arun Local Plan.

DESIGN, LANDSCAPE & VISUAL AMENITY:

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. The policy requires the scale of development keep within the general confines of the overall character of a locality. It states all development will be expected to incorporate existing and new tree planting as an integral part of development proposals. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character.

Policy LAN DM1 of the ALP states: "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas The historic character and development pattern of settlements within the District should be respected, taking into account their distinct identity and setting"

There are no relevant design or landscape policies in the YNDP. Regard should be had to para 127 of the NPPF: "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)." Paras 122 and 130 are relevant. Para 122 states decisions should support development that makes efficient use of land but the desirability of maintaining an area's prevailing character and setting should be taken into account. Para 130 states planning permission should be refused for development that fails to take opportunities available for improving character and quality of an area and the way it functions.

The Design and Access Statement states:

- The design of buildings has been influenced by the desire to relate to the surrounding built forms and to provide a celebratory space within the Chapel which has a high ceiling height;
- The long 'separate' elements of the built area relate back to a farm typology common in rural South England;
- They have then been offset to give a contemporary design which is considered to sit comfortably in the landscape without being imposing;
- The internal design allows for different activities to take place at the same time without conflict (such as one cremation taking place whilst another unrelated chapel service is running);
- The building layout itself is orthogonal with the building sitting at an angle to the site boundary;
- Having the building at an angle to the site boundary also creates more intimate and welcoming spaces

which allows for the protected view behind the building to be unseen when anywhere else but in the chapel.

The scheme has been designed to create a sustainable, rurally appropriate design reflective of the landscape character of the coastal plain. The buildings are agricultural in design whilst the use of timber and clay tiles appropriate to the rural environment. Although some of the buildings have a high pitch, the accommodation (bar a small mezzanine area) is single storey and the buildings will not be out of character with the built form of nearby dwellings or the character of the surrounding landscape.

The applicant has provided a Visual Appraisal document which concludes:

- There are no high sensitivity receptors within the study area;
- Views from the medium sensitivity receptor (the National Cycle Route 2), to the south, are intermittently open but oblique and otherwise screened by roadside vegetation;
- Views from other medium sensitivity receptors, public rights of way to the north and south of the Site, have some partial direct or oblique views of the site and the proposed development would potentially be partially visible from a number of these locations;
- Residents of White Rails to the west (south of the Bilsham Road/Grevatts Lane West junction) would have direct partial views from the side and rear of the two properties;
- Intervening vegetation, comprising of hedgerow and trees, provides varying degrees of filtering and screening of potential views from these receptors;

In response, the following mitigation strategy is proposed:

- Set built form back from Grevatt's Lane West, behind a landscaped buffer, to reduce visual impact on views from the south and to focus development in areas of higher containment;
- Enhancement of existing boundary hedgerows and trees as characteristic landscape features which function as wildlife habitat and connect with wider green infrastructure;
- Strengthen the visual containment of the site, through tree and hedge planting;
- Provide an attractive landscape setting to the proposed development to enhance visual amenity for users, provide a high quality experience for mourners, and assist in integrating built form within the wider landscape.

This will be enforced through a landscaping condition. This site is not in a protected landscape and is not part of a local or strategic gap designation. This coupled with the limited impact on receptors in terms of landscape impact means the proposal has only limited impact. The proposed on and off-site planting will lead to landscape enhancement in the longer term.

It is acknowledged that the design includes a chimney which will be higher than the building roofs. This is necessary in the interests of pollution control.

The proposal would not result in material harm to the rural character of the locality and the landscaping will, in time, screen the site from view and enhance the wider landscape. The proposal accords with ALP policies D DM1, D SP1 & LAN DM1 and with the relevant guidance on design within the NPPF.

POLLUTION:

ALP policies QE DM1, QE DM2 and QE DM3 seek to protect residential properties from adverse effects of noise, air and light pollution. It is important to note the 1902 Cremation Act states that crematoriums must be at least 200 yards (183 metres) from any dwelling unless the owner, lessee or occupier has given their consent in writing. The nearest residential property is at least 270m from the western site boundary.

The application is accompanied by an Air Quality Assessment. This states:

- Detailed air quality modelling has been undertaken to predict the impacts associated with stack emissions from the cremator;
- A stack height of 13m was selected to ensure adequate dispersion of the exhaust gases;
- Predicted maximum process concentrations at sensitive receptor locations are well within the relevant air quality standards for all pollutants considered; and
- The significance of the impacts has been assessed as negligible in accordance with the EPUK/ IAQM planning guidance and Environment Agency's risk assessment guidance.

The application has been assessed by Environmental Health officers who are the Council's technical experts on matters of pollution and they raise no objections. It is proposed to impose a condition to require the approval of lighting details post approval. These details would then be subject to agreement with Environmental Health officers and with our ecologist. In terms of noise, a condition will be imposed to prevent services from being held outside of 9am and 5pm on Mondays to Saturdays with no services on Sundays or Bank Holidays. This will ensure any noise generated by the use will be within standard working hours.

Matters relating to scheme in respect of air quality, lighting and noise are acceptable. The proposal is therefore in accordance with policies QE DM1, QE DM2 and QE DM3 of the Arun Local Plan.

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. 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.

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

Due to the distance to the nearest residential property, there will not be any impacts on residential properties in respect of overlooking, loss of light or loss of outlook.

Some residents have concerns regarding noise disturbance from vehicles travelling west from the site along Grevatts Lane West. The design of the access from the site onto Grevatts Lane West includes measures to deter vehicles from heading west towards Bilsham Road. If a particular number of vehicles doing so is reached (to be monitored by WSCC Highways) lockable bollards will be installed which will prevent access west along Grevatts Lane West by non-agricultural vehicles. This is not considered to result in significant harm to amenity of these residents.

It is not considered that there would be conflict with policies D DM1, QE SP1 or para 127 of the NPPF.

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)."

YNDP policy E3 seeks to prevent loss of natural habitat but states it may be acceptable where mitigation measures ensure the integrity of the habitat or where the habitat is relocated to a site within 500m. Policy E4 states sites should retain well-established features of the landscape, including mature trees and species-rich hedgerows, new tree planting will be required to mitigate significant loss.

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 is accompanied by an Ecological Impact Assessment which concludes the site is considered to be of low ecological value with no particular habitats of interest. The proposals will not impact on the margins of the site (hedgerows/ditches) which do hold wildlife value. The Assessment considers that once avoidance and mitigation measures have been taken into account, the impacts of the planned development upon biodiversity will be negligible, nonsignificant with proposed ecological enhancements resulting in a net gain and result in a long-term positive increase in biodiversity. Mitigation measures include a number of precautionary measures alongside wildlife enhancements.

The Councils Ecologist has assessed the application in respect of whether there will be harm to protected species and advises no objection subject to the mitigation and enhancement measures being secured by condition. It will be necessary to protect the field boundaries with fencing during construction and to retain these areas as they ensure habitat for bats, voles and reptiles is maintained.

The application complies with the NPPF para 175, with ALP policy ENV DM5 and YNDP policy E3.

SUMMARY:

The principle of development is contrary to the development plan as it is located in a countryside location and on grade 2 agricultural land. The proposal represents sustainable development, the need for a new crematorium has been established and the evidence indicates this is the only available site which meets all of the required criteria.

The siting of a crematorium in the countryside is supported by the NPPF and by decision making elsewhere in the South East. These material considerations are such that in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, a decision can be taken other than in accordance with the development plan.

This report has considered the concerns of interested residents and Parish Councils in particular with respect to the impact on highway safety/traffic congestion, visual amenity, pollution, residential amenity and biodiversity. It is not considered the proposal results in any material harm to any of these considerations and that there will be long term benefits from the enhancement of the local landscape and of the biodiversity value of the site.

The application will be accompanied by a Section 106 Agreement securing a contribution to the provision of a Traffic Regulation Order which will be required in the future should a particular number of vehicle movements travelling along Grevatts Lane West be reached. If this trigger is met the Highway Authority will seek to implement a Traffic Regulation Order using the agreed financial contribution from the applicant to pay for lockable bollards to prevent vehicle movements (other than for agricultural vehicles).

Due to the applicant providing further soil related documents in support of the application, it is necessary to notify the Parish Council of the amendment to the application. The Council has a duty in accordance with Section 2 of the Neighbourhood Planning Act 2017, to allow a 21 day notification period. The expiry of the 21 day period will be after the Committee Meeting on the 7th August.

Therefore, Committee are requested to resolve to delegate the application approval of planning permission, subject to the completion of the s106 agreement and the recommended conditions, to the Group Head of Planning for a decision to then be made in consultation with the Chair and Vice Chair of the Development Control Committee. Should the Parish make any further representations before the date of the Committee, then there will be a report update to update members and amend the recommendation.

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 decision has been granted in conjunction with a S106 legal agreement relating to the following provisions:

(1) a financial contribution of £7500 towards the cost of a potential future Traffic Regulation Order (TRO) which will be required if the necessary trigger of vehicle movements travelling along Grevatts Lane West is exceeded. If the trigger is reached the TRO will cover the installation of lockable bollards adjacent to the crematorium access on Grevatt's Lane West in place of the existing gate on Grevatt's Lane West to the west of the site. A contribution of £975 is required to pay for these bollards; and

(2) A clause to require the removal of the crematorium building by the year 2110 if a future flood risk assessment (FRA) confirms that the site is at a high risk of flooding. This is not a material planning consideration and has not therefore influenced the recommendation. It is included solely due to being proposed by the applicant.

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. 1176/1000 "OS Location Plan";
 Dwg. 1176/1002 "Proposed Site Plan" (1:1250);
 Dwg. 0524-DR-100 Rev PL01 "Proposed Site Plan" (1:500);
 Dwg. 1176/1003 Rev A "GA Ground Floor Plan";
 Dwg. 1176-1004 "GA Roof Plan";
 Dwg. 1176-2000 "GA Elevations - Main Building 1 of 2";
 Dwg. 1176-2001 "GA Elevations - Main Building 2 of 2";
 Dwg. 1176-2002 "GA Elevations - Remembrance Court";
 Dwg. 1176-2007 "GA Elevations - Main Building 1 of 2 Detailed";
 Dwg. 1176-2008 "GA Elevations - Main Building 2 of 2 Detailed";
 Dwg. 1176-2009 "GA Elevations - Remembrance Court Detailed";
 Dwg. 1176-2003 "GA Section - Main Building";
 Dwg. 1176-2004 "GA Section - Remembrance Court";
 Dwg. 1176-2005 "Detailed Elevation";
 Dwg. 1176-2006 "Proposed Approach View";
 Dwg. 1176-2007 "GA Elevations - Main Building 1 of 2 (Detailed)";
 Dwg. 1176-2008 "GA Elevations - Main Building 2 of 2 (Detailed)";
 Dwg. 1176-2009 "GA Elevations - Remembrance Court (Detailed)";
 Dwg. 128.001.007 Rev C "Access Road Amendments"; and
 Dwg. 128.0001.001 Rev D "Site Access with Right Turn Lane from Grevatts Lane".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies QE SP1, D DM1, T, SP1 and CSP1 of the Arun Local Plan.

- 3 The Changing Places Toilet hereby approved as part of this development and shown on drawing 1176/1003 Rev A "GA Ground Floor Plan" shall be laid out prior to first use of the crematorium in accordance with Arun District Council's "Changing Places Toilet Guidance" dated January 2019 (or any subsequent published version). Thereafter, its special features shall be maintained in good working order.

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

- 4 The development must be carried out in accordance with the mitigation and enhancement measures as set out within sections 5.0 and 6.0 of the Ecological Impact Assessment by Lizard Landscapes ref LLD1584 Rev 01 (26/11/18). The enhancements and mitigation measures shall be implemented as per the document and then permanently retained and thereafter maintained as fit for purpose.

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

- 5 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);
- 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.

- 6 Prior to the commencement of development, the developer shall provide a 5m deep buffer zone to the hedges and watercourses along the site boundaries to be secured by temporary security fencing. The habitat within the buffer zones shall be maintained as existing and there shall be no access to these buffer zones during the construction process. Once construction is completed, the fencing shall be removed and the buffer zones left as a natural area for wildlife.

Reason: In order to protect wildlife habitat (bats, reptiles, dormice and water voles) and in the interests of general biodiversity in accordance with policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure that the wildlife habitat is protected prior to the start of construction works.

- 7 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has

been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

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

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

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

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

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

Reason: The site is of potential archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because it would not be possible to carry out surveys once the building work has started.

- 11 No development of the crematorium building above damp proof course (DPC) level shall take place unless and until a monitoring regime to assess the impact of vehicle flows along Grevatts Lane West, west of the site access has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter the monitoring data shall be made available upon request to either the Local Planning Authority or the Local Highway Authority.

Reason: To accord with the terms of the application and in the interest of the safety of highway users in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 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 Local Plan.

- 13 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 buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character and appearance of the surrounding rural area in accordance with policy D DM1 of the Arun Local Plan.

- 14 Before the development is first occupied or brought into use a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall then be carried out as approved and permanently adhered to unless otherwise agreed in writing with the Local Planning Authority.

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

- 15 Before the development hereby permitted is first brought into use the developer shall enter into an agreement pursuant to Section 278 of the Highways Act 1980 with the County Council to provide for the junction improvements as shown on Drawing 128.0001.0001 REV D. The junction shall then be provided prior to first use of the crematorium.

Reason: To accord with the terms of the application and in the interest of the safety of highway users in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 16 No part of the development shall be first brought into use until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Access Road Amendments and numbered 128.001.007 Rev C.

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

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

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

- 18 No part of the development shall be first brought into use 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 approved cycle storage/parking spaces shall thereafter be permanently retained in good working condition.

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

- 19 No construction or demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) and no noisy working activities shall take place on Saturday afternoon, Sunday or Bank Holidays.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policies QE SP1 and QE DM1.

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

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 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.

- 22 No crematorium services shall take place outside of the hours of 09:00 and 17:00 Monday to Saturdays and there shall be no more than 8 services per day. There shall be no services on Sundays or Bank Holidays.

Reason: As agreed with the applicant and in the interests of the general amenity of the locality & to minimise the impact of traffic on the road network during peak hours in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 23 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.

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

(1) a financial contribution of £7500 towards the cost of a Traffic Regulation Order (TRO) which will be required if the necessary trigger of vehicle movements travelling west along Grevatts Lane West is exceeded. If the trigger is reached then the TRO will cover the installation of lockable bollards adjacent to the crematorium access on Grevatt's Lane West and also in place of the existing gate on Grevatt's Lane West to the west of the site. In addition, a contribution of £975 is required to pay for these bollards.

(2) A clause to require the removal of the crematorium building by the year 2110 if a future flood risk assessment (FRA) confirms that the site is at a high risk of flooding.

25 INFORMATIVE: This process may require a permit under the Environmental Protection Act 1990, Environmental Permitting (England and Wales) Regulations 2010 before operations commence and the applicant is advised to contact the Environmental Health Department on 01903 737755.

26 INFORMATIVE: The discharge of effluent associated with this development will require an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted.

Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

27 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.

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

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

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

BACKGROUND PAPERS

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

Y/103/18/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: CM/4/19/PL

LOCATION: Land south of the A259
Grevatt's Lane
Climping
BN17 5RE

PROPOSAL: Construction of a crematorium comprising of a crematorium building & associated structures, car parking, access & landscaped spaces. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed development is to create a modern crematorium facility with a building in a contemporary style, with tiered, curving, vegetated roofs. The building will incorporate a vestibule and waiting areas, chapel, cremation equipment, ancillary office spaces and a "Changing Places Toilet" facility. It has been designed so that mourners will enter the chapel from the southern entrance and exit via the western exit lobby into a covered walled floral tribute area incorporating a pergola and water feature.

The site consists of a rectangular piece of land 18 metres wide by 30 metres deep situated to the south of the A259. The crematorium building will be situated centrally within the site and comprise a predominantly single storey complex. The layout is similar to the Applicant's existing premises at The Oaks Crematorium, Barton Road, Havant which. The building would be a low scale design and use of appropriate elevational treatment.

The proposed building will be set well away from Grevatt's Lane by approximately 150 metres. To the front of the building a car park will be provided. The main car park will provide for 95 car parking spaces and 24 cycle parking spaces in total. Around the outside of the car park a driveway will be provided for use of hearses.

In addition to the main car park an overflow car park will be provided for an additional 55 cars. This would be surfaced in geotextile and grass seeded and would only be subject to infrequent use. The car parking echoes the shape of the building and is separated by trees and low planting.

Aside from the building and the parking areas the proposal would involve landscaping of the remainder of the site. Such

landscaping for the most part would involve low level shrubs and ornamental feature trees.

The site will be accessed from a new access off the A259 close to the existing farmer's access in the east of the site. A new right turning lane for traffic approaching the site from the east will be provided to prevent hold ups on the A259. This will require using part of the existing wide verge.

The chapel would provide seating for 84 people and employ 6 members of staff.

SITE AREA

4.5 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Hedges and trees surround field boundaries.

SITE CHARACTERISTICS

The site forms part of the coastal plain, with the coast line running almost parallel to the A259, 125 metres to the south. The land is currently an arable field with no trees or shrubs within it. However, a strong belt of trees borders the site to the north separating it from the A259. The southern site boundary follows the Ryebank Rife, a deep ditch which is hedged with mature trees along its course, mostly lying to the south of the ditch with occasional trees on the northern bank. There are banks lining both sides of the ditch to contain overflow water at times of flood.

CHARACTER OF LOCALITY

The site is surrounded on all sides by agricultural land on what is otherwise a relatively undeveloped space between Bognor Regis and Littlehampton. There are, however, exceptions, including Hobbs New Barn commercial estate approximately 300m to the east along Grevatt's Lane and Jaybelle Grange holiday lodges development approximately 600m further east. The main residential areas of Elmer, Climping and the western edge of Littlehampton lie approximately 500m south, 500m north east and 2.5 km east of the site respectively.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Objection:

- The proposed development is within the Gap between Settlements, Littlehampton to Middleton.
- The proposed development is in open countryside.
- There will be an unacceptable impact on the local highways infrastructure. The A259 is already overloaded with long tailbacks at peak times and this development will further increase traffic movements and exacerbate the problem. The junction onto the A259 from the site will be busy creating an additional hazard and adversely affect traffic flows.
- Council notes that there is a pending application for a crematorium on a nearby site and feels strongly that both applications should be considered by the Arun Development Control Committee at the same

time.

Middleton-on-Sea Parish Council:

- This is a Departure from Arun Local Plan.
- Neither the public, officers, councillors or the Planning Inspector identified a need for a further crematorium so the application should be refused.
- It is essential that the gaps between the settlements of Littlehampton and Middleton-on-Sea are maintained. This is particularly important at this location as there is an industrial site just a few hundred yards to the east and this application, if approved, will infill the gap and create a ribbon development along the A259.
- The local bus service data is inaccurate. These timings will not be appropriate for people wishing to attend the crematorium.
- The proposed access to the crematorium is dangerous and flawed.
- The proposed junction is on an unlit section of the A259 with a 60 mph speed limit.
- Based on the Traffic Statement data, traffic speeds are generally in excess of 50 mph. With slow moving corteges using this section of road, it will adversely impact other motorists. This will increase the risk of accidents particularly on winter afternoons when light levels are low.
- The experience of Comet Corner and The Oystercatcher junctions are that it can be particularly difficult to turn right at any time of the day. Fatalities have occurred at both Comet Corner and Oystercatcher junctions.
- If minded to approve the application it is requested that opening hours are limited to 09.00 -17.00 hours on Mondays to Fridays with a maximum number of services limited to 8 per day.

Yapton Parish Council - Objection:

- The proposed development is in open countryside within the Gap between Settlements, Littlehampton to Middleton.
- There will be an unacceptable impact on the local highways infrastructure.
- The Council notes that there is a pending application for a crematorium on a nearby site and feels strongly that both applications should be considered by the Arun Development Control Committee at the same time.

28 Objections:

- This is the Climping gap and needs to be protected. There have been numerous attempts to build on this land and so far all have failed. There is land to the North of the A259 that could be used.
- The A259 is already very busy with traffic queuing at least twice a day. Adding slow moving traffic to this will only make matters worse.
- There is no need for two crematoriums so close to each other.
- Application reference Y/103/18/PL should be approved instead as there is already development on the south side of the A259 and this application does not sever the recently installed shared use foot/cycle path that is on the north side of the A259.
- This is a departure from Arun Local Plan, where there is absolutely no mention for the need for a new crematorium here in Arun.
- It is contrary to the Clymping Neighbourhood Plan, where there is no mention for the need for a new crematorium.
- Application is full of errors regarding flooding, bus services and highway issues and accident levels.
- Due to the direction of the prevailing wind, its location will cause emissions to drift over housing.
- The proposed building is of a poor design. It would be massively visible from the road. Any landscaping of it would be completely out of place in what is flat, arable farming land.
- The site is not accessible by public transport as buses do not stop near it. Pedestrians would have to walk along the newly built cycle path as there is no pavement on the south side of the A259. Crossing the road would be extremely dangerous.

The agents for the application at Yapton (Y/103/18/PL) have made the following comments objecting to this application:

- A major impediment to the proposal is its location within a strategic gap. Given the need for an additional single crematorium can be met by the Yapton proposal there is no need to approve development within the strategic gap, and criteria c of policy SD SP3 cannot be met.
- The size of the development and extent of site coverage of the proposal would result in the integrity and objectives of the settlement gap being compromised in conflict with (a,b and d of the policy).
- There are clear and compelling reasons to reject the proposal when judged against the policies of Arun Local Plan. There is no reason why both proposals should be considered at the same committee.
- In relation to the consideration of the application that there is an obligation to take into account the Yapton site when considering the application. Failure to do so would amount to an error of law. The reasons given by Officers for discounting the relevance of the Yapton site when assessing the application are based on a misinterpretation of the relevant policies. There are no lawful reasons for failing to take into account the Yapton site. Due to the existence of the Yapton site the application cannot meet policy SD SP3 or the sequential test.

7 letters of support:

- There's a demand locally for a new crematorium.
- It will not cause any issues with residents nor affect other road users drastically.
- Would like a condition to control air pollution.
- Climping is ideally placed to address a lengthy wait for a slot at the inadequate facility at Chichester and a long distressing drive in unpredictable traffic to Worthing.
- The venue at Climping is a social need, a necessity for the wellbeing of the surrounding communities.
- There is no doubt that the Bognor Regis area would benefit from a crematorium since Chichester gets very crowded and has high charges because of the lack of competition.
- This proposal is well placed and well landscaped compared to existing Business Park which is an eyesore.
- As an Independent Funeral Directors based in West Sussex from our perspective we are aware that with a growing population and influx of new homes, there is a need for a purpose built facility that meets all modern day regulations without impacting on the environment. As well as providing respectful funeral services for future generations.

Additional letter of support from agent:

- Application Y/103/18/PL, in a known area of future flooding needs to be subject to the sequential test (which it can't pass).
- The application duly recognises the flood risk characteristics on the site and is accompanied by the required Flood Risk Assessment.
- The application plans show that the building is sited in accordance with the 'sequential approach', locating the building away from the part of the site at highest risk of flooding whilst still maintaining the necessary separation distances from the road and footpath required by other legislation.
- As required by National planning policy, the application also includes a flooding sequential test assessment prepared in accordance with paragraph 163 of the National Planning Policy Framework (NPPF). The application has therefore provided all the necessary information from the outset to enable the Authority to make a fully informed decision.
- The Yapton application lacks the requisite information to enable a decision to be made and should therefore be refused.
- The Yapton site is unsuitable for crematorium development having regard to the unequivocal requirements of Yapton Neighbourhood Plan Policy E1.
- Yapton Neighbourhood Plan Policy E1 confirms that the Yapton site is not suitable for the applicant's proposal. The sites Sequential Test therefore remains sound.
- The application has included all of the necessary information to enable a determination to be made from the start.

- Attempts by Yapton applicant to tie their site to a 90 years time limit in order to avoid flood risk considerations would not be compliant with flood risk policy and would therefore open to challenge.
- There are no substantive grounds for planning permission for the application to be refused on flood risk grounds. The development has been designed to be safe from flooding for the life of the development and satisfies the sequential test.
- By contrast, the Yapton application was not accompanied by the necessary sequential test, is deficient in that regard, and could not pass a sequential test in any event. The Yapton application should therefore be refused.

COMMENTS ON REPRESENTATIONS RECEIVED:

The points raised by the agents on the merits of the Yapton application are addressed in the report Y/103/18/PL.

The comments are noted and where relevant considered in the conclusions section or covered by points made elsewhere in this section. The condition proposed by Middleton Parish Council regarding operating hours is to be imposed albeit also with opening on a Saturday.

CONSULTATIONS

- Environmental Health
- Arboriculturist
- Parks and Landscapes
- Engineering Services Manager
- Engineers (Drainage)
- Surface Water Drainage Team
- Ecology Advisor
- WSCC Strategic Planning
- Highways England
- Environment Agency
- Economic Regeneration
- Archaeology Advisor
- Engineers (Drainage)
- Engineers (Drainage)
- Highways England
- WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection.
A stage 1 Road Safety Audit has been undertaken on the site access proposals and highlighted 11 issues to be addressed, 10 of which are accepted with additional information provided or to be addressed at the detailed design stage.

One area where the designer did not agree with the auditor is the recommendation to reduce the speed limit over the section of highway. An exception report has been prepared by the applicant and has been accepted by WSCC as the highway authority.

Economic Development - No Comment.

West Sussex County Drainage Engineer - No Objection.

The site is at low risk from surface water flooding. The majority of the proposed development is shown to be at high risk from ground water flooding based on the current mapping.

Ecology Officer - No Objection.

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed as detailed within the survey, new hedgerow should be planted and controlled by condition.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area.

In certain case a full mitigation strategy for water voles may be required.

Hedgerows and scrub land around the perimeter of the site must be retained due to the likely presence of reptiles. If this is not possible full reptile surveys would be required.

Archaeology Officer - No Objection. Condition requested.

Highways England - No Objection.

We are satisfied that the proposals will generate an acceptable change in traffic on the Strategic Road Network(SRN). We therefore consider that the development will not materially affect the safety, reliability and/or operation of the SRN in this location and its vicinity.

Environment Agency - No Objection. Conditions requested.

Environmental Health - No Objection. Conditions requested.

Drainage Engineer - No Objection. Request that the surface water drainage is conditioned.

Landscape Officer - First Response. Objection. Landscape information submitted within this application is significantly insufficient in detail.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary.
Within Settlement Gap.
Classified Road.

DEVELOPMENT PLAN POLICIES

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

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary

SDSP3	SD SP3 Gaps Between Settlements
CSP1	C SP1 Countryside
SODM1	SO DM1 Soils
GISP1	GI SP1 Green Infrastructure and Development
LANDM1	LAN DM1 Protection of landscape character
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
ENVSP1	ENV SP1 Natural Environment
HERSP1	HER SP1 The Historic Environment
ENVDM5	ENV DM5 Development and biodiversity
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment

Clymping Neighbourhood Plan 2015 Policy CPN10	Protection of high grade Agricultural Land
Clymping Neighbourhood Plan 2015 Policy CPN11	Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN12	Reducing the risk of flooding
Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment
Clymping Neighbourhood Plan 2015 Policy CPN7	Protection of open views
Clymping Neighbourhood Plan 2015 Policy CPN8	Protection of Trees and Hedgerows

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.

The relevant policies of the Clymping Neighbourhood 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 conflict with the relevant Development Plan policies concerning development in a settlement Gap, on High Value (Grade 3a) agricultural land and flooding.

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 C SP1 Countryside of the Arun Local Plan relates to development of land outside of the defined Built Up Area Boundaries (BUAB) and ensures that it "will be recognised for its intrinsic beauty". This policy sets out the types of development which will be permitted in the countryside. Crematoriums are not mentioned specifically anywhere in this policy or within the Local Plan and as such the proposal is contrary to adopted countryside policy.

Climping Neighbourhood Development Plan:

The Climping Neighbourhood Plan (CNDP) was made in January 2016 on the basis of saved policies in the 2003 Arun Local Plan and draft policies in the 2014 publication version of the then emerging Arun Local Plan. The site lies outside the BUAB in the CNDP and therefore is also defined as countryside.

SETTLEMENT GAP POLICY

Policy SD SP3 of Arun Local Plan relates to development in Gaps between Settlements. The site lies in the Littlehampton to Middleton-on-Sea Gap. It states the generally open and undeveloped nature of the gaps identified on the Policies Maps will be protected to prevent coalescence and retain their separate identity. It states:

"Development will only be permitted within gaps if:

- a. It would not undermine the physical or visual separation of settlements;
- b. It would not compromise the integrity of the gap either individually or cumulatively with other existing or proposed development;
- c. It cannot be located elsewhere; and
- d. It maintains the character of the undeveloped coast;
- e. or, if a subsequent DPD or Neighbourhood plan deems it appropriate through an allocation."

The policy requires all of the first four criteria (a - d) to be met.

Buildings and hard surfaces in this case would account for a small proportion of overall site coverage, in this case less than 20% overall. The site coverage of the building constitutes less than 4% of the total site area and is therefore acceptable in terms of the extent of the development across the site.

The new building will be single storey, flat-roofed and low height, which will enable it to assimilate discreetly into its landscaped setting. Given the landscaping that will both be retained and provided at the site boundaries the low scale of the proposed building is such that it will be well screened in longer distance views across the settlement gap.

The remainder of the site will be landscaped, and on that basis therefore, it is clear that the majority of the site, in excess of 80% will remain open and free of buildings or hard surfaces. This reduces the impact on the settlement gap and preserves its integrity.

Based on the above a, b and d of policy SD SP3 are considered to be complied with.

Whilst there would be limited impact on wider views towards the site and limited impact on the landscape character of the area or integrity of the settlement gap, with regards to (c) the application site in Yapton due to it not being located in a settlement gap and lying on land not prone to flooding is a preferred alternative. It is recommended for approval and available for crematorium use. This means that the proposed use can be located elsewhere and the proposal is therefore in conflict with policy SD SP3.

LOSS OF AGRICULTURAL LAND

The applicant has not submitted a sustainability and options appraisal as required by policy SO DM1. Paragraph 11.1.6 of the Arun Local Plan requires such a report to be submitted with the planning application.

Policy SO DM1 'Soils' of Arun Local Plan confirms that, unless designated by the Local Plan or a Neighbourhood Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term.

The application is only accompanied by an Agricultural Land Quality Report which assesses the land to be Grade 3A land and relies on the evidence submitted elsewhere in the application regarding need for the proposed development as being the overriding factor. Evidence suggests that the majority of land in this area is either already identified as, or anticipated to be higher grade agricultural land.

Policy SO DM1 states:

"Where development is permitted it should, as far as possible, use the lowest grade of land suitable for that development. Development will not be permitted unless:

- d. The applicant has submitted sustainability and options appraisals, mitigation measures, and a soil resources plan for the development site;
- e. Site appraisal documents submitted by the applicant must demonstrate that consideration has been given to DEFRA's Soil Strategy for England (25);
- f. The productivity of the land is demonstrated using a methodology for assessing gross margins as contained in the Arun Soils and Agricultural Land Assessment Report (26); and
- g. The applicant has submitted a comprehensive soil resources plan for the development site which demonstrates that care will be taken to preserve the soil resource, such that it can be incorporated into a Productive Green Environment following development.

Developments shall also be consistent with all other Local Plan policies."

The proposal does not include information to address the submission of a sustainability and options appraisal and criteria (d) to (g) and also is not consistent with all other Local Plan policies. It is therefore contrary to this policy.

Policy CPN10 of the Neighbourhood Plan 'Protection of High Grade Agricultural Land' reflects policy SO DM1 and advises that development will not be permitted on the best and most versatile agricultural land unless there are special circumstances which include whether there is an overriding need for the development in the proposed location.

It appears that the Yapton site has been discounted by the agent because the land is not available to the

Climping applicant and is on grade 2 agricultural land and therefore in conflict with Yapton Neighbourhood Plan. The correct test is whether the site is reasonably available, irrespective of whether it is available to the applicant. The application at Yapton Y/103/18/PL is known to be available to the developer of that site by reason of being on the market.

The proposal, being on soil graded 3A, conflicts with these policies and given the lack of a sustainability and options appraisal there is not considered to be an adequate justification for an exception.

OTHER MATERIAL CONSIDERATIONS:

The following material planning considerations are put forward by the applicant in support of the application:

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."

1) The Quantitative and Qualitative Need for the Proposed Crematorium;

The Council has two applications (this and Y/103/18/PL) for a Crematorium with only 660m between the two. It is not demonstrated that there is sufficient need to support both.

The application is supported by an Alternative Sites Assessment and a Crematorium Needs Assessment which identifies that existing crematoria facilities within the search area are amongst the busiest in southern England, suggesting that they are subject to heavier demand than average. It highlights that there appears to be a particular shortfall in capacity in the area around Worthing and Bognor Regis, where demand is only currently met by two existing facilities or by travelling further afield. Therefore, this area would be a reasonable location in which to provide additional crematoria facilities.

Although there are already crematorium facilities within the region evidence points to those crematoria being stretched in terms of capacity, which can lead to longer than ideal lead in time for cremation services. The proposed development will offer additional capacity locally, reducing wait times and provide a new, modern and purpose-built facility. The new facility can also be built to up-to-date environmental standards and offer people greater choice of where to cremate their loved ones with less time pressure on services that take place.

The applicant has identified a need for a new crematorium premises within the area based upon an assessment of local demographics and the high demand for existing crematoria in the area. They consider that there is a functional need for an additional crematorium facility within the area.

In 2017 the total number of deaths for the four Local Authorities of Chichester, Arun, Worthing and Adur, the highest contributor was Arun at 38%, with 25% from Chichester, 24% from Worthing and 13% from Adur.

The proposed crematorium, by reason of its position would primarily serve a customer base from Bognor Regis and Littlehampton as well as the surrounding towns and villages. Existing crematorium facilities in the region are spread out around the main centres of population.

Statistics from the Cremation Society of Great Britain for 2017 show that Worthing Crematorium was the third busiest crematorium in the UK by the overall number of cremations undertaken that year (3,626). By the same measure Chichester Crematorium is less busy, handling a total of 1838 cremations in 2017, but

that still makes it amongst the more intensively used crematoriums in the country.

In terms of the possibility of expansion of existing crematoriums at Chichester and Worthing it is notable that Chichester Crematorium is within the built-up area of the city and is constrained by built development on all sides. Worthing by contrast is in a more rural location but in the South Downs National Park where significant expansion may be difficult due to environmental impact.

The future additional demand may or may not be able to be met by the existing facilities, and whilst it is of course the case that people have the choice to travel to crematoria further away if they wish, to do so does not represent a sustainable solution, and nor should they be obligated to do so. There is a clear quantitative need for a new crematorium in this location.

(2) The Availability of other Suitable Sites within the Arun District;

A site assessment was carried out which sought to identify which is the most appropriate site for the proposed use and whether there are any suitable, available and viable alternative sites for the development that may be in more preferable locations. In order to carry out the site search it was necessary to identify the minimum site requirements for the proposed development, as that is a starting point for defining what sites are reasonable alternatives. In this case the minimum site requirements are;

- A site area of at least 4 Ha, which is considered the minimum necessary to provide sufficient space for a crematorium building, car parking and landscaping.
- Appropriate access (direct access to highway and other established infrastructure).
- The site should be free of any significant on site ecological or topographical constraints.
- A separation of at least 200 yards to the nearest dwelling-house, except with the consent, in writing of the owner, lessee and occupier of that house.

Much of the catchment area is already covered by built development or is within the National Park and must therefore be excluded from this assessment.

(3) The National Planning Policy Framework (NPPF);

The NPPF is an important material consideration in the determination of planning applications. Although there is no reference to crematoria in the document, there is other guidance which is relevant to this application.

Paragraph 83 which states planning decisions should enable: (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings.

Secondly, paragraph 84 which advises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

(4) The Presumption in favour of Sustainable Development;

Policy SD SP1 'Sustainable Development' of the Arun Local Plan confirms that the Council will take a positive approach that reflects the presumption in favour of sustainable development in the NPPF and that it will work pro-actively with applicants to jointly find solutions which mean proposals can be approved wherever possible.

The NPPF defines the achievement of sustainable development as meeting three interdependent

objectives - economic, social and environmental. These need to be pursued in mutually supportive ways.

It is not considered the location of the site is sustainable from the point of view of access by non-car modes of transport. Demand for the facility is unlikely to be local enough to mean that there will be many visitors walking, cycling or taking the bus to access the site. Although there are bus stops on the A259 close to the junction with The Street, the bus service is not considered to be sufficiently regular to prove attractive to staff members. It is noted there is no pavement or street lighting on the southern side of the A259. It is accepted that staff and locally based guests could cycle to the site given the flat landscape and the cycle path along the A259.

There will be environmental costs in respect of the loss of some grassland wildlife habitat and a visual change to the landscape. The proposal demonstrates environmental gains through biodiversity enhancements. In the long term additional planting will result in a benefit to the local landscape.

A new Crematorium located between existing facilities at Chichester and Findon will mean people in the areas between the two existing facilities will have less far to travel to access a crematorium. Therefore, these visitors will not contribute to congestion on certain roads between their homes and the existing facilities such as the A27 and its pinch points around Arundel, Chichester and Worthing. The location of the Crematorium reduces travel time that would have been necessary to the existing facilities and result in lower vehicle emissions. However, there will be a similar amount of people accessing the new site as would access the existing facilities.

The proposal will result in new employment & other economic benefits and meet an existing social/community need. There is a loss of agricultural land to consider, however the impact will be small scale and will be much lower than the value of the new crematorium business.

On balance it is considered that the proposal does represent sustainable development and would therefore comply with policy SD SP1

(5) The 1902 Cremation Act;

The 1902 Cremation Act sets out locational criteria for new crematoria. It states crematoria must be at least 200 yards (183 metres) from any dwelling unless the owner, lessee or occupier has given their consent in writing, and at least 50 yards (46m) from a public highway.

This effectively means that it is not possible to develop crematoriums in or adjoining the built up area boundary and pushes the search for new sites into the countryside.

The edge of the site is around 500m from the nearest residential dwelling.

Summary of Material Considerations

The principle of development on this site in the countryside is considered to be contrary to the development plan, whilst it is considered the proposal represents sustainable development and that other material considerations as set out above (including the need for the proposal and the need for a countryside location) combine to support the principle of development on this countryside site, the loss of grade 3a agricultural land, presence of an alternative site with regard to flooding and the position of the site in a settlement gap mean that the proposal cannot be supported.

However it is considered that these other material considerations are not sufficient to override the policy objections to the proposal and warrant approval of the application.

HIGHWAY SAFETY, TRAFFIC & PARKING

The application is supported by a Stage 1 Safety Audit and Designers Response. A swept-path assessment for a large refuse vehicle measuring 10.2m in length has been undertaken in accordance with Arun's refuse collection requirements, which is the largest typical vehicle anticipated to regularly and frequently visit the site.

A drawing has been provided to demonstrate forward visibility along Grevatt's Lane to a vehicle turning left into the site and waiting to turn right into the site, which demonstrates maximum achievable forward visibility of over 470m in each direction within the highway boundary.

A second drawing has also been prepared to demonstrate visibility in accordance with the speed limit of 60mph (215m). Highway works comprise the provision of a proposed ghost island right-turn junction access arrangement on land to the south of A259 Grevatt's Lane. In accordance with WSCC's requirements a pedestrian refuge island will be provided measuring 2.5m in width and 2.8m in length.

The main car park will be hard surfaced and provide for circa 100 car parking spaces and 24 cycle parking spaces in total. Around the outside of the car park a driveway will be provided for use of hearses and other similar vehicles.

In addition to the main car park an overflow car park will be provided for an additional circa 60 cars. The overflow car park would only be subject to infrequent use because for day to day use the spaces in the main car park would be ample to meet the needs of the development. In the normal operation of the crematorium there would only be one ceremony taking place at a time, and only in busy periods would people be waiting for the following ceremony. The overflow parking would only be needed during those occasions where a service has a particularly large number of guests.

Policy T SP1 'Transport and Development' of the Arun Local Plan requires new development to provide safe access on to the highway network, provide sufficient on-site parking, contribute to highway improvements, and promote sustainable transport and Policy CPN14 'Traffic and the Environment' of the Neighbourhood Plan confirms that development which will have a detrimental impact on highway safety and the living conditions of residents will be resisted.

Policy T DM1 'Sustainable Travel and Public Rights of Way' of the Arun Local Plan requires new development to ensure ease of movement, prioritising safe pedestrian and cycle access to the green infrastructure network and access to public transport and community transport services where a need has been identified.

The proposal will provide a new access onto Grevatt's Lane which will be located and designed to ensure the required highway visibility to provide safe access and egress from the site.

Sufficient on-site parking is proposed to accommodate the operational needs of the development, together with an additional overflow parking area to accommodate the rare, particularly busy occasions which may require additional parking. It will not prejudice existing pedestrian and cycle access to the green infrastructure network.

The site is located within relatively close proximity to the built-up area and within easy access to the nearby coastal towns, including by public transport, with the site being within walking distance of bus stops providing services to within the crematorium catchment area. The application is accompanied by a supporting Highways Report which demonstrates that the proposal will preserve highway safety.

WSCC Highways are the Councils technical experts on such matters and given they raise no objections (and indeed support the application), it is not considered a refusal on the grounds of highway safety or

highway convenience could be sustained on appeal. It is considered the proposal accords with the relevant development plan policies and with the NPPF in terms of highway safety.

DESIGN, LANDSCAPE & VISUAL AMENITY

Policy D DM1 of the Arun 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. The policy requires that the scale of development keeps within the general confines of the overall character of a locality. It states that all development will be expected to incorporate existing and new tree planting as an integral part of development proposals. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character.

Policy LAN DM1 of the ALP builds on the above by seeking that the setting of the South Downs be protected.

Policy CPN7 'Protection of Open Views' of Climping Neighbourhood Plan requires all new development protect the open landscape character of the countryside, with the Climping Character Assessment being used as a reference to assess the impact of the proposals. For the reasons set out below the submitted scheme would meet these criteria.

Regard should be had to paragraph 127 of the NPPF which requires that planning policies and decisions should ensure that developments are sympathetic to local character while not preventing or discouraging appropriate innovation or change. Paras 122 and 130 are relevant. Para 130 states planning permission should be refused for development that fails to take opportunities available for improving character and quality of an area and the way it functions.

A Landscape and Visual Impact Appraisal (LVIA) has been submitted with the application. The site lies in an area of open countryside. It forms part of the coastal plain. A public footpath runs along the western boundary of the site, linking Middleton on Sea and Yapton, part of a comprehensive network of footpaths in the area.

The land is currently a field with no trees or shrubs within it. However, a strong belt of trees borders the site to the north separating it from the A259. The southern site boundary follows the Ryebank Rife, a deep ditch which is hedged with mature trees along its course. There are banks lining both sides of the ditch. Overall the countryside to the south of the A259 consists of fields divided by areas of woodland and shelterbelts.

There are no views from the site of the coast owing to the abundant vegetation between nor is there a view to the South Downs owing to the tree belt along the A259.

The most recent landscape Character assessment was carried out on behalf of Clymping Parish Council in January 2015 in order to inform the Neighbourhood Plan. They divided the Parish into 5 character areas of which the first and last are relevant to this proposal:

- o The Open Countryside.
- o The Beach and Clymping coastline.
- o Traditonal Clymping.
- o Horsemere Green and recent associated housing developments.
- o Along the A259.

The value to Clymping of the flat open arable farmland and countryside that separates it from neighbouring Parishes is paramount. "This separation is important to the village's distinctive identity" The

paragraph titled Design Guidance for the Open Countryside reads:

"There are many open views toward Arundel and the South Downs, of the River Arun valley and to the coast and sand dunes which are important to retain".

The scheme includes landscaping which has been designed to mitigate identified visual and landscape effects. These proposals have taken on board the landscape management guidelines of the West Sussex County Council Landscape Character Assessment and the design guidance in the Clymping Character Assessment. Rather than screening the development the landscape proposals seek to integrate the proposals into the wider landscape and to provide ecological linkages in accordance with the objectives of the Local Plan to enhance the biodiversity and the appearance of the landscape.

Policy GI SP1 Green Infrastructure and Development of the ALP encourages all major developments to be designed to protect and enhance Green Infrastructure (GI) assets and the connections between them and specifically mentions that " The Green Infrastructure Network must be protected from light pollution". The GI study in paragraph 7.3.8 of the Arun Local Plan, identified a number of opportunities to strengthen the GI network and specifically noted the opportunity to strengthen the network within Gaps. The proposal would accord with these criteria.

A new 7 metre wide tree belt is proposed along the eastern site boundary to replicate the tree belts in the landscape further to the south. Screen planting is also proposed along the eastern edge of the public footpath to bolster the existing planting along this boundary; within the northern boundary of the site to the A257 and along the southern boundary to the Ryebank Rife. Native tree and shrub planting are proposed along these boundaries which will function as a continuation of the existing tree belt to the south, providing a new ecological corridor linking the roadside trees along the A259 to the existing woodland to the south.

The remainder of the site will be sensitively landscaped in grass with mown paths cut through it, with more formal gardens along the site's eastern boundary. The car parking will be softened by planting of curving lines of ornamental trees.

Owing to the flat nature of the landscape and the preponderance of woodland and hedgerows through this part of the Coastal Plain, the Study Area chosen is quite small. The main effects will be experienced up to 500 metres from the site with some minor effects up to 1000 metres from the site.

The creation of a new access off the A259 and the resultant road widening will require the loss of some of the existing roadside vegetation, but this has been kept to a minimum and new planting to the south of the site boundary within the site will compensate for any minor losses.

In landscape terms the characteristics of the site can accommodate the development proposed without undue adverse effects. This is based on the flat and wooded nature of the landscape, limiting visibility of the site and to the low profile design of the new crematorium.

The amount of new built development results from the functional requirements of the proposal. The building is relatively small, with a footprint of circa 1000 sq m. The site coverage of the building constitutes less than 4% of the total site area.

The new building will comprise a high-quality contemporary single storey flat roofed building with rendered walls under a grass roof. The building has been designed to fit discreetly within the predominantly landscaped site, so that it will be visually unobtrusive in the landscape, having regard to the location of the site within the settlement gap, by means of its small footprint, low height and appropriate design and materials.

The elevations of the building will be finished in a combination of render and timber cladding, with the timber utilised on the tallest part of the building, that being the chapel area.

Policy D SP1 Design requires all development proposals to seek to make efficient use of land whilst reflecting the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. It advises that development proposals should have been derived from a thorough site analysis and contextual appraisal; adherence to objectives informing sustainable design; and the influence these objectives have on the form of development.

Policy D DM1 'Aspects of Form and Design Quality' confirms the aspects of design that the Council will have regard to when considering development proposals, namely: character; appearance/attractiveness; impact; innovation; adaptability; crime prevention; trees and woodland; solar gain; public realm; layout-movement; layout-legibility; public art; density; scale; and aspects of form and design quality. Policy CPN11 'Quality of Design' of the Neighbourhood Plan requires new development to be of a high-quality design and to protect and enhance the local character. The policy lists the criteria which comprise good design, including responding to, and integrating with, the local built environment and landscape context as described in the Climping Character Assessment.

The proposal would not result in substantial harm to the rural character of the locality and the landscaping will, in time, screen the site from view and enhance the wider landscape. The proposal accords with ALP policies D DM1, SDSP3, D SP1 & LAN DM1 and policy CPN 7 with the relevant guidance on design within the NPPF.

FLOODING

The Environment Agency Flood Map indicates the site is located across Flood Zones 1, 2 and 3. The proposed crematorium building would be located within the part of the site identified as flood zones 1 and 2, and therefore falls partially within an area at risk of flooding. Ideally the building would be relocated to a position within flood zone 1 (low probability of flooding), in order that it would be entirely outside of the area of flood risk. However, in this case that is not possible due to the legislative requirement that new crematorium buildings not be located within 45 yards of a public right of way, which includes those on the north and west site boundaries. The memorial gardens to the rear of the crematorium building will fall within flood zones 2 and 3 (medium and high risk of flooding), but those elements of the proposals are not flood sensitive.

Policy W DM2 'Flood Risk' sets out the Council's criteria for allowing development in areas at risk from flooding, including the requirement to meet the sequential test, provide a site-specific Flood Risk Assessment, and identify adaptation and mitigation measures. This is reflected in policy CPN12 of the Neighbourhood Plan.

The Environment Agency Flood Map and Strategic Flood Risk Assessment (SFRA) are geared to providing the basis for applying the Sequential Test. The sequential test is required given that part of the site is within Flood Zone 2. The SFRA indicates that there are no reports of historical flooding from sewers, surface water runoff or groundwater emergence at or near the site.

Chapter 14 of the NPPF is concerned with meeting the challenge of climate change, flooding and coastal change. Paragraph 155 confirms that inappropriate development should be avoided in areas of highest risk of flooding and steering new development to areas with the lowest risk of flooding. Paragraph 163 confirms that when determining planning applications, LPAs should ensure that flood risk is not increased elsewhere, and that, where appropriate, applications should be accompanied by site-specific flood-risk assessment.

Given the location of the crematorium building within an area of flood risk then, in accordance with

paragraph 158 of the National Planning Policy Framework, the 'Sequential Test' needs to be applied to the proposed development. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available appropriate sites for the development in areas with a lower risk of flooding.

In accordance with this guidance it needs to be considered whether there are any reasonably available alternative appropriate sites for the development in areas of lower flood risk. Fundamentally any potential 'available' site would either need to be already earmarked for such a development in the development plan, or be known to be available to the developer.

Any available land would then need to be assessed for its appropriateness to accommodate the proposed development. When considering appropriateness, in the light of a crematorium development, an assessment is required of a combination of factors including its locational requirements, planning policy constraints and also the legislative requirements.

The Alternative Sites Assessment report that accompanies the application sets out the process by which the search for a crematorium site was undertaken, the need for the use in this location already having been established. No land was identified as being available by the applicants except for the land on the southern side of the A259 and in their opinion much of this land is, like the application site, within the flood zone and therefore no more sequentially preferable in flood risk terms than the application site. The originally submitted Site Assessment Report has now been updated by the agent to refer to the Yapton site.

The appropriate sequential test was not previously correctly applied and that is not as now proposed by the applicant. Namely they assert that the site at Yapton was not available to them (as well as being on agricultural land. The correct test is whether the site is reasonably available, irrespective of whether it is available to the applicant. The application at Yapton Y/103/18/PL has been assessed in terms of flooding and is found to be designated as falling in land with a low probability for flooding (Zone 1). It is also known to be available to the developer of that site by reason of being on the market.

The purpose of the sequential assessment is to direct development to areas of lower risk of flooding. Development should only be permitted in Flood Zone 2 where there are no 'reasonably available' sites in Flood Zone 1. The flooding issues associated with the Yapton proposal have been addressed in that report. National guidance does not specify that sites should be suitable, developable and deliverable by the applicant only. Relevant appeal decisions confirm this. The Yapton site is in a lower flood zone, it is not arguable that the Yapton site is unavailable because it is not owned by the applicant.

On the basis of the above considerations it is therefore concluded that the proposal does not meet the sequential test in this case because an alternative is reasonably available since the site in Yapton has been identified which is in an area of lesser flood risk.

The site lies partially within the Environment Agency flood zones 2 and 3 requiring compensatory water storage areas to be provided within the layout of the site. It is intended that this storage will be provided in the form of new ditches and swales.

The proposed building has been designed with its ground floor level at an appropriate height, 4.64m AOD, such that it will be free from the risk of flooding. Additionally, the building will be designed to mitigate against future flood risk through the use of appropriate construction methods, and a detailed flood risk management strategy can be agreed prior to commencement of development through condition.

The application is accompanied by a Flood Risk Assessment which confirms that the proposed

development is appropriate on the site, having regard to the location of parts of the site within the Environment Agency moderate to high flood risk zones. It also demonstrates how the development will incorporate sustainable drainage measures within its design.

The proposal has been assessed by both the Council's drainage engineers and the Environment Agency who have not objected to the proposal on flooding grounds subject to the imposition of recommended conditions.

However the proposal does not comply with policy W DM2 in that it does not meet the sequential test in this case because an alternative is reasonably available since the site in Yapton has been identified which is in an area of lesser flood risk.

Policy W SP1 'Water' of the Arun Local Plan encourages new development to incorporate water efficiency measures, make active use of surface water as a design feature, and incorporates measures to improve and enhance waterbodies or provide additional flood relief. Policy W DM3 'Sustainable Urban Drainage Systems' requires all new development to incorporate Sustainable Urban Drainage Systems into the design of the development.

POLLUTION

ALP policies QE DM1, QE DM2 and QE DM3 seek to protect residential properties from adverse effects of noise, air and light pollution. Policy QE SP1 'Quality of the Environment' requires all new development to contribute positively to the quality of the environment and not have a significantly negative impact on residential amenity, the natural environment, or the enjoyment of leisure and recreational activities.

The 1902 Cremation Act states that crematoriums must be at least 200 yards (183 metres) from any dwelling unless the owner, lessee or occupier has given their consent in writing. The main residential areas of Elmer, Climping and the western edge of Littlehampton lie approximately 500m south, 500m north east and 2.5 km east.

There are no residential properties within the immediate vicinity of the application site. Crematorium emissions are covered by Environmental Health legislation and the applicant will be required to hold the relevant Environmental Permit. The application has been assessed by Environmental Health officers who raise no objections.

It is proposed to impose a condition to require the approval of lighting details post approval. These details would then be subject to agreement with Environmental Health officers and with the Council's appointed ecologist.

In terms of noise, a condition will be imposed to prevent services from being held outside of 9am and 5pm on Mondays to Saturdays with no services on Sundays or Bank Holidays. This will ensure any noise generated by the use will be within standard working hours.

Matters relating to scheme in respect of air quality, lighting and noise are acceptable. The proposal is therefore in accordance with policies QE DM1, QE DM2 and QE DM3 of the Arun Local Plan.

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.

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

The nearest residential property is more than 500m from the site. Therefore, there will not be any impacts on residential properties in respect of overlooking, loss of light or loss of outlook.

It is not considered that there would be conflict with policies D DM1, QE SP1 or para 127 of the NPPF.

BIODIVERSITY

ALP Policy ENV SP1 'Natural Environment' confirms the Council's commitment to encouraging and promoting the preservation, restoration and enhancement of biodiversity through the development process. Where possible new development will be expected to promote the creation of new areas for habitats and species. The development will result in an enhancement of on-site biodiversity through the retention of the existing mature boundary shrubs/hedging and trees together with the creation of new landscaped areas around the new building.

Policy ENV DM1 'Designated Sites of Biodiversity or Geological Importance' advises that development likely to adversely impact on land with designated features of any Site of Biodiversity or Geological Importance will not normally be permitted. The site is not located with a designated site of biodiversity or geological significance and the Preliminary Ecological Appraisal which accompanies the application confirms that there are no protected flora or fauna on site that would be harmed by the development proposals.

Policy ENV DM4 'Protection of Trees' states that new development does not have an adverse impact on existing trees of important amenity value. The application is supported by the required arboricultural reports to demonstrate that the existing visually significant trees adjacent to the site boundaries will be protected during the development. Also, new tree planting will be carried out as part of the landscaping proposals for the scheme.

Policy ENV DM5 'Development and Biodiversity' requires new development to achieve a net gain in biodiversity and protect existing habitats on site. Development should be designed to incorporate elements of biodiversity and landscape features.

Climping Neighbourhood Plan policies CPN8 'Protection of Trees and Hedgerows' and CPN9 Protection of Natural Habitats require new development to protect trees and hedgerows of amenity value. The policy requires development proposals to include a survey that establishes the health and longevity of any affected trees or hedgerows and a management plan to show how they will be maintained.

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 is supported by a Preliminary Ecological Appraisal (PEA) which confirms that no statutory or non-statutory ecological sites are present within 2km and as such no direct impacts on these sites are anticipated.

The built elements of the proposed development would occupy the northern half of the arable field, currently used for growing cereals, and of low ecological value. Site landscaping is proposed to take place in the southern half which would provide protection/buffering/enhancement for features such the Rye Bank Drain and off-site woodland.

The PEA has concluded that the proposed development of the site as a crematorium is unlikely to give rise to significant ecological effects provided that:-

- boundary vegetation is retained and buffered with new planting comprising appropriate species to the locality. Any localised removal to facilitate access is minimised and undertaken outside of the bird nesting season and is accompanied by measures to reduce any potential effects on reptiles;
- the construction and function of the proposed new drains/ditches does not adversely affect the existing ditches (i.e. through sediment mobilisation, major changes in water levels and pollution) and in particular their ability to support water voles (assuming their continued presence);
- a bat friendly lighting scheme is implemented; and
- the proposed site landscaping delivers biodiversity enhancement through the creation of wildflower grassland, woodland and ditches/swales.

Section 16 of the NPPF relates to conserving and enhancing the natural environment. It affirms that the most sensitive habitats and landscapes should be safeguarded. Paragraph 170 confirms that planning decisions should contribute to and enhance the natural and local environment including by: recognising the intrinsic character and beauty of the countryside, including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; d) minimising impacts on and providing net gains for biodiversity e) preventing new and existing development.

The proposal would accord with the NPPF para 175, with ALP policies ENV SP1, ENV DM1, ENV DM4 and ENV DM5 and CNDP policies CPN 8 and CPN 9 .

CLIMATE CHANGE

Policy ECC SP1 'Adapting to Climate Change' confirms that the Council will support development which is located and appropriately designed to adapt to impacts arising from climate change, including the increased probability of tidal and fluvial flooding. The proposed layout and design of the proposal incorporates elements of sustainable design, including the proposed green roof for the building and locally sourced building materials. The proposal has also been designed having regard to the location of the site within Flood Risk Zones 2 and 3, as demonstrated in the accompanying Flood Risk Assessment.

Policy ECC SP2 'Energy and Climate Change Mitigation' advises that all new development will be expected to be energy efficient and demonstrate how it will achieve energy efficiency measures, use design and layout to promote energy efficiency, and incorporate decentralised, renewable and low carbon energy supply systems. The policy requires all major developments to produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless this is unviable. The development incorporates appropriate elements of sustainable design and these will satisfy the requirements of this policy.

SUMMARY:

The proposal represents sustainable development where the need for a new crematorium has been established. The evidence indicates this is not the only available site which meets the required criteria. The principle of development is contrary to the development plan as it is located in a countryside location, within a settlement gap, in an area partially at high risk of flooding and on grade 3a agricultural land.

The proposal does not therefore accord with policies SD SP3, in that it could be reasonably located elsewhere or policies WDM2 or SO DM1 of Arun Local Plan.

The application is therefore recommended for refusal for the following reasons.

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 refusal 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

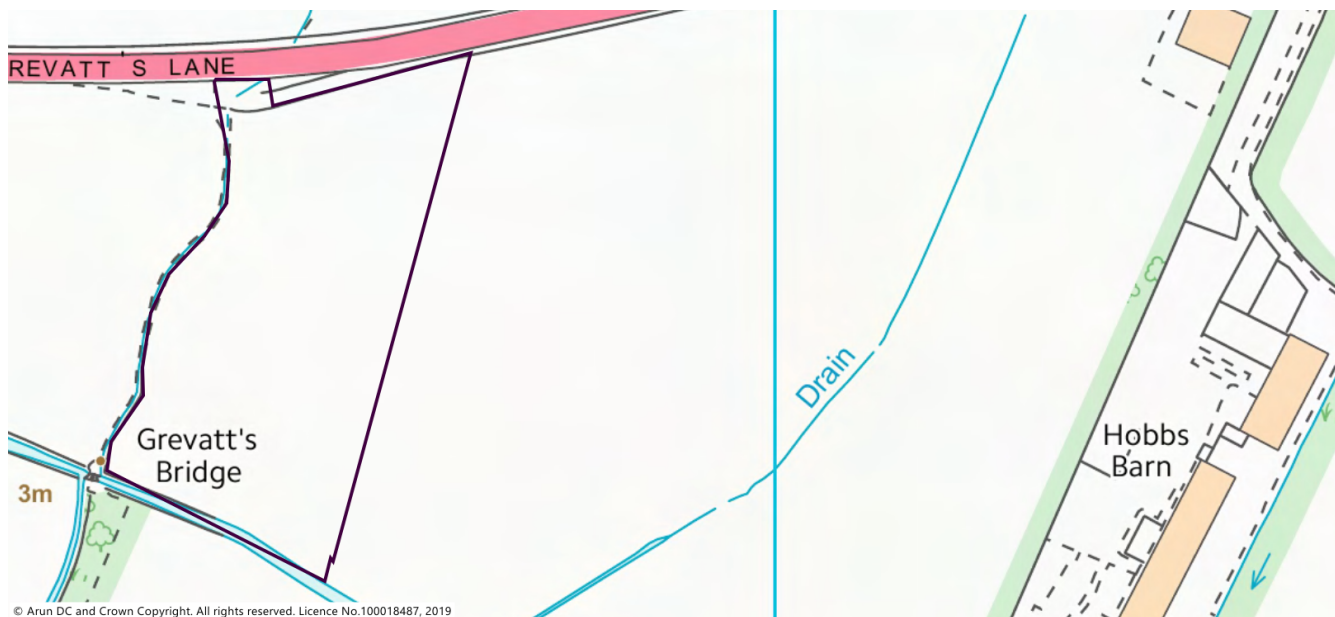
REFUSE

- 1 The proposal would involve development on land defined as Grade 3a Agricultural Land Classification and does not include details of sustainability and options appraisals, mitigation measures, a soil resources plan, a site appraisal demonstrating consideration DEFRA's Soil Strategy, the productivity of the land or a soil resources plan and is not consistent with other Local Plan policies. It is therefore contrary to policy SO DM1 of Arun Local Plan and CPN10 of Climping Neighbourhood Plan.
- 2 The proposal would be located within the Littlehampton to Middleton Gap between Settlements, where development will only be permitted if it cannot be located elsewhere. In this case an alternative site has been identified. The proposal would therefore be contrary to policy SD SP3 of Arun Local Plan.
- 3 In accordance with the requirements of the sequential test, an alternative site at lower risk of flooding has been identified for the use proposed and the proposal therefore does not satisfy the sequential test in accordance with the National Planning Policy Guidance or policy W DM2 of 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 identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

BACKGROUND PAPERS

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

CM/4/19/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: AW/134/19/HH

LOCATION: 33 Balliol Close
Aldwick
PO21 5QE

PROPOSAL: Single storey side and rear extension with habitable roofspace and conversion of existing roofspace to habitable use, together with porch removal and replacement windows.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to construct a single storey side and rear extension with habitable roof space. The existing porch is also to be removed and windows will be replaced.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

Object.

- Not visually subservient.
- Adverse overshadowing and overbearing impact on neighbouring properties.

2 letters of objection received from nearby occupiers.

- The application states single storey however it is for two storey.
- Not in keeping with surrounding properties.
- The development affects the selling and value of property.
- It does not comply with policy DSP1.
- Oppressive and overbearing effect on property.
- Overshadowing and loss of sunlight.

Comments noted and addressed in the conclusion. Property value is not a material consideration.

CONSULTATIONS

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Engineers (Drainage) - Due to scale/location of the development there are no conditions to request.

POLICY CONTEXT

Designation applicable to site:
Built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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CONCLUSIONS

This application appears before this committee as a result of a Ward Member call-in.

As stated in SD SP2 the key policies considered are D DM1 and D DM4 of the Arun Local Plan.

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

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Aldwick does not have a Neighbourhood Plan but does have a Parish Design Statement with the property located within Area 15.

DESIGN AND VISUAL AMENITY

The proposal seeks extensions to the side and rear and part of the proposal is visible in the wider street scene. Surrounding properties are of a similar style and design consisting of single storey properties with large open plan front gardens.

The extension adds 4m to the north west of the dwelling and approximately 7.6m to the north east. The additional footprint is not subservient and conflicts with DDM4 (b) of the Arun Local Plan. The extension is not considered to result in the dwelling appearing out of character with the area due to it appearing well integrated with the host dwelling owing to the design and scale, with the proposal matching the existing ridge/eaves height. The siting of the proposal to the rear corner of a cul de sac reduces its visual impact on the street scene.

To the front elevation is white cladding which will be replaced with grey cladding positioned below the windows. Whilst grey cladding is not common with the vicinity it does not result in adverse impact on the appearance of the dwelling in the street scene. Windows to the front will be replaced with dark grey

frames, with these evident within the vicinity.

Whilst the proposal adds bulk to the dwelling, it does not appear as an overdevelopment on the site with sufficient space retained to all boundaries and is an acceptable addition to the host dwelling.

By virtue of the design and scale, the development does not adversely impact upon the spatial pattern or character of the area and accord with DDM1 and DDM4 (a) and (e) of the Arun Local Plan.

RESIDENTIAL AMENITY

The extension to the rear will have a depth of approximately 7.6m and a width of 8.4m. The roof will have a gable end to meet with the ridge and eaves of the host dwelling with a dormer running along the north west.

The proposed development is relatively large but does not appear as overbearing or give rise to overshadowing on the property to the rear. The separation between the properties with 15m to the rear elevation of No.7 Downing Close.

The roof extension to the north west forms a bedroom with a juliet balcony at first floor level. Whilst this has views over the neighbouring garden (No.31) it is not considered overlooking would be significant with no direct views into the property and a sufficient distance retained to the boundary at around 11m. These views are also oblique, are not to the property itself and would only impact on a relatively small area of rear garden at a distance of at least 11m. There is a dressing room window which is closer to the boundary and this will be obscure glazed via a condition in order to retain residential amenity. Boundary treatment consist a brick wall to the south west and fencing as it extends north with substantial planting also in place.

There will be velux windows installed on the south-west and south-east elevations. However, due to the height above ground floor level (1.7m), they are not considered to give rise to adverse overlooking. The proposed development also creates new openings to the north west and south east however with these situated at ground floor level they do not provide any views that are currently unavailable from the garden of the host dwelling.

The proposal retains sufficient space to boundaries and is considered acceptable as it does not give rise to any significant impacts upon occupiers of neighbouring dwellings. The proposal accords with D DM1 and D DM4 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

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 Elevations - 06
- Proposed Floor Plans -05
- Proposed Location and Block Plan -04

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 window to the dressing room on the north east elevation shown on the approved plans shall at all times be and remain glazed entirely with obscure glass.

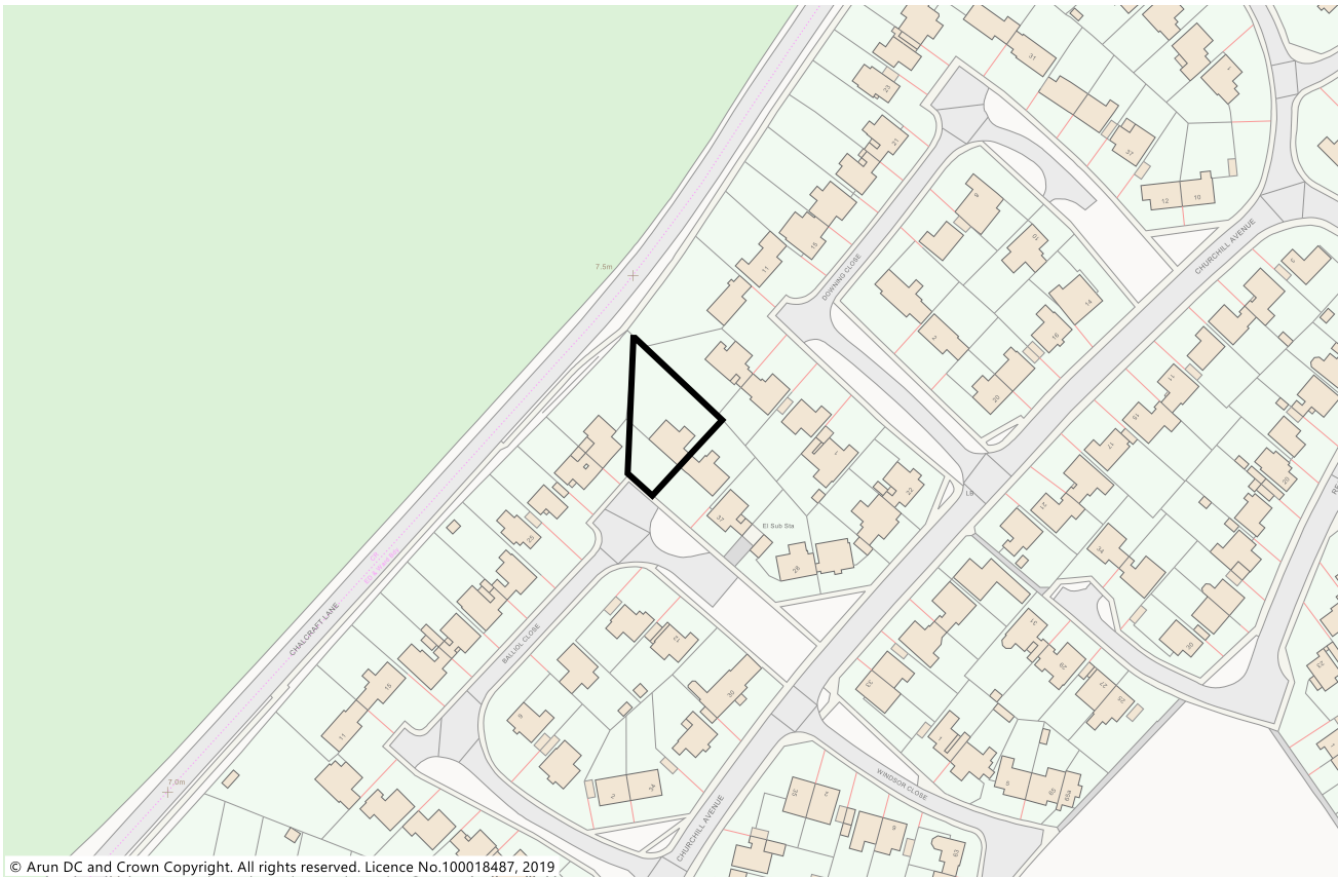
Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

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.

BACKGROUND PAPERS

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

AW/134/19/HH - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: A/9/19/PL

LOCATION: Pound Place
Roundstone Lane
Angmering
BN16 4AL

PROPOSAL: Demolition of existing dwelling & erection of a 62 bedroom care home (C2 Residential Institution) with car park, landscaped gardens & access from Roundstone Lane (resubmission following A/51/18/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposed development is for the demolition of the dwelling Pound Place and the erection of a two storey, 62 no. bed (3,503sqm) residential care home (Use Class C2) which will provide 24 hour professional care and support for the elderly, associated car parking and landscaping. The number of units has dropped by 2 from the 64 units previously refused.

The building has a pitched roof with an eaves height of 5.3m and a ridge height of 10.5m. The footprint of the building is 94m long by 28m wide. It is located to the rear of the site with 30 car parking spaces fronting to Roundstone Lane and 2 disabled spaces further into the site.

The proposal also includes a single storey bin store building with a footprint of 5.3m by 5.8m and a 2 storey garage/store with a footprint of 17m by 5.5m with a front elevation which appears as a pair of semi detached properties.

SITE AREA 0.753ha.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 82 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES A Tree Preservation Order has been issued covering the conifer trees to the boundaries of the application site.

BOUNDARY TREATMENT Trees/hedging and fencing to site boundaries.

SITE CHARACTERISTICS Pound Place comprises a single residential property, two storeys in height (plus habitable accommodation within the roof) located within a large curtilage to the east of Roundstone Lane, Angmering. The property is set back from the highway by approximately 100m, with extensive mature trees and landscaping around the boundaries of the site.

CHARACTER OF LOCALITY Pound Place is located to the east of Roundstone Lane and is part of a larger site for the area to provide 600 homes to the

east of Angmering. The Masterplan document was prepared and presented to Members of the Council in 2014, to demonstrate how sites to the east of Roundstone Lane could link together to provide 600 homes.

Sites to the north and south of the site have been granted permission with a number of the properties already completed and occupied.

To the west of Pound Place lies the Bramley Green development which has a mix of two and two and a half storey properties fronting Roundstone Lane.

To the east is the Angmering By Pass road and the South Downs National Park beyond.

RELEVANT SITE HISTORY

A/51/18/PL	Demolition of existing dwelling & erection of a 64 bedroom care home (C2 Residential Institution) with car park, landscaped gardens & access from Roundstone Lane. This application is a Departure from the Development Plan.	Refused 15-11-18
A/154/14/OUT	Outline Application for the erection of 18 No. dwellings	App Cond with S106 02-04-15

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

First Response - No Objection.

The revisions are welcomed. A major objection of Arun District Council had been the lack of open space linkage with developments to the north and south of the site as envisaged in the Master Plan. The re-location of the building has rectified this.

It was noted that the ridge height was to remain the same as in the previous application which had been reduced from the height in the developer's initial application.

The building has a large footprint and, with its size and use, our Housing Policies cannot be readily applied. However the proposed development is considered a good use of the land, with a building form appropriate to the environment which, along with the welcome provision of employment, is in accordance with the general principles of the Angmering Neighbourhood Plan.

Second Response - Support.

- The application has been amended and is sympathetic to its surroundings.
- Overlooking of neighbouring properties has been taken into account.

Three letters of Support

- Support removal of any through access at the end of Brougham Grove.
- The replacement of the very large trees is welcomed.
- The trees don't provide adequate screening to prevent overlooking. The proposed replacement trees will be easier to maintain and support more wildlife.
- The agent has been proactive and taken on board our comments relating to the screening of windows, size and location of the building on the plot, and replacement of trees.
- There is a significant lack of this kind of care home in the area.
- A number and variety of new jobs will be created.
- The site is bordered by the privately maintained public open space (POS). The integration of this area is as well as can reasonably be expected for a privately-owned piece of land.
- The current outline planning permission in place for 18 houses at Pound Place includes buildings in the area emanating onto the POS beyond that of the relocated and smaller care home.
- There is no reason to provide a further footpath or road link between the quiet cul-de-sacs at the end of Brougham Grove or Lambert Way.
- Support the removal of any further access at the end of Brougham Grove which the planners are seeking to link through to Lambert Way.
- The road at the end of Brougham Grove has a blind bend directly next to the public open space which children frequent and cross to the adjacent Local Area of Play.
- The road is not sufficiently wide to safely facilitate both parking and through traffic flow, the giving up of adjacent POS to support widening would not be acceptable.
- The overall size and form of the building is in keeping with the plot and its position along with the adequate screening proposed will integrate well into the surrounding estate.
- Hallmark has indicated it will provide enhanced health care support within its facilities. This should reduce the overall burden on the services not increase it.
- Maintaining the current access from Roundstone Lane will be beneficial reducing traffic through the new estate. Unlike the original plan for domestic dwellings which routed access via Brougham Grove.

Three letters of Objection

- Unnecessary removal of healthy trees which are subject to TPOs.
- Increased noise and traffic will be a nuisance to residents.
- Negative impact on local NHS infrastructure from high-dependency residents.
- Loss of green visual amenity as viewed from Roundstone Lane.
- Western boundary of site in part shields the Bramley Green development from the South Downs (Highdown) and should be retained completely.
- The replanting scheme has failed to identify native evergreen species to break up the visual impact of the sizeable building.
- This is not a suitable location for a large care home. It is out of character in a residential environment.
- Over-development of the site with loss of garden and the open aspect.
- The increased traffic generated as a result will be a nuisance to local residents.
- Negative impact on the visual amenity.
- The numerous ecology reports that supported the recent development of Swanbourne Park and Pound Nursery indicated an abundance of birds and several species of Bats. The applicant is misleading to suggest that birds such as the Dunnock, Song Thrush, Linnet and Mistle Thrush which are breeding locally are not present in the Pound Place habitat.
- The evergreen trees surrounding Pound Place are categorized as early mature trees and are of a substantial height and prominence. The trees are of a generally healthy condition with no signs of disease or pests, as stated in the original Arboricultural report. The removal of trees on the Eastern & Western Boundary contribute to the visual amenity as viewed from public space on Roundstone Lane.

They also significantly contribute to the shielding of the visual aspect from the South Downs National Park (Highdown) and help reduce light pollution for the designated Dark Skies Reserve and protect the setting of the South Downs National Park.

- Removal of the leylandii hedging would compromise privacy whilst planned replacement tree/hedge planting establishes. Consideration should be given for a fence or wall of sufficient height to maintain privacy.

COMMENTS ON REPRESENTATIONS RECEIVED:

The level of car parking is acceptable to County Highways. Drainage would be controlled by the imposition of conditions. Any removal of protected trees would be compensated for with replacement planting.

In granting outline planning permission on the site A/154/14/OUT, the Council were very clear in the report and decision notice that the indicative layout submitted in support of that application was neither approved or supported.

All other issues raised are addressed in the Conclusions section of this report.

CONSULTATIONS

- WSCC Strategic Planning
- Planning and Housing Strategy
- WSCC Strategic Planning
- NHS Coastal West Sussex CCG
- Ecology Advisor
- Parks and Landscapes
- Sussex Police-Community Safety
- Environmental Health
- Arboriculturist
- Engineering Services Manager
- Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Greenspace Officer - No Objection.

The proposed site is screened extensively to all sides and of note are the TPO's which have been applied to protect much of this established tree cover. Significant tree and vegetation removal has been indicated to facilitate the proposals. A landscape scheme will need to be conditioned detailing mitigation to provide screening to the new building and a scheme to enhance and provide a garden setting for the use of the proposed residents, their visitors and care home staff. Any scheme must take into consideration the needs of the development along with the wider viewpoints.

A comprehensive tree survey in accordance with BS5738 would need to be undertaken and tree protection fencing identified with the tree protection plan to be identified and applied to any permission.

Arboricultural Officer - No Objection.

Support the proposed high quantity of tree removal which is necessary to achieve and complement the proposal but the losses must be compensated for with an ambitious replacement tree planting

programme. New trees must offer longevity and provide aesthetic and ecological value to the surrounding area.

West Sussex Police - No Objection.

The building will house vulnerable residents and so preventing unauthorised access to their private living accommodation is important with good access control and clearly defined separation between public and private areas.

Drainage Engineer - No Objection. Conditions requested.

County Drainage Engineer - No Objection. Conditions requested.

Ecology Officer - No Objection. Following submission of Bat Emergence Survey (Jan 2019), we are satisfied the mitigation proposed would be suitable and this should be conditioned. To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site. Damage to nesting birds should be minimised.

Affordable Housing - Objection. To meet the requirements of the council's Affordable Housing policy the applicants will need to either provide;

- a) 30% (19 units) of affordable housing on-site as part of the development with the tenure as above;
- b) Provide 19 units for affordable housing elsewhere in the District as part of a bespoke application;
- c) Agree a Planning Obligation set out in the S106 Agreement to pay a commuted sum of £1,520,000 (19 x £80,000) on commencement of the development in lieu of providing on-site affordable housing.

Viability Consultant - A reasonable approach has been taken to the viability assessment submitted by the applicant. It is agreed that the 62 unit scheme will not support an affordable housing contribution.

County Highways - First Response. Additional information requested relating to provision of a drawing referred to in the Transport Statement, details of footpath and a road safety audit to cover the revised access and footway.

Second Response. The proposal is unlikely to have a severe impact on the local transport system. Parking provision is above County standards. No issues are anticipated. Conditions recommended. The response did not include a request for contributions towards infrastructure as was the case in the previously refused application.

Clinical Commissioning Group - No Objection.

The original response still stands, with the amendment to the volume reduction of 2 flats equating to a £1,004 x 2 reduction resulting in a requested contribution of £62,310.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The viability consultants have advised that there is insufficient viability in the scheme to allow for the contributions requested by consultees.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary.

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

HDM2	H DM2 Independent living and care homes
SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM3	W DM3 Sustainable Urban Drainage Systems
INFSP1	INF SP1 Infrastructure provision and implementation
ENVDM5	ENV DM5 Development and biodiversity
AHSP2	AH SP2 Affordable Housing

[Angmering Neighbourhood Plan 2014 POLICY HD4](#) Materials

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways

Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian

PLANNING POLICY GUIDANCE:

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 of the Angmering Neighbourhood Plan have been taken into account in the determination of the application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and character of the area by way of its layout, footprint, site coverage and lack of open space.

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

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of the Local Plan.

Policy HD1 of the Angmering Neighbourhood Plan states that "the Neighbourhood Plan allocates sufficient land to deliver at least the minimum housing requirement in the Arun Local Plan and that, without a Built Up Area Boundary significant further development would encroach into open countryside." The site is not within the Built Up Area Boundary as defined in the Neighbourhood Plan, but it is within the more recently adopted and up to date Arun Local Plan.

Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that, in instances where there is a conflict between two elements of the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. Therefore, the built up area boundaries in the Local Plan are the determinant boundaries.

Arun Local Plan 2011-2031.

In this case the other Arun Local Plan policy considerations are deemed to be D SP1 (Design), DDM1 (Aspects of Form and Design Quality), H DM2 (Independent Living and Care Homes) and T SP1 (Transport and Development). These policies seek to ensure that development:

- Reflects or improves the character of the site and the surrounding area.
- Minimises the impact on neighbouring land/residents.
- Is easily accessible on foot or by public transport.
- The design is adaptable and appropriate in design and scale.
- Provides safe access on to the highway network and incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision.

Angmering Parish Neighbourhood Plan (ANP)

Policies HD4 (Materials), HD5 (Built Form), HD6 (Housing Layout and Design) and HD7 (Housing Density) seeks to ensure that development by way of materials used, appearance and design are appropriate to their location.

It is also material to this application that planning permission for residential development has been granted for residential use for 18 dwellings (A/154/14/OUT). It is considered that the provision of

residential development on the site is appropriate.

Policies HD8 (Parking for New Developments) and TM1 (Local Highways) aim to ensure that development provides the right amount of parking and maintains highway safety.

PREVIOUSLY REFUSED SCHEME

Planning application A/51/18/PL was refused planning permission at Committee in November 2018. Therefore, an assessment of the current proposals has to consider how it has addressed the previous reasons for refusal and if it has done so adequately. The previous reasons for refusal related to;

- Excessive scale, footprint and site coverage
- Lack of open space
- Significant set back from Roundstone Lane
- Unacceptable relationship with adjoining open space
- Lack of linkages to the sites north and south

In response to these objections, the applicant has made the following amendments;

1. Re-sited the building 6m closer to Roundstone Lane (it is 33m back as opposed to 39m)
2. Reduced the number of proposed units by 2 (from 64 to 62)
3. Reduced the height of the building by 0.5m
4. Introduction of a two-storey garage building on the western boundary

VISUAL AMENITY AND DESIGN

The site is bounded by new residential development to the north and south comprising 2 storey semi-detached and detached dwellings. Given the nature of both the visual context of the site and the form of the development, the mainly two-storey structure with an upper second floor contained within an attic construction, similar to neighbouring buildings is acceptable in terms of height.

The design of residential development along Roundstone Lane is largely of two storey properties with an open and strong aspect clearly evident along the street frontage. The character of the area is therefore considered to be suburban in character typified by detached and semi-detached properties, some in spacious layouts, with a visual presence in the Roundstone Lane street scene. New trees and vegetation contribute to the character of the area.

Planning Policies and Central Government Advice support the efficient and effective use of land. Policy DDM1 requires new developments to reflect or improve upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, layout and building materials. Policy DSP1 of the Local Plan requires proposals to make efficient use of land. These principles are replicated in the Angmering Neighbourhood Plan in policies HD5 - HD7. The NPPF also attaches great weight to the design of the built environment and states that local circumstances should be taken into account, to reflect the character, needs and opportunities of each area. Good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Para. 130 suggests permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The Council sought additional advice in respect of the design of the proposal for a 71 bed care home which was submitted for pre-application advice. This advised that the overall scale and massing of the

building seemed excessive owing to the height and massing of the roof. The roof was artificially raised to allow a roof terrace or a lower flat element. The ridge line at between 11m and 12m high was more akin to a 3/3.5 floor building.

The application amends the scheme refused planning permission by reducing the number of bedrooms to 62 and repositioning the main building approximately 6m closer to the western boundary with Roundstone Lane. The proposal also now includes a 2 storey storage/car parking building at the front of the site. This has a height of 8m and length of 17m and has been provided to attempt to provide a better integration with the street scene. The provision of this building does not adequately address the site frontage. An additional building in this location is detached from the rest of the site and does not result in an integrated approach to the issue of this poor relationship with local character. In terms of appearance the care home building is not significantly altered and would remain out of character with the area generally. A substantial set back to this development is still proposed which does not reflect the nature of development on either side of Roundstone Lane.

The agents assert that there is an approved layout for 18 dwellings on the site (reference A/154/14/OUT), but this has not been approved. The approved plan at outline stage demonstrated that 18 units could be accommodated on the site. However the siting of dwellings further to the east was not approved. The officer report clearly states that the indicative layout is unacceptable and layout has not been approved. It states:

'A revised layout has been submitted. This is indicative at this time but it now shows that adequate open space can be provided. Whilst this plan is indicative (and is therefore acceptable for the purposes of an outline planning permission), there are a number of significant issues that will need to be addressed at reserved matters stage. The indicative scheme fails to provide a 'frontage' to the open space and it shows dwellings that back onto the open space with rear garden boundaries. This would not be acceptable at a reserved matters stage and would not accord with the approved masterplan.'

The height of the building reflects the adjacent residential dwelling height, and the appearance of the elevations in design detail terms is acceptable. The use of differing materials assists in visually splitting the building into sections. The bulk and extent of the building in terms of its length and width across the plot results in a bulky form of development at odds with the character of the area which is sufficient to warrant refusal of the application. The elevations of the building are staggered, but the building still visually appears to extend across the plot width and over half of the depth of the site with a solid ridge line spine running along the depth without any visual break or separately defined roof pitches. The built form therefore unacceptably harms the visual amenities of the locality.

With regard to layout, residential development on the eastern side of Roundstone Lane consists of a mixture of front facing and flank facing development. A substantial set back to this development is proposed which does not reflect the nature of development on either side of Roundstone Lane. The retained and proposed vegetation on the western boundary will maintain and enhance the existing tree lined and vegetated nature of Roundstone Lane, but will not satisfactorily compensate for the poor and uncharacteristic layout of the proposal. Whilst the units are proposed to be set back within the site to reduce any perceived impact they sit at odds with the pattern of development and provide a hard site frontage dominated by car parking which does not make a positive contribution to the appearance of the street scene.

The proposal also fails to integrate with the development to the north in that it significantly extends beyond the eastern limit of that residential development and provides a harsh 2 storey built form adjacent to an extensive area of open space. It would also result in a form of open space which would not connect adjoining sites together and it would present a harsh boundary that would extend into what should be open space with development facing eastwards to this open space. This part of the proposal contrasts

starkly with the flat open area to the north. It would be better integrated within the area if the built form were limited in its eastern projection to reflect that to the north and more positively contribute to the feeling of space derived from the area.

The Angmering Visioning Brief dated 2013 prepared for Arun District Council by URS recognised there was an opportunity at Angmering to deliver a substantial number of new homes in a leafy, attractive environment using a comprehensive approach to planning. It was underpinned by Garden City principles which sought to provide an attractive expansion of Angmering providing a high quality landscaped village setting for at least 490 new homes to the east of Roundstone Lane.

A range of high quality homes were to be developed in a series of interconnected, walkable neighbourhoods focused around a central green spine, widening and complementing Angmering's offer with similarly high quality but different types of housing.

It was intended that the development would provide new open spaces for residents and contribute towards the provision of new social and community facilities as required. The Brief set out the vision and principles for development in the area east of Angmering to guide individual landowners and developers who may come forward with proposals for their sites. Given the number of different land ownerships and private sector investment which would bring forward this development, the Brief was intended to provide an overarching framework to ensure that a comprehensive and integrated approach to development was in place as the sites came forward. The Brief resulted in a Masterplan dated 2014 whose central feature was a green link along the central north/south spine and 2 pathways running east/west across the site.

The proposed layout does not include a pathway through the site to join development to the south and north. As a result the development will mean that a valuable opportunity to provide a visual link of open space from north to south, as suggested by the original Masterplan, is lost.

The approved development at the former West End Nursery site (A/82/12/) has a density of approximately 25 dwellings per hectare (dph) with the approved density for planning permission A/167/14/PL being 29 dph and 25 dph for A/144/15. The development density proposed in this application is 82 dph and therefore not in keeping with what has been approved elsewhere in the immediate locality. The proposal therefore does not accord with policy HD7 of the Angmering Neighbourhood Plan which requires development to be of a density appropriate for and in keeping with the setting of the immediate surrounding area. The site layout also displays the characteristics of overdevelopment in that it provides little by way of useable landscaping and fills most of the site with either built form footprint or car parking spaces. The development does make efficient use of land in accordance with policy DSP1, but does so at the unacceptable expense of the visual amenities and character of the area.

The design and layout of the proposed development does not respect the location of the new development and open space either side and are not visually or physically integrated. The proposal includes a landscaped garden area at the eastern end of the site which, spatially, relates to the green areas to the north, east and south, but is enclosed by railings. The boundary treatment surrounding the eastern end of the site has been amended to 900 - 1000mm high low level hedge planting with 1.8m high hoop top metal rail fencing behind, but this still forms a visual and physical barrier.

The layout and form of the scheme would not connect adjoining sites together and it would present a harsh boundary that would extend into what should be open space with development facing eastwards to this open space. The proposal will mean that a valuable opportunity to provide a visual link of open space from north to south is lost. The proposal is a stand-alone development with no connection or links to the residential developments to the north and south or even the central greenspace/park. The provision of open space as part of the development of this site has previously been requested. The

closed site boundary would, as it does now, form a barrier between the different developments.

The position of the building to the east of the site would appear as a bulky and dominant protruding structure in an otherwise open and landscaped area which contrasts starkly with the surrounding built form. The proposal does not therefore meet the requirements of policy HD6 of the Angmering Neighbourhood Plan or policies D DM1 and D SP1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The building is orientated to run the length of the site. There is therefore potential for overlooking to result to the adjacent new residential development to the north and south of the site. The proposed development has had to take into account the need to avoid the effect of actual and perceived overlooking on adjacent residential properties. This has been achieved by providing adequate separation of habitable rooms to elevations facing on to adjoining dwellings and by the careful positioning of windows and selection of window types. The distance between the proposed building and the nearest dwelling to the north is 17m and 18m to the boundary and to the south it is also 17m to the dwellings and 8m to the boundary. The dwelling to the north most affected by the development is 2 Lambert Way and this has its front garden facing the application site where privacy would not be expected. The windows in the southern elevation of the development at first floor which are located closest to the southern boundary are indicated to be obscure glazed. In addition although much of the existing tree screening is being removed it is to be replaced and this screening would provide further privacy for both the neighbouring houses and residents in the care home.

The distances between the development and the site boundaries are considered to be adequate to prevent any materially adverse overbearing effects to neighbouring properties.

The proposal is therefore deemed to accord with policy DDM1(3) in that it adequately addresses the impact to users and occupiers of nearby property.

AFFORDABLE HOUSING

Affordable Housing Policy AH SP2 of the Arun Local Plan, the Council seeks 30% affordable housing on-site on residential developments of 11+ residential units. This policy is designed for residential accommodation that excludes extra care accommodation as proposed in this application. As a result this development is not subject to policy AH SP2.

TRANSPORT

The Local Highways Authority (LHA) has assessed the Road Safety Audit and response submitted by the applicants and are satisfied that the development proposed does not raise any issues of major concern which cannot be dealt with at detailed design stage. A Transport Statement (TS) was sent in with the application. The statement reviews the highway and transport impacts of the proposed care home which is accessible by a variety of means of transport, including walking. The care home is expected to have a broadly similar traffic impact to that of the housing development on the site which received planning permission in 2015. Given the low number of trips, the highway authority has no issue with the potential traffic impact.

An improved road access is proposed and visibility splays appropriate to local traffic conditions are included. Within the site, adequate space is available for a large vehicle to turn. Adequate car parking is proposed at 33 spaces. Therefore, it has been satisfactorily demonstrated that adequate parking provision is achievable in accordance with policy TSP1 (d) and (e) of the Arun District Local Plan and policy HD8 of the Angmering Neighbourhood Plan.

The Neighbourhood Plan includes policies TM1 - Local Highways and TM2 - Cycling, Walking & Equestrian where support will be given to proposals which increase or improve the network of cycle ways

and footpaths and this is also referred to in policy TSP1 (a)(b) and (f) of Arun Local Plan. This supports the view that there must be linkages through the Pound Place site and the proposal is therefore considered contrary to these policy objectives.

DRAINAGE/FLOODING

The application site is situated within Flood Zone 1 an area of land with low probability of flooding where all land uses are appropriate. WSCC Flood Risk Management Team have identified the site as being at low risk from surface water flooding and at high risk of ground water flooding.

Arun District Council drainage engineers have also been consulted in relation to this application and have raised no objections with the imposition of suitably worded conditions suggested. These include the provision of Sustainable Urban Drainage Systems. It is noted that detailed investigations and design have been provided with this application following the requirements of groundwater monitoring and the hierarchy of preference for surface water drainage. This information will be fully reviewed at a later stage. The proposal would therefore comply with Policy WDM3 of the Local Plan.

ECOLOGY/BIODIVERSITY

An Extended Phase I Habitat Survey and Bat Emergence Survey accompanied the application.

The Phase I Habitat Survey identified no rare plants or habitats within the Site. The majority of the Site is poor semi-improved amenity grassland with scattered trees, surrounded by non-native hedgerow planting. No trees within the Site are considered to have potential to support bats and no further surveys of trees are recommended. The main house supports an infrequently used roost of common pipistrelle. As the main house supports a roost of low numbers of common bat species it is acknowledged that a Low Impact Bat Class Licence will be required from Natural England. Two cavity mounted bat boxes are proposed, one as compensation and one as an enhancement measure. These measures, and several others, are included within the Mitigation Strategy for bats which has been included in this report.

Habitat suitable for breeding bird has been identified within the Site, particularly the hedgerows and scattered trees, and precautions relating to removal of vegetation have been provided. As the main house was recorded to support one wren's nest, recommendations have been made for the provision of artificial nest boxes to compensate for this loss.

No evidence of other protected species was found during the surveys and the site is not considered to have potential to support protected species such as reptiles, dormice or amphibians, partly because of the isolation of this Site from other areas of suitable habitat; the Site is surrounded by roads or new housing developments on all sides.

A number of enhancements have been suggested including replacement of removed trees at a ratio of 2:1 and provision of a wildflower seed mix in any grassland areas.

The proposal does include removal of hedging but also provides for replacement and includes provision of bat/bird boxes in accordance with policy ENV DM5 of Arun Local Plan which requires development to achieve a net gain in biodiversity and to protect existing habitats on site. However, development schemes are also expected to facilitate the emergence of new habitats through the creation of links between habitat areas and open spaces. These provide a network of green spaces which serve to reconnect isolated sites and facilitate species movement. The proposed layout does not maximise the potential integration of the development with the open space provided to the east and north. The opportunity to fully integrate the development with its surroundings and improve species movement is minimal given that the rear section of the building is located within an area that would have more ecological benefit if provided as open space.

CONCLUSION

The principle of a residential care home on the site is supported by the development plan policies. However, the proposals (in terms of scale and layout) fail to integrate with the surrounding area and will result in a form of development significantly at odd with the character of the area and a form of development that will result in adversely affect the quality of the wider area being delivered as part of a comprehensive form of development.

The proposal is therefore in conflict with relevant development plan policies DSP1, DDM1 & TSP1 of the Arun Local Plan, policies HD5 (Built Form), HD7 (Housing Density), HD8 (Parking for New Development) and TM1 (Local Highways) of the Angmering Neighbourhood Plan and is recommended for refusal for the following reasons.

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

REFUSE

- 1 The layout, excessive scale, footprint and site coverage and consequent lack of open space result in an unacceptable overdevelopment of the site which is harmful to the visual amenities of the locality and detracts from the character of the area in conflict with policies D SP1 and D DM1 of the Arun Local Plan and policies HD5, HD6 and HD7 of the Angmering Neighbourhood Plan.
- 2 By virtue of its siting on the site with the significant set back from the Roundstone Lane frontage, excessive site coverage, unacceptable relationship with the adjoining open space and lack of linkages with development to the north and south of the site, the proposal is not in keeping with the character and appearance of the area. The proposals will significantly detract from the character of the area in conflict with policies D SP1, D DM1, T DM1, T SP1 and ENV

DM5 of Arun Local Plan and TM1 of Angmering Neighbourhood Plan.

- 3 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 with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

BACKGROUND PAPERS

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

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PLANNING APPLICATION REPORT

REF NO: AB/23/19/PL

LOCATION: 67/69 Tarrant Street & 2A Arun Street
Arundel
BN18 9DN

PROPOSAL: Conversion & change of use of retail unit (A1 Shops) to 2 No. residential units (C3 Dwelling houses). This application affects the character & appearance of the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is to convert the current retail unit, spanning across 67 and 69 Tarrant Street, back to its original form. 2 x 2 bedroom flats will be created at ground floor and basement sub floor levels. The concept is to convert the premises by utilising a significant part the existing shop front including the two entrance door locations, the signage and cornice mouldings.

The proposed alterations are internal and external. New elements of brickwork would be in stock brickwork to match the existing and would be fully bonded and toothed to the existing retained areas.

The external fenestration alterations are limited to modifications to the existing shop front to separate the two halves of the retail unit.

The shop front lower sill would be reduced in height and the later modern louvred fanlights removed. Brickwork would be introduced between the two retained elements of the shop front. Two lower sub floor openings would be altered to provide a recessed bin area and windows added to 67 Tarrant Street / 2A Arun Street on the Arun Street elevation with two arched openings and windows inserted to the basement rooms facing Tarrant Street.

SITE AREA

142 sq m.

RESIDENTIAL DEVELOPMENT DENSITY 14 dwellings per hectare.

SITE CHARACTERISTICS

The building, located within the Arundel Conservation Area, is currently vacant is located on the southern side of Tarrant Street on the western side of the junction to Arun Street opposite the Kings Arms Public House.

67-69 Tarrant Street is a three storey building fronting north

onto Tarrant Street with a lower basement/sub ground floor extending the full depth of the site which extends from a full basement on the frontage to a full non basement height at the rear as the ground levels drop significantly down Arun Street from north to south. The rear lower ground floor workshop area is 2A Arun Street.

67-69 Tarrant Street is a painted brick structure under a slated roof with sliding sash windows and secondary casement windows in Georgian and Victorian styles.

There are a number of modern openings inserted within the east elevation which relate to the 1980's conversion of the upper floor to flats.

CHARACTER OF LOCALITY

Edge of town centre. The eastern end of Tarrant Street comprises a significant number of retail and food and drink outlets with an element of residential accommodation over. The density of the retail and food and drink outlets reduces in a westward direction with residential dwellings predominating at the western end of Tarrant Street.

RELEVANT SITE HISTORY

AB/96/83	Change Of Use Of Flat Above Existing Shops To Offices	ApproveConditionally 31-08-83
AB/22/87	Change of use from shop to two shops and one office at ground floor with storage & workshop at basement level. Conversion from maisonette to two flats.	ApproveConditionally 28-04-87
AB/57/67	Modernisation Of Shop Front	Approve 28-03-67

The principle of conversion to residential dwelling units is established in Tarrant Street with several retail units within close proximity of the site being previously converted. The first and second floor of the property have already been converted to residential units without permission.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

Objection.

The continual erosion of retail uses would undermine the vitality and viability of the Arundel shopping experience and unless there is robust evidence that the use of the premises is no longer viable for a

commercial use, the application should be refused.

Four Objections.

- This is a significant site in terms of the character of the town, and it is hard to see how premises clearly built for commercial purposes can be made suitable for residential use without drastic changes to the ground floor elevations.
- There is an issue, concerning the abandonment of retail and commercial activity in the town, in favour of purely residential development. There are persuasive economic reasons for this, but the rationale for a Conservation Area is precisely that other, environmental factors should be considered.
- The applicant might consider the replacement of the two existing inappropriate modern doors containing fixed fanlights and located on the north and east elevations with more appropriate painted 4-panel timber doors which would add further enhancement to the appearance of the buildings.
- Object to any change to the existing planning use or status of the flat roof. The use of the flat roof as a roof terrace would cause an unacceptable detrimental impact on the residential amenity of neighbouring property by reason of loss of privacy and the potential for noise disturbance.
- Concerned by the outside appearance in what is a protected street scene. Unless the existing shop windows are to be preserved, the owner will need to have a very experienced architect in order to respect the fenestration of neighbouring Listed Buildings.

COMMENTS ON REPRESENTATIONS RECEIVED:

The site is not located within the defined Arundel town centre boundary and is not a Primary or Secondary retail frontage as defined in the Arun Local and Neighbourhood Plans. Policy RET SP1 'Hierarchy of Town Centres' of the Arun Local Plan only applies in respect of the section which requires town centres to be maintained and supported in their role of providing retail, commercial, tourism and residential development.

Policy RET SP1 does accept that residential uses are a component of town centre uses.

The agent has advised the neighbour that it is not intended that the development will affect the flat roof.

An Informative has been added to the decision clarifying that the decision does not include any alterations in this respect and that they would require planning permission and submission of a separate application if a change was to take place.

CONSULTATIONS

Economic Regeneration

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Economic Development - No Objection.

Whilst Economic Development is reluctant to lose retail space in any location we accept that this is outside the main retail area for Arundel and, as such, footfall is likely to be lower making it more difficult to sustain a successful business. On that basis Economic Development has no objection to this application.

Conservation Area Advisory Committee - No Objection.

The buildings are located in a very prominent corner position at the junction of Arun Street with Tarrant Street. As such they make a positive contribution to the townscape and, therefore, also to the appearance of the Arundel Conservation Area.

The site lies outside the principal shopping area of Arundel as indicated in the Arun Local Plan 2018, and in tandem with the views expressed by Arun's Economic Generation Unit, it is considered that no objections can be raised to the principle of a change of use from retail to residential.

The proposed alterations to the buildings appear to be satisfactory and will actually enhance the appearance of the east elevation. It is suggested that a condition be attached to any planning permission requiring details of all new joinery, including operating mechanisms, and samples of brickwork and the colour of its repainting.

Conservation Officer - No Objection subject to conditions requiring submission of details of windows.

The proposal to change the use to residential will result in the loss of another retail element in the street. However, there is still a significant amount of retail units further to the east in a more prominent part of the street. The proposed use will reflect the established character for this part of the Conservation Area and is acceptable.

The subdivision of the property into two units reflects a historic division, whilst the internal alterations are such that they do not harm the established character of the building. It is good to see the former ground floor retail spaces remaining as 'open-plan'.

The key area of the proposal is the replacement shop front which has been altered and the proposed replacement will reflect the character of the building. It is considered that the replacement windows will not harm the building, but that their success in terms of respecting the building and local area, will be related to the quality of the materials and the detailed design issues. These details should be controlled by condition.

The proposed replacement of the windows on the eastern elevation is supported as it will remove those of a modern, inappropriate appearance.

The new windows located at the front elevation (at basement level) will not harm the building.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions requested by Conservation Officer have been imposed.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Within Conservation Area
Outside Town Centre Boundary

DEVELOPMENT PLAN POLICIES

[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
HERDM3	HER DM3 Conservation Areas

HERSP1 HER SP1 The Historic Environment

Arundel Neighbourhood Plan 2014 POLICY 1:	The Presumption in Favour of Sustainable Development
Arundel Neighbourhood Plan 2014 POLICY 2:	A Spatial Plan for the Town
Arundel Neighbourhood Plan 2014 POLICY 14:	Arundel Town Centre

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

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 Arundel Neighbourhood Plan has been made and the relevant policies have been considered in the determination of this application. It is noted that Arundel has an emerging Neighbourhood Development Plan, of which Policy AR1 is relevant. The emerging plan is currently undergoing a consultation exercise between the 17th July and 28th August 2019 as per Regulation 16. At this point the policies within the emerging plan have limited limited weight.

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 impact upon the established character of the surrounding area, the appearance of the Conservation Area or the function of the town centre or primary shopping frontage.

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

In this case, the key policies are D DM1, D DM4, RET SP1 and HER DM3 of the Arun Local Plan. Additionally, Policies 1 & 2 of the Arundel Neighbourhood Development Plan apply.

Arun Local Plan (ALP)

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Adaptability, Layout, Density and Scale.

Policy D DM4 sets out criteria against which applications relating to extensions and alterations of existing buildings will be assessed. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy HER DM3 states that consent will be granted for proposals that preserve or enhance the character and appearance of the Conservation Area.

Policy RET SP1 states that the hierarchy of Town Centres will be retained. Arundel is to maintain its existing role as a service centre providing both a range of shops and services for the local population and fulfilling a role as a tourist and visitor destination.

Arundel Neighbourhood Plan (ANP)

Policy 1 The Presumption in favour of Sustainable Development states planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise.

Policy 2 A Spatial Plan for the Parish states that the Plan requires future housing, economic and community-related development within the parish to be located in the town centre to bolster and build its role as a resilient town community.

Policy 14 Arundel Town Centre. The Plan designates a Primary and a Secondary Shopping Frontage, but the site does not fall within this area. This policy is not therefore relevant.

Emerging Arundel Neighbourhood Plan (EANP)

Policy AR1 Arundel Built Up Area Boundary

The Neighbourhood Plan defines the Built Up Area Boundary of Arundel, as shown on the Policies Map, for the purpose of applying policies SD SP2 and C SP1 of the Local Plan.

Policy AR4 Town Centre

The provisions of the Local Plan (Policy RET DM1) will be supported when considering proposals for the change of use along the primary and secondary shopping frontages in the town centre. Proposals for the temporary use of empty shop premises for start-up retail businesses or other forms of 'pop-up' shops in a designated Primary and Secondary Shopping Frontage will be supported.

VIABILITY AND IMPACT ON TOWN CENTRE

The site has been used as a single retail unit by Arundel Interiors, for approximately 4 years. The ground floor has been used as retail whilst the basement/sub ground floor areas have provided a further retail area, storage, shop office, workshop and kitchen/WC facilities.

Arundel Interiors ceased trading in January 2019 and the retail units at ground and basement floors to both 67 and 69 Tarrant Street underwent a necessary refurbishment with a view to re-letting the property as either a single retail unit or as two separate retail units.

The defined Town Centre Boundary extends approximately one third along Tarrant Street and excludes

the application site. The defined Primary Retail Frontage extends to this same point along Tarrant Street ceasing on the eastern side of Brewery Hill Lane. The application site is outside of this designated area.

There are a small number of retail units located along Tarrant Street in close proximity to 67-69 which have been converted to residential use as well as a clinic and a gallery. There are also former retail uses, such as Sparks Yard where retail uses have failed. This is further evidence of the lack of demand for retail units within this location.

The premises are suitable for conversion to residential use given the building's location within Arundel and its proximity to local services, transport and community facilities. This together with the location of the property outside of both the primary and defined secondary retail frontages in Arundel, further supports the proposal for conversion to residential units.

The main policy considerations relating to retail units and their loss are outlined in policy RET DM1 of Arun Local Plan. However, this policy is not relevant to the consideration of this application as it applies to the reuse of redundant floor space to sites in locations not including that of the application site.

The only retail policy which applies to this application is RET SP1 Hierarchy of Town Centres which requires that Arundel maintains its existing role as a service centre providing both a range of shops and services for the local population and fulfilling a role as a tourist and visitor destination. Given the location of these retail uses outside the boundary of the designated retail frontages, their loss would not significantly impact on this role. The National Planning Policy Framework (NPPF) para 85(f) recognises that residential development often plays an important role in ensuring the vitality of town centres.

In relation to the Neighbourhood Plan the proposal falls outside the area defined as town centre and is not designated as a primary or secondary retail frontage. Residential use would bolster the function of the town centre in accordance with policy 2A of ANP.

In terms of marketing, none has been undertaken as following the review of the current policies relating to the loss of retail space and the location of the premises outside of the primary and secondary retail frontages marketing is not a requirement.

HERITAGE ISSUES

The application does not include a Heritage Statement. A Design and Access Statement submitted does refer to heritage assets and the character of the area generally and the impact that the proposed changes would have on these assets in accordance with the requirements of the National Planning Policy Framework paragraph 189. The statement sets out the significance of the asset sufficiently to enable the assessment required under para. 190.

Whilst not Listed the application building does contribute positively to the character and appearance of the historic core of the town centre and the Conservation Area.

It is intended that the alterations to the shop front would be in a similar style and design to match the existing mouldings. The new joinery items comprising the replacement entrance doors, new basement windows and new windows to the side elevation of 67 Tarrant Street will all be in a sympathetic style following traditional sections and moulding to match as closely as possible the existing joinery on site. A condition requiring submission of details is suggested.

The changes to windows would not have a significant impact upon the character of the host property within the street scene, or the established character of the Conservation Area. The proposed alterations to the buildings will enhance the appearance of the east elevation.

Details and finishes will need to be of a high standard, appropriate to the age of the buildings and their location within a conservation area. In accordance with the Conservation Officer's advice a condition is suggested requiring the submission of precise details of all new joinery, including operating mechanisms, samples of brickwork and the colour of its over painting.

Therefore, with the suggested conditions controlling precise detail the proposed alterations are considered to preserve the characteristics of the Conservation Area, and have no detrimental harm on the established character of the building or its locality in accordance with paragraph 90 of the NPPF. The proposed works are therefore deemed to be in accordance with HER DM3 of Arun Local Plan.

DESIGN AND VISUAL AMENITY

The alterations to the building are considered to be in keeping with the character of the building. The shape of the modified openings would reflect those of others in the existing building and the age of the building. The amended shop front openings still maintain a positive appearance in the street scene and retain the proportions of a shop front as a historic reference. Whilst the precise design and profile of the new windows is to be controlled by condition they would be similar to other openings in their proportions and would accord with policies D DM1 and D DM4 of Arun Local Plan.

RESIDENTIAL AMENITY

The proposed alterations retain the same footprint as the existing building, and are therefore not considered to result in any significant change in overbearing or overshadowing impact on neighbouring dwellings. There are no new openings that form part of this proposal, which is considered to preserve the existing level of privacy within the area.

The application is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

With regard to internal space standards the proposal relates to a gross internal floor area of 65m² for the 2 bed 3 person unit and 101sqm for the 2 bed 4 person unit. These proposed floor areas comply with the requirements as set out within the Nationally Prescribed space standards.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is 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:

820/PL01 revD Proposed Elevations and Floor Plans.

820/501 revA Survey as Existing, Location and Block Plan.

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 No external alterations shall take place unless and until a schedule of materials and finishes to be used for new areas of brickwork and brick arches and over painting have been submitted to and approved by the Local Planning Authority and the materials and painting so approved shall be used in the construction of the brickwork.

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.

- 4 No new windows shall be installed or changes to the shop fronts shall take place until precise details of the new joinery including the dimensions, opening mechanisms, finish and profiles have been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: To ensure that the internal and external appearance of the building is satisfactory in accordance with HER DM3 of the Arun Local Plan and the NPPF.

- 5 INFORMATIVE: The approval of this application does not purport to grant permission for changes to the flat roof area of the property which would require the submission of a separate application for planning permission.

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

BACKGROUND PAPERS

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

AB/23/19/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: CM/25/19/PL

LOCATION: Kents Yard
Brookpit Lane
Climping
BN17 5QT

PROPOSAL: Change of use of barns to 3 No dwellings (resubmission following CM/24/18/PL).
This application may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal is to convert and extend the former farm stable buildings to create 3 separate dwellings. One 4 bedroom, one 3 bedroom and one 2 bedroom.

The current application proposes three dwellings instead of previously approved two and comprises:

- A slightly deeper east wing.
- An existing flat roof above east wing would be replaced with a pitch roof.
- A small section of the court yard has been allocated for parking and bin/cycle store.
- The parking spaces are replaced from the central position of the yard to the west of the former farm buildings.
- A new entrance is proposed.
- Three Flash conservation roof lights are proposed to the western roof plane facing to the yard.

SITE AREA 0.14 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 21 dwellings/hectare.

BOUNDARY TREATMENT To Crookthorne Lane 2m high flint wall. To east overgrown bund planted with hedging. To east 2m high brick wall.

SITE CHARACTERISTICS The proposal site is located on the southern side of Crookthorne Lane and comprises single storey traditional flint and brick built farm buildings enclosing an inner yard area.

CHARACTER OF LOCALITY The area is rural in character with a few neighbouring properties with one residential property on the opposite side of the road and a group of five to the south-east. Residential properties adjoin the site to the east and on the opposite side of Crookthorne Lane.

RELEVANT SITE HISTORY

CM/19/17/PL	Conversion of former agricultural buildings to form two dwellings (Revised design). Resubmission following CM/28/16/PL. This application affects the setting of a Listed Building.	ApproveConditionally 25-10-17
CM/28/16/PL	Conversion & extension of barns to form 2 No. dwellings & detached car port This application affects the setting of a Listed Building.	Refused 09-02-17
CM/19/15/PL	Change of use of argicultural building to 2 No. dwellings. This application affects the setting of a Listed Building.	ApproveConditionally 05-11-15
CM/38/14/PD	Prior notification under Class MB part (a) for change of use of agricultural building to dwellinghouse (Use Class C3)	No Objection 19-12-14
CM/40/14/PD	Prior notification under Class MB part (a) for change of use from agricultural building to dwellinghouse (Use Class C3)	No Objection 19-12-14

CM/28/16/PL related to conversion to 2 x 4 bed units and was refused for the following reasons:

- The proposed conversion is unacceptable in that it includes an extension to the approved residential curtilage and involves significant and unsympathetic rebuilding and alteration which together with the number and size of the new openings has an unacceptable impact on the rural character and appearance of the building and the wider locality. The proposal is therefore considered to conflict with policies GEN3, GEN7, AREA10 and DEV2 of the Arun District Local Plan.
- Given the design and extent of alteration the proposal involves damage to the setting of a Grade 2 Listed Building, and therefore conflicts with the provisions of the National Planning Policy Framework.

Application CM/19/17/PL satisfactorily addressed the reasons of refusal in CM/28/16/PL.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Climping Parish Council has objected stating:

1. It will be detrimental to the setting of a Listed Building with which it shares a structural wall.
2. It is completely out of character with the area.
3. It will be detrimental to the amenity of this quiet rural area.

4. It is an over-development of the site. The previous permission is for just two dwellings.
5. The design is out of scale to the existing building.
6. It will adversely affect wildlife as a number of protected species are present including bats.
7. Drainage issues have not been resolved. This is a serious issue as there is no mains sewerage available.
8. There is an inadequate arrangement for parking with restricted space for turning on site or to accommodate visitor parking or delivery vehicles. This will encourage parking in Brookpit Lane that provides the access to the local primary school and is used by large farm vehicles.
9. The site is shown as not currently developable in the current Housing and Economic Land Availability Assessment (HELAA) study.
10. It is contrary to the Clymping Neighbourhood Plan policies.

1 letter of objection as follows:

- Two dwellings is acceptable but three would be out of character with the area.
- The locality cannot cope with extra traffic.

1 letter of support as follows:

- The proposed scheme is sensitively designed and an effective use of land.
- Meeting the need for homes should be supported.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposed change of use would secure the maintenance of a structurally sound abandoned group of former farm buildings. The external appearance would be maintained and it would not be detrimental to the setting of the Listed Building Grade II. The agent has submitted Bat Survey Report and an Environment Officer hasn't raised any objection. The footprint of the building would be marginally extended and the curtilage of the property would provide sufficient parking spaces for the proposed 3 units. The site is located outside of the flooding zone and the Drainage Engineer has raised no objection.

CONSULTATIONS

Building Control

Ecology Advisor

Environmental Health

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer Comments:

Kents yard creates a part of a former historic farm group which includes Kents Farm House a two storey detached Listed Building. The outbuildings are single storey and of traditional construction with a strong agricultural character. The neighbouring Listed Building is visible from the barns, and as a consequence can be considered to be clearly within that buildings setting.

The current application is a variation in the design. There are no concerns over a change in use from agricultural to residential accommodation and with the increase in the number of units to three.

It is considered that the design of this space, and the materials used, will greatly impact upon the character of the barn. It is not clear what the design of the courtyard will be, and details of this area should be provided for by way of condition. This will include materials. The courtyard should maintain an

open character when redeveloped.

A series of wooden doors to be placed in front of some of the new glazing should be designed to reflect the size of the openings, and constructed so that they are fully functioning. Details of this along with the details of any proposed colours of the joinery should be provided for by way of condition.

The application is considered to not cause harm to the significance of the heritage assets or their setting.

Ecology Comments:

The precautionary mitigation for bats is acceptable. A condition should be used to ensure this takes place. The lighting scheme for the site will need to take into consideration the presence of bats by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Drainage Engineer Comment. No Objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted - no objections to the proposals are raised by the statutory consultees subject to the condition required by a Conservation Officer regarding to the design of the courtyard and materials used.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary
 Within Strategic Gap
 Grade II Listed Building
 2km Buffer of the Site of Special Scientific Interest

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ENVDM5	ENV DM5 Development and biodiversity
HDM4	H DM4 Conversion of rural buildings for residential use
HERDM1	HER DM1 Listed Buildings
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SDSP3	SD SP3 Gaps Between Settlements
HDM3	H DM3Agricultural forestry and horticultural Rural dwellings

Clymping Neighbourhood Plan 2015 Policy CPN11	Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN13	Retain buildings or structures of character
Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment

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.

Policy CPN 9 Protection of Natural Habitat, CPN 11 Quality of Design, CPN 13 Retain buildings or structures of character and CPN 14 Traffic and the Environment of the Clymping Neighbourhood Plan is considered to be relevant to 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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties or the setting of the Listed building, nor would it have an 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 lies outside the built up area where residential development is not permitted unless it is for agricultural purposes or complies with other policy in the Arun Local Plan. In this case Arun Local Plan Policy H DM4 allows conversion of rural buildings worthy of retention to be converted to residential use, subject to certain constraints.

BACKGROUND

The site has been subject to 2 applications for permitted development for conversion of 2 smaller sections of the building to 2 residential units (CM/38/14/PD and CM/40/14/PD). The recent application CM/19/17/PL for the conversion of barns to form two dwellings, including the rebuilding of the east wing has been approved. A subsequent application was submitted for the conversion of the buildings to form 4no dwelling (CM/24/18), however a number of concerns has been raised with particular regard to the loss of the sense of the barns internal open character and this application was withdrawn. The current application addresses those concerns proposing conversion of the existing barns to 3 units with an improved layout and elevations of the converted group of former farm buildings resulting in a substantially improved appearance with a more sensitive approach to the host properties as well as the setting of Grade II Listed Kents Farm to the east.

CONVERSION POLICY

Conversion of rural buildings to residential use is only acceptable if they are compliant with policy H DM4 of the Arun Local Plan.

This policy states that it needs to be demonstrated that reasonable attempts have been made to market and use the premises for business purposes, and any application must be supported by a statement of the efforts that have been made or that residential conversion is part of a subordinate scheme for business re-use. This application does not contain any marketing information, but as it benefits from a relatively recently approved CM/19/17/PL an additional Marketing Efforts Statement is not therefore required. The previous Statement outlined the marketing that had been undertaken without success.

In addition the policy requires evidence to demonstrate that the building is structurally sound, of permanent construction and capable of conversion without rebuilding or significant alteration or extension. A structural survey accompanies the application indicating that it is structurally sound. The proposed change of use involves a marginal extension of a triangular shape to the east wing; the existing flat roof above would be replaced with shallow pitched roof resulting in a slightly wider but better balanced appearance. This is not considered to represent a significant alteration or extension.

With regard to the impact on the character of the area being acceptable the alterations are not considered significant and the extension to the northern section of the eastern wing is deemed acceptable in terms of the extent of alteration of the buildings as a whole.

It is considered that all of the new spaces that are created as a result of the internal alterations are such that they attempt to retain some of the open character of the building and therefore sympathetic to the rural setting in terms of form and bulk. The layout of the proposed courtyard in comparison to the previously approved scheme shows a significant improvement, maintaining an open character.

In respect of highway matters the advice from highways in previous applications has found the conversion of the barn into two units acceptable. In this there is no reason to suggest a differing opinion given that the additional dwelling proposed has been allocated two off street car parking spaces.

The proposal is compliant with the conversion policy and is in keeping with the rural character of the building.

Policy CPN 11 of Climping Neighbourhood Plan requires new development, including rebuilding and alterations to be of high quality design and to protect and enhance local character. It is considered that the treatment of the building does protect the rural character and quality of the area by providing additional accommodation in a sympathetic conversion which comprises an acceptable and limited extension.

RESIDENTIAL AMENITY

The addition of 1 more unit will not have an appreciable increase on the level of impact on neighbouring residential amenity compared to that already found acceptable for two approved units.

GAPS BETWEEN SETTLEMENTS

Policy SD SP3 stresses that the generally open and undeveloped nature of gap between settlements, as defined on the Policies Maps (Littlehampton and Middleton-on-Sea, along with others listed) will be protected to prevent coalescence and retain their separate identity. Development will only be permitted within the gaps subject to certain constraints.

As part of the proposal the barns will be retained and will utilise and maintain the internal courtyard, the residential curtilage is provided to the west as previously approved. This curtilage size is desirable to reduce the impact of the development on the surrounding countryside. The buildings would be extended marginally and their visual prominence would not increase due to a sensitive approach of design.

HERITAGE CONSIDERATIONS

National Planning Policy Framework (NPPF) paragraph 193 states that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to asset's conservation and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) stresses that when considering whether to grant permission for development which affects a Listed building or its setting the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposal would not adversely affect the setting of the adjacent Listed building. It would not result in a building of urban appearance. It does not detract from the rural appearance and character of the existing buildings which contribute to the rural setting of the building. The Council's Conservation officer shares the opinion that the application is considered to not cause harm to the significance of the heritage assets or their setting.

Therefore the proposed development would satisfy the requirements of NPPF, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and policy HER DM1 of the Arun Local Plan.

COMPLIANCE WITH INTERNAL FLOOR SPACE STANDARDS

The proposal relates to gross internal floor spaces of approx. 86 sqm for 2 bedroom unit, 125 sqm for 3 bedroom unit and 156 sqm for 4 bedroom unit which exceed considerably the minimum gross internal floor areas requirement for a storey dwelling as set out in the Nationally adopted space standards. (70 sqm for 2 bedroom, 95 sqm for 3 bedroom and 117 sqm for 4 bedroom dwelling).

CONCLUSION

The application 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:

- Location Plan 1169/SK01 Revision 01
- Block Plan 1169/SK02 Revision 01
- Proposed Site Plan 1169/SK03 Revision 01
- Ex & Proposed North and West Elevation 1169/SK06 Revision 01
- Ex & Proposed South and East Elevation 1169/SK07 Revision 01
- Ex & Proposed West and North Elevation 1169/SK08 Revision 01
- form inside the courtyard
- Proposed Floor Plan 1169/SK05 Revision 01
- Section A 1169/SK09 Revision 01
- Section B 1169/SK10 Revision 01
- Section C 1169/SK11 Revision 01
- Section D 1169/SK12 Revision 01
- Section E 1169/SK13 Revision 01
- Section F 1169/SK14 Revision 01

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

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

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

- 4 No development shall take place unless and until details of the design of the courtyard and material used, the details of any proposed colours of the joinery and the details of new wooden doors to be placed in front of the new glazing have been submitted to and approved by the Local Planning Authority and implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to exercise the necessary statutory control over works likely to affect the character of the Listed Building in accordance with the National Planning Policy Framework and policies HER DM1 and HER SP1.

- 5 Development shall proceed in accordance with the Bat Survey Report (May 2016), though a Natural England Licence will not be needed. As a precautionary approach conversion works to the buildings should be undertaken by hand with careful stripping of the internal and external roof space in the presence of a suitably qualified ecologist. If a bat is found all works must stop and Natural England consulted. Temporary roosting opportunities must be made available by installing bat boxes within the trees onsite prior to any construction works. Roosting opportunities must also be incorporated within the conversion as detailed within paragraph 8.3 of the Bat Survey report including the use of bat tubes and such details shall be submitted to the Local Planning Authority for approval prior to conversion works beginning and the development shall proceed in accordance with the details so approved and retained in perpetuity.

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy ENV SP1 of Arun Local Plan.

- 6 Prior to occupation nesting cups shall be installed within the building to allow continued nesting opportunities for swallows in accordance with details to be submitted to and approved by the Local Planning Authority. The nesting cups as approved shall be retained in perpetuity.

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy ENV SP1 of Arun Local Plan.

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

Reason: To provide car parking space for the use in accordance with policy T DM2 of Arun Local Plan

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan. This facility shall thereafter be retained at all times for their designated purpose.

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

- 9 Prior to the commencement of development (parts 1, 2) and prior to occupation (parts 3, 4) approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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 policies QE DM4 of the Arun Local Plan .

- 10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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.

- 11 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policy QE DM4 of the Arun Local Plan.

- 12 **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.

- 13 **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,

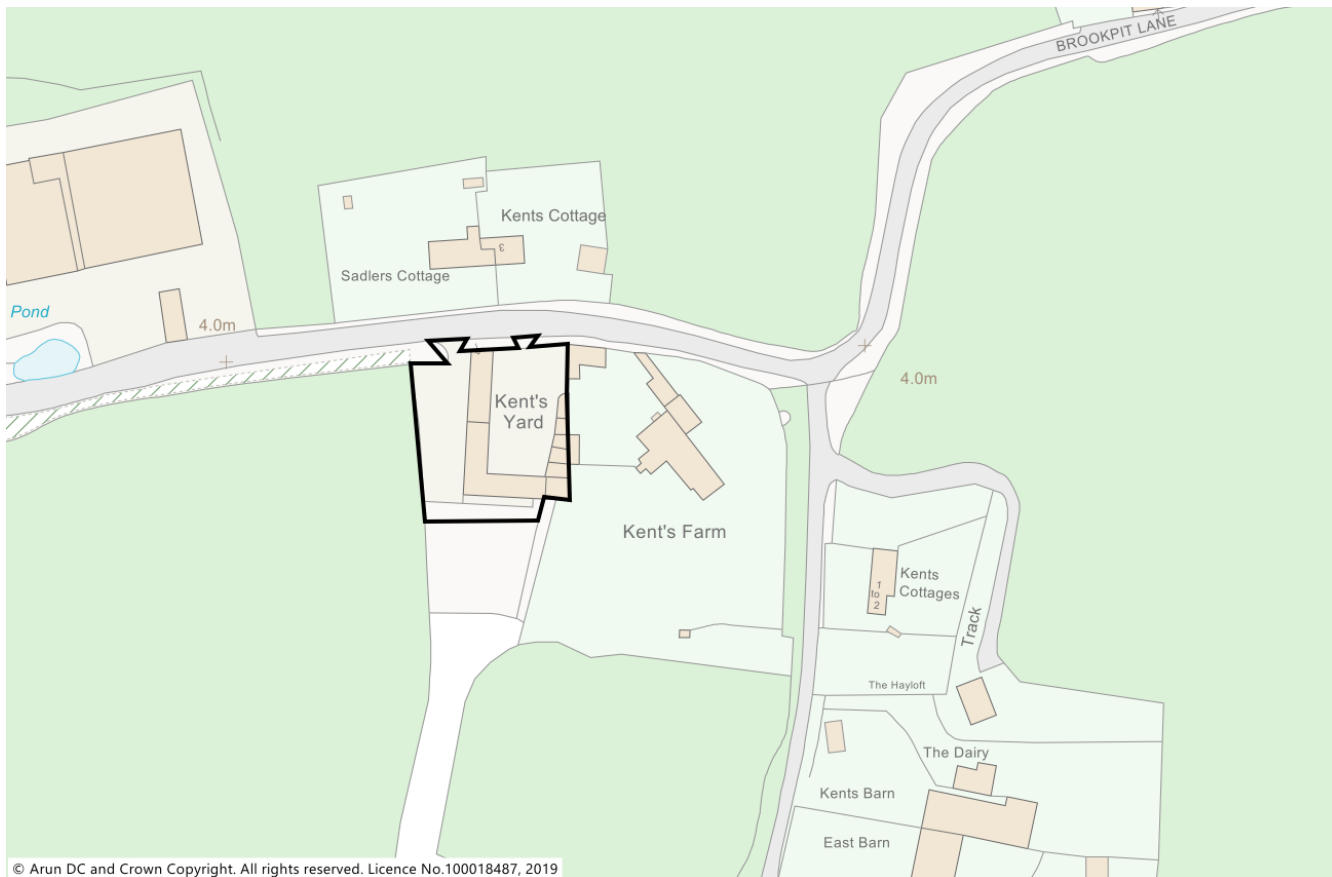
whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

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

BACKGROUND PAPERS

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

CM/25/19/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: CM/16/19/PL

LOCATION: Rudford Industrial Estate, Unit J1, J2 & Z
Ford Road
Ford
BN18 0BF

PROPOSAL: Variation of conditions imposed under CM/1/19/PL relating to conditions 2 -plans condition relating to external appearance & 3-amendment of wording to remove reference to acoustic metal cladding to south elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application relates to the following changes from permission CM/1/19/PL.

Condition 2 relates to the approved plans which are being altered as set out below:

Southern Elevation - The proposal retains the existing cladding on the workshop area and provides internal sound insulation. The proposed new external cladding will match the existing cladding in colour and appearance. The size of the proposed roller shutter door is reduced to allow the internal crane to operate satisfactorily and safely. A new metal link is provided at the western extent of the new yard enclosure extension and at the join between the existing structure and new extension.

Western Elevation - A small metal link to the roof at the southern corner of the extension is provided. The southernmost projection of this elevation will be partially clad with the remaining part section faced in brick.

Later changes - Setting back of the mid-section of the Western elevation to allow access relating to the existing easement with the neighbouring building and additional access door to the void between buildings for service/maintenance purposes.

Northern Elevation - A small metal projection is being added at ridge level between the existing workshop and proposed extension building. It has a projection of 10cm above the ridge line.

Roof Plan - The northern roof lights are being removed to improve the sound performance of the building.

In addition variation to the wording of Condition 3 of CM/1/19/PL, which refers to the previously agreed noise assessment report, is being sought to delete reference to the new acoustic metal cladding on the south elevation.

SITE AREA

0.28 hectares.

BOUNDARY TREATMENT

Palisade fencing and open.

SITE CHARACTERISTICS

The existing buildings include two larger workshop and office structures to the north which are orientated at right angles and separated by a courtyard area (Units J1 / J2) Unit Z. The paint shop is located to the north of the site and is fully enclosed. The external guillotine area adjacent to a smaller workshop unit to the south of these buildings is separated by an access road (east of Unit 1).

Units J1 / J2 comprise a fully enclosed paint shop building to the north, an outside yard area to the south where steel beams and components are stored. A large factory workshop with a crane system is located to the south/east. A crane system transports steel products from within the workshop area to the external yard. Offices are located on the first-floor south elevation to the south/east.

CHARACTER OF LOCALITY

The surrounding uses in the estate are industrial in both their use and character. The site is surrounded by such uses on all sides (except Unit 1 which borders onto an area of vacant open space to the south). The surrounding uses feature similar architectural design with pitched roof and brick / metal cladding on facades.

To the south outside of the industrial estate, on the south side of Horsemere Green Lane is a residential estate located circa 90m to the south of Unit 1.

RELEVANT SITE HISTORY

CM/1/19/PL	Variation of condition 10 imposed under CM/12/18/PL relating to hours for all other operations to be from 07:00.	ApproveConditionally 06-03-19
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CM/12/18/PL	The regularisation of operating hours to 24hrs a day commencing 6am Monday to 6pm Saturday with no Sunday operation at Units J1, J2 & Z; new extension covering the existing courtyard area & new acoustic metal cladding to southern facade of existing workshop at Unit J1 & J2; new demountable wall adjacent to existing fence surrounding the guillotine enclosure at Unit U1. This application also lies within the parish of Ford.	ApproveConditionally 18-07-18
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Condition 2 of CM/1/19/PL refers to the approved plans and Condition 3 of planning permission states: 'The development of the 'longer term measures' as outlined within section 10 of the Noise Assessment accompanying this application, ref J2407, dated 10-04-2018 by Acoustic Associates, including but not limited to new extension covering the existing courtyard area & new acoustic metal cladding to southern elevation of existing workshop at Unit J1 & J2, shall be fully implemented before the expiration of 1 year from the date of permission.'

Condition 8 states:

Mitigation measures detailed in para 10 of the Noise Assessment accompanying this application, ref J2407, dated 10-04-2018 by Acoustic Associates to be installed and checked by an acoustic consultant to ensure that the chosen methods for attenuation achieve the mitigation levels detailed in the report whereby the day time noise level at the nearest residential premises does not exceed 54 dB LAeq and these records shall be submitted to and approved by the Local Planning Authority. If the mitigation measures detailed in the said report fail to secure a reduction in noise levels to the stated limit then further measures shall be implemented with the written agreement of the Local Planning Authority. The approved development shall not be used until the noise limit is met.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Objection:

- This would be a retrograde step.
- The condition was imposed to reduce noise pollution and should be retained.

COMMENTS ON REPRESENTATIONS RECEIVED:

All other conditions would remain in place. The proposal would not increase noise levels at the site as commented by the Council's Environmental Health Officer.

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection providing condition 8 remains in place. This will ensure that any changes made do not effect the overall acoustic performance of the building and that this performance is verified by an acoustic an consultant when the scheme is completed.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
DDM1	D DM1 Aspects of form and design quality

Clymping Neighbourhood Plan 2015 Policy CPN11 Quality of 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 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Neighbourhood Development 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.

Ford Neighbourhood Plan contains no relevant policies and only policy CPN 11 of Clymping Neighbourhood Plan is relevant to consideration 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 comply with relevant Development Plan policies in that the extension has extant permission and the changes would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining 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**BACKGROUND**

This application seeks to amend planning permission CM/1/19/PL. The use and principle of the development are established and it is only the alterations to sound insulation and the appearance of the building which can be considered as part of this proposal.

The proposal seeks permission to alter the plan numbers previously approved under CM/1/19/PL and

amend the wording of conditions 2 and 3 to reflect these changes.

CLIMPING NEIGHBOURHOOD PLAN

The proposal is considered to be compliant with policy CPN11 of the Climping Neighbourhood Plan as it does not compromise the character or openness of the countryside.

VISUAL AMENITY

The alterations remove the approved acoustic cladding to the west elevation of the new workshop extension and replace it with internal noise insulation and faced brick work. The changes to the west elevation and roof will not be visible and this amendment is considered acceptable. The external cladding on the south elevation will remain as approved and the new cladding on the extension will match the existing cladding in colour and appearance. The reduction in size of the roller shutter door and new metal upstand profile would not be out of keeping with the appearance of the building or industrial area generally. The changes would therefore accord with policy DDM(1) and (2) since they reflect the design and appearance of other units on the estate and the materials will match the existing.

IMPACT ON RESIDENTIAL AMENITY

The proposal seeks to remove a section of previously approved acoustic cladding which could potentially result in additional external noise being generated. The nearest residential neighbours, likely to be considered as noise sensitive receptors are located to the south of Horsemere Green Lane, at May Close, Waterford Gardens, and Crophorne Drive. At the nearest point, such residential uses are located approx. 80-100m due south of the factory/workshop. The impact of any resultant noise on these dwellings needs to be considered in accordance with policy DDM1 (3), which requires development to have minimal impact to users and occupiers of nearby property by avoiding unacceptable noise and disturbance.

The original application CM/12/18/PL was supported by a Noise Assessment study. The Council's Environmental Health team as part of consideration of CM/12/18/PL assessed this information. They agreed with its contents and requested that any permission was conditioned with reference to the noise consultants study. The study demonstrated that the proposal would result in a reduction of noise levels to neighbouring residents to an acceptable level. The original permission CM/12/18/PL was subject to Condition 3 (which became condition 3 of planning permission CM/1/19/PL) and stated 'The development of the 'longer term measures' as outlined within section 10 of the Noise Assessment accompanying this application, ref J2407, dated 10-04-2018 by Acoustic Associates, including but not limited to new extension covering the existing courtyard area & new acoustic metal cladding to southern elevation of existing workshop at Unit J1 & J2, shall be fully implemented before the expiration of 1 year from the date of permission.'

It is proposed to vary the wording of this condition to reflect the changes within this application as follows:

The development of the 'longer term measures' as outlined within section 10 of the Noise Assessment accompanying application CM/12/18/PL, ref J2407, dated 10-04-2018 by Acoustic Associates, including but not limited to the new extension covering the existing courtyard area shall be fully implemented before 31-03-2020.

The proposed cladding better aligns with the recommendations of the acoustic report submitted with the original application which didn't require external cladding of the existing workshop. The permissions are subject to Condition 8 which requires attenuation mitigation to reduce external noise levels at the nearest residential dwellings to 54dB LAeq. In this respect, as set out within the acoustic report, sound insulation shall be delivered through internal cladding to meet the required sound insulation performance of Condition 8. The external cladding will be sourced to match the existing cladding in colour and appearance. Subsequently, this approach is considered acceptable in terms of acoustic performance.

The wording of condition 8 states:

'Mitigation measures detailed in para 10 of the Noise Assessment accompanying this application, ref J2407, dated 10-04-2018 by Acoustic Associates to be installed and checked by an acoustic consultant to ensure that the chosen methods for attenuation achieve the mitigation levels detailed in the report whereby the day time noise level at the nearest residential premises does not exceed 54 dB LAeq and these records shall be submitted to and approved by the Local Planning Authority. If the mitigation measures detailed in the said report fail to secure a reduction in noise levels to the stated limit then further measures shall be implemented with the written agreement of the Local Planning Authority. The approved development shall not be used until the noise limit is met.'

This condition is re-imposed in this recommendation.

Environmental Health have no objection to the alterations to sound insulation as proposed on the basis that condition 8 is re-imposed. The proposal would therefore accord with policies DDM1, QESP1 and QEDM1 of Arun Local Plan.

CONCLUSION

The proposed amendments will have no material impact on occupiers of nearby properties from noise related activities (by virtue of Condition 8) and will be acceptable in design terms due to the minor nature of the amendments proposed. The application 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:

Existing Site Location,
Existing Site Block and Site Layout (PL)001 revA,
Proposed Site Block Plan, Site Layout and Elevation (PL) 005 rev D,
Proposed Floor and Roof Plan (PL) 006 revD,
Proposed Elevations and Section (PL) 007 revD and
The Noise Assessment dated 10-04-2018 by Acoustic Associates.

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 development of the 'longer term measures' as outlined within section 10 of the Noise Assessment accompanying application CM/12/18/PL, ref J2407, dated 10-04-2018 by Acoustic Associates, including but not limited to the new extension covering the existing courtyard area shall be fully implemented before 31-03-2020.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policy DDM1 of Arun Local Plan.

- 4 The noise mitigation measures in section 9 of the Noise Assessment accompanying application CM/12/18/PL, ref J2407, dated 10-04-2018 by Acoustic Associates are being implemented at the moment and shall continue to be implemented and provided and retained in perpetuity, unless other alternative measures are agreed by the Local Planning Authority.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policies DDM1 and QE DM1.

- 5 The guillotine shall only be operated within the hours Mon-Fri 0800-1800, and Saturdays 0800-1300 (not at all on Sundays or Bank Holidays).

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policies DDM1 and QE DM1.

- 6 The noise mitigation measures checks to be made by senior management of Austin Divall, around the industrial estate and May Close, referred to in section 9 of the Noise Assessment accompanying application CM/12/18/PL, ref J2407, dated 10-04-2018 by Acoustic Associates, shall be recorded and kept and made available to officers from Arun District Council upon request.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policies DDM1 and QE DM1.

- 7 Where plant and equipment is subject to regular checks, servicing and maintenance to ensure it is operating at optimal conditions, records of these checks shall be kept and made available to officers from Arun District Council upon request.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun

Local Plan policies DDM1 and QE DM1.

- 8 Mitigation measures detailed in para 10 of the Noise Assessment accompanying application, CM/12/18/PL ref J2407, dated 10-04-2018 by Acoustic Associates to be installed and checked by an acoustic consultant to ensure that the chosen methods for attenuation achieve the mitigation levels detailed in the report whereby the day time noise level at the nearest residential premises does not exceed 54 dB LAeq and these records shall be submitted to and approved by the Local Planning Authority. If the mitigation measures detailed in the said report fail to secure a reduction in noise levels to the stated limit then further measures shall be implemented with the written agreement of the Local Planning Authority. The approved development shall not be used until the noise limit is met.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policies DDM1 and QE DM1.

- 9 During construction of the new compound construction hours and deliveries should be limited to 08.00 - 18.00 Monday to Friday, 08.00 - 13.00 Saturdays and no construction work on Sundays or Bank Holidays

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policies DDM1 and QE DM1.

- 10 With regard to units J1, J2 and Z working hours for welding operations/process shall be 00:00 - 00:00 Monday - Friday and 00:00 - 18:00 Saturday with nothing on a Sunday or Bank Holiday.

With regard to units J1, J2 and Z working hours for all other operations shall be 07:00 - 21:00 Monday - Friday and 07:00 - 18:00 Saturday with nothing on a Sunday or Bank Holiday.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policies DDM1 and QE DM1.

- 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.

BACKGROUND PAPERS

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

CM/16/19/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 RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

- A/46/18/RES** Land west of Brook Lane and South of A259 Angmering
Received: 20-04-19 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** Blastreat Limited & adj Greenhurst Fitzalan Road Arundel
Received: 21-03-19 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 **26-11-19**
PINS Ref: APP/C3810/W/19/3224632
- AL/115/17/OUT** Wings Nursery Lidsey Road Aldingbourne
Received: 22-02-19 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
- AW/131/19/T** 12 Hunters Close Aldwick Bay Estate Aldwick
Received: 12-07-19 Reduce height by 8m to 1 No. Lombardy Poplar tree.
Written Representations
PINS Ref: APP/TPO/C3810/7494
- BE/102/18/PL** 312 Chichester Road Bersted
Received: 09-07-19 Erection of 1 no. dwelling
Written Representations
PINS Ref: APP/C3810/W/19/3230405
- BR/146/18/PO** Part of Bognor Regis School Pevensey Road & Westmeads Drive Bognor Regis
Received: 03-06-19 Application to remove planning obligation dated 02/08/2011 under planning reference BR/120/11/ relating to Affordable Housing Contribution.
Written Representations
PINS Ref: APP/C3810/Q/19/3225490
- BR/215/18/PL** 75 Highfield Road Bognor Regis

- Received:** 24-05-19 Conversion & extension of dwelling comprising two existing flats to form 6 No. flats (4 No. new) with associated ancillary services.
Written Representations
PINS Ref: APP/C3810/W/19/3227355
- 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**
Received: 07-05-19 11 Beechlands Close East Preston
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**
Received: 13-05-19 Land rear of Beechlands Cottages Beechlands Close East Preston
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
- FG/16/19/T**
Received: 25-04-19 3 Lavender Court 38 Ferringham Lane Ferring
Fell 1 No. Himalayan Cedar tree.
Written Representations
PINS Ref: APP/TPO/P3800/7334
- FG/220/18/PL**
Received: 09-07-19 Land adjacent to Elm Lodge Tamarisk Way Ferring
Erection 1 No. dwelling with integral garage.
Written Representations
PINS Ref: PP/C3810/W/19/3231473
- 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
- LU/133/19/PL**
Received: 17-07-19 Site of Inglecroft Barn Close Littlehampton West Sussex
Application for full planning permission for the demolition of the existing vacant dwelling and workshop and the erection of 10 detached dwellings (9 dwellings net).

PINS Ref: APP/C3810/W/19/3232378

LU/7/19/PD

Received: 04-07-19

Unit 4 Hawthorn Road Littlehampton

Notification for Prior Approval for a Proposed Change of Use of a building from Office Use (Class B1(a)) to a Dwellinghouse (Class C3) to provide 30 self-contained flats (14 studios & 16 one-bed flats)

Written Representations

PINS Ref: APP/C3810/W/19/3230687

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

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