



# Public Document Pack

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Committee Manager Carrie O'Connor (Ext 37614)

26 September 2019

## DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held in **Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF on Wednesday 9 October 2019 at 2.30 pm** and you are requested to attend.

Members: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Charles, Coster, Edwards, Mrs Hamilton, Lury, Northeast, Mrs Pendleton, Roberts, Mrs Stainton, Mrs Yeates and Mrs 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)<<http://www.arun.gov.uk/planning>>**

## AGENDA

### 1. APOLOGIES FOR ABSENCE

### 2. DECLARATIONS OF INTEREST

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

Members and officer should make their declaration by stating

:

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

**3. VOTING PROCEDURES**

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

**4. MINUTES**

(Pages 1 - 12)

To approve as a correct record the Minutes of the meeting held on 4 September 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**

**DEFERRED ITEMS**

**6. POST COMMITTEE SITE INSPECTION 33 BALLIOL CLOSE, ALDWICK, PO21 5QE** (Pages 13 - 20)

**7. PREVIOUSLY DEFERRED APPLICATION Y/103/18/PL 10 ACRE FIELD, NORTH OF GREVATTS LANE, YAPTON** (Pages 21 - 54)

**8. PREVIOUSLY DEFERRED ITEM P/134/16/OUT LAND NORTH OF SEFTER ROAD & 80 ROSE GREEN ROAD, PAGHAM** (Pages 55 - 62)

**PLANNING APPLICATIONS**

**9. AW/28/19/PL REAR OF 276 ALDWICK ROAD, ALDWICK PO21 3QH** (Pages 63 - 78)

**10. A/62/19/PL OLD BLACKSMITH'S YARD, WATER LANE, ANGMERING BN16 4EP** (Pages 79 - 90)

**11. BE/47/19/PL 38 CHALCRAFT LANE, BERSTED PO21 5TX** (Pages 91 - 98)

12. **BE/69/19/OUT THE COTTAGE, SHRIPNEY ROAD, BOGNOR REGIS PO22 9PA** (Pages 99 - 132)
13. **BR/129/19/PL 75 HIGHFIELD ROAD, BOGNOR REGIS PO22 8PD** (Pages 133 - 146)
14. **EP/179/18/PL GLADWYN, THE STREET, EAST PRESTON BN16 1HTR** (Pages 147 - 160)
15. **FG/74/19/PL HIGHDOWN INDUSTRIAL PARK, LITTLEHAMPTON ROAD, FERRING BN12 6PG** (Pages 161 - 172)
16. **K/19/19/HH LITTLEANGLEY, MIDDLEWAY, KINGSTON GORSE, EAST PRESTON BN16 1SB** (Pages 173 - 178)
17. **PLANNING APPEALS** (Pages 179 - 182)
18. **OFFICER REPORT UPDATES**

These will be circulated at the meeting.

### **BACKGROUND PAPERS**

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

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

Contact Officers :

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

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

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## DEVELOPMENT CONTROL COMMITTEE

4 September 2019 at 2.30 pm

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

Councillors Mrs Cooper, Cooper, Dixon, Goodheart and Mrs Hamilton were also in attendance for all or part of the meeting.

### 190. APOLOGIES

Apologies for absence had been received from Councillors Mrs Hamilton, Mrs Pendleton and Mrs Stainton.

### 191. DECLARATIONS OF INTEREST

Planning Applications AL/42/19/PL & AL/43/19/L – Councillor Mrs Worne declared a personal interest as she knew one of the applicants. Councillor Mrs Yeates also declared a personal interest by way of knowing the applicants.

Planning Application AW/134/19/HH – Councillor Coster declared a prejudicial interest in response to legal advice received and stated he would leave the room during its consideration. Councillor Lury declared a personal interest as he knew the applicant from the 1980s.

### 192. MINUTES

The Minutes of the meeting held on 7 August 2019 were approved by the Committee and signed by the Chairman as a correct record.

### 193. POST COMMITTEE SITE INSPECTION - AW/134/19/HH 33 BALLIOL CLOSE, ALDWICK PO21 5QE

*(Prior to consideration of this application, Councillor Coster had declared a prejudicial interest and left the meeting during its consideration and took no part in the debate and vote.*

*Councillor Lury had declared a personal interest and remained in the meeting and took part in the debate and vote.)*

AW/134/19/HH – Single storey side and rear extension with habitable roofspace and conversion of existing roofspace to habitable use, together with porch removal and replacement windows, 33 Balliol Close, Aldwick

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This application had been deferred from the meeting held on 7 August 2019 to enable the Site Inspection Panel to visit the site to assess the impact of the proposal on the neighbouring property. The report from the Site Inspection Panel and the original report were included in the agenda for Members consideration, together with the officer's written report update circulated at the meeting which detailed an additional objection received from Councillor Dixon as Ward Member and a nearby occupier.

Those Members present at the site inspection were of the view that, due to the overbearing and unneighbourly rear projecting element of the proposed extension and the fact that they considered it to not be in keeping with the locality, the application should be refused. However, the Planning Team Leader advised that the applicant had now submitted revised plans which had reduced the size of the scheme and had moved it further away from the boundary; the officer recommendation therefore remained as one of approval with conditions.

In discussing the matter, comments were made that, as the application had been amended, it should be readvertised to enable objectors to view the changes made.

In turning to the vote, the Committee did not accept the officer recommendation to approve. The Group Head of Planning advised that it was not usual practice to re-advertise a scheme that had been reduced in scale and that only two letters of objection in addition to the Parish Council objection had been received, which did not alter the officer's professional opinion that the application should be approved. He added that he could not see what a deferral would gain as sufficient information was before the Committee to enable it to make a decision.

However, Members reiterated that the amended plans should be readvertised to enable relevant parties to view the proposal and the Committee

#### RESOLVED

That the application be deferred to enable it to be readvertised.

194. PREVIOUSLY CONSIDERED APPLICATION P/134/16/OUT - LAND NORTH OF SEFTER ROAD AND 80 ROSE GREEN ROAD, PAGHAM

*(Prior to consideration of this application, Councillor Huntley spoke as Ward Councillor.)*

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, Land north of Sefter road & 80 Rose Green Road, Pagham

The Principal Strategic Planner presented this report which advised that, although this application had been determined at the meeting on 13 November 2018 to be approved subject to completion of the S106 Agreement in accordance with the officer's recommendation, it had now been brought back to enable Members to consider the following new material considerations: -

1. The impact of the development upon the Infantry Section Post situated on site which was a non-designated heritage asset; and
2. Publication of the draft Pagham Neighbourhood Plan following its publication under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

The Committee was advised that officers had been made aware of several points raised by Members which asserted that there were new material considerations which would justify the reconsideration of highways and ecological matters. In relation to that, the Council's Planning Officers had sought advice from West Sussex County Council as the Local Highway Authority and Natural England, together with advice from the Council's Legal Team. The advice received was that the matters raised with officers did not constitute new material considerations which would justify re-opening the debate or reconsidering those matters.

Members were strongly advised that the debate should be limited to those matters which constituted new material consideration only, as set out in the report and that any debate, weight or consideration given to any matter other than those identified within the officer's recommendation could result in an unsound and therefore legally challengeable decision.

With regard to the Pagham Development Management Plan (also known as the Pagham Neighbourhood Plan), which was a material consideration in the determination of this application, the professional conclusion of officers was that the weight which could be attributed to it at the present time was extremely limited for the reasons set out in the report.

A consultation response had been received from the Council's Conservation Officer in respect of the non-designated heritage asset, i.e. the Infantry Section Post which was in situ on the site. As a result, it was recommended that a condition be included that would require the developer to submit details for approval by the Local Planning Authority which would establish the feasibility of retaining or repairing the infantry section post, to also include measures to make the structure safe and secure. Should it be found that retention was not possible then a submission of a scheme for recording the structure would be required.

In commencing the debate, concerns were expressed that every effort must be taken to preserve the World War 2 (WW2) infantry section post and the Principal Strategic Planner advised Members that they would be able to give more detailed consideration to that issue at the reserved matters stage. The condition being recommended at this outline application stage would ensure that the applicant would

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take the necessary steps to provide the information required to enable an informed decision to be made with regard to the infantry section post. The Group Head of Planning confirmed that the Committee could amend the recommended condition on the table and that there was no need to decline to determine for that reason.

Member comment was made that the matter was being treated casually by officers and, also, a concern expressed that the Pagham Neighbourhood Plan had been dismissed by officers.

A proposal was put forward, which was duly seconded, that this item should be deferred to enable officers to: -

- 1) Under Local Plan Policy HER SP1 to convey to the developers that the Committee wishes to see the WW2 Infantry Section Post as a non-designated heritage asset retained and made safe and confirmation and details thereof to be brought back for consideration by a future Development Control Committee meeting.
- 2) Work with representatives of Pagham Parish Council on the Pagham Development Management Plan to positively evaluate and establish how this may be integrated with Arun's Local Plan, particularly in respect of Pagham Policy DM4 relating to Transport, Environmental and Economic Infrastructure, and to report back on progress thereof for consideration by a future Development Control Committee meeting.
- 3) At the same time as the above reporting back, produce a report for consideration by the Committee on any material considerations and new information that have arisen since the resolution to grant on 13 November 2018 in respect of Local Plan Policies T SP1, H SP2, SD SP1, ENV DM1, ENV DM2, ENV DM5, W DM2, QE SP1 and QE DM3.

In response to the above, the Group Head of Planning confirmed that

1. This was an outline application and it was within the gift of the Committee to amend the condition relating to the Infantry Section Post, negating the request to defer.
2. Support and engagement had been offered to Pagham Parish Council in respect of the production of the Pagham Development Management Plan but to date members of that Council had chosen not to take up that offer.
3. The report on the table, together with the previous report, detailed the material considerations for discussion and what had already been determined, so the Group Head of Planning was unclear as to why a further report would be required.

The Principal Solicitor reminded Members that, in order to defer the application, they had to demonstrate good reasons and she quoted from Planning Guidance that "Local Planning Authorities are at risk of an award of costs if they behave unreasonably, for example, by unreasonably refusing or failing to determine planning applications, examples include preventing or delaying development which should clearly be



permitted, having regard to its accordance with the development plan, national policy and any other material considerations.”

In the course of discussion on the proposal tabled, Member comment was made that it was out of order as it should be more appropriately considered by the Planning Policy Subcommittee; the Committee should not and could not entertain objections to policy as that was not within its purview. In addition, a Member view was expressed that it was important to highlight the legal advice that had been received and that the potential for costs against the Council for taking an improper decision must be seriously considered.

A Member response was made that there was potential new information that had not yet emerged; it was stated that that information would be firmed up and there would be more to come. It was felt that officers should try again with Pagham Parish Council to see if it could be integrated with the Arun Local Plan. The Group Head of Planning expressed his significant concern that the proposal appeared to be being put forward for deferral for a reason that was not yet in the public realm.

Following further debate, the Committee did not accept the officer recommendation to approve and

#### RESOLVED

That the application be deferred to enable officers to: -

- 1) Under Local Plan Policy HER SP1 to convey to the developers that the Committee wishes to see the WW2 Infantry Section Post as a non-designated heritage asset retained and made safe and confirmation and details thereof to be brought back for consideration by a future Development Control Committee meeting.
- 2) Work with representatives of Pagham Parish Council on the Pagham Development Management Plan to positively evaluate and establish how this may be integrated with Arun's Local Plan, particularly in respect of Pagham Policy DM4 relating to Transport, Environmental and Economic Infrastructure, and to report back on progress thereof for consideration by a future Development Control Committee meeting.
- 3) At the same time as the above reporting back, produce a report for consideration by the Committee on any material considerations and new information that have arisen since the resolution to grant on 13 November 2018 in respect of Local Plan Policies T SP1, H SP2, SD SP1, ENV DM1, ENV DM2, ENV DM5, W DM2, QE SP1 and QE DM3.

*(As the vote was tied, the Chairman used his casting vote to approve the amendment to the officer recommendation.)*

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195. PREVIOUSLY CONSIDERED APPLICATION P/25/17/OUT - CHURCH BARTON HOUSE, HORNS LANE, PAGHAM PO21 4NZ

*(Prior to consideration of this application, Councillor Huntley spoke as the Ward Member.)*

P/25/17/OUT - Outline application with all matters reserved – Erection of up to 65 No. dwellings, access roads, landscaping, open space & associated works, Church Barton, Horns Lane, Pagham

The Principal Strategic Planner presented this report which advised that, although this application had been determined at the meeting on 23 January 2019 to be approved subject to completion of the S106 Agreement in accordance with the officer's recommendation, it had now been brought back to enable Members to consider the following new material consideration: -

1. Publication of the draft Pagham Neighbourhood Plan following its publication under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

The Committee was advised that officers had been made aware of several points raised by Members which asserted that there were new material considerations which would justify the reconsideration of highways and ecological matters. In relation to that, the Council's Planning Officers had sought advice from West Sussex County Council as the Local Highway Authority and Natural England, together with advice from the Council's Legal Team. The advice received was that the matters raised with officers did not constitute new material considerations which would justify re-opening the debate or reconsidering those matters.

Members were strongly advised that the debate should be limited to those matters which constituted new material consideration only, as set out in the report and that any debate, weight or consideration given to any matter other than those identified within the officer's recommendation could result in an unsound and therefore legally challengeable decision.

With regard to the Pagham Development Management Plan (also known as the Pagham Neighbourhood Plan), which was a material consideration in the determination of this application, the professional conclusion of officers was that the weight which could be attributed to it at the present time was extremely limited for the reasons set out in the report.

In opening up the debate, Member comment was made that the argument used under Planning Application P/136/16/OUT was still relevant for this application and so a deferral along the same lines was being sought. It was felt that officers should work with the Parish Council on the development of the Pagham Development Management

Plan and that there were issues that had arisen since planning permission had been granted which needed to now be taken account of.

The Principal Solicitor provided advice that any deferral had to be based on sound reasons otherwise the Council could be liable to have substantial costs awarded against it.

The Group Head of Planning reiterated that the Policies in the Local Plan had been fully considered by Full Council and had been adopted for over a year. Also, the draft Pagham Development Management Plan could not be afforded any weight for the reasons detailed in the report and therefore the officer's recommendation to approve still stood.

This view received Member endorsement and further comment was made that the site formed part of the strategic allocations in the Local Plan and any suggestion to depart from that was ludicrous. It was further felt that if the application was deferred it could be seen an illegal decision.

The Committee

RESOLVED

That delegated authority be granted to the Group Head of Planning for the completion of the Section 106 Agreement, substantially in accordance with the Heads of Terms previously approved by the Committee on 23 January 2019, and to grant planning permission subject to the S106 Agreement, conditions and informatives.

As a request had been made for a recorded vote to be taken, those voting FOR were Councillors Bennett, Blanchard Cooper, Bower, Chapman, Charles, Clayden, Edwards, Northeast and Roberts (9). Those voting AGAINST were Councillors Coster, Ms Thurston, Mrs Worne and Mrs Yeates (4). Councillors Brooks and Lury ABSTAINED (2).

196. EP/180/18/PL - BUILDING WEST OF 131 SEA ROAD, EAST PRESTON BN16 1PD

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

EP/180/18/PL – Change of use of boat store & sail loft (Sui Generis) to a single residential dwelling (C3 – Dwelling house) & part change of use of former dinghy pen to caravan site (Sui Generis), Building West of 131 Sea Road, East Preston Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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197. BR/73/19/PL - LAND TO EAST OF ROYAL NORFOLK HOTEL, ALDWICK ROAD, BOGNOR REGIS PO21 2LH

BR/73/19/PL – Erection of 3 No. terraced residential dwellings, garden/cycle storage sheds & associated parking utilising the existing access (resubmission following BR/214/18/PL. This application affects the setting of a listed building & affects the character & appearance of The Steyne, Bognor Regis Conservation area, Land to East of Royal Norfolk Hotel, Aldwick Road, Bognor Regis Having received a report on the matter, the Committee participated in some debate and a number of views were expressed that the proposal would not sit well in the street scene and that the setting of the Royal Norfolk Hotel would be adversely impacted, whereas it should be preserved as it was a landmark building. Comment was made that this was the most prestigious site in Bognor Regis and the proposed development would make a huge difference to the area.

A converse view was put forward that the development would fit in with the area and could be voted for.

However, the Committee did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

The development by reason of its size and location would adversely impact the setting of the Grade II Listed Building (Royal Norfolk Hotel) and Conservation Area contrary to policies HER DM1 (e) and HER DM 3 (f) of the Arun Local Plan.

As a request had been made that a recorded vote be taken, Councillors Bower, Chapman, Charles, Clayden, Edwards and Roberts voted FOR (6) and Councillors Bennett, Blanchard-Cooper, Brooks, Coster, Lury, Northeast, Ms Thurston, Mrs Worne and Mrs Yeates voted AGAINST (9). There were no ABSTENSIONS.

198. BR/154/19/PL - 8 MEAD COURT, MEAD LANE, BOGNOR REGIS PO22 8BL

BR/154/19/PL – Change of use from single dwelling (currently used as a house in multiple occupation with 6 bedrooms) into a house in multiple occupation with 8 bedrooms including the conversion of existing integral garage into living area. This application may affect the character & appearance of the Upper Bognor road & Mead Lane Conservation Area & may affect the setting of a listed building, 8 Mead Court, Mead Lane, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

199. A/9/19/PL - POUND PLACE, ROUNDSTONE LANE, ANGMERING BN16 4AL

A/9/19/PL – 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), Pound Place, Roundstone Lane, Angmering Having received a report on the matter, the Committee also took account of the officer's written report update which was circulated at the meeting and which advised Members of the following:-

- An additional letter of representation
- Addition of an informative relating to hedgehogs
- A consultation response from County Highways raising no objection to the latest plans
- Proposals for the provision of a footpath and resultant additional condition
- Amendment to condition 2 to take account of the submission of additional revised plans
- Amendment to visual amenity section of the report which incorrectly refers to the development to the north when it should be to the south.

In presenting this report, the Planning Team Leader advised that the applicant had made changes to the original proposal and officers now felt it was acceptable as it was in line with the masterplan for the area which had been agreed in 2014.

Members welcomed the development and, following a brief discussion relating to hedgehogs and parking, the Committee

RESOLVED

That the application be approved as detailed in the report, subject to the decision being issued on the expiry of the advertising period on 13 September 2019 following consultation between the Group Head of Planning and the Chairman and Vice-Chairman.

200. AL/42/19/PL - NYTON HOUSE, NYTON ROAD, WESTERGATE PO20 3UL

*(Prior to consideration of the following application, Councillors Mrs Worne and Mrs Yeates had declared a personal interest and remained in the meeting and took part in the debate and vote.*

AL/42/19/PL – Construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas. This

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application affects the setting of a listed building, Nyton House, Nyton Road, Westergate The Committee received a report from the Principal Planning Officer which set out the detail of the proposal, together with the officer's written report update which set out: -

- Consultation response from the Council's Tree Officer which had resulted in 3 additional conditions
- Additional comments from the applicant to address concerns raised.

In considering this matter, a number of views were expressed that the proposal constituted a cramped form of development which was out of keeping with the setting of the listed building; clay tiles should be used rather than zinc to minimise the potential for noise nuisance; the loss of part of the flint wall was of concern as it would have to be good in a proper manner; the siting was too close to neighbouring properties; and the potential for light pollution needed to be addressed.

The Committee, therefore, did not accept the officer recommendation to approve and

#### RESOLVED

That the application be refused for the following reasons: -

The development by reason of its size, appearance and materials would cause harm to neighbouring heritage assets (Grade II listed Buildings) contrary to HER DM1 of the Arun Local Plan.

#### 201. AL/43/19/L - NYTON HOUSE, NYTON ROAD, WESTERGATE PO20 3UL

*(Prior to consideration of the following application, Councillors Mrs Worne and Mrs Yeates had declared a personal interest and remained in the meeting and took part in the debate and vote.)*

AL/43/19/L – Listed building consent for the construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House Care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden, store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas, Nyton House, Nyton Road, Westergate The Committee received a report from the Planning Team Leader, together with an officer report update which detailed a response from the applicant to concerns that had been raised and a statement by their Heritage Consultant.

In light of the decision made in respect of the previous planning application on the agenda, AL/42/19/PL, the Committee did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason: -

The development by reason of its size and proximity to other dwellings would harm residential amenity contrary to policy D DM1 of the Arun Local Plan.

202. PLANNING APPEALS

The Committee noted the appeals that had been received.

(The meeting concluded at 6.12 pm)

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Report of the meeting of the Development Control Post-Committee Site  
Inspection Panel held on 13-08-2019

**REF NO:** AW/134/19/HH  
**LOCATION:** 33 Balliol Close  
Aldwick  
**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.

Post Committee Site Inspection Panel

Tuesday 13th August 2019 at 9:30 A.M.

Present: Councillor Bower, Councillor Mrs Pendleton, Councillor Coster and Aldwick Parish Council representative.

Apologies: Councillor Charles, Councillor Dixon.

Following a discussion about the proposal on the site and from the front of the property the three Councillors present voted that they thought the application should be refused due to the overbearing and unneighbourly rear projecting element of the proposed extension which was also considered to be not in keeping with the locality.

## REPORT UPDATE

Application No: AW/134/19/HH

### Reason for the Update / Changes

Reason for Update/Changes:

Additional objection received from Cllr Tony Dixon (Ward member for Aldwick West)

- If approved, it would set a design precedent that is out of keeping with the wider estate which could be used as a precedent for similar properties in less discrete locations.

Members should note that the objection received from Aldwick Parish Council also includes " The application is in direct conflict with policy D DM4 b and c of the Arun Local Plan and with the Parish Design Statement page 71".

Officers Comment:

Comments noted however none of these points alter the Officers recommendation.

Reason for Update/Changes 3.9.19 :

Following the post committee site visit revised plans were submitted. The main changes are

- Depth reduced by 1m.
- Dormer reduced by 1.5m.
- Roof altered to the rear to form a barn hip end.

Additional objection received from a nearby occupier.

Officers Comment:

Revised Plans are considered acceptable. Comments noted however no additional points raised that have not already been addressed within the report and none of these points alter the Officers recommendation.

Reason for Update/Changes 19.9.19:

The application was re-advertised due to the amended plans that were received.

3 additional representations were received from nearby occupiers.

2 for support and 1 of no objection.

- The conversion is aesthetic to the local environment.
- The application will not hinder anyone.

Officers Comment:

Comments noted. The consultation date ends on the 10th October and therefore the application cannot be issued until this date. As a result it is requested the decision is made under delegated powers by the Head of Planning in consultation with the Chair and Vice Chair.

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

**PLANNING APPLICATION REPORT**

**REF NO:** 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.

<b>POLICY CONTEXT</b>
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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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<b>CONCLUSIONS</b>
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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.

<b>HUMAN RIGHTS ACT</b>
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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.

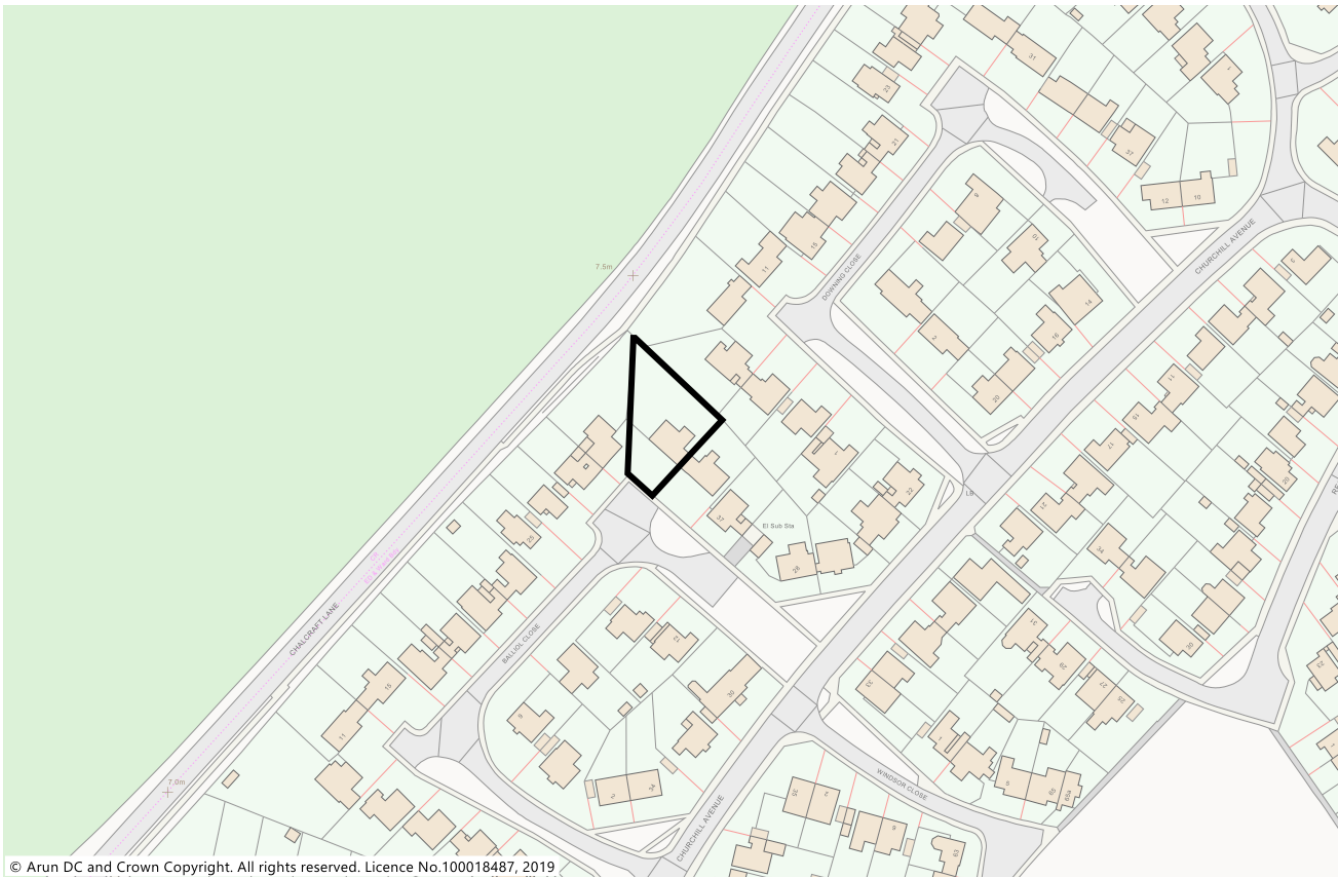
Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

- 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](https://www.arun.gov.uk/weekly-lists) and entering the application reference or directly by clicking on [this link](#).

**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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## Report following a request for further information, negotiations or consultation

**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.

This application was deferred from the August Committee meeting due to a request by members for an independent Road Safety Audit (RSA) to be provided. Members also stated that this should be based on 4 separate days mid-morning and mid-afternoon.

Quotes were sought for this work and it became clear that Road Safety Audits (RSAs) are normally based on a single visit. It would be possible to carry out multiple visits but that the information gained from those visits would have to be provided by the Designer team (the applicants) in traffic flow details to the auditors. It was also noted that RSAs are interested in road safety only and if the design of the access road is considered to be of good design and would not affect road safety, the report will say so.

As a result, the Council instead requested that quotes for (1) RSA based on one normal visit and (2) a critique of the data and modelling in the applicants Transport Assessment to check that it is robust enough. A preferred contractor was chosen, Wilbar Associates Ltd, and their reports were received on Friday 20th September.

The Road Safety Audit identifies 5 issues with the road safety implications of the proposed crematorium. These are as follows:

(1) Rear end shunts A259.

Location: East and westbound on the A259 at the new junction.

Summary: It may not be evident to other vehicles why some vehicles, particularly eastbound, are slowing to turn left into Grevatt's Lane West. This could result in rear end shunt collisions on the main road.

Recommendation: Provide traffic signing, preferably worded directional signs 'Crematorium', to give notification to drivers on the A259 of the facility. Such signing would also provide useful information to visitors from outside of the local area.

(2) Access over the full length of Grevatt's Lane West.

Location: Grevatt's Lane West from the A259 to Bilsham Road.

Summary: The provision of the new junction on the A259 may lead some drivers to believe there is access to the B2132 Bilsham Road. Drivers exploring this route will then have to reverse their route when they meet the proposed bollard at the crematorium entrance. Attempting to reverse their route within the improved section may lead to collisions.

Recommendation: Consider the provision of no through road signs at the A259 junction.

(3) Tactile paving at A259 junction.

Location: East and westbound on the shared use path at the new A259 junction.

Summary: On the preliminary design layout the tactile paving appears to be offset from the substantive through route of the shared path. Pedestrians, particularly those who are blind or partially sighted may therefore continue their established direction and 'miss' the tactile paving and continue across the junction with the risk of collision with turning vehicles.

Recommendation: Discuss with West Sussex County Council (Highway Authority) and provide additional details on the facilities for pedestrians. Consider the realignment of the existing shared use path at a point further back from the proposed junction.

(4) Pedestrian access to the new facility.

Location: Along Grevatt's Lane West from Bilsham Road.

Summary: Whilst most visitors to the new facility will no doubt arrive by motor car the Transport Statement recognises that some visitors will arrive by other means. The closest bus stops to the facility are in Bilsham Road and currently the farm track appears uneven which would likely lead to trips and falls to pedestrians.

Recommendation: Consider the improvement of the farm track suitable for pedestrians and cyclists.

(5) Pedestrian access to the new facility.

Location: The proposed improved section of Grevatt's Lane West from the A259.

Summary: Whilst most visitors to the new facility will no doubt arrive by motor car the Transport Statement recognises that some visitors will arrive by other means. It is unclear from the preliminary design if a footway is to be provided as part of the improvement from the A259. If not, then pedestrians who choose to access the new facilities from the A259 will be required to use the 400m carriageway with risk of collision with vehicles.

Recommendation: Review the design of the track improvement and the provision of facilities for pedestrians.

The reports have been sent to the applicant and to County Highways for further consideration. Their responses and any changes will be provided to the Development Control Committee by way of a report update.

Members should note that the report has been amended to include the content of the previous report update.

**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 overspill, 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).

<b>RELEVANT SITE HISTORY</b>
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CM/4/19/PL

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.

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 raised 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.

A further 10 letters were received after the publication of the Committee report and the material considerations raised by these are summarised below:

- Junction with the A259 will be dangerous to cyclists & pedestrians using the multi-use path;
- Cycle survey was conducted on a weekend day when the weather was poor;
- More and more cyclists are using the path therefore survey is already out of date;
- Harm to highway safety at Comet Corner;
- Site is too close to residential properties and will cause air pollution;
- A Road Safety Audit was submitted only four days before the initially scheduled meeting;
- Why such a large car park if traffic flows so low; and
- Why was a public highway allowed to be blocked by an adjacent landowner and why were County not aware of this when the shared path was installed.

#### **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 Councils legal adviser.

The most recent objections refer to matters already discussed within the officer report or matters outweighed by the lack of an objection from County Highways.

## 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.

WSCC 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 WSCC 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

<a href="#">Yapton neighbourhood plan 2014 Policy BB1</a>	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.

The applicant has now submitted a Soil Resource Survey and a Soil Resource (Management) Plan. The latter details measures to retain and protect the existing high quality soils on the site during construction and to then spread these soils across the site and implement the proposed landscaping scheme. This satisfies the remaining parts of policy SO DM1 and as such there is no longer any conflict with the policy. This necessitates an additional condition to ensure that the soil mitigation measures are followed in order to ensure that the best soils on the site are retained.

As such, there is now no conflict with ALP policy SO DM1 but there does remain conflict with YNDP policy E2.

#### 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. The Council has also obtained legal advice on this matter and this is quite clear that conditions should not be used in order to require compliance with other regulatory requirements. 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.

Notwithstanding the above, the applicant was requested to consider the following at the initial Briefing Panel Meeting:

(1) incorporating different surface materials/line painting or something similar at the access from the site onto Grevatts Lane West in order to guide visitors to the A259 and not to turn right towards Bilsham Road; and

(2) amending the junction of Grevatts Lane West with the A259 in order to deter/prevent right turns onto the A259.

In respect of (1), the applicant liaised with County Highways, but the conclusion is that this is not suitable due to safety concerns and that a banned right turn is not necessary to make the development acceptable. The principal concerns are as follows:

- There is unlikely to be enough land for road widening in order to include a traffic island to prevent right turns;
- If right turns were prevented then vehicles would instead have to travel east for approximately 2.25km before undertaking a 'U' turn at the Climping roundabout;
- This would not be desirable as roundabouts are not considered ideal for u turn movements and it is likely that drivers would instead look to turn around earlier such as at the Oyster Catcher junction or attempt to travel westwards along Grevatts Lane West; and
- It is not appropriate to compare the proposed junction with the existing situation at Comet Corner. A more comparable junction would be the Hobbs New Barn business park junction to the east.

In respect of (2), the applicant has amended the plan of this access (Drawing 128.001.007 Revision D "Access Road Amendments") to show the addition of both signage and road lining to discourage a right turn when exiting the site. This is secured by an amendment to the wording of condition 17.

The applicant has also stated that the access design cannot be amended to further prevent right turn movements out of the site due to the need to maintain Grevatts Lane West with an adequate width to enable use by farm vehicles.

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.

WSCC 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 (although in respect of the latter, the only conflict is with the YNDP policy). 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).

Therefore, the 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.

#### 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 D "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 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 The preparation and development of the site must be carried out in accordance with the protection and mitigation measures as set out within the submitted Soil Resource Plan by Tim O'Hare Associates LLP ref TOHA/19/6507/2/ML (22/07/19 - Issue 1). The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction process.

Reason: In accordance with Arun Local Plan policy SO DM1 and the National Planning Policy Framework.

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

- 7 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.

- 8 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.

- 9 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.

- 10 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.

- 11 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.

- 12 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.

- 13 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a 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.

- 14 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed 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.

- 15 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.

- 16 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.

- 17 No part of the development shall be first brought into use until such time as the vehicular access with Grevatts Lane West to serve the development, to include the proposed new road lining and road signage, has been constructed in accordance with the details shown on the drawing titled "Access Road Amendments" numbered 128.001.007 Rev D.

Reason: In the interests of road safety 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 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.

- 19 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.

- 20 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.

- 21 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.

- 22 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

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

- 23 No 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.

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

25 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.

26 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.

27 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>.

28 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.

29 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](mailto: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.

- 30           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.

<b>BACKGROUND PAPERS</b>
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[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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## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF DEVELOPMENT CONTROL COMMITTEE ON 9 OCTOBER 2019

#### PART A : REPORT

**SUBJECT: DETERMINATION OF P/134/16/OUT**

**REPORT AUTHOR:** Neil Crowther, Group Head of Planning

**DATE:** September 2019

**EXTN:** x 37839

**PORTFOLIO AREA:** Planning

#### **EXECUTIVE SUMMARY:**

Planning application P/134/16/OUT was resolved to be granted planning permission at the meeting of the Development Control Committee (DCC) in November 2018. At the Development Control Committee meeting on 4 September 2019 the Officer report presented additional material considerations that the Committee were required to consider before a decision could be issued. The Committee resolved not to determine application P/134/16/OUT. Instead, the application was deferred for three reasons. This report will comment upon each of those reasons.

#### **RECOMMENDATIONS:**

The recommendation remains the same as set out in the officer report of 4 September 2019.

‘That delegated authority is granted to the Group Head of Planning for the completion of the Section 106 agreement, substantially in accordance with the Heads of Terms previously approved by Members of the Development Control Committee on the 13th November 2018, and to grant planning permission subject to the S106 Agreement and Conditions and Informatives as set out in the attached recommendation sheet.’

#### **BACKGROUND:**

1. Planning application P/134/16/OUT was resolved to be granted planning permission at the meeting of the Development Control Committee in November 2018. At the Development Control Committee meeting on 4 September 2019 the Officer report presented additional material considerations that the Committee were required to consider before a decision could be issued. The Committee resolved not to determine application P/134/16/OUT. Instead, the application was deferred for three reasons. This report will comment upon each of those reasons.

**Under Local Plan Policy HER SP1 to convey to the developers that the Committee wishes to see the WW2 Infantry Section Post as a non-designated heritage asset retained and made safe and confirmation and details thereof to be brought back for consideration by a future Development Control Committee meeting.**

2. As the Group Head of Planning advised at the previous meeting, the Committee is perfectly entitled to seek amendments to any planning condition that Officers propose, and it was not necessary to defer the application in order for a condition to be re-worded. Officers have proposed an amended condition (to the condition proposed within the report of 4 Sept 2019) in response to the reasons for the deferral. This condition achieves what the deferral reason has sought.

*Prior to the commencement of development, a statement shall be submitted which will provide details of how the WW2 Infantry Section Post will be retained on site and integrated as part of the proposals. The development shall be carried out in accordance with the approved statement, unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: To preserve the significance of the non-designated heritage asset in accordance with Policy HER SP1 of the Arun Local Plan and paragraph 197 of the National Planning Policy Framework and to ensure that the historic building feature is protected and preserved.*

3. The applicant has confirmed that they accept such a condition and the details, when submitted, will be presented to DCC at a future date.
4. In a response to a question, the Officer made reference to a potential situation whereby we may be asked to consider financial viability issues around the retention of the ISP. This was given as an example of an issue that may come up at a future date. It was not given as a reason that Officers were promoting in any way for the removal of the ISP. There were a number of comments made by members expressing concern that financial reasons were being promoted by Officers and should not be part of proposal so there was some obvious confusion about officer advice being given.

**Work with Pagham Parish Council on the Pagham Development Management Plan to positively evaluate and establish how this may be integrated with Arun's Local Plan, particularly in respect of Pagham Policy DM4 relating to Transport, Environmental and Economic Infrastructure, and to report back on progress thereof for consideration by a future Development Control Committee meeting.**

5. Section 38(6) of Planning & Compulsory Purchase Act requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. To re-confirm, the relevant development plan in this instance is only the adopted Arun Local Plan and this was the situation when the application was resolved to be approved in November 2018. This, by law, is required to be what your committee has to determine the application against.

6. Part 8, Section 6 of the Constitution confirms that members will comply with the requirements of Section 38(6) of the Planning & Compulsory Purchase Act 2004.
7. The Committee are required to determine applications in accordance with these legislative requirements at the time that they are presented to them. In November 2018, the application was properly determined against the requirements of the development plan. The current Officer report also reflects this statutory requirement.
8. The emerging Pagham Neighbourhood Plan (NP) is not part of the development plan. Officers have concluded that it is also not a material consideration that any weight should be attributed to in the determination of the proposals at this time. This accords with the guidance in the NPPF.
9. Section 70(2) of the 1990 Town & Country Planning Act (as amended by the Neighbourhood Planning Act 2017) requires a Council, when making a decision, to have regard to *“a post-examination draft neighbourhood plan, so far as material to the application.”* As the Pagham Neighbourhood Plan is not a post-examination draft neighbourhood plan your committee (in accordance with legislation) should not have regard to it under this legislation.
10. It is unreasonable to fail to determine an application in order to progress a future emerging policy that has no weight and is unknown in evidence or timescale. This applies doubly so in this instance where the policies referred to are policies that have failed to progress.
11. The functions of the DCC is set out in Constitution. They are to determine applications pursuant to Schedule 1 of the Town & Country Planning Act 1990. This Schedule does not relate to matters of planning policy formulation. It is not a function of the Development Control Committee to consider the preparation of planning policies. A report on progressing a Neighbourhood Plan policy cannot be considered by this Committee in accordance with the Council’s Constitution.
12. National planning guidance confirms that Neighbourhood Plan’s should not conflict with strategic policy. They –  
  
*‘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).
13. Paragraph 13 of the NPPF states *‘Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.’* Further, para 29 states *‘Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic*

*policies.'*

14. Policy DM4 of the emerging NP is in direct conflict with Policy INF SP1 of the Arun Local Plan. It is strategic in nature (as it seeks to place additional burdens on the delivery of strategic development as it specifically defines infrastructure that is associated with strategic development) and, as such, the Council have rightly raised an objection to this policy. This policy has no weight.
15. As a Neighbourhood Plan cannot (in accordance with the legislation) deal with strategic policy, failing to determine this application in order to allow a NP to progress is in direct conflict with policy and policy guidance because there are no circumstances where a NP policy will be progressed where it seeks to deal with strategic issues (as draft policy DM4 of the Pagham NP does) that are contained in the Local Plan. The policy should be deleted as there is already a policy in the Local Plan that deals with the delivery of infrastructure associated with strategic development. The only way the NP policy could be 'integrated' with the Local Plan would be to repeat the policy in the Local Plan, which would be unnecessary.
16. The Committee came to the conclusion that they should not determine the application in order to allow time for the Neighbourhood Plan to progress. Concluding therefore that determining the application was premature pending progress on the Neighbourhood Plan.
17. Failing to determine the application on the grounds of prematurity is in direct conflict with Para 50 of the National Planning Policy Framework. This states that prematurity '*will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan..... the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.'*
18. As confirmed by the Group Head of Planning at the previous meeting, the Council has offered support to all Neighbourhood Plan groups in the preparation of Neighbourhood Plans. Officers have corresponded with Pagham PC during 2018 and 2019 when they notified us of their intention to progress a new Plan. However, it was their decision not to engage with Officers prior to the publication of the Reg 14 Neighbourhood Plan and Officers were therefore obliged to comment upon what had been submitted. Should they wish to progress their Neighbourhood Plan and wish to seek support from ADC Officers, then that support will be available. This has already been confirmed in writing.
19. Under no circumstances is the emerging Neighbourhood Plan of material weight sufficient to provide a reason for not determining the application in accordance with the development plan as per the decision of the Council in November 2018.
20. Finally, and perhaps most importantly, application P/25/17/OUT was also considered by the DCC on 4 September 2019. This was also a strategic development site in Pagham with exactly the same Neighbourhood Plan issues. The Committee resolved to grant planning permission for this scheme and did not defer it for the same reasons as P/134/16/OUT. This is clearly an inconsistent

decision as the officer report on this issue contained exactly the same Neighbourhood Plan issues for consideration. There was a recorded vote.

21. The decision taken on P/25/17/OUT is now an important material consideration in the determination of P/134/16/OUT. There is no reason why the Neighbourhood Plan should be an issue with one of these applications and not an issue with the other.
22. The advice given by the Group Head of Planning and the Council's Solicitor at the previous meeting remains and it is unreasonable and unlawful to decide not to determine in order for progress to be made on a NP.

**Produce a report for consideration by the Committee on any material considerations and new information that have arisen since the resolution to grant on 13 November 2018 in respect of Local Plan Policies T SP1, H SP2, SD SP1, ENV DM1, ENV DM2, ENV DM5, W DM2, QE SP1 and QE DM3.**

23. The report presented to DCC on 4 September 2019 included all new material considerations that have arisen since November 2018 and that report is available as a background paper. All relevant policies have been considered by the Council when they resolved to grant planning permission in November 2018.
24. The Committee should only deal with the matters that are relevant at the time. It was very concerning that the comment that **'there is potential new information that has not emerged yet. That information will be firmed up and there will be more to come'** was made when a deferral on this reason was promoted. The failure to determine an application for a matter that has not yet even emerged and is not yet before the Committee is plainly unreasonable.
25. Again, application P/25/17/OUT was considered by the DCC on 4 September 2019 and this application was not deferred for this reason. It was resolved to be granted planning permission. There is no reason why this issue should apply to P/134/16/OUT and not P/25/17/OUT. The decision taken on P/25/17/OUT is now an important material consideration in the determination of P/134/16/OUT.

## **CONCLUSION**

26. It is worth noting the comment of Mr Justice Sullivan in his judgment in Kings Cross Railways Lands Group v London Borough of Camden in 2007. He stated

*"If a Local Planning Authority which has decided only 8 months previously, following extensive consultations and very detailed consideration, that planning permission should be granted is unable to give a good and, I would say, a very good planning reason for changing its mind, it will probably face an appeal, at which it will be unsuccessful, following which it may well be ordered to pay costs on the basis that its change of mind (for no good planning reason) was unreasonable."*

In reaching a different decision to that in November 2018, the Council would only be reasonable in doing so if there were 'very good planning reasons.'

27. Where decision takers choose not to comply with the NPPF, where it is a material consideration, the NPPG recognises that clear and convincing reasons for doing so are needed (Paragraph: 006 Reference ID: 21b-006-20190315).

28. For the reasons set out in paras 8 - 25 of this report, there are no 'very good planning reasons' that apply. To summarise;

- In accordance with legislation, your committee should not have regard to the emerging Neighbourhood Plan.
- The Constitution does not allow your committee to consider policy formulation.
- In accordance with legislation, the policy in the emerging Neighbourhood Plan has no weight and cannot progress.
- In accordance with national policy, prematurity cannot be a reason for not determining the application.
- There is no stated reason why issues in respect of the emerging Neighbourhood Plan and material circumstances did not apply to P/25/17/OUT and do apply to P/134/16/OUT.

29. The Council has already reached a decision on this application in November 2018. There are no material changes that make this decision unsound and in need of re-consideration. The Officer report of 4 September 2019 comprehensively dealt with those matters that needed consideration and your Committee has more than enough evidence at this time to take a decision on these matters.

30. I provide the above in order to assist you in making robust decisions with the benefit of advice from your professional officers.

31. A contrary decision would be open to challenge by way of judicial review for being irrational and unreasonable. This opens the Council up to significant financial and resource costs, bad publicity, complaints and potential code of conduct complaints.

**2. PROPOSAL(S):**  
Recommendation contained within Officer report to 4 Sept 2019 Development Control Committee agenda.

**3. OPTIONS:**  
n/a

**4. CONSULTATION:**

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		x

**5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)**

	YES	NO
Financial		x



Legal	x	
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x

**6. IMPLICATIONS:**

The implications for failing to determine the applications could be significant.

Should the applicant appeal against non-determination Officers consider that there would be no sound reason that could be put forward as to why the Council has failed to determine the application.

Should the Council decide to refuse planning permission for the application, it would be exceptionally difficult to defend and explain why, when other applications within the Pagham strategic allocation have been granted planning permission within the same policy context. There is no known evidence that would support this position.

Further, if the decision is legally challenged, then the Council would have an exceptionally weak defence to explain why it has failed to determine.

**7. REASON FOR THE DECISION:**

In order to take a sound decision of the planning application.

**8. BACKGROUND PAPERS:**

Development Control Committee Agendas

4 September 2019

13 November 2018

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PLANNING APPLICATION REPORT

REF NO: AW/28/19/PL

LOCATION: Rear of 276 Aldwick Road  
Aldwick  
PO21 3QH

PROPOSAL: Erection of 1 No. dwelling & associated works.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Detached 1.5 storey, 3 bed house in rear garden of 276 Aldwick Road. The house would have its first floor in the roof with two small dormers facing west, one facing east and four velux windows. It will be 2.25m to the eaves and 6.8m to the ridge. The curtilage includes two off-street parking spaces, driveway for turning, a bin storage area and gardens to three sides.
SITE AREA	0.04 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	25 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but ground level is slightly higher than the surrounding roads in places.
TREES	There are several trees dotted along boundaries of the site and in the very northern corner. These are plotted on the Tree Constraints Plan and are predominantly classed as unsuitable for retention. The only tree of moderate quality is the TPO protected Cypress Monterey on the east boundary. The application proposes to fell 6 trees & 1 shrub and carry out pruning works to a further 4. The TPO protected Cypress Monterey will be crown reduced by 1m to its westerly aspect.
BOUNDARY TREATMENT	The site is bordered by 1.8m high close boarded fencing to the rear & rear sides, and with a lower 1m high fence to the front/front sides of the existing house.
SITE CHARACTERISTICS	The site comprises part of the rear garden to a substantial 2 storey detached dwelling. There is off-street parking to the front of the house (which takes access via a slip road/drive off the Lower Bognor Road/Aldwick Road roundabout). The existing dwelling has three dormers on the rear with red brickwork at the lower level, red tile hanging on the upper levels, white window frames and a red tiled roof. On the western side of the rear garden, there is a bellmouth access off Margaret Close (although this does not enter the site).
CHARACTER OF LOCALITY	Part of a predominantly residential area comprising a mixed style of detached, semi-detached and terraced dwellings and between 1-2 storeys in height. The site's location within an

'island' formed by the Lower Bognor Road to the east, Aldwick Road to the south, Margaret Close to the North and a part Margaret Close off-shoot/part footpath to the west, means that it is not read visually in the context of surrounding development. There is also a duck pond and a public amenity/seating area to the west of the footpath. The site is edged on all sides by grass verge.

<b>REPRESENTATIONS</b>
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**REPRESENTATIONS RECEIVED:**

Aldwick Parish Council

OBJECTED to this application on the following grounds which are in direct conflict with the following policies of the Arun Local Plan 2011 - 2031;

- (1) Policy D SP1 Design - This application will not reflect the characteristics of the site and local area in its layout, landscaping, density, mix, scale massing, character or finish.
- (2) Policy HER DM4 Areas of Character - This area is a designated area of Special Character within Aldwick and will not guarantee the retention of trees, hedges, Boundary walls and open spaces, therefore it is in direct conflict with this policy and the Aldwick Parish Council Design Statement.
- (3) Policy ENV DM4 Protection of Trees - The application will result in the removal of Trees which cannot be justified by A, B, or C of Policy ENV DM4.
- (4) Policy QE SP1 Quality of the Environment - This application will not contribute positively to the quality of the environment and will have a significantly negative impact upon residential amenity, the natural environment, leisure and recreational activities enjoyed by residents and visitors to the District. Members also expressed concern that 2 to 3 designated car parking spaces designed for visitors to the duck pond will be removed to provide a drive facility for a private dwelling.

38 letters of objection raising the following concerns:

- (1) Loss of 2 Duck Pond parking spaces resulting in 50% reduction in parking spaces;
- (2) There is a visibility issue at junction of Margaret Close with Lower Bognor Road due to drivers exceeding speed limits;
- (3) Harm to pedestrian safety in the cul-de-sac particularly as pedestrians will concentrate on feeding ducks not watching for traffic;
- (4) Access should be from the roundabout or on the eastern side;
- (5) Harm to Duck Pond site;
- (6) Harm to Area of Outstanding Natural Beauty;
- (7) No bat survey carried out;
- (8) Biodiversity checklist states wrongly that no structures on site to support bats;
- (9) Natural England response does not investigate ecological issues;
- (10) Harm to wildlife (bats, birds, amphibians, foxes) from tree removal/disturbance;
- (11) Loss of/harm to trees;
- (12) Future pressure for felling/pruning of trees;
- (13) Urbanising impact on local character / loss of rural character;
- (14) Harm to views from 2 Margaret Close;
- (15) Harm to privacy of 1 Margaret Close;
- (16) The Location Plan suggests that the pond is further from the site as the duck pond island is labelled as the duck pond itself; and
- (17) Understood that the developer also wants to demolish 276 Aldwick Road to build more dwellings.

In addition, one letter of "no objection" has been received with a comment to say that many of the objectors are misinformed as the pond is not being developed.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

ALDWICK PARISH COUNCIL -

Local Plan policies D SP1, HER DM4, ENV DM4 and QE SP1 will be discussed in the conclusions section of this report. Likewise for the guidance within the Aldwick Parish Council Design Statement.

In response to loss of parking for the duck pond, members should note that (a) there is no signage or road markings to indicate that this parking is a formal arrangement; (2) WSCC have not objected to the use of the informal parking area for access; (3) there is no planning history referencing the creation of the parking area; (4) WSCC have advised (see consultation response) that the informal parking area was likely originally used as a turning area/Farm access (for Old Farm) before the development of Margaret Close took place.

LOCAL RESIDENTS -

- (1) As above response to the Parish Council objection;
- (2) WSCC Highways do not consider there to be a severe visibility issue;
- (4) WSCC Highways raise no objection to the proposed access arrangements.
- (5) There will be no direct harm to the duck pond but the impact of the development on the established local character (including the duck pond area) will be considered in the report's conclusions;
- (7) This has since been rectified after a request was made for surveys to be provided;
- (8) The existing house does not form part of the site;
- (10) Noted however the Councils Ecologist considers that the site can be developed in such a way as to avoid or mitigate any harm;
- (11) & (12) This will be considered in the report's conclusions section;
- (13) The impact on local character will be considered in the report's conclusions section. However, it should be noted that the site does not lie in a rural area;
- (15) This will be considered in the report's conclusions section;

The letter of 'no objection' is noted.

<b>CONSULTATIONS</b>
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- Arboriculturist
- Engineering Services Manager
- Engineers (Drainage)
- WSCC Strategic Planning
- Natural England
- Ecology Advisor

**CONSULTATION RESPONSES RECEIVED:**

NATURAL ENGLAND - No objection subject to a contribution being secured towards mitigation measures at Paghams Harbour. Also state that they have not assessed this application for impacts on protected species and that instead the Natural England Standing Advice should be consulted.

WSCC HIGHWAYS - No objection subject to conditions to secure car and cycle parking. Their comments are summarised below:

- There appears to be no apparent visibility issue at the access onto Margaret Close or Lower Bognor Road;
- One additional dwelling is not expected to significantly increase road traffic within the vicinity;
- Highway accident data shows no recorded injury accidents within the vicinity of the site;
- A property of this size in this location would require 2 cars to fulfil its needs, which the plans meet;
- The 2 spaces are of the correct dimensions and the driveway is big enough to allow adequate space for turning.
- The area of hardstanding adjoining the access is currently used by visitors to the nearby pond;
- The access is not considered to be located in an unsafe location on the network it is lightly trafficked and subject to slow speeds; and
- WSCC do not consider the proposal would have 'severe' impact on the operation of the Highway network.

WSCC Highways were asked to advise whether they hold records of why the bellmouth was added to the west side boundary of 276 Aldwick Road. They responded (02/04/19) to state that this area was once the original route of the B2166, and was probably used as a turning area/farm access (for Old Farm) before the development of Margaret Close. They do not provide confirmation of this area ever being formally designated for as Duck Pond parking.

COUNCILS ECOLOGIST - raise no objection subject to conditions to control lighting, protect birds nests in trees, ensure careful clearance of the land and protect the hedgerows during construction.

ADC DRAINAGE ENGINEER - Raise no objection subject to a surface water drainage condition.

ADC TREE OFFICER - Full comments are available on the Councils website (16/08/19) - in summary raises no objection with the following comments:

- The provision of cross section drawings demonstrate a viable scheme for no-dig construction which should be harmonious with surrounding ground levels and built structure;
- The scheme demonstrates that service routes are achievable without harm to trees;
- Adequate information has now been provided in support of the no-dig solution to root protection area incursion, necessary to provide vehicle access and hardstanding;

#### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted and all recommended conditions are included within the recommendation.

In respect of the Natural England comments, the Standing Advice does not need to be consulted where advice is provided by the Council's ecologist.

The impact on trees will be further discussed in the conclusions section of this report.

<b>POLICY CONTEXT</b>
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Designations applicable to site:

Within the Built Up Area Boundary;  
Class B & C Roads;

Pagham Harbour Zone B;  
 No Public Sewer on site;  
 Area of Special Character;  
 Within 2km of Bognor Reef SSSI; and  
 Tree Preservation Orders (refs Bognor No. 2 & AW/26/10).

TPO/AW/26/10 protects a Magnolia and a Beech tree situated to the front of the existing dwelling. It protects a Cypress Leyland and a Cypress Monterey on the eastern boundary (but only the Monterey is within the application site).

## DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
HWBSP1	HWB SP1 Health and Wellbeing
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
HERDM4	HER DM4 Areas of Special Character
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

### 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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## POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

The Neighbourhood Development Plan

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

There is no Neighbourhood Plan for Aldwick.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is considered to comply with the Arun Local Plan in that it would not cause demonstrable harm to the character of the area (including existing trees), to the amenity of neighbouring residents, the biodiversity value of the site & surroundings or result in a severe impact on the local highway. The proposal makes the appropriate provision for the protection of Pagham Harbour.

**OTHER MATERIAL CONSIDERATIONS**

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

**CONCLUSIONS**

PRINCIPLE:

Regard should also be had to policy SD SP1 of the ALP which states that: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)."

The site is located in a sustainable location in cycling distance of local shops and of Bognor Regis town centre. There are a number of bus stops in the area which are within a short walk of the site. All of these walking and cycling routes are safe and well lit. The development also supports the local community by providing a new house to help meet future needs, increase Council tax receipts, create/maintain construction jobs and result in additional spending in the local area by future residents.

It is noted that the National Planning Policy Framework (NPPF) advocates the effective use of land. Paragraph 118 (d) states that "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing". The Council cannot currently demonstrate an NPPF compliant 5 year supply of housing land and it is important to boost housing numbers within the district.

The proposal is considered to accord with policies SD SP1 and SD SP2 of the Arun Local Plan.

HERITAGE ASSETS:

The site forms part of the locally designated Aldwick Road Area of Character (AOC) which has historical



connections and is considered for the purposes of the NPPF to be a non-designated heritage asset. ALP Policy HER DM4 is relevant and states that planning permission will be granted subject to the following relevant criteria:

- the retention of buildings and other features such as boundary walls, hedges, trees, railings, open spaces, etc. which make positive contributions to the special character of the areas; and
- new development preserving, and where possible, enhancing the special character of these areas.

The separate Areas of Special Character Supplementary Planning Document (SPD) states that the distinguishing features of this area include the Duck Pond and the heavy, extremely attractive and mature landscaping.

Paragraph 197 of the NPPF states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

It is accepted this proposal results in the removal and pruning of some existing trees. It is proposed to fell 6 out of 32 individual trees (not including groups of shrubs) whilst the proposed pruning works are not considered to be significant (and do not attract any objections from the Councils Tree Officer).

There may as a result of the development be future pressure to prune or fell additional trees. Despite the AoC designation, there are no planning controls on the felling or pruning of trees (other than for those trees protected by TPO) and a further Tree Preservation Order could be proposed if the Council considered it necessary to blanket protect the site's trees.

The dwelling is an appropriate design and density such that the new dwelling will not harm local character. Existing trees screen much of the site from view and will, to an extent, continue to do so.

Although the proposal has an impact on the Area of Character it is not considered to be of a scale likely to affect the significance on the non-designated heritage asset and will not be materially harmful to the character of the AoC. The proposal complies with guidance in the NPPF and policy HER DM4 and with the Areas of Special Character SPD.

#### **CHARACTER & DESIGN:**

ALP policy D DM1 requires the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character.

The proposal represents back land development as it is sited in the rear garden of a dwelling. This is not considered harmful to local character as the new dwelling is sited fronting a part of Margaret Close to the west retains a street frontage and will not be read visually as the development of garden land. The proposal is not overdevelopment as the density of the site together with the existing house is 12 dwellings per hectare. Also, there will be a gap of between 13 and 16m between the two dwellings.

The size of the two plots and the footprint of the new house are not dissimilar to those of other houses in the area particularly those in Margaret Close to the north west. The new house is lower than 276 Aldwick Road but there are 1 and 1.5 storey dwellings in the local area (again, such as within in Margaret Close). There are instances of dormers within the local area. The new dwelling will be largely hidden behind existing foliage to the boundaries and will not be overly visible to external views. The proposal is appropriate in design, scale and form and complies with ALP policies D DM1 and D SP1.

The Aldwick Parish Design Statement is not policy but as adopted guidance has to be considered as a material planning consideration. In respect of the Aldwick Road Character Area 13, the following development control criteria are considered to be relevant to this proposal:

- New or replacement buildings or extensions should be visually subservient and related to the existing building and not vary significantly in height or bulk from those nearby.
- When any development is undertaken existing separation of dwellings should be preserved to prevent unneighbourly cramped or visually intrusive closure of gaps or establishment of ill conceived linkages between buildings.
- Materials matching the existing building should be used where appropriate.
- Exercise strict control over any roof development likely to be particularly intrusive by virtue of proximity to neighbouring dwellings. Any roof redesign should be sympathetic and in keeping with the character of existing properties.
- Existing pattern should be maintained e.g. setback and density.
- The amenity trees, spaces and access ways should be retained trees lost to damage or disease should be replanted/replaced.

The proposal partly conflicts with the above in respect of the loss of some trees and the development of an existing garden. However, it is not considered that this conflict is of such weight as to override the compliance with development plan policy.

#### IMPACT ON TREES:

ALP policy ENV DM4 seeks to protect trees protected by a Tree Preservation Order (TPO) or those contributing to local amenity. It allows for tree removal where such is required in the interests of good arboricultural practice, or where this would enhance the survival and growth prospects of other protected trees or where the benefits outweigh the harm.

The proposal seeks to remove 6 trees and to perform pruning works on a further 4 out of a total of 32. This proposal is supported by a Tree Survey, Tree Protection & Retention Plan and an Arboricultural Impact Assessment and Method Statement.

There has been lengthy negotiation with the applicant and submission of further information in order for the Councils Tree Officer to be satisfied that the scheme can proceed without risk of harm to important on-site trees. The Councils Tree Officer does not object on Arboricultural grounds. It is accepted the officer maintains a concern regarding future pressure to prune or fell additional trees. However, these concerns are considered elsewhere in this report and are not such that a refusal could be sustained.

It is therefore considered that the proposal is in accordance with ALP policy ENV DM4.

#### HIGHWAY SAFETY AND PARKING:

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

states: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Access will be from an existing lightly trafficked and low speed road (a part of Margaret Close). This in turn feeds onto the main section of Margaret Close which is not a fast or busy road. WSCC Highways have appraised the proposal and raise no objections. The impact of a dwelling would not be severe.

There is a demand for 2 off street spaces and the proposal accords with the likely demand. Visitor parking requirements could be met locally without harm to highway safety. There is space on the site for a cycle storage shed. The proposal provides sufficient parking for the needs of the dwelling and therefore complies with Arun Local Plan policy T SP1.

#### RESIDENTIAL AMENITY:

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. 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". Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

The Council has no policies regarding the relationship between dwellings. However, 20m between the backs of dwellings is an accepted general standard and ensures that rear private gardens to houses are at least 10m deep. Also 13.5m is an accepted standard for side to front/rear relationships. There is no general standard for flank to flank but flanks do not tend to contain principal windows therefore a narrower gap is often appropriate.

The dwelling is not considered to result in privacy impacts to dwellings other than 276 Aldwick Road. It is accepted that the owner of 1 Margaret Close considers that there will be overlooking of their property, however, the new house will be over 20m from the side boundary to 1 Margaret Close and this represents a front to side relationship therefore there will be no material harm.

As the dwelling is to the north of the existing and with a gap of 13-16m, there will be no loss of light to 276's retained garden. With no proposed windows on the south elevation, no overlooking of 276's retained rear garden. The interface relationship between these two dwellings is a flank to rear therefore a distance of 13-16m is acceptable. The new house and access will generate new activity in the immediate area but this is not considered to be materially harmful given that the site lies in an urban area, in close proximity of roads and houses.

The proposal complies with ALP policies D DM1 and QE SP1 as well as the guidance on amenity within the NPPF (para. 127).

#### INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use. The requirement for a two storey, 3 bedroom, 6 person dwelling is 102m<sup>2</sup> - the dwelling far exceeds this standard (at about 160m<sup>2</sup>).

The house has a private garden to three sides of the site. The existing dwelling will also have private garden on three sides including a predominantly 12.5m deep rear garden. The scheme provides a good standard of amenity for future occupiers.

The proposal complies with Arun Local Plan policies D DM1 & D DM2 and the guidance on amenity within the NPPF.

#### IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

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

The site lies in the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 1 dwelling results in a contribution of £871 at the current rate. The applicant has agreed to this contribution but at the time of writing, the agreement has not been signed.

#### SUMMARY:

The development represents efficient use of a garden in the urban area. The dwelling will not have any adverse impact on the character of the area including with reference to the Area of Character and will not be materially harmful to trees of amenity value. There are no highway concerns and matters of ecology have been resolved through the ecological impact assessment. The above assessment concludes the proposal is acceptable in all respects and complies with all of the relevant development plan policies. It is considered this application is acceptable in all regards and should be approved.

As the legal agreement to secure the Pagham Harbour contribution hasn't been signed, it is requested that the Development Control Committee agree to delegate the approval of planning permission, to the Group Head of Planning for a decision to be issued once the legal agreement has been completed.

Should the agreement be signed prior to the date of the Committee, then a report update will be produced to update members and amend the recommendation.

<b>HUMAN RIGHTS ACT</b>
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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 will be granted with a legal agreement relating to a contribution of £871 towards the provision of accessible natural open green spaces to offset the impact of the development on the Pagham Harbour Special Protection Area.

#### **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:

P02 "Location and Block Plan";  
P02 "Proposed Floor Plans, Roof Plan and Elevations";  
LLD1612-ARB-DWG-002 Rev 01 "Tree Retention and Protection Plan";  
LLD1612-ARB-DWG-003 Rev 00 "Location of Section Lines/Levels";  
LLD1612-ARB-DWG-004 Rev 00 "No Dig Construction Indicative Section";  
LLD1612-ARB-DWG-005 Rev 00 "No Dig Construction Section A-A";  
LLD1612-ARB-DWG-006 Rev 00 "No Dig Construction Section B-B"; and  
LLD1612-ARB-DWG-007 Rev 00 "No Dig Construction Section C-C".

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

- 3 All activity is to be carried out in strict accordance with the Arboricultural Impact Assessment and Method Statement, LLD1612-ARB-REP-001, Rev 01, Lizard Landscape Design and Ecology.

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan to ensure that

retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.

- 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 submitted Ecological Impact Assessment by Lizard Landscape Design and Ecology (ref LLD1612 Rev 00, dated 09/05/19). The enhancements and mitigation measures shall be implemented as per the document and then permanently retained and thereafter maintained as fit for purpose. There shall also be continued management of the site to prevent reptile habitat from developing on the site during the construction process.

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

- 5 No construction activities shall take place, other than between the hours of 8:00am - 18:00 Monday to Friday, 08:00 - 13:00 Saturday and no working activities at any time on Sundays, bank and public holidays.

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

- 6 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Retention and Protection Plan, dwg.no. LLD1612-ARB-DWG-002, Rev 01, Lizard Landscape Design and Ecology.

- A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.

- If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reason: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. This is required to be a pre-commencement condition because it is necessary to ensure that trees are protected prior to any commencement of building works.

- 7 Prior to the commencement of development, the developer shall provide a buffer zone to the hedges along the site boundaries to be secured by temporary security fencing placed in such a manner so that the fencing is not touching the hedgerow. 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 hedgerows permanently retained as a natural area for wildlife.

Reason: In order to protect wildlife habitat (bats, reptiles) 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.

- 8 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.

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

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

- 10 No development above damp proof course (DPC) level shall take place until details of any new screen walls and/or fences have been submitted to and approved by the Local Planning Authority and the dwelling shall not be occupied until such agreed screen walls and/or fences associated with them have been erected.

Reason: In the interests of amenity and the protection of trees in accordance with policies D DM1 and ENV DM4 of the Arun Local Plan.

- 11 The dwelling, hereby approved, shall not be occupied until the car parking has been constructed in accordance with the approved site plan. This space shall thereafter be retained at all times for its designated use.

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

- 12 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plan.

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

- 13 Prior to occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved

details and the charge point shall thereafter be permanently retained and maintained in good working condition.

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 QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

- 14 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.

- 15 All tree pruning considered essential to enable the agreed development must meet the requirements of BS3998:2010  
Tree work - Recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010; and
- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interest of continued health and vitality of trees and to accord with current industry guidelines and sound arboricultural practice and policy ENV DM4 of the Arun Local Plan.

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

- 17 INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

- 18 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 (excepting dormer windows) to the dwelling house shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space, ensure continued protection of important trees and safeguard the cohesive appearance of the development in accordance with policies D DM1, ENV DM5 and HER DM4 of the Arun Local Plan.

19      INFORMATIVE: This decision has been granted with a s106 legal agreement relating to a contribution of £871 towards the provision of accessible natural open green spaces to serve the Pagham area.

20      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.

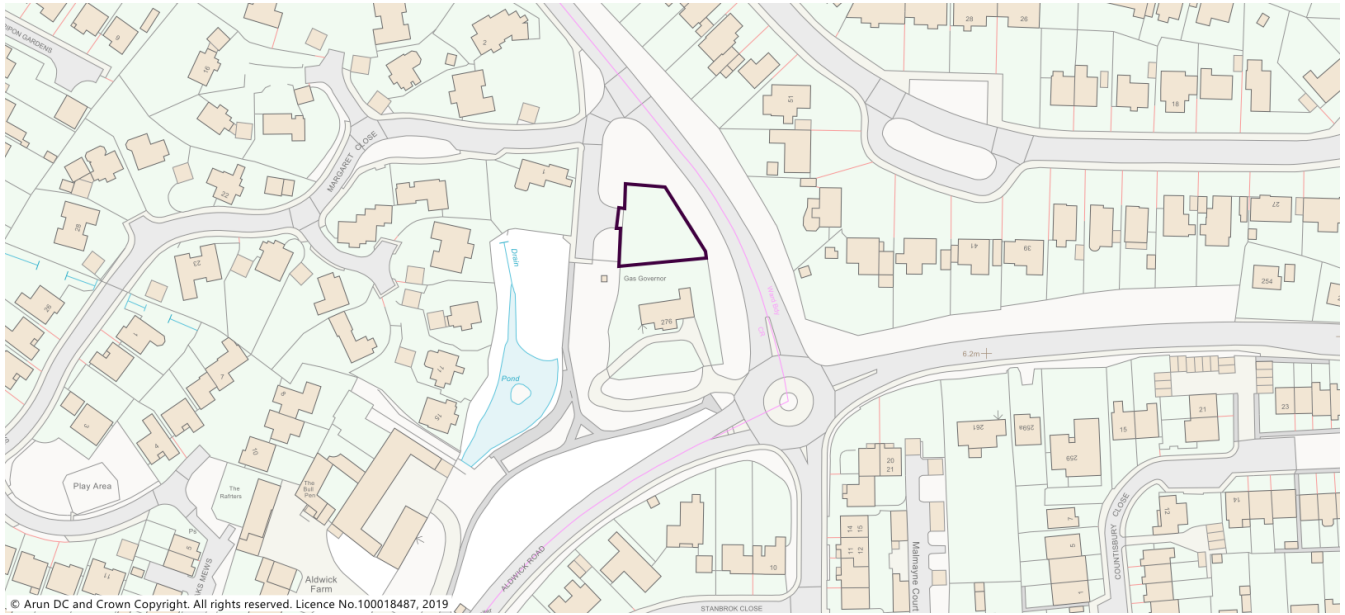
21      INFORMATIVE: A formal application for connection to the public sewerage system may be required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).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

<https://beta.southernwater.co.uk/infrastructurecharges>.

<b>BACKGROUND PAPERS</b>
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[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/28/19/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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100018487. 2015

PLANNING APPLICATION REPORT

REF NO: A/62/19/PL

LOCATION: Old Blacksmith's Yard  
Water Lane  
Angmering  
BN16 4EP

PROPOSAL: Erection of 2 No. semi-detached dwellings with associated access, car parking & landscaping. This application may affect the setting of a listed building.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION The proposed development is for the construction of a pair of semi detached houses with an associated car port, turning areas and post and rail fences to the front and rear of the site.

The semi detached properties would form a single building with half hipped pitched roofs and a deep cottage style roof with rooms in the roof. It has an eaves height of 4.4 metres and a ridge height of 8.4 metres. The footprint of the building would be approx. 17 metres in length by 9 metres in depth with private rear gardens 10 metres in depth.

The proposal also includes a car port for two cars with a foot print of 4.4 metres by 7.2 metres and a height of 4.2 metre. Two further car parking spaces, two single storey bin store sheds and two bicycle storage buildings are proposed.

SITE AREA 0.06 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 33 dwellings per hectare.

TOPOGRAPHY The site slopes gently from front to rear toward the stream and Weavers Hill at the rear.

TREES None of any significance affected by the proposed development.

BOUNDARY TREATMENT The site currently has a low wooden fence onto Water Lane, a landscaped bank to the east and is open to the west side and rear.

SITE CHARACTERISTICS Vacant land adjacent to the car park of a retail unit. The retail business is a specialist angling shop which is a wooden clad close boarded single storey building akin to an agricultural building. It is set against a landscaped border to the east with open countryside to the south.

CHARACTER OF LOCALITY The site is located close to Angmering village centre. It is in a semi rural location within an area which is due to be developed for pre-dominantly residential development.

It is noted that there are a number of strategic housing developments and approved residential applications to the north and south of the site. These will alter the character of the area to a more urban appearance. Avenals Farm a Listed Building in large grounds, is located to the south east of the site.

## RELEVANT SITE HISTORY

PAA/10/19/	Erection of two semi-detached three bed dwellings with associated landscaping and car parking.	Approve Pre App 14-02-19
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Two Strategic Planning applications Land South of Water Lane (A/99/17/OUT) and Land North of Water Lane (A/40/18/OUT) have been granted outline planning permission for a combined total of 700 dwellings. Reserved matters applications have yet to be submitted. Both of these applications are located at least 100 metres from the application site.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Angmering Parish Council  
- Objection due to concerns over flood risk.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

## CONSULTATIONS

Ecology Advisor  
Engineering Services Manager  
Engineers (Drainage)  
Arboriculturist  
Parks and Landscapes  
WSCC Strategic Planning  
Conservation Officer  
Environment Agency

### CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No objection subject to conditions.

Arun District Council (ADC) Conservation - No objection - The proposed development would not cause harm to the significance of the heritage assets nearby.

ADC Drainage - No objection subject to conditions which require further information prior to the commencement on works on site.

Environment Agency - No objection subject to an informative.

CDC Ecology - No objection subject to informative.

ADC Arboricultural Officer - No objection subject to conditions.

#### COMMENTS ON CONSULTATION RESPONSES:

Noted.

#### POLICY CONTEXT

Designation applicable to site:  
WITHIN BUILT UP AREA BOUNDARY  
ADOPTED LOC PLN  
CLASS A ROAD

#### DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
LANDM1	LAN DM1 Protection of landscape character
HERDM1	HER DM1 Listed Buildings
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
WSP1	W SP1 Water
SDSP2	SD SP2 Built-up Area Boundary
ECCSP2	ECC SP2 Energy and climate change mitigation

[Angmering Neighbourhood Plan 2014 POLICY HD4](#) Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

#### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

#### POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

The Neighbourhood Development Plan

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

Policies HD4: Materials, HD5: Built Form and HD6: Housing Layout & Design and HD8: Parking for New Developments of the Angmering Neighbourhood Plan are considered relevant.

#### **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is considered to comply with relevant Development Plan policies in that the proposed dwellings would not be out of character with the existing area and have an acceptable impact on local residential amenity.

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

PRINCIPLE

Policy SD SP2 - Built Up Area Boundary (BUAB) of the Arun Local Plan and policy Policy HD1 of the Angmering Neighbourhood Plan - Built-up Area Boundary seeks to focus development within the BUAB as defined in their respective plans however the two boundaries are different. The proposed development falls within the Built Up Area boundary (BUAB) in the Arun Local Plan but it falls outside of the BUAB in the Angmering Neighbourhood Plan.

The Angmering Neighbourhood Plan (ANP) was adopted in 2014 and the Arun Local Plan was adopted in 2018 hence in this respect policy SD SP2 of the Arun Local Plan takes precedence and the proposed development is considered to be within the BUAB of Angmering Village and is acceptable in principle subject to other relevant policy considerations.

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.

The key policy considerations in the determination of this application are policies D DM1, D DM2 and D SP1 of the Local Plan; Policies HD4: Materials, HD5: Built Form and HD6: Housing Layout & Design and HD8: Parking for New Developments of Angmering Neighbourhood Plan and the NPPF.

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 DM2 seeks to ensure that minimum space standards for new dwellings are adhered to.

Policy D SP1 - 'Design' states that all development proposals should seek to make efficient use of land and reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy HD4 of the Angmering Neighbourhood Development plan seeks to ensure that development requiring planning permission which, by virtue of their materials, are inharmonious with the area, are refused.

Policy HD5 on the Angmering Neighbourhood Development Plan states that proposals should demonstrate their consideration of the proposal on its surrounding. This means that the proposed development should conform to the existing built form of the area, and constitute a positive addition to the current style, and mix. New development must integrate well with the character of the locality, and its landscape setting. Finally, it should not adversely impact upon the landscape setting, or any views in or out of the South Downs National Park.

Policy HD6 of the Angmering Neighbourhood Development Plan sets out criteria for the housing layout and design principles of proposed development. Policy HD8 supports the WSCC parking standards and encourages all new development to follow them.

Section 12 of the NPPF refers to high quality buildings and places being fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and creates better places in which to work and live. Paragraph 131 of the NPPF states that in determining applications great weight should be given to outstanding, innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

## DESIGN AND VISUAL AMENITY

Whilst the proposed dwellings are located in an isolated location, visually separated from other residential dwellings, the area will, in the long term, be subsumed by strategic housing sites which have been granted outline planning permission.

The proposed semi detached dwellings use materials and design features common in houses within the Angmering area and in particular in semi rural locations including hanging tiles, render walls, clay roof tiles, wooden windows and half hipped roofs which makes for a high quality design incorporating the local vernacular.

The garage outbuilding would also use dark timber boarding reflecting the rural style of the nearby retail unit which is a visual feature of the local area and helps to tie the new buildings in to the character of the area.

The scale of the proposed dwellings is similar in design & appearance to nearby dwellings on Weavers Hill and on this part of Water Lane as you travel toward the main village. The spatial pattern and character of the locality will therefore be retained.

The proposal accords with policies DDM1 and DSP1 of Arun Local Plan and HD4, HD5 & HD6 of Angmering Neighbourhood Plan.

#### RESIDENTIAL AMENITY

The proposed dwellings would not impact on the residential amenity of any other dwellings as there are none bordering the site. The proposal therefore accords with policy D DM1(3) & D DM4 of Arun Local Plan.

#### SPACE STANDARDS

The proposed semi detached properties would accord with the Nationally described space standards. They would have gross internal floor area of approximately 104 sq.m. which comfortably exceeds the guideline for a 5 person 3 bedroom house (94 sqm) and the proposal is therefore considered acceptable. The 10 metre rear gardens would have a sufficient garden area which is also comparable with other properties nearby along Water Lane.

#### IMPACT ON THE SETTING OF LISTED BUILDINGS

The proposed development is located in close proximity to two listed buildings; Avenals Farmhouse approx. 90 metres to the south east set within its own large, mature grounds and Weaver Cottage 110 metres to the west.

A landscaped bank of vegetation and trees in the area local to the site play a strong role in establishing the semi-rural character of the local area.

Having assessed the site, significance of these Listed Buildings, and the landscaping in the local area, it is considered that the proposed development does not cause harm to the setting of the Listed Buildings.

As the development is not considered to affect the Listed Buildings or their setting, the Council is considered not to have regard to Section 66 of the Planning (Listed Building and Conservation Area) Act 1990.

The proposal would not have any impact on the nearby Listed Buildings and is therefore considered to comply with policy HER DM1 of the Arun Local Plan.

#### HIGHWAY SAFETY AND PARKING

West Sussex County Highways have raised no objection to the scheme subject to setting out of car parking spaces and access to the site as shown on the plans. The plans show secure bicycle stores which would be conditioned to be constructed prior to occupation of the dwellings. The proposal is therefore considered to be compliant with policy TSP1 of the Arun Local Plan and policy HD8 of the Angmering Neighbourhood Plan.

#### FLOODING

According to Environment Agency flood maps and records the proposed development is shown to be within a Flood Zone 1 (low risk). A Flood Risk Assessment is therefore not required for this application as



confirmed by the Environment Agency's response to consultation who have no objection to the development.

The Council's Surface Water Drainage Engineers have applied conditions to the development which would address the issue of surface water drainage to prevent any adverse impacts from the development itself.

The proposal therefore accords with policy W DM1, W DM2, W DM 3 and W SP1 of the Arun Local Plan.

#### **CONCLUSION**

The application is therefore recommended for approval subject to the following conditions:

Delegated authority is sought for the Group Head of Planning to issue the decision following the expiry of the advertising period on 10-10-2019.

<b>HUMAN RIGHTS ACT</b>
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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.

<b>DUTY UNDER THE EQUALITIES ACT 2010</b>
-------------------------------------------

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.

<b>RECOMMENDATION</b>
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#### **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 - 18027-PL10 REV B dated April 2019  
Block Plan/Site Plan - 18027 - PL12 REV A dated April 2019  
Site Sections/Street Scene - 18027- PL30 dated April 2019  
Floor Plans Sheet 1 - Ground - 18027 - PL15 dated April 2019  
Floor Plans Sheet 2 - First - 18027 - PL16 dated April 2019  
Floor Plans Sheet 3 - Roof - 18027 - PL17 dated April 2019  
Elevations and Sections Sheet 1 -18027 - PL20 dated April 2019  
Elevations and Sections Sheet 2 -18027 - PL21 dated April 2019  
Elevations and Sections Sheet 2 -18027 - PL22 dated April 2019

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

- 3 The use of the parking area shall not commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

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

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

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

- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with approved plans.

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

- 6 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment and Method Statement, ref. LLD1688-ARB-REP-001.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

- 7 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Retention Protection Plan, dwg.LLD1688-ARB-DWG-002-TRPP.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area. This pre-commencement condition is considered necessary in order to protect trees neighbouring the site during the construction process.

- 8 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.

- 9 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 precommencement condition to protect existing watercourses prior to the construction commencing.

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

- 11 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website.

A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist>

on Arun District Councils website, this should be submitted with a Discharge of Conditions Application

- 12 **INFORMATIVE:Flood Risk Activity Permit**  
The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
- on or within 8 metres of a main river (16 metres if tidal)
  - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
  - on or within 16 metres of a sea defence
  - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
  - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

- 13 **INFORMATIVE:The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:**

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

- 14 **INFORMATIVE:**  
**Bats**  
The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

#### Reptiles

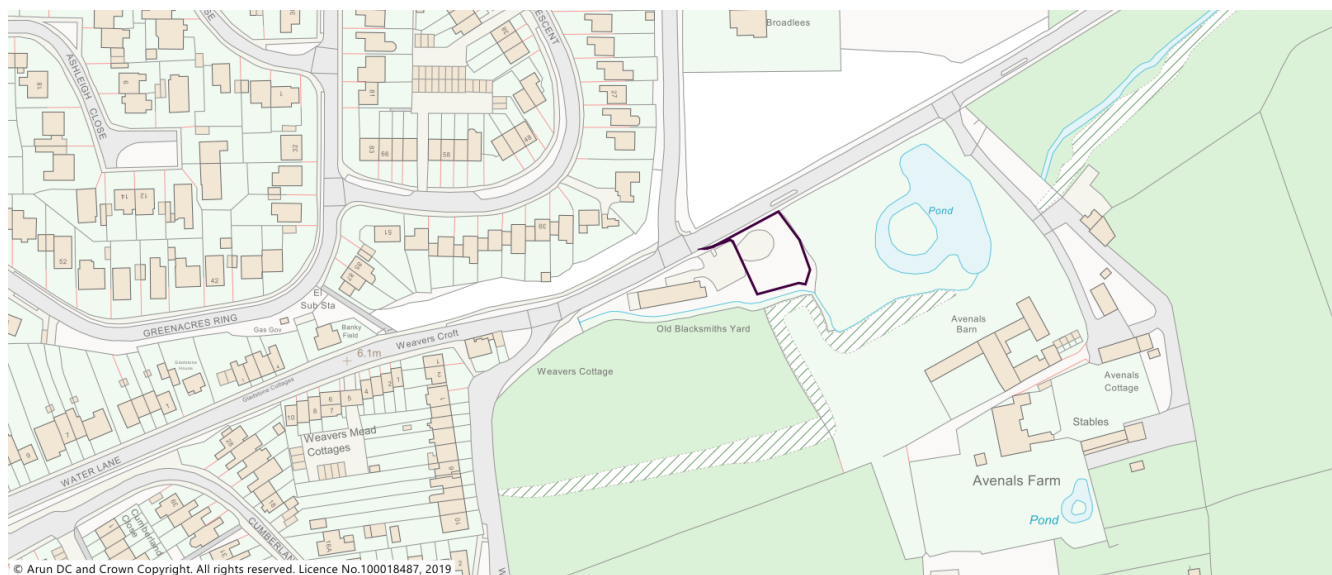
Any features such as log piles or brash piles should be removed by hand during the active reptile season (April - September).

#### Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

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

**A/62/19/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: BE/47/19/PL

LOCATION: 38 Chalcraft Lane  
Bersted  
PO21 5TX

PROPOSAL: Addition of first floor to existing bungalow to allow conversion to 2 x 1 bedroom flats and a studio flat.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application seeks to create a first floor with the addition of a dormer to the front and rear. This is to allow for conversion of the dwelling into 2 x 1 bed flats and studio apartment.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	The side boundaries consist of fencing of 1.8m. The front boundary is open plan to allow for parking.
SITE CHARACTERISTICS	The site is occupied by a detached bungalow set back from the road frontage.
CHARACTER OF LOCALITY	The area is predominately residential.

None.

**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Bersted Parish Council

Objection

- Does not conform to D DM4 of the Arun Local Plan.
- Dormer windows will overlook neighbouring properties.
- Siting of bins and cycles is located at neighbouring boundary.
- Amenity space looks inadequate.
- Overdevelopment of the site.
- Does not comply with Bersted Neighbourhood Plan policy HDQ8 for 2 car parking spaces minimum per dwelling.

3 letters of objection from 2 nearby occupiers

- Not in keeping with surrounding area.
- Bin and cycle storage have potential for smell, fire risk, vermin and noise.
- Inadequate parking.
- Overlooking from proposed dormer.
- Noise
- Value to property will be affected.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted and addressed in conclusion. The bin storage has been repositioned to sit within the individual allocated amenity areas. Value of property is not a material consideration.

**CONSULTATIONS**

Engineers (Drainage)  
Environmental Health  
WSCC Strategic Planning

**CONSULTATION RESPONSES RECEIVED:**

Engineers (Drainage) - Due to lack of proposed change there are no conditions to request.

WSCC (Highways) - The plans demonstrate a sufficient amount of off-street parking provision to meet the needs of the properties. The site is also located within a sustainable location. The Local Highway Authority does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

**POLICY CONTEXT**

Designation applicable to site:  
Built up area boundary  
Pagham Harbour Zone B

**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)
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
DDM2	D DM2 Internal space standards
ENVDM2	ENV DM2 Pagham Harbour

<u><a href="#">Bersted Neighbourhood Plan 2014 Policy ES1</a></u>	Design of new development
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance



## **POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

The Neighbourhood Development Plan

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

## **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 does not comply with DDM4 (b) as it is not subservient to the host dwelling.

## **OTHER MATERIAL CONSIDERATIONS**

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background namely in that it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

## **CONCLUSIONS**

As stated in SD SP2 the key policies considered are D DM1, D DM4, D DM2 and ENV DM2 of the Arun Local Plan.

Bersted has 'made' Neighbourhood Plan with policy ES1, HDQ6 and HDQ8 of relevance to the application.

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary and will be permitted subject to consideration against other policies in the 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.

#### DESIGN AND VISUAL AMENITY

The proposal will create a first floor to the existing dwelling. This will increase the ridge height of the dwelling. The eaves will increase from 3m to 3.7m and ridge height from 5.8 to 7.1m. This will result in a larger dwelling than that of the property to the north east however it is not considered to appear adversely overbearing with 2.5m separation to the boundary. The property located to the west is a two storey dwelling and therefore the host dwelling will sit below this.

As a result of the increase in ridge height the development is not considered subservient to the host dwelling and therefore in conflict with D DM4 (b) however the development appears well integrated and is of a modest scale and not unduly dominant upon the street scene, with the surrounding properties of a varied style and design.

The materials will consist of render to the ground floor and weatherboarding to the first floor. The use of these materials is not considered out of character with the surrounding properties mixed in appearance.

Whilst the proposal will alter the appearance of the dwelling, the change is not necessarily harmful. The alterations proposed are not considered to adversely impact upon the spatial pattern or character of the area and accord with D DM1 and D DM4 (a) and (e) of the Arun Local Plan.

#### RESIDENTIAL AMENITY

The conversion of the dwelling will result in the first floor forming a 1 bed flat with a dormer to the front and rear to the property. The ground floor of the dwelling would form a second flat and the rear single storey addition would form a third studio flat.

The dormer to the rear would overlook neighbouring gardens however it is not considered to result in significant overlooking with no direct views into neighbouring properties and with the front facing dormer having views over the street scene.

The elevations will remain as existing except for the north east which will have an additional door to the main part of the dwelling and to the single storey addition, which will form individual entrances for the flats. This alteration is considered to have a limited impact on neighbouring residential amenity, with 2.5m retained to the boundary, this is considered acceptable distance in such that it should not give rise to unacceptable adverse impacts upon the neighbouring property.

The bins and cycle storage has been repositioned to sit within the allocated amenity space for each flat and therefore again is not considered to impact neighbouring amenity as views will be limited.

It is not considered the use of the house as three dwellings would lead to unreasonable noise and disturbance, above and beyond that which already occurs from the use as an existing single family unit. As such the proposal is considered to accord with D DM1 and D DM4 (c) of the Arun Local Plan.

#### HIGHWAYS/PARKING

Arun Local Plan Policy T SP1 seeks to ensure that development does not have a severe impact on the highway network, provides adequate parking and promotes sustainable transport.

The proposed dwellings have 5 parking spaces, which will utilise the existing highway entrance. WSCC have assessed the scheme and consider the plans demonstrate a sufficient amount of off street parking provision to meet the needs of the properties. Provision for cycle storage has also been included within the details submitted.

The Bersted Neighbourhood Plan policy HDQ8 states that there should be 2 car parking spaces per dwelling. The plans have been amended which remove the tandem parking along the side of the dwelling

due to the spaces not being fully useable. As a result, 5No. parking spaces are now proposed and as such the application conflicts with policy HDQ8 of the Bersted Neighbourhood Plan as there are not 2 spaces available per dwelling. However, whilst it conflicts, the ground floor rear flat is a studio flat and as such there is unlikely to be more than 1 tenant. As a result, 1No. parking space for the dwelling is considered sufficient for the needs of the property and the parking provision for the flats is considered acceptable.

The site is within a sustainable location with good public transport links within close proximity. The proposal is therefore considered to accord with policy T SP1 of the Arun Local Plan.

#### INTERNAL SPACE STANDARDS

Arun Local Plan policy D DM2 states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance".

It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard).

Flat	Storeys/Beds/Persons	Required	Proposed	Compliance
Ground Floor	1S/1B/2P	50m2	56m2	Y
First Floor	1S/1B/ 2P	50m2	56m2	Y
Studio Apartment	1S/1B/1P	39(37)*	41m2	Y

The units would also each have a designated garden space of 5m depth by 8.5m width separated via fences to the rear of the property. The amenity space provided is considered sufficient with an area of recreation ground situated close by to the north west of the dwelling. The land shown on the plan to the rear of the designated amenity space will remain as allotment for use of by the applicant.

The proposal complies with policies D DM1 & D DM2 and with the guidance within the NPPF.

#### PAGHAM HARBOUR

ALP Policy ENV DM2 requires new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. The Council's Cabinet approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017. The site lies in designated Zone B and therefore it was necessary to apply this requirement. On the basis of a net gain of 2No. dwellings, the contribution will be £1742 and this is secured by a signed legal agreement. Therefore, there is no conflict with policy ENV DM2.

#### 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.

### **SECTION 106 DETAILS**

This decision is accompanied with a S106 legal agreement relating to a contribution of £1742 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

### **RECOMMENDATION**

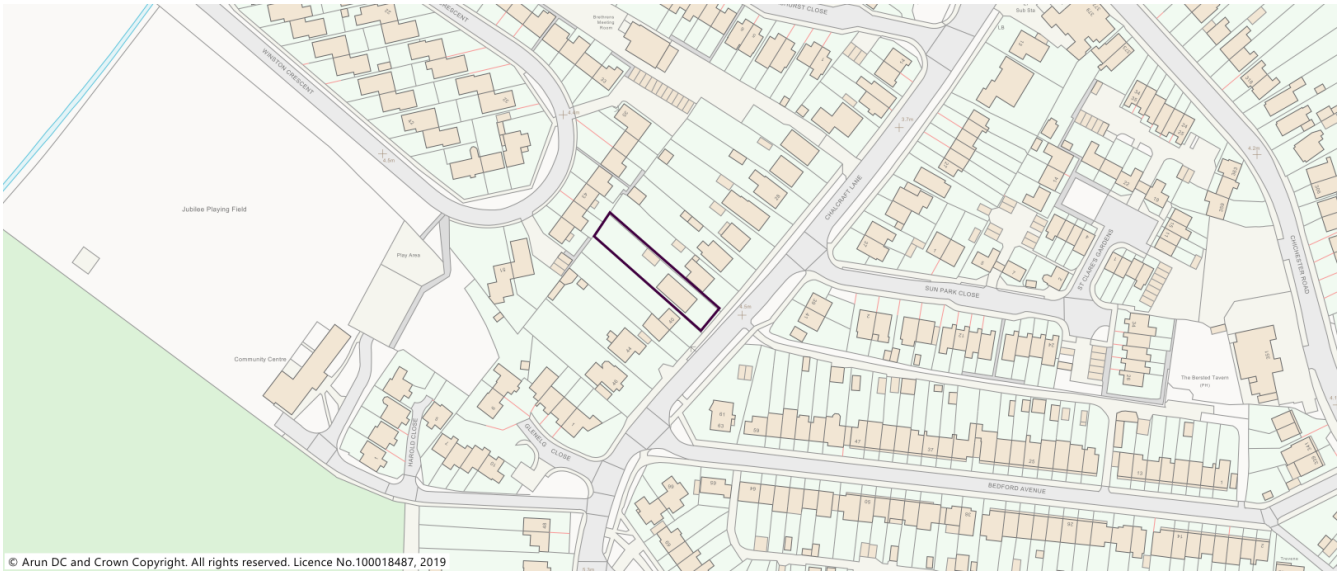
- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans
  - Location and Block Plan - 284/01
  - Proposed Floor Plan - 284/03
  - Proposed Elevation - 284/04
  - Proposed Site Layout - 284/05 Rev C  
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.  
  
Reason: To provide car-parking space for the use and in accordance with TSP1 of the Arun Local Plan.
- 4 **INFORMATIVE:** This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £1742 towards the Pagham Harbour Access Management Mitigation Measures.
- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that

may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**BACKGROUND PAPERS**

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

**BE/47/19/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: BE/69/19/OUT

LOCATION: The Cottage  
Shripney Road  
Bognor Regis  
PO22 9PA

PROPOSAL: Outline planning application with all matters reserved except access for up to 31 No. houses and flats with car parking, landscaping and associated infrastructure & access off Shripney Road (A29), all following the demolition of the existing dwelling & outbuildings - This application is a Departure from the Development Plan

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION

The scheme is in outline with all matters reserved except for access. It is proposed to demolish the existing dwelling & associated outbuildings and then redevelop the site with 31 dwellings.

The existing access to the site would be stopped up and a replacement 4.8m wide access constructed approximately 30m to the south of the existing. This will have visibility splays of 71m to the north and 120m to the south. The scheme also proposes a new section of footway between the new access and the existing improved access for the replacement dwelling. Furthermore, new footway access is to be provided within the central reservation between Shripney Road and the service road to assist people crossing the road.

The supplied illustrative layout suggests a scheme of:

- 8 x 1 bed flats;
- 11 x 2 bed flats; and
- 12 x 3 bed houses.

The proposed flats will be contained within two buildings and the indicative elevations suggest that these will be three storeys in height. The scheme also suggests car parking at a ratio of 1 space per flat, 2 spaces per house, and 9 visitor spaces (41 total). There will be a 2m wide landscaped buffer to the hotel (north) and to the public footpath (south). A similar 3m wide buffer will be provided to the eastern boundary. Public open space is indicated as being within the western parts of the site. The footpath is outside of the application site area and no works are proposed to it.

The scheme as shown on the indicative drawings would require the felling of 36 trees and the pruning of a further 4. The TPO trees are unaffected except that the two TPO/BE/1/17 Lebanon Cedars will be dead wooded. Landscaping is a reserved matter and the Council would seek replacement tree planting as part of that process.

SITE AREA	0.72 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	43 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	<p>There are 72 surveyed trees or groups of trees on or near the site. Two Tree Preservation Orders (TPO) have been made in respect of the site.</p> <p>The first, TPO/BE/1/17 refers to T1 - a Common Ash Tree located west of the existing dwelling/close to the existing site access; T2 - a Pedunculate Oak Tree located on the eastern boundary; and G1 - a group of two Lebanon Cedars to the south of the existing dwelling. This TPO was confirmed on the 20th September 2017.</p> <p>The second, TPO/BE/2/17 refers to T1-T3 - three Sycamore Trees located on or immediately adjacent to the footpath which crosses the site; and T4 - a Beech Tree located in the rear garden of Royce Cottage to the south. This TPO was confirmed on the 29th November 2017.</p>
BOUNDARY TREATMENT	Mixed. Part wall, part close boarded fencing to the Hotel. Close boarded fencing to the road. Post & wire fencing on the southern boundary (along the line of the footpath). Hedge or otherwise open to the eastern boundary.
SITE CHARACTERISTICS	<p>The site borders the hotel site to the north and comprises of the existing one and a half storey dwelling surrounded by land formerly used for horticulture and currently grazed by some sheep. There is a touring caravan and several existing single storey buildings on the land including three disused greenhouses, a detached garage and sheds. There is also a half built two storey building in the south east corner. There is a dry ditch and bund to the eastern boundary and the remains of a dry pond within the site. There is gated access from Shripney Road. A footpath runs adjacent to the southern boundary. This connects Shripney Road on its western side to a further footpath crossing the field on the eastern side and enabling access to Sack Lane to the north east.</p>
CHARACTER OF LOCALITY	<p>The area is considered to be semi-rural in character but with detached dwellings on both sides of Shripney Road. To the north lies the Robin Hood Pub &amp; Hotel. There is car parking situated between the hotel and the shared boundary. To the south lies an empty parcel of land for which there is outline planning permission for a single dwelling to replace the dwelling lost on this site. To the east, lies open arable fields.</p>



On the western side is Shripney Road with houses beyond.

**RELEVANT SITE HISTORY**

- BE/58/19/RES      Application for approval of reserved matters following outline permission BE/63/17/OUT & variation of condition BE/131/18/PL for replacement dwelling at the southern end of site (Phase 1)
- BE/63/17/OUT      Outline planning application with some matters reserved    App Cond with S106 (Access only) for 20No. houses & flats, 1No. replacement 18-01-18 dwelling (21No. units in total) with car parking, landscaping & associated infrastructure & access off Shripney Road (A29) and new footway both along the site frontage and across the A29 traffic island, all following the demolition of the existing dwelling & outbuildings. This application is a Departure from the Development Plan

Planning application BE/63/17/OUT was granted in January 2018 and allows for the development of this site with 20 new homes plus a replacement dwelling on the land to the south of the footpath. It is an extant planning permission which will expire in January 2021. Members should note that this was a decision made by the Development Control Committee which followed a site visit held with the West Sussex County Council Highways (Development Management) Team Manager.

Planning application BE/58/19/RES is a current application.

**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Bersted Parish Council

"Object for the following. The proposed outline application does not comply with the following development plan policies:-

- (1) ES1 The proposed development is out of character with the dwellings in the surrounding area;
- (2) ES7 The development is outside of the Built-up Area Boundary;
- (3) GA1 The application makes no reference to increase or improve the network of footpaths, footways and cycleways through Shripney to better connect it to Bognor Regis or Chichester;
- (4) HDQ2 The proposed development is not connected or visually integrated with the surrounding area;
- (5) HDQ8 The proposed development does not provide 2 spaces per dwelling as required by the Bersted Neighbourhood Development Plan;
- (6) SD SP1 The proposed outline is an overdevelopment of the area and does not improve connections to the road, cycle and pedestrian network in Shripney;
- (7) SD SP1a The proposed development is outside the built-up area boundary;
- (8) C SP1 Shripney is in a rural setting, the development does not enhance this;

(9) T SP1 The proposed development does not reduce the need to travel by car as public transport serving Shripney is a bus every 3 to 4 hours and the stations at Barnham and Bognor Regis are not within walking distance and to the north there is no footway to reach Barnham Station. The site will add to the traffic movements through Shripney, so will add to congestion. The position of the site is close to a bend which will not add to the safety of pedestrians or cyclists using the proposed crossing between the development and the footway opposite on the A29; and

(10) T DM1 The Transport document states that Shripney is provided with public transport - bus 66a & c every 2 hours, not Sundays or Bank Holidays based on 2017 timetable. That route now only has 66a and c buses every 3 or 4 hours and there remains no service on Sunday or Bank Holidays. No contribution to enhance the existing footways or cycle paths for Shripney in line with Aruns Green Infrastructure Plan"

Two letters of objection raising the following concerns:

(1) The access is too close to a bend & the access to the pub & hotel and therefore will be unsafe;

(2) 50% increase in the proposals therefore more traffic;

(3) Urbanising effect on the area; and

(4) Why has the number of dwellings been increased.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

The points raised by the Parish Council will be considered within the conclusions section of the report.

The following comments are offered in response to the local resident objections:

(1) Noted, however, the proposed access was previously considered to be acceptable and has the benefit of an extant planning permission under ref BE/63/17/OUT. Furthermore, County Highways do not raise any objections to this application;

(2) Noted however, County Highways do not raise any objections to the application;

(3) The site already benefits from an extant outline planning permission for redevelopment by 20 dwellings; and

(4) The applicant is not required to give the reasoning behind the increase however, it is likely in response to the need to make an efficient use of land and to boost housing supply numbers within the Arun district.

<b>CONSULTATIONS</b>
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WSCC Strategic Planning

Southern Water Planning

Environment Agency

Engineers (Drainage)

Engineering Services Manager

Sussex Police-Community Safety

Environmental Health

Parks and Landscapes

Planning and Housing Strategy

Arboriculturist

Ecology Advisor

Highways England

Mr Clavell-Bate

Surface Water Drainage Team

**CONSULTATION RESPONSES RECEIVED:**

HIGHWAYS ENGLAND - Raise no objection.

SOUTHERN WATER - State that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. 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 deliver any such reinforcement. Therefore request a foul drainage condition.

NHS COASTAL WEST SUSSEX COMMISSIONING GROUP - Request a contribution of £35,357 for additional health infrastructure capacity arising from the development. This will be spent either on the infrastructure needs of managing the "Treatment Rooms project" at the Croft Surgery (preferred option) or, in the longer term, on new facilities at a planned integrated community hub site in the district (to be sited on ADC strategic land).

SUSSEX POLICE - Make a number of recommendations to improve the security of the scheme.

WEST SUSSEX HIGHWAYS - State that this new application is for 31 dwellings using the exact same access set up as the previous application. The uplift of 11 dwellings is estimated to generate an extra 2 two-way vehicle trips in the AM peak hour and 6 in the PM peak hour. This level of trips would not raise concern. Therefore, do not consider that the proposal for an extra 11 dwellings would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. Conditions are required in respect of implementation of the vehicle access, implementation of visibility splays (2.4 metres by 120 metres to the south and 2.4 metres by 71 metres to the north) and implementation of the Stage 1 Road Safety Audit recommendations.

WEST SUSSEX FLOOD RISK MANAGEMENT - Note that there is a low risk of surface water flooding within the site but that there is higher risk shown in the adjacent carriageway at the site's access. State that any existing surface water flow paths across the site must be maintained and that there should be no wholesale site level raising via the spreading of excavated material. Also note that the area of the proposed development is shown to be at high risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

WEST SUSSEX LOCAL DEVELOPMENT DIVISION - Require that financial contributions be secured for education (primary/secondary/6th form), library and fire & rescue infrastructure.

COUNCIL ECOLOGIST - Raise no objections. Is satisfied with the proposed measures to mitigate the impacts on bats, reptiles, mammals and require conditions to enforce these mitigation measures and also implement additional measures specified by the officer. This includes the retention of on-site hedgerows. Conditions are also requested to ensure proposed lighting is sensitive to the requirements of bats and to restrict tree works during the bird breeding season.

ADC ENVIRONMENTAL HEALTH - Request conditions to secure details of any new external lighting, secure electric charge points to serve the future dwellings, control the hours of construction, require a Construction Environmental Management Plan (CEMP), secure the proposed acoustic mitigation

measures, and require a contamination survey report (with separate verification report). Also request that consideration must be given to air quality issues. State that the applicant must follow the Air Quality & Emissions Mitigation Guidance for Sussex (2013).

ADC LANDSCAPE OFFICER - Require a contribution of £1,600 per dwelling (index linked) towards off-site local play.

ADC DRAINAGE ENGINEER - State that the site is within an area known to have seasonally high ground water levels and that the section of Shripney Road immediately adjacent to this application is also at high risk of surface water flooding. Note that there are watercourses to the west and to the east of the site. A length of culverting will be required to facilitate the new access and this will require separate land drainage consent. Recommend standard surface water/watercourse protection conditions.

ADC HOUSING STRATEGY & ENABLING OFFICER - Raise no objection as the applicant is proposing to deliver 9 affordable rented dwellings on-site to meet the requirements of the Council's Affordable Housing policy.

ADC ARBORICULTURIST - No response received.

#### **COMMENTS ON CONSULTATION RESPONSES:**

All comments noted and all conditions and informatives are included in the recommendation.

In respect of the Environmental Health request to consider air quality, the "Air quality and emissions mitigation guidance for Sussex authorities" (2013) document requires that a Screening checklist is completed to determine whether mitigation is required. However, this only applies if the site falls within an Air Quality Management Area (AQMA) and there are none of these in the Arun District. It is therefore not necessary to consider this further.

<b>POLICY CONTEXT</b>
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Designations applicable to site:

Outside the Built Up Area Boundary;  
 Flood Zone 1;  
 Urban land (adjacent to Grade 2 Agricultural Land);  
 Class A Road;  
 Special Control of Adverts; and  
 Tree Preservation Orders (TPO/BE/1/17 & TPO/BE/2/17).

#### **DEVELOPMENT PLAN POLICIES**

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVSP1	ENV SP1 Natural Environment
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development

HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
HDM1	H DM1 Housing mix
AHSP2	AH SP2 Affordable Housing
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
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
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<a href="#">Bersted Neighbourhood Plan 2014 Policy ES1</a>	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy GA1	Pedestrian and Cycle Connections
Bersted Neighbourhood Plan 2014 Policy HDQ1	Housing Site Allocations
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ3	Windfall sites
Bersted Neighbourhood Plan 2014 Policy HDQ4	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

#### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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NPPG National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

XXX6 Interim Affordable Housing Policy

SPD1 Open Space & Recreation Standards

**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 Bersted Neighbourhood Plan have been taken into account in this determination.

**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 Arun Local Plan (policies C SP1 & SD SP2) and the Bersted Neighbourhood Development Plan (policy ES7) in that the site lies outside the built up area boundary where development is generally not allowed. However, the proposal is considered to comply with all other development plan policies relating to design, residential amenity, parking, drainage, trees, ecology, affordable housing, local infrastructure, public open space/play and landscape.

**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:

- The Council's housing land supply target includes provision of at least 1,250 homes to be identified through the review of Neighbourhood Plans and through a Non-Strategic Site Allocations Development Plan Document (DPD);
- The result of the Governments 2018 Housing Delivery Test which states Arun have underdelivered on its housing targets and recommends an Action Plan be published to set out how delivery rates will be improved;
- The Council's Authority Monitoring Report (AMR) as considered at the Planning Policy Local Plan Sub-Committee on 18th June showed that the Council can no longer demonstrate a 5 year Housing Land Supply (HLS) as required. The AMR shows there is currently a 4.7 year supply.

- The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of Sustainable Development and the 'presumption' for sustainable development; and
- The site planning history namely that the site benefits from an extant planning permission for 20 houses.

## CONCLUSIONS

### PROPOSAL & PRINCIPLE:

This is an outline application with means of access details only. Although an indicative site layout plan has been submitted which demonstrates that 31 dwellings can be provided together with internal site roads, footpaths, public open space, parking and landscaping; layout is not a matter for determination at this time. Neither are details of scale, appearance or landscaping.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031, the Bersted Neighbourhood Development Plan (November 2014) and the West Sussex Waste and Minerals Plans.

Members should note that all development policies that relate to the supply of housing in the Local Plan (policies C SP1, SD SP2) have reduced weight because we currently can't demonstrate an adequate supply of housing land. In addition, policies in the Bersted Neighbourhood Development Plan that relate to the supply of housing (policy ES7) has greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

The Arun Local Plan:

The key policy considerations in the determination of this application are considered to be H SP1, SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031.

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and through the publication of a "Non-Strategic Site Allocations Development Plan Document (DPD).

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 will contribute 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 site is considered to be in a sustainable location and this will be detailed elsewhere in this report.

Policy SD SP2 "Built up Area Boundary" states that development should be focused within the BUAB and will be permitted, subject to consideration against other policies of this Local Plan. Policy C SP1 "Countryside" states that residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development.

As this site lies outside the nearest BUAB, it is categorised as being within the countryside and the scheme would therefore conflict with ALP policies SD SP2 and C SP1.

The Bersted Neighbourhood Development Plan (BNDP):

The Bersted Neighbourhood Plan (BNDP) was made on the basis of the saved policies in the former 2003 Arun Local Plan and the draft policies in the 2014 publication version of the then emerging Arun Local Plan.

Appendix F of the BNDP includes a BUAB drawn around the edge of the larger settlement of Bognor Regis (of which North & South Bersted are a part). There is no separate BUAB drawn around the settlement of Shripney. The site lies some distance outside of this BUAB and the application site is therefore classified as countryside. Policy ES7 states that development outside of the BUAB will not be supported. It is noted that policy HDQ3 "Windfall Sites" states that permission will be granted for small residential developments on infill and redevelopment sites within the Parish but this is to be subject of the other policies in the Plan (including ES7). Furthermore, this is not considered to be a small site and therefore, policy HDQ3 would not apply. The proposal therefore conflicts with BNDP policy ES7.

Other Material Considerations:

The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

(1) The Councils Housing Land Supply as set out in the ALP

Members should note that the housing land supply target set out within the ALP includes a provision of at least 1,250 homes to be identified through both the review of Neighbourhood Plans and through a Non-Strategic Site Allocations Development Plan Document (DPD). The DPD is not yet out for consultation and whilst there remains potential for the site to also be promoted through this document, only limited weight can be attributed to this consideration at the current time.

(2) The Councils Current Housing Land Supply Data

In February 2019, the Government published results of its Housing Delivery Test. This shows that Arun have underdelivered on its housing targets (achieving only 91%). The Test recommends that all Councils achieving less than 95% prepare an Action Plan to set out how delivery rates will be improved.

The Council's Annual Monitoring Report (AMR) was considered at the Planning Policy Local Plan Sub-Committee on the 18th June. The AMR shows that the Council can no longer demonstrate a 5-year Housing Land Supply (HLS) as is required by the NPPF. Indeed, the AMR shows there is currently only a 4.7 year supply. The reasons for the lower projected delivery include; recent planning refusals/delays on some Strategic Allocations (particularly the Pagham sites); poor quality schemes delaying approvals; developers unable to meet stated and committed timescales; and developer/market factors outside of local authority control.

It is considered that the release of further land for housing will help to maintain delivery rates. This may have to include sites outside the built up area boundary and it would be preferential if such sites were located close to the edge of the BUAB and in sustainable locations which minimise the need to use the private car.

(3) The NPPF & the Presumption in Favour of Sustainable Development;

The National Planning Policy Framework (NPPF) published in July 2018 is a material consideration in determining planning applications. As the Council cannot currently demonstrate a 5-year HLS, paragraph 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This means that where there are no relevant development plan policies, or the policies which are most



important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

There is no question that (i) does not apply to this determination as the site does not lie in a protected landscape. In respect of (ii), the remainder of this report will show that there are no adverse impacts associated with the proposal. Therefore the presumption in favour of sustainable development would apply.

Paragraph 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The following is an analysis of the sustainable nature of the site and proposal:

#### Environment

Members should note that the site was previously accepted (with the approval of BE/63/17/OUT) as being within a sustainable location. This was on the basis that there is a public house and bus stops immediately adjacent to the site and that there are schools, potential places of work accessible by bus. It was also considered possible to walk to the Lidl on Shripney Road as well as the other nearby retail stores. In addition, the application proposes to provide a crossing point across the A29 between the site and the existing footpath on the western side which then allows safe walking to the northern edge of Bognor Regis. There is also a public footpath 151 crossing the site which provides access to Sack Lane and on to Barnham and Yapton.

The proposed development will have an impact on the ecology of the site and will result in the loss of some existing trees. However, the Councils ecologist does not raise any objection and considered that mitigation measures can be used to offset the harm. The future reserved matters scheme will be subject to a landscaping scheme and at this time, the developer will be asked to replace those trees to be lost at a ratio of 2 to 1.

#### Social

The proposal will support the local community by providing up to 31 new homes including 9 affordable dwellings to help meet future needs. The additional custom may lead to an increase of customers to the local pub.

#### Economic

The proposal is likely to result in economic benefits to the local area in the form of (a) an increase in Council Tax receipts; (b) potential 'New Homes Bonus' payments from the Government; (c) financial contributions towards local libraries, education establishments, healthcare facilities and play areas; (d) the creation of new or maintenance of existing construction jobs; and (e) additional spending by new residents on local goods & services including at the public house.

#### Assessment of Sustainable Development

It is considered that the proposal has clear social and economic benefits. Furthermore, the costs to the environment are not considered to be significant and there is mitigation in place to offset the harm. The definition of sustainable development does not simply relate to accessibility of services and facilities and

it is considered, on balance, that the proposal would be environmentally, socially and economically sustainable and would therefore benefit from the NPPF presumption in favour of sustainable development.

#### (4) The Site Planning History

It is material that the site already benefits from an outline planning permission for 20 dwellings and that this permission could still be implemented. Thus, the principle of residential development on the site has been established and it is only appropriate to consider the impact of a further 11 dwellings.

#### Conclusion on Matters of Principle:

The principle of development on this site is clearly contrary to the policies within the development plan. However, these policies have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. Furthermore, the proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged. The principle of residential development on this site has also already been established by the previous outline permission.

#### HOUSING MIX:

Policy HDQ4 of the BNDP requires that proposals deliver a range of house types & tenures and that applications demonstrate how the development addresses the needs of current and future households.

The illustrative layout sets out the following mix of house types:

- 8 x 1 bed flats approx. 50 square metres each;
- 5 x 1 bed flats approx. 61 square metres each;
- 6 x 2 bed flats approx. 70 square metres each;
- 11 x 3 bed houses approx. 93 square metres each; and
- 1 x 3 bed house approx. 102 square metres each.

The 9 affordable dwellings will be contained within one of the flatted buildings and comprise a mix of 1 bed (3) and 2 bed (6) flats.

It is considered that the proposed mix is varied but as layout is not a matter to be considered at this time, a condition will be imposed to remind the developer to consider policy HDQ4 at the reserved matters stage.

#### CHARACTER AND DESIGN:

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

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. BNDP policies ES1, ES5, HDQ2 and HDQ5 are all relevant. Policy ES1 states that: "New

development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to it's location". Policy ES5 requires that building design contribute positively to the historic character of Bersted. Policy HDQ2 states that "Proposals for new housing must ensure that the new homes are well connected to the surrounding area and visually integrated with their surroundings." Furthermore, HDQ5 requires that new housing is of a high quality and is designed to reflect the local character.

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." Para. 122 states that planning 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.

The application is outline and does not seek the approval of layout, external appearance, scale or landscaping. Although an indicative layout and indicative elevations are provided, it is not possible to determine the application on the basis of these. However, as the increase in the number of dwellings, is as indicated by the drawings, to be achieved through the use of three storey flatted buildings, it is appropriate to consider whether this is acceptable in terms of character. It should be noted though that a different layout could be provided which does not require three storey building heights.

The first thing to note is that both ALP policy D DM1 and the NPPF express a desire to maximise site densities, although this should not be at the expense of character. The previous outline application did include a flatted building but there were no indicative elevations provided so it was not clear what the height of this building would be. The surrounding built form is mixed in height with either bungalows or two storey houses. The hotel buildings to the north are a maximum of two storeys. There are some two and a half storey buildings (i.e. with a 2nd floor in the roof) to the south near to the junction with Shripney Lane, but it is clear that there are no other instances of three storey buildings in the immediate area.

As per the indicative layout, the flatted buildings are shown to be set back from the road frontage with existing tree cover providing screening from the road. It is therefore considered that this could be an acceptable arrangement. The southern end of the largest of the two flatted buildings would be immediately adjacent to the footpath and this could be a cause for concern, however, this could be amended at the reserved matters stage to say step the building in from the footpath or to swap this flatted building with two storey houses on a different part of the site.

In terms of the surrounding landscape, it is considered that the hedgerow boundaries, the existing trees, the raised topography of the site and the local landscape near the site means that the surrounding landscape has the capacity to accommodate the proposal. It would also be possible to improve the existing hedged boundaries with new tree/shrub planting to further mitigate any visual impacts

It is therefore considered that the proposed residential development of this site can be achieved without adversely affecting the character of the local townscape or the wider landscape (particularly with regard to views from the open countryside to the east). The proposal is therefore in accordance with the policies referred to above.

#### **HIGHWAY SAFETY AND PARKING:**

ALP 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. BNDP policy HDQ8 requires a minimum of two spaces per dwelling.

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 original application was subject to an independent Road Safety Audit (RSA) and a copy of that has been provided with this application alongside an updated Transport Statement. One of the outcomes of the RSA was for a new crossing point to be provided on the A29 to the south of the site access and also new footway along the site frontage to provide access to this crossing and to the Robin Hood site. These improvements will be secured by planning condition.

The advice of WSCC Highways is summarised above and it is clear that they do not consider that the increase in the number of dwellings will result in a significant increase in vehicle movements and that there will not be a severe impact on highway safety. They had previously agreed the closure of the existing access, the position of the new access and the visibility splay requirements.

It is acknowledged that the proposed car parking provision would not comply with BNDP policy HDQ8 in that the 1 bed flats will only have 1 space each, however, the provision is in accordance with the West Sussex Parking Demand Calculator. Furthermore, as layout is a reserved matter, the parking provision can be increased on a reserved matters application in order to better achieve compliance with the BNDP policy.

It is considered that the access arrangements of the proposal are in accordance with the relevant development plan policies and with the NPPF in respect of highway safety.

#### TREES:

Arun Local Plan policy ENV DM4 states that "Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity".

Policy ES6 of the BNDP states that: "Development that damages or results in the loss of ancient trees/trees of arboricultural and amenity value or loss of significant ground cover and habitat will be resisted. Development proposals must be designed to retain wherever possible ancient trees or trees of good arboricultural and amenity value. Proposals should be accompanied by a tree survey that establishes the health and longevity of any affected trees and a management plan to demonstrate how they will be so maintained."

The Councils Tree Officer has not responded to the application. However, as layout is a reserved matter, and in approving this application, the Council would not be sanctioning and damage to trees within the site, it is not considered necessary for this advice to be received. It should also be noted that the position of the access was agreed with the Tree Officer on the original application and that a number of trees were at that time, requested to be protected. None of these protected trees are shown to be at direct risk from the indicative site layout.

On this basis, it is considered that the proposed development complies with the relevant policies but that a more thorough analysis will be required at the reserved matters stage.

#### **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)." There are no policies in the BNDP relevant to ecology. 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 a Preliminary Ecological Appraisal and by a Bat Activity Survey report. These documents have been appraised by the Councils ecologist who raises no objection to the proposals. A number of the proposed mitigation measures will be secured by condition and the developer will also require a Natural England species licence to demolish the existing on-site buildings.

It is noted that the existing hedgerows will be retained and that it is indicated that the southern, northern and eastern boundaries will be strengthened with additional planting. This will be considered at the reserved matters application stage.

Overall, subject to the mitigation measures secured by planning condition, it is considered that the proposed development accords with ALP policy ENV DM5 and with the guidance in the NPPF in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible and to provide enhancements.

#### **FLOODING AND DRAINAGE:**

Bersted Neighbourhood Plan policy ES2 requires surface water management measures for development proposals to ensure that the risk of flooding both on-site and downstream is not significantly increased.

Policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process."

Both WSCC and ADC Drainage Engineers have commented on the application. However, neither raise any objection to the principle of development and instead require details to be provided at a later stage in respect of surface water drainage and the culverting of the ditch to create the access. WSCC comment specifically on the flooding situation and note that the site itself is not subject to flooding but that the road outside the site is at high risk from surface water flooding.

Matters of drainage design will be for consideration at the reserved matters stage. In respect of the high surface water flooding risk, it is not considered that this could be raised as an objection as the site itself

lies in a safe area and as such there would be no threat from flooding to property or life.

It is therefore considered that the proposal is in accordance with the relevant development plan policies.

**FOUL DRAINAGE:**

ALP policy W DM1 (2) states: "... all major developments must demonstrate, where it will materially increase foul and/or surface water discharges, adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. In sewered areas, there will be a general presumption against the use of non mains foul water drainage."

Southern Water have commented on the application. They consider that there is currently inadequate local network infrastructure in place to serve the development. Southern Water will be providing the required network reinforcement but request that the occupation of the new dwellings be phased so as to align with the delivery of this new infrastructure. This will be achieved through the a scheme to be submitted in order to discharge a condition. Subject to the satisfactory resolution of this condition in the future, the proposal would be considered to comply with the relevant development plan policies.

**RESIDENTIAL AMENITY:**

Local Plan policy D DM1 requires the Council have regard to the impact of new development on users and occupiers of nearby property & land for example by avoiding significant loss of sunlight, privacy, outlook and unacceptable noise & disturbance." Further, policy QE SP1 states the Council will ensure that development does not have a significantly negative impact upon residential amenity. None of the BNDP policies refer to residential amenity issues.

It is not considered possible to make a detailed assessment of residential amenity at this stage given that layout, scale and appearance are all reserved matters. However, in principle it is not considered that any of the proposed dwellings or flats shown on the illustrative layout would be sited in such a way as to result in any harm to the privacy, outlook or amount of light to existing neighbouring properties (including temporary residents of the hotel).

Subject to a more detailed consideration of privacy issues at a reserved matters stage, it is not considered that there would be conflict with ALP policies D DM1 or QE SP1.

**AFFORDABLE HOUSING:**

For all developments over 11 residential units, the Council requires minimum provision of 30% affordable housing on site, as per Policy AH SP2 of the Arun Local Plan and the Interim Affordable Housing Policy (2010).

The application proposes that 9 of the proposed flats will be offered for affordable rent and this has been agreed by the Councils Housing Strategy and Enabling Officer. The affordable housing provision will be secured by a S.106 legal agreement and on this basis, the proposal will accord with policy AH SP2.

**PUBLIC OPEN SPACE (POS) & PLAY:**

The Councils supplementary planning document (SPD) "Open Space & Recreation Standards" sets out standards for public open space. This guidance is considered to be out of date and so reference is made instead to the current Fields in Trust (FIT) standards (32 square metres per person) as set out in "Guidance for Open Sport and Play: Beyond the Six Acre Standard" (October 2015). A revised Open

Space & Recreation Standards SPD is currently out for consultation but until this has been published, regard must be had to the current standards.

The requirements in respect of this proposal are for public open space of at least 2380 sqm and, as per the advice of the Councils Greenspace Officer, a contribution of £31,000 (index linked) towards new play equipment/improvements at the nearby Berghestede play area on the Trees Estate in North Bersted. The proposed indicative layout is stated to provide only 1,148 sqm and is therefore inadequate in respect of the amount of POS. However, as layout is a reserved matter, it would not be appropriate to raise this as an objection at this stage. The future layout could be amended to increase the amount of POS.

The provision on on-site POS, its future management and the contribution towards the off-site local play facilities will all be secured by the S106 Agreement. Therefore, the proposal accords with the relevant development plan policies.

#### **SUPPORTING INFRASTRUCTURE:**

Arun Local Plan policy INF SP1 states: "The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community" and "Any on-site provision or financial contribution required to address unacceptable impacts must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010."

WSCC have requested financial contributions in respect of primary education, secondary education, 6th form education, libraries and fire & rescue. The level of these contributions will be based on a formula to allow the contribution amounts to be calculated using the housing mix at the reserved matters stage. The contributions will be spent on the projects as detailed within the "Section 106 Details" section of this report.

The NHS have requested a contribution of £35,357 (index linked) to be allocated to either the infrastructure needs of managing the "Treatment Rooms project" at the new Croft Surgery (preferred option) or, in the longer term, for new facilities at a planned integrated community hub site in the district.

All of the contributions/provisions are considered to be necessary to make the development acceptable in terms of ALP policy INF SP1, are directly related to the needs of the development (with the contributions required to meet the demands of - and mitigate the impacts of - the development), and are fairly & reasonably related in scale and kind (the level of contributions are/will be calculated in accordance with a formula so as to be proportional to the amount of new development).

These contributions will be secured by a S106 Legal Agreement which is in the process of being completed and as such, there is no conflict with ALP policy INF SP1.

#### **SUMMARY:**

This outline application considers the redevelopment of this residential site with 31 new residential dwellings and this represents an increase of 11 on the previously approved outline scheme. Access is to be exactly the same as on the previous application and the same highway improvements are also proposed.

The principle of development on this site is clearly contrary to the policies within the development plan. However, these policies have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. Furthermore, the proposal represents sustainable development and

the NPPF presumption in favour of sustainable development is engaged. The principle of residential development on this site has also already been established by the previous outline permission.

It is considered the material considerations set out within this report 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.

There are not considered to be any other issues as highlighted above which would warrant a refusal on grounds of principle or access. Matters of design will instead be considered at the reserved matters stage.

The recommendation to approve with conditions is subject to a S.106 legal agreement which at the time of writing, has not yet been signed. Therefore, it is requested that delegated authority is granted for the approval of planning permission, to the Group Head of Planning for a decision to be issued once the legal agreement has been signed. Should the agreement be signed prior to the date of the Committee, then a report update will be produced 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 recommendation is subject to the following S.106 heads of terms which will form part of a complete s.106 legal agreement.

##### **AFFORDABLE HOUSING**

9 x affordable rented properties which will be in the block containing flats 1-9. To be provided not later than 50% occupation of the development.



**PRIMARY EDUCATION**

Formula for calculation at the reserved matters stage to be spent on Additional Equipment at Aldingbourne Primary School, Westergate. To be provided prior to first occupation.

**SECONDARY EDUCATION**

Formula for calculation at the reserved matters stage to be spent on fixtures, fittings and equipment at phase 1 of the new secondary school serving Arun. To be provided prior to first occupation.

**6TH FORM EDUCATION**

Formula for calculation at the reserved matters stage to be spent on improved digital infrastructure for classrooms at St Phillip Howard Catholic High School Sixth Form. To be provided prior to first occupation.

**LIBRARIES**

Formula for calculation at the reserved matters stage to be spent on a project to enhance library space with improved digital access at Bognor Regis Library. To be provided prior to first occupation.

**FIRE & RESCUE**

Formula for calculation at the reserved matters stage to be spent towards the supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Bersted. To be provided prior to first occupation. It should be noted however that this is not considered to be compliant with the CIL Regulations and therefore this decision has not been made on the basis of support from the inclusion of this contribution within the signed S.106 agreement.

**HEALTHCARE**

A contribution of £35,357 (index linked) for either the infrastructure needs of managing the "Treatment Rooms project" at the new Croft Surgery (preferred option) or, in the longer term, for new facilities at a planned integrated community hub site in the district. To be provided prior to commencement of development.

**OFF SITE LOCAL PLAY**

A contribution of £31,000 (index linked) to be spent on the Berghestede Play area - The Trees Estate, North Bersted, for improvements and/or additions to children's play equipment. To be provided prior to first occupation.

**ON-SITE PUBLIC OPEN SPACE**

Either the provision of a management plan or (if the POS is to be adopted) then a payment of £13.51 per m2 for future maintenance (to be provided within 2 months of the completion of the POS).

**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 2 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 either before the expiration of 3 years from the date of this permission, or before expiration of 2 years from the date of 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 approved shall be carried out in accordance with the following approved plans :

Dwg. 334/P/01 Rev A "Site Location Plan";  
Dwg. 334/F/03 Rev C "Proposed Site Plan",  
Dwg. 160818-07 Rev A "Site Visibility";  
Dwg. 160818-06 Rev A "Proposed Footway Arrangement"; and  
Dwg. 160818-TK02 Rev A "Swept Path Analysis.

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, T DM1 and C SP1 of the Arun Local Plan.

- 4 The development must be carried out in accordance with the recommendations and mitigation measures as set out within section 4.0 (pages 36 to 41) of the Preliminary Ecological Appraisal (September 2018) and section 4.0 (pages 11 to 16) of the Bat Activity Surveys Report (June 2017). The enhancements and mitigation measures shall be 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 The development shall be carried out in accordance with the "Acoustic Planning Report" dated 4th Sept 2018 (ref 26112-RP-AC-001) by Hilson Moran.

Reason: In the interests of protecting the amenity and living conditions of future residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 6 No construction / 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) with no 'noisy' work on Sunday or Bank Holidays.

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

- 7 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework). Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and 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. This is required to be a pre-commencement condition because it may be necessary for the approved scheme to involve the fabric of the buildings.

- 8 No development excluding the access shall commence until the vehicular access serving the proposed site has been constructed in accordance with the approved planning drawings 334/P/01 Rev A "Site Location Plan"; 334/F/03 Rev C "Proposed Site Plan", 160818-07 Rev A "Site Visibility"; and 160818-06 Rev A "Proposed Footway Arrangement".

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because the access should be in place before the commencement of works to the site and because road safety is at the heart of a planning permission.

- 9 No development shall commence until such time as plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the approved improvements shall be implanted in accordance with the approved details and permanently retained thereafter.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because road safety is at the heart of a planning permission.

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

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policy W DM1 (2) (b) of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

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

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

- 12 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.

- 13 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.

- 14 No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- a) An indicative programme for carrying out of the works;
- b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e) The parking of vehicles of site operatives and visitors;
- f) Loading and unloading of plant and materials, including permitted times for deliveries;
- g) Storage of plant and materials used in constructing the development;
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- i) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- j) Measures to control the emission of dust and dirt during construction;
- k) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: As requested by the Councils Environmental Health officers in the interests of local

residents in accordance with policies QE SP1, QE DM1, QE DM2 & QE DM3 of the Arun Local Plan. 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.

15 Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

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 results of the site investigation and the detailed risk assessment referred to in (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 the remediation strategy 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 written consent of the local planning authority. The scheme shall be implemented as approved. Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework and with Arun Local Plan policy QE DM4. The site rests upon a Secondary A aquifer (Superficial Deposits) overlying a Principal Aquifer (Undifferentiated Chalk). There is a potential linkage for contaminants to migrate vertically into the Principal Aquifer posing a risk to controlled waters. The Environment Agency state that a full site investigation may not be required and would encourage a thorough preliminary investigation to ascertain the risk of contamination. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

16 No part of the development shall be first occupied until visibility splays of 2.4 metres by 120 metres to the south and 2.4 metres by 71 metres to the north have been provided at the proposed site vehicular access onto Shripney Road, in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

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

17 Prior to the occupation of any part of the development, full details of any new lighting shall be submitted to and approved in writing by the Local Planning Authority. These details shall

include the predictions of both horizontal illuminance across the site & vertical illuminance affecting immediately adjacent receptors, plans of light appliances, the height & position of fitting, illumination levels & light spillage. The lighting scheme shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) Zone E2 and 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 ENV DM5, QE SP1 and QE DM2 of the Arun Local Plan.

- 18 Prior to each phase of development being brought into use, a verification report demonstrating the completion of 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.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework and with Arun Local Plan policy QE DM4. If required, the verification report will provide confidence that the applicant has accurately considered the conceptual model of the site and any linkages between potential sources and receptors.

- 19 Prior to the occupation of any part of the development, a strategy for the provision of the highest available headline speed 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 take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of 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 will continue in accordance with the approved strategy.

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

- 20 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

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 QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

21 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.

22 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework and policy QE DM4 of the Arun Local Plan.

23 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with paragraph 170 of the National Planning Policy Framework and policies W SP1 & W DM1 of the Arun Local Plan. If any required test boreholes are not decommissioned correctly they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality. Groundwater is particularly sensitive in this location because the proposed development site is located on a Secondary A aquifer (Superficial Deposits) overlying a Principal Aquifer (Undifferentiated Chalk).

24 A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 170 of the National Planning Policy Framework, the Position Statement of 'The Environment Agency's approach to groundwater protection' and policies W SP1 & W DM1 of the Arun Local Plan.

25 The reserved matters scheme shall include a housing mix which sets out a range of range of house types and tenures and is specific to Bersted. The scheme shall demonstrate how the development addresses the needs of current and future households in the Bersted area. The scheme shall also provide a proportion of homes to meet Lifetime Home standards (or the equivalent current standard).

Reason: In accordance with policy HDQ4 of the Bested Neighbourhood Plan to ensure that the new houses provide for the future needs of the local area.

26 The landscape details referred to in Condition 1 shall include details of all existing trees and hedgerows on the land indicating which are to be retained and which removed. Development shall be carried out in accordance with the approved details. 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 interest of amenity and the quality of the environment of the development in accordance with policies D DM1 and ENV DM4 of the Arun Local Plan.

27 The landscape details referred to in Condition 1 shall include full details of the position, design, materials, height and type of boundary treatments to be provided. The boundary treatments shall be provided to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Development shall be carried out in accordance with the approved details and permanently retained in a useable condition thereafter.

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

28 The landscape details referred to in Condition 1 shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details.

Reason: In the interest of amenity and the quality of the environment of the development in accordance with policies D DM1 and LAN DM1 of the Arun Local Plan.

29 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.

30 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:

(1) Affordable Housing

9 x affordable rented properties which will be in the block containing flats 1-9. To be provided not later than 50% occupation of the development.

(2) Primary Education

Formula for calculation at the reserved matters stage to be spent on Additional Equipment at Aldingbourne Primary School, Westergate. To be provided prior to first occupation.

(3) Secondary Education

Formula for calculation at the reserved matters stage to be spent on fixtures, fittings and equipment at phase 1 of the new secondary school serving Arun. To be provided prior to first occupation.

(4) 6th Form Education



Formula for calculation at the reserved matters stage to be spent on improved digital infrastructure for classrooms at St Phillip Howard Catholic High School Sixth Form. To be provided prior to first occupation.

(5) Libraries

Formula for calculation at the reserved matters stage to be spent on a project to enhance library space with improved digital access at Bognor Regis Library. To be provided prior to first occupation.

(6) Fire & Rescue

Formula for calculation at the reserved matters stage to be spent towards the supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Bersted. To be provided prior to first occupation. It should be noted however that this is not considered to be compliant with the CIL Regulations and therefore this decision has not been made on the basis of support from the inclusion of this contribution within the signed S.106 agreement.

(7) Healthcare

A contribution of £35,357 (index linked) for either the infrastructure needs of managing the "Treatment Rooms project" at the new Croft Surgery (preferred option) or, in the longer term, for new facilities at a planned integrated community hub site in the district. To be provided prior to commencement of development.

(8) Off-site Local Play

A contribution of £31,000 (index linked) to be spent on the Berghestede Play area - The Trees Estate, North Bersted, for improvements and/or additions to children's play equipment. To be provided prior to first occupation.

(9) On-site Public Open Space

Either the provision of a management plan or (if the POS is to be adopted) then a payment of £13.51 per m<sup>2</sup> for future maintenance (to be provided within 2 months of the completion of the POS).

31 **INFORMATIVE:** Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The 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.

- 32      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.
- 33      INFORMATIVE In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 05/07/19) as available on the Councils website.
- 34      INFORMATIVE: The applicant should note that a applicants should be aware that a Natural England Protected Species License will be required for the demolition of the main house, and this will need to be obtained prior to any works taking place.
- 35      INFORMATIVE: In addition to the requirements of the wildlife enhancement/mitigation condition, the following additional enhancements should be shown on any future reserved matters scheme:
- Any trees removed should be replaced at a ratio of 2:1;
  - Filling any gaps in tree lines or hedgerows with native species; and
  - Gaps are included at the bottom of the fences to allow movement of small mammals across the site.

<b>BACKGROUND PAPERS</b>
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[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)

**BE/69/19/OUT - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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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
Healthcare contribution	Prior to Commencement	£35,357 Index Linked	NHS	For either the infrastructure needs of managing the "Treatment Rooms project" at the new Croft Surgery (preferred option) or, in the longer term, for new facilities at a planned integrated community hub site in the district	n/a	n/a
Primary Education Contribution	Prior to First Occupation	Formula - see attached WSCC Response for full text	WSCC	On additional facilities at Aldingbourne Primary School	n/a	n/a
Secondary Education Contribution	Prior to First Occupation	Formula - see attached WSCC Response for full text	WSCC	on fixtures, fittings and equipment at phase 1 of the new secondary school serving Arun.	n/a	n/a
6th Form Education Contribution	Prior to First Occupation	Formula - see attached WSCC Response for full text	WSCC	On improved digital infrastructure for classrooms at St Phillip Howard Catholic High School Sixth Form.	n/a	n/a
Libraries Contribution	Prior to First Occupation	Formula - see attached WSCC Response for full text	WSCC	On a project to enhance library space with improved digital access at Bognor Regis Library	n/a	n/a
Fire & Rescue	Prior to First Occupation	Formula - see attached WSCC	WSCC	Towards the supply and installation of additional fire	n/a	n/a

		Response for full text		safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Bersted.		
On-site Public Open Space/LAP Maintenance Contribution	Within 2 months of completion of POS	£13.51 per m2 (only if to be passed to ADC for adoption. Otherwise then a management plan to be submitted	ADC (Sue Howell)	n/a	n/a	n/a
Off-site Children's Play contribution.	Prior to First Occupation	£1000/dwelling x 31 = £31,000 index linked to October 2000 SPD (approx. -£50,000 at current prices)	ADC (Sue Howell)	Contribution to be spent on the Berghestede Play area - The Trees Estate, North Bersted, for improvements and/or additions to children's play equipment	n/a	n/a

NON-FINANCIAL Obligation Summary	Trigger Point	Due To (ADC, WSCC, Other)	Department/Officer to Confirm Compliance
Affordable Housing - 30% (9) affordable homes on-site.  Confirmed with the Housing Strategy & Enabling Manager to be 9 x rented properties which will be in the block containing flats 1-9.	To be provided not later than 50% occupation of the development.	ADC	Housing - Arjan De Jong
Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is	N/A	WSCC	WSCC

provided confirming their construction standard.			
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PLANNING APPLICATION REPORT

REF NO: BR/129/19/PL

LOCATION: 75 Highfield Road  
Bognor Regis  
PO22 8PD

PROPOSAL: Conversion of single dwelling to 4 no. flats including rear projection and 1 parking space (resubmission of BR/215/18/PL)

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION

It is proposed to demolish part of the end of the rear single storey extension, widen it, part extend beyond its new depth, part widen the main part of the house at ground & first floor and add a new first floor above the rear extensions. The front part of the new building will measure 10.5m wide by 7.8m deep and the rear projection will be partly 8.5m and partly 14.3m deep (with a maximum width of 8.6m). The roofs will be pitched and gabled with the front part having a ridge height of 8.5m and the rear extended part, 8.1m. It is proposed to build the extensions with matching materials.

These extensions alongside the conversion enable the creation of 4, 2 bedroom flats (2 per floor). There will be one off-street covered parking space at the front sited at a right angle to the road. To the rear, both ground floor flats will have private enclosed gardens and there will be a communal garden space for the other two flats. There will also be bin and bike stores within the rear space.

Members should note that the application as originally submitted proposed a conversion to 6 flats (2 in the roof) with 2 off-street parking spaces but was then changed following concerns over the viability of the 2nd parking space.

SITE AREA

0.0362 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

110 dwellings per hectare (up from 27 dwellings per hectare).

BOUNDARY TREATMENT

- 1.9m high wall to side passage (south west);
- 1.9m high close boarded fence to no. 77 (north east);
- 1.7m high dilapidated close boarded fencing to the rear; and
- a low wall to the front.

SITE CHARACTERISTICS

Two storey end terraced dwelling with attached garage to side and short drive (not long enough to accommodate a standard sized car). Mix of materials - brick and flint detailing to front and side, yellow render to the rear and reddish concrete tiles to the roof. There is a single storey flat roofed grey rendered

rear extension to the rear. The building has a maximum ground floor depth of 21m and a maximum ground floor width of 9.1m. At first floor, it is 13m deep by 5.4m wide. It is currently 8.5m to the ridge.

#### CHARACTER OF LOCALITY

High density residential street. Predominantly terraced dwellings but with some semi-detached houses and the occasional detached dwelling. There are other houses that have been converted into flats or houses in multiple occupation elsewhere in the street. Some houses in the street have roof level velux windows but there are no instances of dormers. On-street parking is considered to be at a premium particularly outside of work hours. Neighbouring properties as follows:

- 69 Highfield Road (to the south west) - detached dwelling albeit in the same design/form as other nearby terraced dwellings. No flank windows affected. Rear windows on the affected side consist of an obscure glazed window at ground floor (use not known but assumed also a bathroom) and a bathroom above. There is a 3.4m driveway gap between the application site and this dwelling.

- 77 Highfield road (to the north east) - mid terraced dwelling. Flat roofed rear extension with a bedroom above.

#### RELEVANT SITE HISTORY

BR/215/18/PL	Conversion & extension of dwelling comprising two existing flats to form 6 No. flats (4 No. new) with associated ancillary services.	Refused 20-02-19
BR/244/90	Change of use to 2 flats with new two storey extension to form two further flats	ApproveConditionally 20-08-90

It is not known whether the permission for flats was ever implemented as there were no signs of multi-occupancy at the property during the site visit and anecdotal evidence from local residents received at the time of the previous application suggested the property was occupied by a single family.

Application BR/215/18/PL was refused in February 2019 under delegated powers for the following reason:

"The proposed development does not include sufficient parking provision to meet the needs of future occupiers in accordance with the residential parking standards in use at the time and this will result in an increase in pressure for on-street parking spaces which will be harmful to the amenity of local residents by way of increased conflict/competition for existing spaces and the need for residents to park further away from their dwelling. It is therefore contrary to policies T SP1 and QE SP1 of the Arun Local Plan."

A subsequent appeal was dismissed in August 2019. The following is a summary of the main points in the appeal decision notice:

- The Inspector noted that Highfield Road has double yellow lines in parts and that because of the predominantly terraced housing there is a general lack of off-street parking between the railway bridge and the small parade of shops at the junction with Highfield Gardens;
- The Inspector also acknowledged the presence nearby of a takeaway and convenience store which will also contribute to parking demand, particularly in the early evening;
- The Inspector acknowledged the appellants parking survey but noted that the available spaces in the vicinity of the site would be relatively low such that residents would need to park further away. This then supported the objections of residents and is in line with the then view of WSCC Highways that parking is currently at a premium along Highfield Road and on-street parking spaces are limited;
- The Inspector did not consider that it would be reasonable for existing residents in the vicinity of the appeal site to have to routinely park further away from their homes in the evening and overnight than they do now; and
- The Inspector also stated that despite the sustainable nature of the site, there is no guarantee that future occupiers of the flats would not own a vehicle.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"OBJECTION Although the number of dwellings has been reduced from 6 to 4, the proposed parking spaces have also been reduced from 2 to 1. There is still the potential for the future occupiers of the proposed dwellings to have a number of cars/vehicles between them. Consequently, Members felt that the proposed development does not include sufficient parking provision to meet the needs of future occupiers in accordance with the residential parking standards in use at the time and this will result in an increase in pressure for on-street parking spaces which will be harmful to the amenity of local residents by way of increased conflict/competition for existing spaces and the need for residents to park further away from their dwelling. It is therefore contrary to policies T SP1 and QE SP1 of the Arun Local Plan"

16 letters of objection and 1 letter of support. The letter of support states that parking is not a concern as the writer rents out two properties on Highfield Road (104A & 104D) but neither the current tenants or any previous tenants have owned a car. Furthermore, that Highfield Road is located in walking distance to a variety popular amenities and shops. The objections are summarised below:

- (1) Inadequate parking provision leading to harm to existing residents;
- (2) Proposals will take land from next door for parking;
- (3) Highway safety concerns particularly due to cars exiting the space & turning onto the road;
- (4) Impacts of construction process on road (parking of builders vehicles) & residents;
- (5) No space for bins on bin collection day;
- (6) Overdevelopment of the site;
- (7) Not enough space for landscaping;
- (8) Loss of privacy & light to Gordon Avenue residents;
- (9) Increased noise disturbance to existing residents;
- (10) Devaluation of nearby properties;
- (11) No site notice for amended development;
- (12) Denied access to homes, no emergency service access;
- (13) Insufficient parking; and
- (14) 4 houses will look out of place.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

In respect of the Town Council comments, parking will be considered within the report's conclusions.

The supporters letter is noted. The following comments are in response to the resident objections:

- (1) This will be considered in the report's conclusions under "Highway Safety and Parking";
- (2) The original proposal (6 flats, 2 spaces) did show an incursion into the driveway on the south side of the property but the amended scheme (4 flats, 1 space) no longer shows this;
- (3) This will be considered in the report's conclusions under "Highway Safety and Parking";
- (4) Any impacts during construction will be temporary in nature. Furthermore, there is other legislation (such as Environmental Law) in place to protect residents from undue noise or dust. WSCC Highways have also requested that a Construction Site Setup Plan be submitted for approval prior to commencement;
- (5) There is space within the front 'garden' (such as between the bay window & front wall);
- (6) This will be considered in the report's conclusions under "Design & Character";
- (7) As the site concerns an existing two storey dwelling with existing rear gardens, it is not considered necessary to require additional landscaping. Furthermore, the planting of trees at the western end of the garden could result in light loss the gardens of Gordon Avenue and so this is not recommended;
- (8) This will be considered in the report's conclusions under "Residential Amenity";
- (9) This will be considered in the report's conclusions under "Residential Amenity";
- (10) The impact of development on house prices is not a material planning consideration;

Points (11) to (14) were received due to an error in the description of the application. This has been corrected and no further consultation is required as the Bognor Regis Town Council comments were in respect of the correct proposal.

<b>CONSULTATIONS</b>
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Natural England

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Environmental Health

**CONSULTATION RESPONSES RECEIVED:**

**NATURAL ENGLAND** - No objection subject to a contribution being secured towards mitigation measures at Pagham Harbour.

**WSCC HIGHWAYS** - No objection. State that parking is currently at a premium along Highfield Road and on-street parking spaces are limited. However, parking is available in the surrounding residential streets and the site is located in a relatively sustainable location close to the town centre and local bus links. Cycle parking has also been provided. The parking space should be allocated to 1 residence and the remaining flats marketed with no parking. Request a construction site setup condition.

**ADC DRAINAGE ENGINEERS** - Request no conditions due to the relatively small changes in building footprint and the location of the proposed development. Surface water drainage should be designed and constructed in accordance with building regulations.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted and all recommended conditions imposed.

<b>POLICY CONTEXT</b>
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Designations applicable to site:

Within the Built Up Area Boundary;

Pagham Harbour Zone B;

Within 2km buffer zone of Bognor Reef Site of Special Scientific Interest (SSSI);

Within 2km buffer zone of Felpham Site of Special Scientific Interest (SSSI); and

WSSC Waste Consultation Area (Alderton's Yard, Town Cross Avenue site).

**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
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
HDM1	H DM1 Housing mix
HWBSP1	HWB SP1 Health and Wellbeing
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WSP1	W SP1 Water
WMDM1	WM DM1 Waste Management

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

<b>POLICY COMMENTARY</b>
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The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

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

There are no relevant Bognor Regis Neighbourhood Plan policies.

#### **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is considered to comply with the Arun Local Plan in that it would not cause demonstrable harm to the character of the area, to the amenity of neighbouring residents, or result in a severe impact on the local highway. The proposal makes appropriate provision for the protection of Pagham Harbour.

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

PRINCIPLE:

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

Regard should also be had to policy SD SP1 of the ALP which states that: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)."

The development supports the local community by providing flats to help meet future needs, increase Council tax receipts, create/maintain construction jobs and result in additional spending in the local area by future residents.

NPPF para 118(d) states "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing". Furthermore, paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In particular, higher densities will be encouraged for city/town centres and other locations that are well served by public transport. The Council cannot currently demonstrate an NPPF compliant 5.3-year supply

of housing land and therefore it is important to boost housing numbers within the district.

The proposal accord with policies SD SP1 and SD SP2 of the Arun Local Plan.

#### **CHARACTER & DESIGN:**

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

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

The extensions are to the rear and side of the building and although those to the rear will not be visible from the front, those to the side will be visible in the streetscene albeit less so when viewing the property from the north east. The extension to the side is considered to be in character with the existing building being of the same height, design and materials as the existing. Although not subservient in height, this is acceptable as it means that the terraced form is maintained and that there is no height difference to the next dwelling along (no. 69).

The rear extensions, although significant in size, will be lower in total height than the existing house and therefore more subservient in scale. The proposed two storey rear extensions are also staggered in depth so as to protect the amenity of 77's rear first floor bedroom window and to ensure that the part adjoining 77 does not project out beyond the neighbours rear extension. The rear extensions will be designed to match the materials in the house.

It is noted there is an abundance of existing flat conversions and/or houses in multiple occupation (HMO's) in the local area and therefore there can be no in principle objection to a conversion to flats. The proposal therefore complies with ALP policies D DM1, D DM4 & D SP1.

#### **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. Policy D DM4 requires that extensions/alterations: sympathetically do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

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". Policy QE DM1 provides guidance in respect of new noise generating development and states that applications should be accompanied by a noise assessment. It is not considered relevant to require a noise assessment for new residential development located in a residential area. Para 127 of the NPPF which states that developments should provide a high standard of residential amenity for

existing and future users.

The staggered nature of the rear two storey extensions ensures that the amenity of no. 77's rear first floor bedroom window is preserved (this is demonstrated by the 45 degree angle drawn on the plans). Furthermore, there are no windows proposed in the flank wall of the first floor extension whilst the end of the ground floor element is set behind the end of 77's rear extension.

In respect of the relationship to no. 69, this is separated from the site by a single width driveway therefore there will be a 5.4m gap between the two buildings. The new side extensions are considered to be significant in bulk and scale. However, 69 already has a rear two storey projection and the plans demonstrate that there will be no harm to a 45 degree viewing angle drawn from 69's rear first floor window. No. 69 does not have any flank windows which could otherwise be adversely affected.

A first floor bedroom window proposed in the southern flank wall of the new extension will look out towards 69's rear garden at a distance of 5.4m and could therefore affect the privacy of the existing dwelling. A condition will be imposed to ensure that this window is obscure glazed up to a height of 1.7m above floor level.

The distance from the new first floor rear window on the longest part of the rear projection and the rear first floor windows on nos. 36 & 38 Gordon Avenue will be around 16.9m. The Council has no policies concerning distances between dwellings. As a general rule, it is considered that 20m should be maintained. The proposal is short of this distance and the new bedroom window on the rear could result in harm to the privacy of rear garden and first floor windows. For this reason, it is necessary to obscure glazed this window. This will result in both bedrooms in this particular flat being obscure glazed, however, the flat retains a unrestricted window in its lounge and therefore, will have a decent standard of amenity.

It is not considered there will be any harmful light loss to neighbouring properties due to the position of the site in relation to the sun plus the gaps to neighbouring properties. The proposal complies with policies D DM1, D DM4 and QE SP1 as well as the guidance on amenity within the NPPF (para. 127).

#### INTERNAL & EXTERNAL SPACE STANDARDS:

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

All of the flats have 2 bedrooms and whilst the agent describes them as two bed, 3 person dwellings both bedrooms are in excess of the floor area for a double. Whilst the applicant considers the requirement to be 61m<sup>2</sup>, the requirement according to the space standards is 70m<sup>2</sup>. On this basis, three of the four flats would not meet the requirements (at 61m<sup>2</sup>, 66m<sup>2</sup> and 66m<sup>2</sup>). The fourth is 85m<sup>2</sup>.

It should be noted that policy D DM2 is clear that the Nationally Described Space Standards provide guidance. This implies that it is not necessary to rigidly accord with these standards. The preamble to D DM2 (paragraph 13.3.4) states: "There might be occasions where development schemes cannot comply with all the space standards required (such as the conversion of an existing building, or where compliance with the standards may harm the historic character of a building). Arun District Council will consider these on a case-by-case basis". It is not considered this shortfall in the standards is so significant or materially harmful as to warrant a refusal on these grounds.



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

The proposal complies with policies D DM1 & D DM2 and with the guidance in the NPPF (para. 127).

#### **HIGHWAYS & PARKING:**

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

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

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

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

WSCC Highways have assessed this application. They note that parking is at a premium along Highfield Road and that on-street parking spaces are limited. They note parking is available in the surrounding residential streets and the site is in a relatively sustainable location close to the town centre and local bus links. They recommend the single parking space is allocated to a particular flat and that the remainder of the flats are marketed as having no parking.

In the defence of the previous appeal, it was stated that although WSCC Highways had no concerns with road safety, the Local Planning Authority are separately able to consider the impact of greater demand for on-street parking on the amenities of local residents. A case was made in the refusal of the previous application that the demand associated with 6 flats would be 4 parking spaces and that therefore an extra 3 cars would be parking on-street. There was clear evidence from local residents that the parking spaces within the street and surrounding roads are already over subscribed and that this creates conflict with other road users and adversely affects the amenities of local residents living in the area. It was considered the additional dwellings would exacerbate these existing conflicts and cause further stress and inconvenience to the local residents.

On the current application, the parking demand is less as the number of flats has been reduced to 4. Whilst there could still be additional residents trying to park on surrounding streets and affecting the amenities of existing residents, it is clear that the impact of the conversion has been reduced and therefore, a different conclusion can be made.

The applicants have provided a Parking Statement which includes the results of a parking stress survey. This indicates that in the Highfield Road area, on the two survey dates (both overnight surveys), there

were at least 16 spaces available. Although, most of these spaces were not in the section of Highfield Road between the railway bridge and the parade of shops at the corner of Highfield Gardens, it does remain clear that there are free parking spaces for people to use.

It is material in this determination that the existing property is a large house with 5 bedrooms and that it could be changed to a house in multiple occupation for the use by 3-6 residents without the need for planning permission (by virtue of permitted development rights). It is material that this is a sustainable edge of town centre location so that residents can walk, cycle or take a bus to access shops, services, employment sources etc. Cycle storage space will be provided to encourage residents to use bicycles. The application shows the parking space end on to the road (as per existing garage driveway space). On the refused scheme, the space was parallel to the road and would have reduced the amount of on-street parking available to other residents to the front (to leave space for a car to manoeuvre into the space).

On the basis that the number of flats has been reduced and with regard to the other considerations noted above, it is considered that the parking shortfall is not materially harmful to highway safety or local amenity and it is therefore considered that the proposal is in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

#### **IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:**

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

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The applicant has agreed to the £1742 contribution but at the time of writing (due to the need to vary the Agreement following the reduction from 6 flats to 4), the agreement has not been signed.

#### **SUMMARY:**

There is no in principle objection to further residential development on this site within the built up area and it is considered that the proposal complies with development control criteria concerning highway safety, internal space standards, character and overlooking/light loss. In addition, in respect of parking the reduction in the number of flats from 6 to 4 and the maintenance of 1 existing parking space means that the impact of additional parking demand for on-street spaces is now acceptable. It is therefore considered that this application is acceptable in all regards and should be approved.

As the legal agreement to secure the Pagham Harbour contribution has not been signed, it is requested that the Development Control Committee agree to delegate the approval of planning permission, to the Group Head of Planning for a decision to then be made once the legal agreement has been signed.

Should the agreement be signed prior to the date of the Committee, then a report update will be produced to update members and amend the recommendation.

<b>HUMAN RIGHTS ACT</b>
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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 will be granted with a S106 legal agreement relating to a contribution of £1742 towards the provision of accessible natural open green spaces to offset the impact of the development on the Pagham Harbour Special Protection Area.

**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 plan:

Drawing ADS-002-P Rev K (Proposed Floor Plan, Parking Sweep Diagram, Roof Plan, Elevations and Site Plan)

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

3 No demolition or construction activities shall take place, other than between 08.00 to 18.00 hours (Monday to Friday) and 08.00 to 13.00 hours (Saturday) with no noisy working activities on Sunday or Bank Holidays.

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

4 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors' vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to the highway in accordance with policy 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.

5 The materials and finishes of the external walls (render and brick) and roofs (tiles) of the extensions hereby permitted shall match in colour and texture those of the existing building.

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

6 No development above damp-proof course (DPC) level shall take place until details of any new screen walls and/or fences (including those to enclose the proposed bin store) have been submitted to and approved by the Local Planning Authority and none of the flats shall be occupied until such agreed screen walls and/or fences have been erected.

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

7 No part of the development shall be first occupied until the single car parking to the front has been provided in accordance with the approved site plan ref ADS-002-P Rev K. This parking space shall thereafter be allocated to one of the numbered flats, and retained at all times for its designated purpose.

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

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

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

9 Prior to occupation of any of the flats, a scheme for the provision of facilities to enable the charging of an electric vehicle parked on the property shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge point shall thereafter be permanently retained and maintained in good working condition.

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 QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

10 None of the new flats shall be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved

renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

- 11 All of the proposed ground floor and first floor bath/shower rooms shall be obscure glazed and permanently fixed to be non-opening below 1.7m above floor level.

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

- 12 The first floor south west facing and northwest facing bedroom windows in the rearmost flat shall at all times be glazed with obscured glass up to a height of 1.7m above floor level.

Reason: To protect the amenities and privacy of the windows and gardens to 69 Highfield Road & 36-38 Gordon Avenue in accordance with policies D DM1, D DM4 and QE SP1 of the Arun Local Plan.

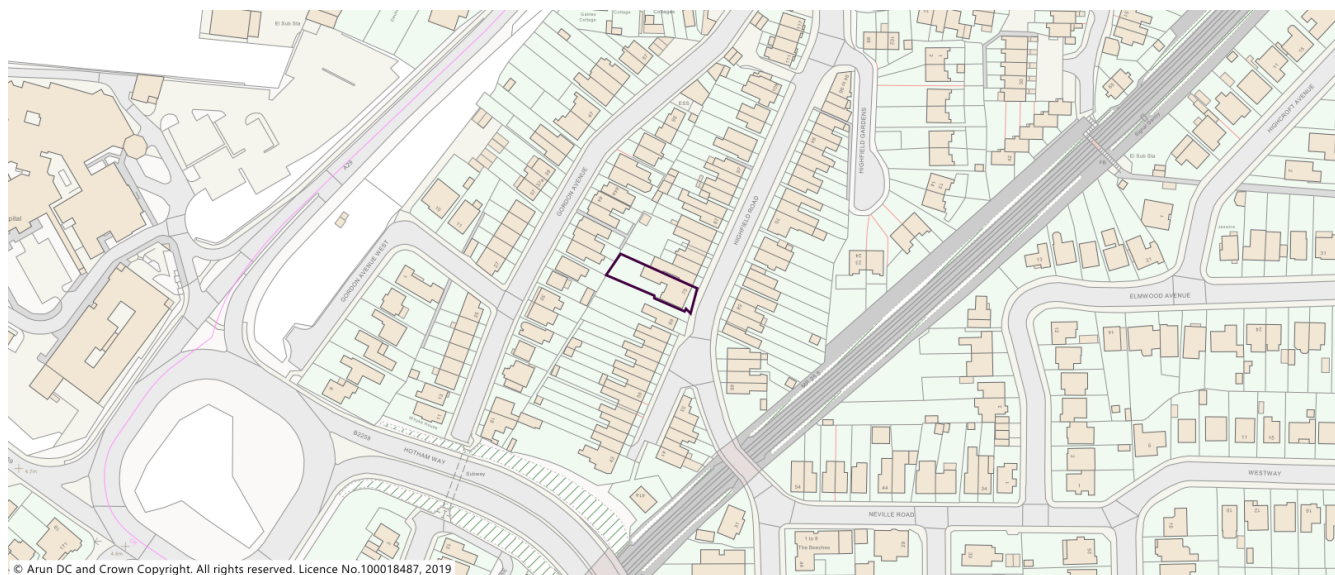
- 13 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as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

- 14 **INFORMATIVE:** This decision has been granted with a s106 legal agreement relating to a contribution of £1,742 towards the provision of accessible natural open green spaces to serve the Pagham area.

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

**BR/129/19/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: EP/179/18/PL

LOCATION: Gladwyn  
The Street  
East Preston  
BN16 1HT

PROPOSAL: Demolition of existing house & erection of 3 x 3 bedroom houses together with landscaping, car parking and fencing.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION Each of the proposed houses will measure 10.3m in depth and 14.4m in width. The maximum height of the roof is 8.9m with an eaves height of 4.7m. The proposed dwelling closest to adjoining property Scanton has been set forward of the other 2 proposed dwellings by approximately 2.8 metres.

To the rear (East) the houses have sliding doors on the ground floor. There are 6 proposed windows to the rear of the proposal which are split 2 per house.

There will be front porches in the proposal that will measure 2.8m high, 1.2m wide and 0.75m deep.

Amended plans have been received and it is these plans that are being assessed.

SITE AREA 0.1 hectare.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 31 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES None affected by the proposed development.

BOUNDARY TREATMENT To the western (front) boundary there is a meter high flint wall that spans the whole frontage. The northern boundary consists of meter high fencing increasing to 1.8m within grounds of the site. The southern boundary consists of hedging to a height of approximately 2m.

SITE CHARACTERISTICS Detached dwelling.

CHARACTER OF LOCALITY Residential. A mixture of detached, semi detached and terraced properties. The application site is in close proximity to three Listed buildings - Wisteria Cottage, Apple Tree Cottage/Jasmine Cottage and Forge Cottage. Wisteria cottage is closest to the development site.

<b>RELEVANT SITE HISTORY</b>
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EP/60/15/HH

Rear &amp; side extensions &amp; alterations to porch

ApproveConditionally  
23-06-15

<b>REPRESENTATIONS</b>
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**REPRESENTATIONS RECEIVED:**

East Preston Parish Council

East Preston Parish Council initial comments:

Object to this application on the following grounds:

- The proposed dormers are felt to be in conflict with paragraph 4.14 of the East Preston Neighbourhood Plan in as much as they are not "small enough to be subservient to the appearance of the roof as a whole.
- Inadequate onsite parking-provision.
- Increased on-street parking in this area will disrupt vehicular access and egress to neighbouring properties and could also lead to hold-ups for the local bus service.

East Preston Parish Council comments on amended plans:

Object to this application on the following grounds:

- Changes have not sufficiently removed the original concerns of the Committee.
- The lack of any dormers in the roof leaves the roofline now overly high and blank.
- Six parking spaces is still too few for the number of vehicles the properties are likely to contain.

East Preston Parish Council comments on most recent amended plans:

They have been consulted on the 20/09/2019 and their comments are awaited.

East Preston and Kingston Preservation Society. Objection for the following reasons:

- The design is not in keeping with the surrounding area.

3 letters of representation have been received, objecting to the proposed application on the following grounds:

- Overdevelopment.
- Insufficient car parking provision will result in adverse effects on the highway and cause difficulty for other residencies.
- Out of character with the area.
- Incorrectly filled planning application form.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted. The material planning matters raised by the above consultation responses will be discussed within the conclusion section of the report.

<b>CONSULTATIONS</b>
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WSCC Strategic Planning  
 Southern Water Planning  
 Engineers (Drainage)  
 Engineering Services Manager  
 Environmental Health  
 Listed Building Officer  
 Conservation Officer  
 WSCC Strategic Planning  
 Conservation Officer

#### CONSULTATION RESPONSES RECEIVED:

Conservation Officer. No objection subject to conditions. Proposal would not cause harm to the setting of the neighbouring Listed Buildings.

Arun District Council Engineers - No objection subject to standard conditions.

West Sussex County Council Highways - Do not object. Recommend imposition of conditions on any grant of planning permission.

Southern Water: Do not object. Recommend an informative on any grant of planning permission.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

<b>POLICY CONTEXT</b>
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Within the Built Up Area Boundary.

#### DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WSP1	W SP1 Water
WDM3	W DM3 Sustainable Urban Drainage Systems
TSP1	T SP1 Transport and Development

[East Preston Neighbourhood Plan 2014 Policy 1](#) Housing - General Principles

East Preston Neighbourhood Plan 2014 Policy 4 Design in Character Area Three

**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 East Preston Neighbourhood Plan (EPNP) has been adopted and the relevant policies have been taken into account

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is 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.

**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 policy considerations in the determination of this application are D DM1, D SP1, HER DM1 and T SP1 of the Arun Local Plan. Additionally, Policies 1 and 4 of the East Preston Neighbourhood Development Plan also apply.

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 HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of Heritage buildings, protecting their architectural and historical integrity, as well as their special interest. Additionally, proposals should protect the setting of these buildings.

Policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale,

massing, character, materials, finish and architectural details.

Policy T SP1 Transport and Development seeks to ensure that growth in the District strengthens Arun's economic base, reduces congestion, works to tackle climate change and promotes healthy lifestyles. It sets out the manner in which development shall achieve these aims via criteria a-g. Development which complies with these criteria will be supported by the Council.

Policy 1 of the East Preston Neighbourhood Development Plan sets out the 4 general principles that the Neighbourhood Plan seeks all development to comply with.

Policy 4 of the East Preston Neighbourhood Development Plan seeks to ensure that development within Design Area 3 sustains and enhances that historic character of the area, through the use of building materials that harmonise with the existing building. Also, it seeks to preserve boundary walls, and restrict and control the construction of apartment blocks.

#### DESIGN AND VISUAL AMENITY

The proposal involves the demolition of the existing house and erection of a terrace of 3 No. three bedroom houses. As a result of the location and scale of the development it is visible from the street scene.

Objections have been raised regarding the design of the proposal not being sympathetic and not in keeping with the surrounding area. Objections have also been raised that the, originally proposed, dormers are in conflict with paragraph 4.14 of the East Preston Neighbourhood Plan in as much as due to their size they are not subservient to the appearance of the roof as a whole.

The initial plans have been amended to remove all accommodation at second floor level and as such the proposed dormers in the front elevation have been removed. Therefore the proposal would be 2 storeys and it is now considered to comply with paragraph 4.14 of the East Preston Neighbourhood Plan.

While terraced properties are not a common feature within the immediate area it is noted that a variety of property styles and sizes feature within the wider area. The visual impact of the proposed terrace of 3 dwellings on the character and appearance of the area is considered to be acceptable as the majority of the proposal would be set in by approximately 7 metres from the highway and by 1.3 and 1.4 metres from the common boundaries of the adjoining properties. Officers note that extensions to the existing dwelling (Gladwyn) were previously granted under application ref: EP/60/15. From the submitted block plan for EP/60/15 the resultant footprint would come closer to the common boundary of adjoining property Scorton, by 0.6 metre at its minimum and 1.0 metre at its maximum. The result would be of a building where the width would be greater and closer to the boundary than that of the proposed terrace.

Officers note that the ridge height of the proposed terrace would be approximately 1.5 metres higher than the dwelling approved under EP/60/15. This increase in height is not so significant that it would have a detrimental impact on the streetscene or the wider area.

The majority of the proposal has been set significantly back into the site (approximately 24m at the nearest point) which has the effect of reducing the impact of the proposal when viewed from outside the site.

Additionally, officers note the extant permission ref: EP/52/18/PL on the adjacent site Scanton, 9 Lime Tree Close. The granting of this application (on appeal) granted permission for the demolition of the existing dwelling & the erection of 7 No. residential dwellings. This brings development, in the form of a terrace of three cottages (The Street Cottages) significantly closer to the rear of the highway than that of the proposed terrace. While the proposed terrace of three dwellings would be higher than those granted

under application ref: EP/52/18/PL they would be set well into the site reducing their impact on the street scene. Therefore, the terrace would be of a size and scale which would fit appropriately within the application site and would not appear as an overdevelopment of the site.

The proposed external materials that are to be utilised consider the nearby heritage assets and take clues from their appearance. This has resulted in the applicant proposing an entire elevation of flint, improved fenestration/joinery details and improved materials. The proposed external materials would be of a high quality and would be in keeping with the surrounding area.

The proposed development is considered to be in accordance with Policies D DM1 (1, 2, 14, and 15) and D DSP1 of the Arun Local Plan and Policies 1 & 4 of the East Preston Neighbourhood Development Plan.

#### HERITAGE IMPACT ASSESMENT

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a Listed Building or its setting must have regard to the desirability of preserving the building or its setting.

Paragraph 187 of the National Planning Policy Framework requires that the Local Planning Authority assess the significance of the Heritage Asset, and its impact upon the environment, in this instance the application site is close to a number of Listed Buildings and would have an impact on their setting.

Paragraph 193 states 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy HER DM1 of the Arun Local Plan states that proposals affecting statutory Listed Buildings will be required to:

- a. Preserve or enhance the historic character, qualities and special interest of the buildings.
- e. Protect, and where possible enhance the setting of the building.

In this case only Criteria a and e of Policy HER DM1 are considered to apply.

The application site is in close proximity to three Listed Buildings: Wisteria Cottage, Apple Tree Cottage/Jasmine Cottage and Forge Cottage. Wisteria cottage is closest to the development site. The Listed Buildings form an attractive and important feature on the street-scene. The properties are as follows:

- Wisteria cottage is a two storey, flint cottage with red brick dressings and quoins. It has a thatched roof and casement windows. This property would be sited over 36 metres away from the proposed terrace at its closest point (elevation to elevation rather than boundary to boundary), across the highway known as The Street.
- Apple Tree Cottage and Jasmine Cottage are a Mid C19, two storey buildings. They faced with cobbles with brick dressings and quoins, now all painted. The roofs are tiled. These properties would be sited over 46 metres away from the proposed terrace at its closest point (elevation to elevation rather than boundary to boundary), across the highway known as The Street.
- Forge Cottage is a C18, two storey cottage. It is faced with flints with red brick dressings and quoins. There is a half-hipped tiled roof, and casement windows. This property would be sited approximately 30 metres away from the proposed terrace, at its closest point (side elevation of proposal to side elevation of Forge Cottage)

The Council's Conservation Officer considers that the revised proposals consider the nearby Heritage Assets and take clues from their appearance. This manifest itself in the form of an entire elevation of flint, improved fenestration/joinery details and improved materials.

The proposal also includes the reduction in the height of the flint wall, to the front of the site, to allow visibility spays to be implemented as requested by the Highways Officer for reasons of safety. The loss of part of the wall is unfortunate. However, its loss is not so detrimental to the visual amenities of the area as to warrant refusal. Some amelioration is included in so far that all the material removed from the wall is used as part of the development. Therefore a condition requiring this would be imposed upon any grant of planning permission.

Officers note Criterion iii of Policy 4: Design in Character Area Three of the East Preston Neighbourhood Plan whereby boundary walls should be preserved. However, having regard to the above assessment, along with the fact that the wall will not be removed in its entirety, it is considered that the proposal would comply with this criterion.

In this instance, it is considered that the proposed development does not cause harm to the significance of the heritage assets, in this case the Listed Buildings, or their setting. It is considered that the proposal would preserve the historic character, qualities and special interest of, as well as protecting the setting of the nearby Listed Buildings in line with Criterion a and e of Policy HER DM1 of the Arun Local Plan

The proposed development is considered to be in accordance with policies HER SP1 and HER DM1 (a and e) of the Arun Local Plan, Policies 1 & 4 of the East Preston Neighbourhood Development Plan and the NPPF.

#### NEIGHBOURING RESIDENTIAL AMENITY

The existing dwelling is a two storey property set well into the application site, which already allows views at an angle, from first floor windows, toward adjoining properties. Taking account of the existing relationship, Officers do not consider that the proposal would allow a level of overlooking out toward adjoining properties that would be considered to be detrimental, such that planning permission should be refused.

Permission ref: EP/52/18/PL at the adjoining site, known as Scanton, 9 Lime Tree Close, has not commenced and that the dwelling (Scanton) was still on the site. Whilst application ref: EP/52/18/PL for the development at Scanton was granted before any possible grant of this permission, there is no guarantee that it would be built first or at all. That said, the impact on EP/52/18/PL has been considered.

The proposals site the dwelling closest to Scanton approximately 2.8 metres forward from its originally proposed position. This has been done so that there is no potential for detrimental overlooking from the proposed first floor front windows and the rear of the approved Plot 1 on the adjacent site to the south (ref: EP/52/18/PL). Officers consider that any overlooking between the aforementioned dwellings would be at an oblique angle such that it would not have an unacceptable impact on occupiers of either dwelling with regard to overlooking. It is also considered, as a result of the orientation of the dwellings, that siting the dwelling closest to adjoining site to the south would not lead to any overbearing effect, overshadowing and loss of light/sunlight to the occupiers of Plot 1 (ref: EP/52/18/PL).

It is noted that the extensions which were previously granted to Gladwyn under EP/60/15/HH, allowed a side extension which would have allowed views out over the adjoining site to the south (Scanton). Furthermore the proposed dwelling nearest Scanton does not propose any windows at first floor level in the side elevations. In summary the proposed dwellings would not allow any greater views out toward Scanton than the existing dwelling and the resultant dwelling formed as a result of the granting of

application ref: EP/60/15/HH.

As such the terrace of dwellings would not have a detrimental impact on the occupiers of Scanton with regard to overlooking or to those to the rear of Plot 1 if EP/52/18/PL were to be implemented and built.

With regard to the adjoining property to the north known as Forge Cottage, there would be overlooking but no more than is currently the case from Gladwyn. This also applies to the properties in Clarence Drive to the rear (east) of the site.

Given the distance of the development from the adjoining properties (15m in the case of Scanton and 10m in the case of The Forge) it does not represent an unneighbourly proposal.

As such the proposed development is considered to be in accordance with Policy D DM1 (3) of the Arun Local Plan.

#### PARKING AND HIGHWAY SAFETY

WSCC Highways has stated that 2.4 x 43m splays are achievable on the site. However, the plan does not demonstrate the full extent of the splays in either direction. This can be secured via condition.

The proposal also includes the reduction in the height of the flint wall, to the front of the site, to allow visibility splays to be implemented as requested by the Highways officer for reasons of safety. The Highways officer has stated in their comments that:

'The applicant has clearly indicated that the existing boundary wall either side of the access will be reduced in height to a maximum of 0.6m within the proposed splays.'

As such, the Highways officer is satisfied that the wall, at a reduced height, would not hinder implementation of the visibility splays. A condition is recommended to ensure that acceptable details are submitted and agreed to ensure that safe visibility splays are provided.

Parking guidance has been updated and 7 parking spaces would be required if spaces remain unallocated. The plans have now been revised to now provide 7 spaces. This level of provision will also address the objection by the East Preston Parish Council who consider that the initial plans proposed an under provision of parking that would lead to highway complications.

Comments from WSCC Highways will be sought to comment on the suitability of the new proposed parking area in terms of turning space and size of parking spaces.

As such, Officers consider that the proposal would comply with Policy T SP1 of the Arun Local Plan.

#### SPACE STANDARDS

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

From an assessment of the internal space standards they would comply. In terms of external private amenity space rear gardens are proposed with a depth of 18.3 metres. The rear amenity space that would be provided is deemed acceptable.

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

**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.

Delegated authority sought for the Group Head of Planning to issue the decision after the expiry of the advertising period on 13-10-2019 following consultation with the Chairman and Vice Chairwoman of the Committee.

**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. Officers site visit

**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:

1697/01/01 Plans and Elevations as Existing  
Location Plan Ref 2386

2386/01/01/B received on the 16/09/2019

2386/01/02/D received on the 16/09/2019

2386/01/03/C received on the 16/09/2019 9 (with the exception of the visibility splays as shown)

2386/01/04/ Block Plan as existing

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 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.

- 4 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto The Street in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

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

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

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

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

- 7 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes, including details such as the joinery and the quality of work, and samples of such materials and finishes to be used, including the front doors, have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.



Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the Listed Building by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

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

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

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

- 10 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.

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

<https://beta.southernwater.co.uk/infrastructurecharges>.

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

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

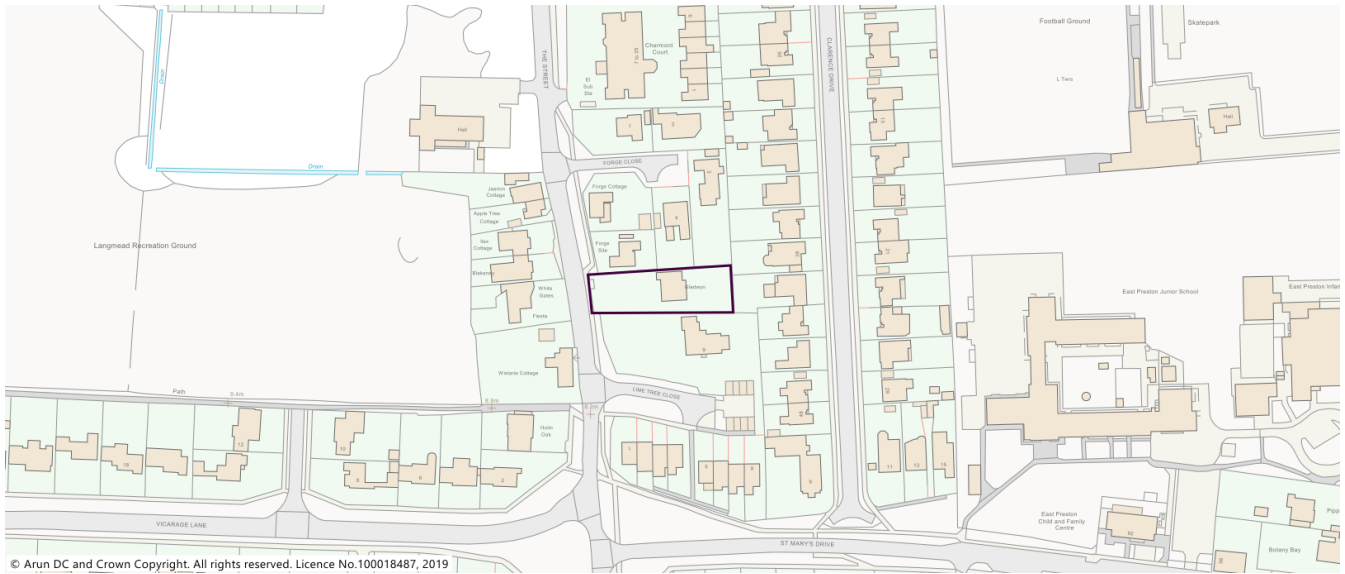
Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

<b>BACKGROUND PAPERS</b>
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[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)

**EP/179/18/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: FG/74/19/PL

LOCATION: Highdown Industrial Park  
Littlehampton Road  
Ferring  
BN12 6PG

PROPOSAL: 2 No. commercial B1/B8 use buildings with associated car parking, access & refuse storage This application is a Departure from the Development Plan.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION The proposal seeks the redevelopment of land and buildings at Highdown Industrial Estate to allow for the provision of two new commercial units comprising B1/B8 employment floorspace.

Both Units numbered 3 and 4 on the submitted site plan have floor areas of 207 sqm. The buildings have a ridge heights of 5.8m and eaves heights of 4m. Three rooflights are also proposed on each unit, in addition to high level windows.

The layout utilises existing previously developed land and redundant building footprint. The design of the commercial units will reflect a typical commercial building design providing functionality through the use buff brick plinth and grey metal cladding.

SITE AREA 0.09 hectares.

TOPOGRAPHY The site slopes down from north to south, with approximately 3 meters difference in levels.

TREES None affected by the proposed development.

BOUNDARY TREATMENT Boundary treatments are a mix of hedgerows, brick walls and timber/metal fences.

SITE CHARACTERISTICS The application site comprises car parking, unused land and a portacabin.

The portacabin is clad in grey metal and has a flat roof.

The site is primarily covered with loose aggregate surface with a portion of asphalt laid to the southeast for vehicle parking.

The existing commercial building to the north and outside the application site displays a buff blockwork plinth with light blue metal cladding and pitched roof.

The site and its immediate surroundings consist of a former horticultural nursery (McIntyre Nursery) which has now been subdivided into several commercial uses.

Immediately to the east of the site is an open sports field, including a football pitch and north of this is Highdown a Listed Building part of a Conservation Area located within Worthing Borough.

**CHARACTER OF LOCALITY**

The surrounding area to the north and east lies adjacent to the National Park. The sites are former nurseries and now include a variety of commercial uses including storage, distribution and offices. There are various other business uses in the locality including a fencing contractors yard to the north.

**RELEVANT SITE HISTORY**

FG/33/18/PL	Demolition of polytunnels, use of land for Class B8 container self-storage & the siting of 42 No. single-stacked storage containers, an office/toilet portable building, new fencing, gates, CCTV, lighting & alterations to the entrance. This application is a Departure from the Development Plan.	ApproveConditionally 03-10-18
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ENF/6/12/	Alleged unauthorised car sales	No Further Actn <b>Appeal: E.N. Upheld Var 07-02-14</b>
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The site is located in an area where recent industrial uses have been granted these include the following:

- FG/56/18/PL - Change of use & conversion of existing grain silo (Sui Generis) to office space (B1(a) Business) with associated parking Old Grain Silo Former McIntyre Nursery. Approved Conditionally 12/11/18.
- FG/33/18/PL - Demolition of polytunnels, use of land for Class B8 container self-storage & the siting of 42 No. single-stacked storage containers, an office/toilet portable building, new fencing, gates, CCTV, lighting & alterations to the entrance. Land at former McIntyre Nursery. Approved Conditionally 05/10/18.
- FG/59/10 - Change of use from former agricultural nursery to B8 storage and wholesale supply of fencing and associated materials. Approved, Land North of McIntyres Nursery. Approved Conditionally 15/09/10.
- FG/160/05/ Change of use of redundant horticultural packhouse to B1/B8 (Business/Storage/Distribution) use. Approved Conditionally. 15/03/06.

**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Ferring Parish Council

**Objection:**

- Permissions have not historically been given for industrial uses as a result of the sites sensitivity, potential impacts on local environment and amenity for local residents, visitors and wildlife.
- The name of the site given on the application form is misleading.
- The site is accessed by an unnamed track, and commercial distribution from the site would raise safety issues if there were to be frequent uses of vehicle uses.
- Insufficient parking within the site.
- The opening hours and days are not specified.
- There has been no justification for the use of the site as B1, other than potential B1a.
- Categories B1b and B1c must be excluded from any permissions granted within the area.
- The application would erode the principles of the Neighbourhood Plan and the Local Plan.

**13 objections from 11 householders and Ferring Conservation Group:**

- The name given on the application form is inaccurate, in that there has not been a historically approved industrial use of the site.
- More commercial buildings within the locality would further compromise the rural environment adjacent to the National Park.
- More traffic would compromise the amenity and safety of the lane.
- The area is not an industrial park.
- The development would give rise to more traffic on the A259.
- The development would be harmful to the National Park.
- The development would result in additional noise.
- Increase in risk of accidents on the A259.
- Harmful visual impact on the surrounding area.
- The current buildings and usage have been carried out without permission.
- Development should be moved elsewhere.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted. Where the comments made raise material planning considerations they are addressed in the Conclusions section of the report.

**CONSULTATIONS**

Engineering Services Manager  
 Engineers (Drainage)  
 South Downs National Park  
 Environmental Health  
 Economic Regeneration  
 WSCC Strategic Planning

**CONSULTATION RESPONSES RECEIVED:**

Economic Development- Support:

- There is a lack of the type of business premises proposed within the District and the proposal would create 10 additional jobs.

South Downs National Park - No Objection:

- If permission is granted, request a condition controlling the use of external lighting (in order to safeguard the landscape character and dark night skies of the adjacent National Park) and agreeing

planting (to ensure that the species used are appropriate for the landscape context).

Environmental Health - No Objection:

- Conditions requested relating to hours of operation and contamination.

Drainage Engineer - No Objection:

- Request imposition of standard condition and informative.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

**POLICY CONTEXT**

Designation applicable to site:

Outside the built up area boundary.

Angmering to Worthing Gap Between Settlements.

**DEVELOPMENT PLAN POLICIES**

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
SDSP1	SD SP1 Sustainable Development
QEDM4	QE DM4 Contaminated Land
TSP1	T SP1 Transport and Development
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
LANDM1	LAN DM1 Protection of landscape character
HERDM3	HER DM3 Conservation Areas
SDSP3	SD SP3 Gaps Between Settlements

[Ferring Neighbourhood Plan 2014 Policy 7](#) Land north of Littlehampton Road, encouraging of existing rural businesses

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

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**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 in the Ferring Neighbourhood Plan have been taken into account in the 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 although it would be development outside of the defined built up area boundary and within a defined Settlement Gap it would enhance an existing employment site.

Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant permission for development which affects the setting of a listed building, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 Act states:

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

The proposal does not affect the character or the setting of the Grade II Listed Building or the character or appearance of the Conservation Area.

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

##### **PRINCIPLE**

The site is located outside the built-up area (policy C SP1) where the countryside protection policies of the Local Plan seek to control development to that justified under particular circumstances. One of the exceptions (f) is that the proposal accords with other policies in the Plan which refer to a specific use. In this case policy EMP DM1 of the Arun Local Plan applies since the proposal would create 11 full time jobs and represents acceptable economic growth outside the built up area boundary.

Policy EMP DM1 sets out the development management criteria applicable to new economic development outside the built-up area. The proposal would provide 2 new commercial buildings in an area where B1 uses have already been approved and would provide employment for 11 people. The policy states planning permission will be granted for appropriate sized extensions of an existing employment site, if it would not result in an unacceptable intensification of use of the public access and considers landscape context and neighbouring residential properties. It also refers to being accessible by public transport and a satisfactory relationship with neighbouring uses and the surrounding area. In this

case the proposal is not in conflict with this policy as the proposal is considered to have an acceptable impact on the landscape context, neighbouring residential properties and its relationship with other neighbouring uses is also found to be acceptable. It is also accessible by public transport.

The proposal is for B1 and B8 uses which includes offices, research and development, laboratories and light industrial storage and distribution. These uses are acceptable in this location and would accord with the other permitted uses on adjoining sites and would have no adverse impact on the character of the area.

The site is within the 'Angmering to Worthing' Gap between Settlements, as defined by policy SD SP3. As a result, development would only be permitted if it were not to undermine the physical and/or visual separation of settlements, would not compromise the integrity of the Gap, whether individually or cumulatively with other existing or proposed development, cannot be located elsewhere and it maintains the character of the undeveloped coast or if it is specifically allocated in a Neighbourhood Plan. The aim of this policy is to designate certain land in the District that prevents the amalgamation of settlements, promotes individual identities and retains the general open and undeveloped nature of these gaps. The policy does not serve as a landscape designation.

Given the proposals close proximity to the South Downs National Park (approx 30m to the east and 300m to the north) policy LAN DM1 is relevant. Development within the setting of the South Downs National Park must have special regard to the conservation of that setting, including views into and out of the Park, and will not be permitted where there would be harmful effects in this regard.

Ferring Neighbourhood Plan in policy 1A states that 'Proposals for development located outside of the built up area boundary that do not accord with development plan policies in respect of the control of development in the countryside will be resisted.' This is consistent with Arun Local plan Policy C SP1.

The Ferring Neighbourhood Plan (FGNP) in policy 7 'will resist any proposals for a change of use from an established agricultural, horticultural or equine use or any other unrelated uses.' There is currently no established agricultural use. The application form and planning statement submitted with the application confirm the site and its immediate surroundings consist of a former horticultural nursery (McIntyre Nursery) which has now been subdivided into several commercial uses. The site is therefore surrounded by commercial buildings such as a timber merchants yard located to the north of the site. The wider site contains an existing B8/B1 use commercial building used by the company PHS for storage and distribution of washroom products.

The remainder of policy 7 requires that:

- Any development shall minimise visual impacts on the surrounding countryside.
- All new buildings are located as part of the existing clusters of buildings to ensure existing patterns of development are maintained and to avoid significant incursions into open countryside, wherever possible unless details show an improved siting.
- Suitable measures are proposed to improve the setting and/or screening of the development within its wider setting of the National Park.

The landscape and visual amenity section below also demonstrates that the impact on the landscape context, which includes the setting of the Highdown Conservation Area and National Park, and the Angmering to Worthing Gap will be acceptable.

Paragraph 83 of the NPPF states that sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings will be supported and that the development and diversification of agricultural and other land-based rural

businesses will be promoted.

#### DESIGN AND VISUAL AMENITY

The proposal seeks to deliver additional B1/B8 employment floor space, which will seek to complement the existing commercial uses present in the area. The planning history set out in the immediate area bears this character out.

The application site is located within a Settlement Gap which seeks to prevent the coalescence of the settlements of Angmering and Worthing. The application site however is located within an existing industrial yard surrounded by commercial buildings/uses. The proposal will therefore not have an impact on the Settlement Gap, and will make use of commercial land whilst not undermining the surrounding open character of the landscape.

The Ferring Neighbourhood Plan supports rural business development in land north of Littlehampton Road, subject to not impacting on the wider landscape. The proposal is located within the land located to the north of Littlehampton Road and will provide additional rural employment space supporting the rural vitality and viability of the area. It would not represent encroachment into open countryside and would provide 2 new units within the established cluster of buildings retaining the existing pattern of development. Policy 7 of FGPN requires suitable measures to be made to improve screening within the setting of the National Park. Boundary planting is indicated and a condition is suggested to require submission of a landscaping scheme. The proposed development will therefore have a limited and acceptable impact on the setting of the South Downs National Park and the area generally.

With regards to the design approach, the proposed buildings will be commensurate in height to the surrounding commercial buildings where the new units will be single storey and the overall height across the site is generally consistent.

The proposal is considered to be appropriately scaled and would be in keeping with the existing building design. The position of the buildings respects the setting and amenity of surrounding properties by maintaining distances to the boundaries and pitching away from them in a sensitive manner.

The materials present in the area generally comprise a varied mixture of corrugated metal, cladding panels, brickwork and polycarbonate, with design incorporating barrel, pitched and flat roofs. The proposed shallow pitched corrugated metal roofs would be in keeping with this palette of materials. It is therefore considered that the proposal complies with policies LAN DM1 of the Arun Local Plan.

The site is located in an area of mixed commercial use with a large building in storage use by the horticultural pack house company PHS All Clear immediately south of the application site. Further south is a B1 office building known as Highdown House. Towards the entrance to the service road are three residential dwellings known as The Chalet (a former horticultural nursery with a large expanse of greenhouses), Millwood House and Whiteways Cottage. In character terms, therefore, the immediate site surroundings cannot be considered to be 'rural' in nature where the proposed development could be said to be out of character in this context. The proposal will have little impact on the character of the area in accordance with policy D DM1 of the Arun Local Plan.

The proposal will not lead to a coalescence of the Angmering to Worthing settlements or compromise the overall integrity of this gap in compliance with policy SD SP3 of the Arun Local Plan.

Views from the east and towards this section of the National Park and the Highdown Conservation Area are prevented due to the significant distance involved and dense tree/vegetation screening that is present along the whole side of the service road that is accessed off the A259. The siting of the new units will therefore not harm important views into, out of the Conservation Area. In addition the

development is more than 200m from the Listed Building Highdown Towers and 60m from the boundary with its garden. It is separated from the garden and building by intervening screening. It does not abut the boundary of the garden or the Conservation Area and has no impact on the setting of either the Conservation Area or the Listed Building. Since the proposal would conserve the setting of both the Listed Building and its garden it would not result in any harm and the requirements of Paragraph 193 of the National Planning Policy Framework are met (consideration under Paragraph 196 is not relevant).

#### **RESIDENTIAL AMENITY**

The proposed development is over 120m from the nearest residential property so there is no material harm from overbearing or overlooking impacts. Whilst there will be a slight increase in vehicular movements as a result of the development, it will not significantly add to that which already exists for the area from all the other uses and what has historically been the case for the area which would have included farm machinery and larger/ heavier vehicles. The proposed change of use is therefore not considered to give rise to any significant harm on neighbouring residential amenity by way of noise and disturbance.

#### **ACCESS, HIGHWAY SAFETY & PARKING**

The proposed units will be accessed to the east off the existing vehicle access route through the industrial park. The proposed buildings will be orientated to allow continuation of the general existing vehicle access approach. Employers and visitors parking is proposed along the eastern side of the site to allow safe and suitable car parking and turning space.

The application site is already used for existing B1/B8 uses and the proposal will not cause a significant additional amount of vehicle congestion or traffic resulting from the traffic generated by the proposed development. Overall there are no unacceptable highway or transport impacts as a result of the proposed development.

The proposal will provide 11 car parking spaces in line with County Highways standards. The proposal is also within close walking distance to existing Bus Stops and other sustainable transport modes. In addition cycle storage is proposed. The proposal would therefore be compliant with policy TSP1 of Arun Local Plan.

#### **LIGHTING**

It is noted that no details regarding the lighting of the development are included with this application. If lighting was to be introduced at a later date were this application to be approved, consent would be required.

#### **SUMMARY**

The proposed works and its proposed future commercial use are in compliance with policy C SP1 of the Arun Local Plan for the reasons set out above. It is therefore recommended that the proposal is approved subject to the following conditions.

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

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**RECOMMENDATION**

APPROVE CONDITIONALLY

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

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

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

Site Plan Plan - Location Plan 01 C  
 Proposed Elevations 1 02 A  
 Proposed Elevations 2 03A

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

- 3 The car parking layout indicated on drawing 01 C shall be constructed prior to occupation of the Units. The car parking area must be retained for its designated parking use in perpetuity.

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

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

Reason: In the interests of amenity and of the environment of the development in accordance

with policy D DM1 of the Arun District Local Plan.

- 5 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. 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.

- 6 Prior to the commencement of development 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 report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

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

- 7 Hours of operation of the units shall be restricted to between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no work on Sunday or Bank Holidays.

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

- 8 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for 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 by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of Arun Local Plan.

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

- 10 INFORMATIVE: It is noted that the application makes no proposals for the lighting of the building. You are reminded that if lighting was to be applied then consent would be required given the buildings proximity to the National Park and its dark skies.

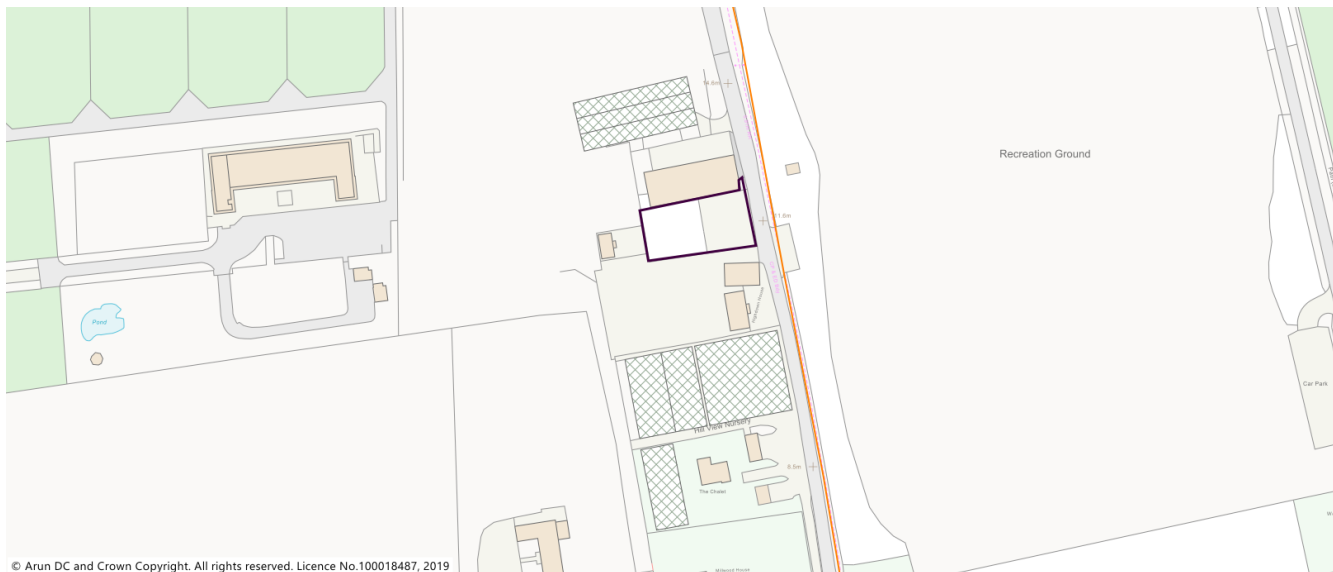
- 11 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

## 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)

**FG/74/19/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: K/19/19/HH

LOCATION: Little Tangley  
Middle Way  
Kingston Gorse  
East Preston

PROPOSAL: Two storey rear extension with a small canopy projecting the footprint to the front. Demolition of existing living room and additional first floor for habitable use with alterations to fenestration.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION The application seeks to remodel the host dwelling, through various extensions and alterations. In that very minor portions of the existing dwelling are retained, the proposed development has the appearance of a replacement dwelling. This includes a front and rear two storey extension, and the addition of a full first floor.

**RELEVANT SITE HISTORY**

K/28/15/CLP	Lawful development certificate for the proposed demolition of existing single storey rear extension & replace with larger rear extension & form rear facing box dormer to existing roof with two velux windows inserted in front facing roof.	PP Not Required 06-11-15
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**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Kingston Parish Council

Parish Council - Objection:

- The proposal is intrusive to neighbouring dwellings.
- The proposal will overshadow the neighbouring dwelling at 'Clova'.

East Preston & Kingston Preservation Society:

- The change from a bungalow to a two storey house would create overshadowing and overlooking of neighbouring dwellings.
- The proposal features a slate roof, which is not the predominant material in the area.

7 letters of objection:

- The proposed development would be overdevelopment of the site, in that the mass of the property would increase by approximately 200%.
- The proposed development would overlook and have a shadowing and unneighbourly impact on neighbouring properties.

1 letter of support:

- The proposed work is sympathetic in design, and is a visual improvement.

Support letter from agent:

- The proposal would not create overshadowing of the neighbouring properties.
- The ground floor side window does not overlook, given the height of the Eastern boundary, and the distance to it.
- The ridge height of the proposed house is in line with Clova, and is appropriate when compared to The Poynings.
- The relationship between the proposed development and its neighbours is no different to any normal house-to-house relationship.
- There are driveways between the host dwelling, and its neighbours, on both sides, which increase the distance between any windows, and the adjoining gardens.

#### CONSULTATION RESPONSES RECEIVED:

None.

<b>POLICY CONTEXT</b>
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Within the 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

[Kingston Neighbourhood Plan 2014 Policy KPNP7](#) DESIGN & DEVELOPMENT

#### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

<b>CONCLUSIONS</b>
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The key policies are deemed to be D DM1 and D DM4 of the Arun Local Plan and policy KPNP7 of the Kingston Neighbourhood Development 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.

Policy KPNP 7 of the Kingston Neighbourhood Development Plan relates to the design and development of proposals within the built up area boundary. The design and location of the development must be appropriate any sympathetic to the character and appearance of the Parish in terms of scale, massing, aspect, siting, layout, density, materials, landscaping and design features. It seeks to protect and enhance biodiversity, and have minimal impact on users and occupiers of nearby occupiers of land.

#### RELEVANT SITE HISTORY

In 2015, a Certificate of Lawfulness (CLP) was approved, relating to the Permitted Development guidelines at the time. This CLP related to the demolition of the rear extension, and its replacement with a larger rear extension, the construction of a box dormer, and the addition of two front Velux windows.

#### DESIGN AND VISUAL AMENITY

The application seeks to remodel and modernise the host dwelling, by way of various extensions, and alterations.

The proposed development will result in a significant change to the existing dwelling. The extensions are not subservient or well-integrated with the existing dwelling, as a result of its scale, and the fact that two very small portions of the existing dwelling are retained. This is considered to cause the proposed development to be in conflict with D DM4(a & b) of the Arun Local Plan, due to the scale of the development and its impact on the host dwelling.

However, the locality is host to a wide variety of dwelling designs and types, and therefore has a mixed character. The scale of the proposal is considered to result in a dwelling comparable to those within the area, and responds well to the plot itself, in that the remaining garden size is reasonably comparable to those present within the locality, as is the approximate area covered by the proposed dwelling. The surrounding six dwellings have footprints (when compared to their respective plots) ranging from approximately 9.5% to 13.6% of their plot. The proposed dwelling has a site coverage of 12.2% of the plot.

The proposed materials are also in keeping with this mixed character in particularly with those present on the property The Poynings which is the adjacent dwelling to the east.

Therefore, whilst the proposed development is considered to conflict with D DM4(a & b) of the Arun Local Plan, it is considered to be in accordance with D DM4 (e) and D DM1(1) and (2) of the Arun Local Plan and not cause any significant harm to the character of the area.

#### NEIGHBOURING RESIDENTIAL AMENITY

The proposed development will not result in any significant impact on the residential amenities of neighbouring dwellings. This is due to the siting of the development with acceptable separation distances to the site boundaries which will avoid there being harmful overshadowing, or overbearing impacts.

Whilst the majority of the proposal has a similar footprint to the existing dwelling, the reconfiguration of the front extension, from a sunroom to a centrally-located two storey extension has moved the area of built form closest to the dwelling further North. The ridge height of the host dwelling increases from approximately 6m, to 9.3m. However, as a result of the design of the roof, the eaves height of the element of the development closest to the neighbouring dwelling is approximately 4.5m, which will not result in any significant loss of light to principal rooms of the adjacent dwelling to the West (Clova).

To the East, the closest element of the proposal is approximately 5.3m from the Western boundary of the

site, with a further 3.1m to the adjacent dwelling (The Poynings). This is an acceptable distance to mitigate any significant overbearing impact on this neighbouring dwelling, especially considering the intervening boundary treatment, and built form.

Regarding any potential for overlooking, there will be no significant change to what is already the case. It is noted that the existing building has a window on its Southern elevation that provides oblique views to the amenity area of Clova and Poynings. The only window that provides more direct views to neighbouring properties is a bathroom window proposed to the southern elevation of the dwelling where there would be direct views onto the private amenity space used by the residents of Clova. As such, a condition will be recommended which requires that window to be obscure glazed, and fixed to be non-opening below 1.7m from the internal floor level.

The proposed development is in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

#### **SUMMARY**

On balance the proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions.

<b>HUMAN RIGHTS ACT</b>
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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.

<b>DUTY UNDER THE EQUALITIES ACT 2010</b>
-------------------------------------------

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.

<b>RECOMMENDATION</b>
-----------------------

#### **APPROVE CONDITIONALLY**

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

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

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

approved plans:

- Proposed Site Plan - 6702 - 6702 01 - 20/09/2018 - Rev. P2
- Existing and Proposed Floor Plans - 6702 - 6702 02 - 04.09.2018 - Rev. P2
- Proposed Context Elevations - North and South - 6702 - 6702 30 - 01.05.2019 - Rev. P1
- Proposed East and West Elevations - 6702 - 6702 21 - 21.09.2018 - Rev. P1
- Proposed Sections - 6702 - 6702 10 - 04.09.2018 - Rev. P2

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

- 3 The bathroom window on the Southern elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening, below 1.7m from internal floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1 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)



### Appeals Awaiting a Decision

- A/158/18/PL** Land Rear Of 1 To 6 The Cottrells Angmering  
**Received:** 27-07-19 Variation of condition 1 imposed under A/8/18/PL relating to the substitution of approved plan drawings NO ADC 962 04 rev A & 13 rev B for drawings No ADC 962 20 & 21 (ground & first floor plans & roof plan). This application affects the character & appearance of the Angmering Conservation Area.  
*Written Representations*  
**PINS Ref:** APP/C3810/W/19/3233230
- A/51/18/PL** Pound Place Roundstone Lane Angmering  
**Received:** 30-07-19 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.  
*Informal Hearing* **08-10-19**  
**PINS Ref:** APP/C3810/W/19/3220233
- 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/20/18/OUT** Land at Bridge Cottage & The Old Cottage Lidsey Road Lidsey  
**Received:** 30-08-19 Outline application for the demolition of 2 No. dwellings & associated outbuildings & the erection of up to 27 No. dwellings, of which 30% will be affordable, with associated open space & access. This application is a Departure from the Development Plan.  
*Written Representations*  
**PINS Ref:** APP/C3810/W/19/3230691
- 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
- BN/38/18/L** Parsonage Farm House Lake Lane Barnham  
**Received:** 25-07-19 Listed building consent for an annexe extension ancillary to the main dwelling.  
*Written Representations*  
**PINS Ref:** PP/C3810/Y/19/3229867

- BR/155/19/PL**  
**Received:** 23-08-19
- 1 - 6 The Mews Mead Lane Bognor Regis  
Replace 27 No. rotten wooden windows with PVCu double glazed windows on north, south, east & west elevations. This application affects the character & appearance of the Upper Bognor Road & Mead Lane Conservation Area & may affect the setting of a listed building.
- Written Representations**  
**PINS Ref:** W/4000120
- BR/229/17/PL**  
**Received:** 01-08-19
- Land to rear of 41 - 47 Pevensey Road Bognor Regis  
Erection of 3 No. dwellings, 1 No. detached garage, parking & alterations to existing access & driveway (resubmission following BR/200/16/PL).
- Written Representations**  
**PINS Ref:** APP/C3810/W/19/3230749
- BR/281/18/PL**  
**Received:** 12-08-19
- 99 Victoria Drive Bognor Regis  
Demolition of existing dwelling & erection of a three story building to provide 9 No. flats, 6 No. 1 bed & 3 No. 2 bed units with associated amenity areas, access & car parking.
- Written Representations**  
**PINS Ref:** APP/C3810/W/19/3229025
- CM/16/18/PL**  
**Received:** 21-08-19
- Land to the rear of Bairds Farm Shop Crookthorne Lane Climping  
Development of a 64-bed Specialist Dementia Care Centre together with access, parking & landscaping (Use Class C2). This application is a Departure from the Development Plan & affects the setting of a Listed Building.
- Informal Hearing**  
**PINS Ref:** APP/C3810/W/19/3227374
- 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/219/18/PL**  
**Received:** 18-09-19
- 11 Ocean Drive Ferring  
Demolition & erection of 1 No. dwelling with associated parking & turning.
- Written Representations**  
**PINS Ref:** APP/C3810/W/19/3236188
- 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:** APP/C3810/W/19/3231473
- FG/35/19/PL**  
**Received:** 27-08-19
- Quercus Nursery Littlehampton Road Ferring  
Variation of condition 2 following a grant of planning permission FG/52/18/PL - permit deliveries to be made to the site by HGVs. No more than 5 times per



week between the hours of 05.00 & 06.00 & in addition to deliveries made during the hours of 06.00 to 19.00.

***Written Representations***

**PINS Ref:** APP/C3810/W/19/3232526

**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).

***Written Representations***

**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

**M/17/19/PL**

**Received:** 01-08-19

14 Baldwin Close Middleton-On-Sea

1 No. 1-bedroom dwelling & rear extension on existing dwelling (resubmission following M/99/18/PL).

***Written Representations***

**PINS Ref:** APP/C3810/W/19/3232982

**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***                      **22-10-19**

**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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