



Public Document Pack

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25 October 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 6 November 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>>

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 9 October 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. PREVIOUSLY DEFERRED APPLICATION EP/179/18/PL GLADWYN, THE STREET, EAST PRESTON, BN16 1HT (Pages 13 - 30)

PLANNING APPLICATIONS

7. Y/57/19/PL OLD BILSHAM FARM, BILSHAM LANE, BILSHAM, YAPTON, BN18 0JX (Pages 31 - 46)
8. Y/58/19/L OLD BILSHAM FARM, BILSHAM LANE, BILSHAM, YAPTON, BN18 0JX (Pages 47 - 52)
9. P/53/19/L INGLENOOK HOTEL, 253-255 PAGHAM ROAD, PAGHAM, PO21 3QB (Pages 53 - 60)
10. P/58/19/PL REAR OF INGLENOOK HOTEL, 253-255 PAGHAM ROAD, PAGHAM, PO21 3QB (Pages 61 - 88)

11. M/42/19/PL 117 ELMER ROAD, ELMER, PO22 6LH (Pages 89 - 98)
12. CM/21/19/PL LAND ADJACENT TO SCYLD, HORSEMERE GREEN LANE, CLIMPING, BN17 5QZ (Pages 99 - 116)
13. BR/120/19/PL THE BANDSTAND, THE PROMENADE, BOGNOR REGIS (Pages 117 - 126)
14. BR/121/19/L THE BANDSTAND, THE PROMENADE, BOGNOR REGIS (Pages 127 - 134)

PLANNING APPEALS

15. PLANNING APPEALS (Pages 135 - 138)
16. 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.

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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.

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

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DEVELOPMENT CONTROL COMMITTEE

9 October 2019 at 2.30 pm

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

Councillors Mrs Haywood and Huntley were also in attendance for all or part of the meeting.

241. APOLOGIES

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

242. DECLARATIONS OF INTEREST

Councillor Edwards Planning Application BE/69/19/OUT - I wish to make this meeting aware that I did make an objection to the previous application on this site. This was my view at that time and I have not made any comment on this latest application. I have an open mind regarding this item and I will listen, and consider all the relevant issues and interests presented to this Committee today and I confirm that I will reach my decision on merit.

Councillor Coster AW/134/19/HH – I wish to make this meeting aware that I may have made public statements as part of my election campaign and or in other circumstances that I have concerns about this particular application. These were my views that I held at that time. However, I have an open mind regarding this item and I will listen and consider all the relevant issues and interests presented to this Committee today and I confirm that I will reach my decision on merit.

Councillor Mrs Hamilton P/134/16/OUT – I wish to make this meeting aware that I may have made public statements as part of my election campaign that I have concerns about some of the proposed development in the Parish of Pagham. Those were views I held at the time, however, I have an open mind regarding such development, mostly on the question of flood risk, and I will listen and consider all the relevant issues, presented to the Committee today and I confirm that I will reach my decision on merit.

Mrs Yeates - Planning Application BE/69/19/OUT – I wish to make this meeting aware that I was involved with Bersted Parish Council's deliberations on the previous application on this site. I held views at that time on the previous application, however, I have not made any comment on the latest application. I have an open mind regarding

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this item and I will listen, and consider all the relevant issues and interests presented to this Committee today and I confirm that I will reach my decision on merit.

Mrs Yeates – Planning Application BE/47/19/PL – I wish to make this meeting aware that I was involved with Bersted Parish Council’s deliberations on the application on this site. I held views at that time on the application, however, I have not made any further comment and I understand it has been amended. I have an open mind regarding this item and I will listen and consider all the relevant issues and interests presented to this Committee today and I confirm that I will reach my decision on merit.

243. PERSONAL APOLOGY

Councillor Bower made a personal apology to the Chairman for a comment he had made at the last meeting, which had been made in the heat of the moment. The Chairman appreciated his apology.

244. MINUTES

The Minutes of the meeting held on 4 September 2019 were approved by the Committee and signed by the Chairman as a correct record.

245. POST COMMITTEE SITE INSPECTION 33 BALLIOL CLOSE, ALDWICK, PO21 5QE

(Prior to consideration of this application, Councillor Coster 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

This application had been deferred from the meeting held on 4 September 2019 to enable it to be re-advertised following receipt of amended plans. The officer report update circulated at the meeting summarised the responses received to the re-advertisement and concluded that none of the points raised altered the officer recommendation to approve.

The Planning Team Leader reminded the Committee that the amended plans had reduced the size of the proposed extension and dormer. He also advised that, as the consultation date would end on 10 October 2019, the decision would need to be taken under delegated powers by the Group Head of Planning, in consultation with the Chairman and Vice-Chairman.

In discussing the matter, comment was made that the amendments made to the original proposal were welcomed and, whilst some Members expressed concerns, the Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update and the decision be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman.

246. PREVIOUSLY DEFERRED APPLICATION Y/103/18/PL 10 ACRE FIELD, NORTH OF GREVATTS LANE, YAPTON

Previously deferred Application Y/103/18/PL – Single Chapel Crematorium with car parking, landscape works, surface water drainage features & associated highway improvements. This application is a Departure from the Development Plan, 10 Acre Field, North of Grevatts Lane, Yapton

This application had been deferred from the meeting held on 7 August 2019 to enable an independent Road Safety Audit (RSA) to be undertaken, the results of which were outlined in the agenda item. An officer report update was also circulated at the meeting which detailed:

- the applicant's response to the RSA
- West Sussex County Council's confirmation that the access arrangements had been tracked for a hearse, fire tender, refuse vehicle and articulated HGV
- An additional representation from SUSTRANS
- Advice that the S106 legal agreement had not been signed/completed and any approval would need to be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, and subject to completion of the S106 Agreement and the recommended conditions

In entering into debate on the matter, Members were still extremely concerned with regard to road safety issues, particularly the junction onto the A259, and were not convinced that the introduction of signage would be sufficient to prevent accidents along the A259 as a result of traffic slowing down to turn sharply into Grevatts Lane West to access the proposed crematorium. It was felt that there was a need for a deceleration lane.

The County Highways Officer in attendance confirmed that a deceleration lane had not been considered at any point; the visibility to be provided was in line with standards; and the signage suggested by the second RSA would be installed and dealt with at the detailed design stage.

The Group Head of Planning advised Members that the application had been in the system for a considerable time and that it would not be appropriate to have a further deferral for further consultation with County Council Members, as had been suggested in the course of discussion because, had they wished to, they could have made comments through that consultation period. He confirmed that the geometry of the junction was generous to enable vehicles to turn in and two RSAs had been undertaken to provide evidence that the highway issues would be addressed. If Members did not agree with the RSAs they needed to come forward with evidence to the contrary as it was not sufficient to just say they did not like what had been presented. In the absence

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of such evidence, the advice from the Group Head of Planning was that a refusal of permission on those grounds would not be robust, was unlikely to be able to be defended and could potentially open the Council up to costs at a future appeal.

In turning to the vote, the Committee did not agree with the officer recommendation to approve and there was further discussion around a reason for refusal. The Committee then

RESOLVED

That the application be refused for the following reasons:-

1. In the absence of a left turn deceleration lane and the potential for rear end shunts on the west bound A259, the proposals would result in severe harm to pedestrians, cyclists and motorists using the A259 in conflict with TSP1 of the Arun Local Plan and paragraphs 108 - 110 of the NPPF.
2. The proposed access from Grevatts Lane West, with the inclusion of a right turn going eastbound onto the A259, would be unsafe and would result in severe harm to pedestrians, cyclists and motorists using the A259 in conflict with TSP1 of the Arun Local Plan and paragraphs 108 - 110 of the NPPF.

247. PREVIOUSLY DEFERRED ITEM P/134/16/OUT LAND NORTH OF SEFTER ROAD & 80 ROSE GREEN ROAD, PAGHAM

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

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

Determination of Planning Application P/134/16/OUT

The Committee received a comprehensive report from the Group Head of Planning which addressed the 3 reasons that had resulted in the application being deferred at the meeting held on 4 September 2019. Members were being requested to grant planning permission under delegated authority once the content of the report had been considered.

The Group Head of Planning gave a brief presentation which summarised the content of his report. It was highlighted that an amended planning condition had been accepted by the applicant with regard to the WW2 Infantry Section Post and that the details of a statement of how it would be retained on site and integrated as part of the proposals would be considered by the Committee at a future date.

Members welcomed the retention of the Infantry Section Post.

In the course of debate, a view was expressed that as a decision notice had not been issued against the application, it was permissible to consider new information relating to highways issues. West Sussex County Council had issued a document in April 2013 which stated that there would be an inability to put forward a mitigation scheme to alleviate highways issues in Pagham and that should be considered as new information since the application had been approved in November 2018. In addition, there was felt to be a conflict with the policies in the Local Plan and therefore it should now be refused. However, the Group Head of Planning reminded the Committee that the application had been considered in accordance with all the relevant policies and had been found to be acceptable and those policies had not changed since the decision in November 2018. With regard to the highways issues referred to by the Member, this was an interpretation of what had been published and it was reiterated that there was no new information, surveys or data to be considered, a fact that had already been confirmed by the County Council. In addition, the document being referred to was a consultation response on a different application.

Following further comments from Members, 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 13 November 2018 and to grant planning; and to grant planning permission subject to the S106 Agreement and Conditions and Informatives, as set out in the report of 4 September 2019.

248. AW/28/19/PL REAR OF 276 ALDWICK ROAD, ALDWICK PO21 3QH

AW/28/19/PL – Erection of 1 No. dwelling & associated works, Rear of 276 Aldwick Road, Aldwick Having received a report on the matter, together with the officer's written report update detailing that the Section 106 Agreement to secure the Pagham Harbour contribution of £871 had been completed, which had resulted in a change to the recommendation to read "Approve conditionally with Section 106 Agreement", the Committee participated in some discussion on the merits of the proposal.

Some Members expressed reservations with regard to the application as it was felt it would have a negative impact on the special character of the area due to its close proximity to the duck pond. Concerns were also voiced in respect of the loss of trees and the loss of parking for the public visiting the duck pond but, following responses from the Principal Planning Officer, the Committee

RESOLVED

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That the application be approved conditionally with Section 106 Agreement and as detailed in the officer report and officer report update.

249. A/62/19/PL OLD BLACKSMITH'S YARD, WATER LANE, ANGMERING BN16 4EP

A/62/19/PL – Erection of 2 No. semi-detached dwellings with associated access, car parking & landscaping. This application may affect the setting of a listed building, Old Blacksmith's Yard, Water Lane, Angmering Having received a report on the matter, a concern was raised with regard to the potential for flooding – the Planning Team Leader advised that the Council's Engineers had requested conditions which would address the issue of surface water drainage to prevent any adverse impact from the development itself. The Committee then

RESOLVED

That the application be approved as detailed in the report and that delegated authority be granted to the Group Head of Planning to issue the decision following expiry of the advertising period on 10 October 2019.

250. BE/47/19/PL 38 CHALCRAFT LANE, BERSTED PO21 5TX

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

BE/47/19/PL – Addition of first floor to existing bungalow to allow conversion to 2 x 1 bedroom flats and a studio flat, 38 Chalcraft Lane, Bersted Having received a report on the matter, the Committee voiced concerns that this was a cramped form of overdevelopment that was out of character with the street scene. The parking provision of 4 spaces was also of concern as Members were not persuaded that there was sufficient space for that number of vehicles. The Committee therefore did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

The proposed development represents a cramped overdevelopment of the site with unsuitable parking causing harm to the character of the area contrary to Policy D DM1 of the Arun Local Plan.

251. BE/69/19/OUT THE COTTAGE, SHRIPNEY ROAD, BOGNOR REGIS PO22 9PA

(Prior to consideration of this application, Councillor Edwards and Mrs Yeates had declared a personal interest and remained in the meeting and took part in the debate and vote.)

BE/69/19/OUT – 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, The Cottage, Shripney Road, Bognor Regis Having received a report on the matter, the Committee also received the officer's written report update, which was circulated that the meeting, detailing:-

- Change to the description to state “up to 31 dwellings”, which would provide the Local Planning Authority with greater flexibility in the future when a reserved matters application was submitted.
- The red edge of the application had been amended and conditions 1 and 8 had been amended accordingly.
- A new condition 21 had been added to secure the proposed pedestrian footways on Shripney Road.
- As the S106 Agreement had not yet been signed, delegated authority was sought for the Group Head of Planning to approve planning permission once the legal agreement had been signed, should Members recommend approval.

In opening up the debate, comment was made that a previous approval for 20 houses and flats was acceptable but that an increase to 31 was not as this part of Shripney Road would not be included in the A29 realignment, so there would still be substantial traffic movements along this stretch of road, which would create problems for access and egress to and from the site.

The Group Head of Planning reminded the Committee that this was an outline application and the illustrated plans were indicative only – the figure was for up to 31 dwellings and Members were not being asked to approve the final number at this stage. However, following further discussion, Members were still concerned with regard to the proposal and did not accept the officer recommendation to approve..

The Chairman called a 10 minute adjournment to enable officers to formulate a reason for refusal based on Members' comments.

On the meeting being reconvened, the Group Head of Planning provided advice to Members that they needed to take account of as to whether the additional impact of up to 31 houses would result in overdevelopment. Further Member comment was made around the lack of amenity space; the fact that flats were now being included; and the density of parking spaces.

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The Committee

RESOLVED

That the application be refused for the following reason:

As a result of the number of units proposed, the development would result in an overdevelopment of the site by virtue of lack of amenity space, inappropriate density and insufficient car parking contrary to policies D SP1, D DM1 and T SP1 of the Arun Local Plan, policy HDQ8 of the Bersted Neighbourhood Plan and policies within the NPPF.

252. BR/129/19/PL 75 HIGHFIELD ROAD, BOGNOR REGIS PO22 8PD

BR/129/19/PL – Conversion of single dwelling to 4 No. flats including rear projection and 1 parking space (resubmission of BR/215/18/PL), 75 Highfield Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

253. EP/179/18/PL GLADWYN, THE STREET, EAST PRESTON BN16 1HTR

EP/179/18/PL – Demolition of existing house & erection of 3 x 3 bedroom houses together with landscaping, car parking and fencing, Gladwyn, The Street, East Preston Having received a report on the matter, the Committee also received an officer report update which was circulated at the meeting and detailed the following:-

- The proposal had been the subject of a Pre Site Inspection Panel visit
- A Parish Council representation regarding the height of the building and the roof pitch and resultant Condition 9 restricting Permitted Development with regard to the creation of dormers.
- An amended block plan had been received, as detailed in the update.
- Correction to the description of the application, as detailed in the update.
- Consultation response from County Highways of no objection, subject to the imposition of a condition.
- Visibility splays and relevant condition.
- Car parking spaces
- Consultee comment from East Preston Parish Council objecting due to the lack of practical on-street parking close to the development.
- Officer comment.

The Panning Team Leader was able to confirm that parking provision at the site had been increased from 4 to 7; the roof height had been reduced; and that the use of dormers would be controlled by Condition 9.

In discussing the proposal, it was acknowledged that this site was in need of development. However, the provision of three houses and resultant traffic movements to and from the site would cause unacceptable disruption, with visitors having to park on the road away from the site.

The Chairman of the Pre Committee Site Inspection Panel advised that the visit to the site had been informative for those Members in attendance as it highlighted the highways issues in the locality. The adjoining roads were narrow and, as they formed part of the bus route, problems were experienced with the on street parking already taking place, which would inevitably be exacerbated by this proposal. A further cause for concern was the fact that the visibility splays would need to be widened, which would cause the loss of the flint wall to the front of the property – it was felt that this would have a detrimental impact on the character of the area.

The Planning Team Leader reiterated that the 7 parking spaces designed into the scheme were in line with the County Council's parking calculator.

In turning to the vote, the Committee did not accept the officer recommendation to approve. The options to refuse or defer were then considered, following which it was formally proposed and duly seconded that the application be deferred to enable officers to seek assurance from County Highways that they had included in their assessment of this proposal the planning permission on the adjoining site due to the serious concerns expressed with regard to road safety in the area and what the cumulative effect of the two adjoining developments would have on the road network. It was also agreed that the applicant would be asked to ascertain what visibility could be achieved if the flint wall was retained and whether County Highways would find that acceptable. It was further agreed to ask County Highways to visit the site and attend the Planning Briefing Panel to listen to the concerns of Members.

The Committee

RESOLVED

That the application be deferred to enable County Highways to provide further information with regard to its assessment of the two adjoining developments on the road network and to ascertain whether the flint wall could be retained.

254. FG/74/19/PL HIGHDOWN INDUSTRIAL PARK, LITTLEHAMPTON ROAD, FERRING BN12 6PG

FG/74/19/PL – 2 No. commercial B1/B8 use buildings with associated car parking, access & refuse storage. This application is a Departure from the Development Plan, Highdown Industrial Park, Littlehampton Road, Ferring Having received a report on the matter, together with the officer's written report update which detailed an additional condition requiring precise details of the materials to be submitted to the Local Planning Authority for consideration and a consultation response from

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County Highways of no objection, the Committee participated in some discussion on the proposal.

In opening up the debate, Member comment was made that the designated gap between Angmering and Worthing must be protected and that the encroachment over the years into this particular area must be stopped in order to protect the views from Highdown Hill.

It was acknowledged that the site had existing industrial uses and that it would be difficult to refuse a proposal that would be improving what was already there into a better form.

However, when voting on the matter, the Committee did not accept the officer recommendation to approve and therefore

RESOLVED

That the application be refused for the following reason:-

The proposed development would compromise the open nature of the gap between settlements contrary to policy SD SP3 of the Arun Local Plan and, due to the proximity to the South downs National Park, the proposal would also have a detrimental effect on the setting of Highdown Hill and be contrary to policy LAN DM1 of the Arun Local Plan.

255. K/19/19/HH LITTLEANGLEY, MIDDLEWAY, KINGSTON GORSE, EAST PRESTON BN16 1SB

K/19/19/HH – 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, Little Tangle, Middle Way, Kingston Gorse, East Preston Having received a report on the matter, Members expressed concern that the extension was certainly not subservient to the host building and was in conflict with the policies in the Local Plan.

The Committee did not accept the officer recommendation to approve and the Group Head of Planning provided advice on reasons for refusal as he was of the view that the height and size of the proposal would not have a significant adverse impact and there were no issues around residential amenity.

The Committee

RESOLVED

That the application be refused for the following reason:-

The proposal by virtue of its height, scale and site coverage will have an unneighbourly impact on neighbouring residential occupiers in conflict with policies D DM1 and D DM4 of the Arun Local Plan and policy KPNP7 of the Kingston Parish Neighbourhood Plan.

256. PLANNING APPEALS

The Committee noted the appeals that had been received.

(The meeting concluded at 7.06 pm)

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Report following a request for further information, negotiations or consultation

REF NO: EP/179/18/PL
LOCATION: Gladwyn
The Street
East Preston
PROPOSAL: Demolition of existing house & erection of 3 x 3 bedroom houses together with landscaping, car parking and fencing.

When the Committee considered this application at its October meeting it deferred making a decision until:

- A site visit was carried out by Highway officers and followed up by attending a members briefing panel.
- It was confirmed that the highway assessment of the proposal was made to take into account the cumulative impact on the highway from the approved development at the neighbouring site.
- Acceptable visibility splays could be provided without the demolition of the front boundary flint wall.

The agent proceeded, after committee, to submit a revised plan to show that with the 3 properties realigned a total of 9, allocated, parking spaces can be provided.

With this revised plan in place a meeting between highway officers, the applicants agent and the planning team leader took place on the 15 October. It was then confirmed by highway officers that increasing the number of allocated parking spaces from 7 to 9 could be satisfactorily provided and was in line with adopted parking standards.

Highway visibility was also discussed and assessed. Visibility to the north is sufficient and no works to the wall would be required in this direction. Current visibility to the south is substandard and the minimum 43m cannot be achieved due to the position and height of the wall. Current visibility in this direction is estimated to be approximately 12m.

Highway officers would not support the proposal if the existing height and position of the wall was retained as it obstructs visibility in a southern direction and the proposal would intensify the use of a substandard access.

However, the revised plan also shows the wall to be demolished and reconstructed set back into the site by 500cm. The wall is proposed to be rebuilt to the same height using the recovered flint; a condition, number 10, is proposed that before the occupation of the dwellings takes place details to reconstruct the wall are submitted and agreed with the Council.

Highway officers confirmed that with a relocated wall, as proposed, the required 43m visibility splay to the south can be achieved and that the southern brick pier can remain in place as it does not impact upon the visibility splay.

Highway officers have now considered the neighbouring site approved via appeal under ref: EP/52/18 and do not anticipate any highway safety or capacity concerns with regards to the operation of the highway network should EP/179/18 also be approved.

A Highway officer will be in attendance at the briefing panel meeting on the 23 October to assist members consideration of this now revised application.

The recommendation is as per that appended to this report.

REPORT UPDATE

Application No: EP/179/18/PL

Reason for the Update / Changes

Reason for Update/Changes: Revised plan(s) received:

A pre-committee site visit was carried out on the 03/10/2019. Cllr Roberts was unable to attend and sent his apologies.

The Parish Council have raised concern with the height of the building and the roof pitch. Concern was raised that the roof space could following any approval be converted into accommodation. As such, an update has been made to the proposed conditions. Please note condition 9, as shown on the attached amended recommendation sheet. This condition seeks to restrict Permitted Development with regard to the creation of dormers.

An amended Block Plan ref: 2386/01/03/C was received on the 02/10/2019. This plan was submitted as the width of the dwelling when measured of the original Block Plan did not match the width of the proposal when measured off the Elevation Plan. The width of the proposed dwelling is now accurately represented on the plans including the amended Block Plan. The Planning Agent has also confirmed the width to be 14.84 metres via an email submitted on the 02/10/2019.

The first sentence of the Description of Application should read:

' Each of the proposed houses would measure approximately 10.6 metres in depth and the terrace would measure a total of 14.8 metres in width.'

not:

'Each of the proposed houses will measure 10.3m in depth and 14.4m in width.'

The second sentence should read:

'...with an eaves height of 4.8 metres.'

not:

..with an eaves height of 4.7 metres.'

Consultee comments have been received from the Highways Officer. They do not object, subject to the imposition of a condition.

The revised site plan demonstrates visibility splays at the existing access. Whilst the plan has been annotated stating that 2.4 x 43m splays are achievable.

A plan demonstrating the full extent of splays can be secured via condition. (See condition 4 of the amended replacement recommendation sheet as attached).

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.

Seven parking spaces will be provided for the three dwellings in accordance with the revised WSCC Parking Standards for unallocated spaces.

Each space meets minimum specifications of 2.4 x 4.8m as set out in Manual for Streets (MfS). There appears to be sufficient space on site for vehicles to turn and exit onto the publicly maintained highway in a forward gear.

Consultee comments have been received from East Preston Parish Council. They Object to the application as they remain concerned the lack of practical on-street parking close to the development will result in a great deal of inconvenience to neighbouring properties.

They remain concerned about the depth of the blank roofline.

The committee did not understand the perceived benefits of moving the southern most property forward.

Officer Comment:

It should be made clear that the ridge height of the proposed terrace has been reduced from the scheme originally proposed. The original scheme, with dormers in the roof, had an overall height of approximately 9.6 metres while the current scheme has a height of 8.9 metres. The proposed terrace has been reduced in height by approximately 0.7 of a metre.

In light of the amended Block Plan and addendum to the Heritage Statement produced by The Heritage Advisory Ltd July 2019 ref: 2019/5355 has been submitted and received by the Local Planning Authority on the 08/10/2019. The addendum notes that the proposals have been revised in order to reduce impact on already approved dwellings at 9 Lime Tree Close. The revised scheme would not affect the setting neighbouring Listed Buildings.

Note: The additional and amended conditions are shown on the attached amended replacement recommendation sheet.

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: 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	<p>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.</p> <p>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.</p> <p>There will be front porches in the proposal that will measure 2.8m high, 1.2m wide and 0.75m deep.</p> <p>Amended plans have been received and it is these plans that are being assessed.</p>
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.

RELEVANT SITE HISTORY

EP/60/15/HH	Rear & side extensions & alterations to porch	Approve Conditionally 23-06-15
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REPRESENTATIONS

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.

CONSULTATIONS

- 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.

POLICY CONTEXT

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 ASSESSMENT

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 assesment, 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 assesment 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:

Location Plan: 2386
Street Scene: 2386/01/05/C
Elevation: 2386/01/02/E
Floor Plans: 2386/01/01/C
Block Plan, Bin Store Elevations: 2386/01/03/D

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 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 and turning arrangements have been constructed in accordance with plans and details submitted to and approved by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designed purpose as allocated car parking spaces.

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 and retained in perpetuity 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 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 dormer windows to the dwelling houses shall be constructed 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 and safeguard the appearance of the development in accordance with policy D DM1 of the Arun Local Plan.

- 10 Following demolition of the existing front boundary wall the flints shall be retained for reuse and the replacement front boundary wall shall be constructed from the reclaimed materials in accordance with details to be submitted and approved by the Local Planning Authority. The wall shall be constructed prior to occupation of the dwellings.

Reason: In the interests of the visual amenities of the locality in accordance with policies D DM1 and HER DM1 of the Arun Local Plan.

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

- 12 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.

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

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

- 14 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our

website via the following link
<https://beta.southernwater.co.uk/infrastructurecharges>.

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.

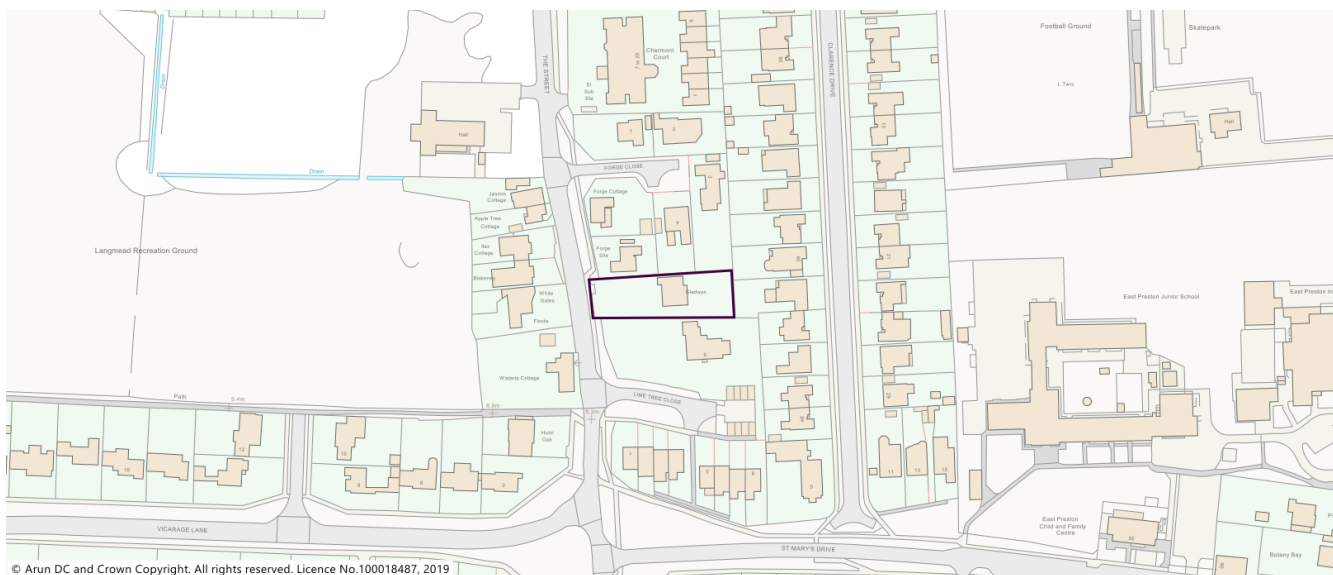
Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will 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.

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)

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: Y/57/19/PL

LOCATION: Old Bilsham Farm
Bilsham Lane
Bilsham
Yapton

PROPOSAL: Conversion of existing single residential dwelling into 3 No. residential units with associated internal & external alterations & refurbishment & detached garage/outbuilding

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The alterations consist of new external windows & doors and new internal stud walls. A full list of the alterations is provided within the submitted "Design & Access & Heritage Statement".

The new timber garage/outbuilding will measure 6m wide by 6m deep with a pitched roof of 4m high (2.3m to the eaves). There are no plans to subdivide the garden space. In respect of parking, the applicant has provided a parking plan.

SITE AREA 0.5166 hectares.

RESIDENTIAL DEVELOPMENT Existing - 2 dwellings per hectare.
DENSITY Proposed - 6 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES One small fig tree will be lost as a result of the new garage/outbuilding.

BOUNDARY TREATMENT No changes are proposed to boundaries which are a mix of 2.2m high walls/close boarded fencing to the west boundary, 2m high hedge atop a 1m high earth bund to the north boundary and a 1m-2m high flint wall along the frontage.

SITE CHARACTERISTICS Large detached Grade II listed house with one and two storey additions/outbuildings set around a central courtyard. Outbuilding to the east of the access drive. Large gardens to the east and north.

The Conservation Officer described the building as: "Old Bilsham Farm is a C18 Grade II Listed Building. It is an 'L-shaped' building, which was probably two cottages at some point. It is of two storeys and attic, with two C19 gabled dormers. The elevation is faced with knapped flints with red brick dressings, quoins and a stringcourse. There is a tiled roof and painted casement windows."

CHARACTER OF LOCALITY Predominantly rural. A small number of dwellings located predominantly to the north side of Bilsham Lane. There are

two further listed buildings to the east of this site. Open fields to the north, west and south.

RELEVANT SITE HISTORY

Y/58/19/L	Application for Listed Building Consent for conversion of existing single residential dwelling into 3 No. residential units with associated internal & external alterations & refurbishment & detached garage/outbuilding	
Y/39/16/PL	Conversion of existing single residential dwelling into 3 No. residential units with associated alterations & refurbishment & detached garage/outbuilding (resubmission following Y/60/15/PL).	ApproveConditionally 01-09-16
Y/40/16/L	Application for listed building consent for the conversion of existing single residential dwelling into 3 No. residential units with associated internal & external alterations & refurbishment & detached garage/outbuilding (resubmission following Y/61/15/L).	ApproveConditionally 01-09-16

Y/39/16/PL & Y/40/16/L were approved under delegated powers in September 2016. There are no changes between the approved scheme and that now proposed. Although the permission granted by Y/39/16/PL has now expired, it should be noted that it was determined in accordance with the policies of the YNDP and also with the policies of the then emerging Arun Local Plan.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

Whilst Yapton Parish Council (YPC) support regeneration of existing suitable buildings within the Parish's BUAB, YPC is of the view that this proposal has failed to take into consideration both the rural position of this site and the importance of the listed building and its immediate setting. YPC therefore object on the following grounds:

- Outside the BUAB;
- Overdevelopment of the proposed plot having a significant and negative impact on the listed building and its setting;
- Inadequate amenity space provided for each individual proposed unit in relation to the buildings' rural setting;
- Poor parking and vehicular turning provision on a dwelling by dwelling basis;
- Inadequate cycle and bin provision for each individual unit.

COMMENTS ON REPRESENTATIONS RECEIVED:

Matters relating to the countryside location, external amenity space, parking & turning and cycle/refuse provision will be considered in the conclusions. It is not considered there is a case for overdevelopment as the only new built addition is a double garage/storage building within the grounds.

The applicant has provided a written response to the Parish Objection which is summarised below (full copy on the Council's website):

- On the previous application, Yapton Parish Council visited the site and then raised no objections;
- The application has not changed in any way;
- The existing buildings have a footprint of 9000 square feet (836m²) and each dwelling will therefore have around 3000 square feet (279m²);
- The plot runs to 2 acres (0.81 hectares) and each dwelling would have a generous garden with access to a substantial communal central garden, with terraces, fish pond and swimming pool;
- Each dwelling would have parking for a minimum of six vehicles;
- A visit to the site would demonstrate that there is more than adequate turning capacity;
- Currently there are two garages and two more proposed; and
- The existing bin store can house six bins.

CONSULTATIONS

WSCC Strategic Planning
Engineers (Drainage)
Engineering Services Manager
Engineers (structural)
Listed Building Officer
Conservation Officer
Environmental Health

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - No objection subject to cycle parking & parking/turning conditions. Comment:

- The Local Highway Authority was consulted on the previous application and raised no highway safety concerns to this application;
- The applicant confirmed there have been no changes to those approved under Y/39/16 and Y/40/16.
- The LHA's previous comments dated 25th July 2016 are still considered valid and the LHA does not consider that this proposal 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.

ADC DRAINAGE ENGINEER - the application is for conversion of a dwelling and as no alterations are proposed to roof area they have no conditions to request.

ADC STRUCTURAL ENGINEER - no structural comments as any requirements will be picked up under the Building Regulations aspect.

ADC CONSERVATION OFFICER - No objection.

- The application relates to the conversion of a residential dwelling into 3 units with associated internal/external alterations and refurbishment. A detached garage/outbuilding is also to be provided;
- The application appears to be a direct renewal of the previously approved one in 2016;
- The concept of the redevelopment of the complex is supported, subject to the preservation of noted heritage features;
- Details of materials, glazing and any change in external colours should be provided by way of condition;
- The landscaping of the courtyard area will have a significant impact upon the success of the scheme, and it is suggested that details could be provided for by way of condition, if this element of the scheme is to alter.
- The application is considered to not cause harm to the significance of the heritage asset or its setting;
- As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments; and
- You will also need to take into account the contents of sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Grade II Listed Building;
Area of Special Control of Adverts; and
Current/Future Flood Zone 1.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
HDM4	H DM4 Conversion of rural buildings for residential use
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
QESP1	QE SP1 Quality of the Environment
QEDM2	QE DM2 Light pollution
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E9	Listed Buildings and Buildings or Structures of Character
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

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 Development plan are considered within this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with the development plan in that although the site is located in the countryside and proposes new dwellings, Arun Local Plan (ALP) policy C SP1 allows development in the countryside where it is in accordance with another policy of the plan and in this case, policy H DM4 allows for the principle of the conversion of rural buildings.

There is conflict with policy BB1 of the Yapton Neighbourhood Development Plan (YNDP) which does not allow for the consideration of other policies. However, section 38 (5) of the Planning & Compulsory Purchase Act 2004, states that: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, any conflict between the YNDP and the ALP should be resolved in favour of the ALP.

The proposal complies with the other relevant development plan policies regarding heritage asset protection, character/design, parking, highway safety and 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:

The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031, the Yapton Neighbourhood Development Plan (November 2014) and the West Sussex Waste and Minerals Plans.

Arun Local Plan:

Policy SD SP2 "Built up Area Boundary" states that outside the Built Up Area Boundary (BUAB), apart from strategic, site specific and other broad allocations, development will not be permitted unless consistent with other plan policies. 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.

The site lies in between the defined edges of the BUAB's for Yapton and Middleton and does not form part of any proposed strategic allocation. However, policy C SP1 states that development will be allowed where it is in accordance with another policy in the Plan which refers to a specific use or type of development. In this case, policy H DM4 allows the conversion of buildings for residential use outside the built-up area. This is subject to certain criteria and these are analysed below.

(1) It is not considered necessary to require details of whether the building has been marketed for business use as it is currently an existing residential dwelling with attached outbuildings used for domestic storage. It would not be appropriate to consider business use of parts of the existing built form.

(2) The application is not accompanied by details to demonstrate that the buildings are capable of conversion without rebuilding or significant alteration/extension. However, the buildings to be converted are all part of an existing dwelling complex and are all solidly constructed from brick/flint/timber and with tile/slate roofs. There is no reason to suggest that the building cannot be easily converted and such concerns were not raised previously in respect of the previous application.

(3) Analysis elsewhere in this report concludes that the resultant 3 dwellings will not have an adverse effect on the rural character of the area and that the finished development will be sympathetic to its setting.

(4) Analysis elsewhere in this report concludes that there is no harm to the special architectural features and historic interest of the existing Listed Building.

(5) Analysis elsewhere in this report concludes that the additional traffic to be generated can be safely accommodated by the site access and the local road system.

(6) It is not proposed to subdivide the internal courtyard amenity space as this could otherwise harm the character of the Listed Building. There will also be no curtilage elsewhere as the areas outside of the built form will be for communal use. Therefore, the proposal does minimise the amount of curtilage land.

(7) No provision is to be made for bats or owls but this is acceptable as the conversion concerns an existing residential building which due to domestic activity levels at the site would not be suitable as habitat for bats or barn owls.

(8) A planning condition is proposed to remove permitted development rights for extensions and alterations. Furthermore any future alterations to the Listed Building would require Listed Building consent.

It is therefore considered that the proposal complies with policy H DM4 and by association, with policies C SP1 and SD SP2 of the ALP.

Yapton Neighbourhood Development Plan (YNDP):

The YNDP was made (adopted) in November 2014 on the basis of the saved policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the then emerging Arun Local Plan.

Figure 4.1 on page 13 of the YNDP includes a BUAB drawn around the edge of the settlement of Yapton and the application site lies well outside of this BUAB and is therefore classified as countryside. Policy BB1 states that development outside of the BUAB will not be permitted unless in accordance with 4 listed criteria. None of these are considered to relate to the proposal.

Conclusion on Matters of Principle:

The proposal complies with the relevant policies of the ALP but conflicts with the relevant policies of the YNDP. However, section 38 (5) of the Planning & Compulsory Purchase Act 2004, states that: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, any conflict between the YNDP and the ALP should be resolved in favour of the ALP. On this basis, the principle of development in this countryside location is acceptable.

HERITAGE ASSETS:

Old Bilsham Farm is Grade II Listed and it is therefore necessary to consider the impact of the proposed conversions on this heritage asset. Relevant Local Plan policies are HER SP1 (The Historic Environment) and HER DM1 (Listed Buildings). HER SP1 states that listed buildings and their settings will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. Also that development likely to prejudice their setting will be refused and that any proposals for development will be required to comply with all other relevant policies. HER DM1 requires that proposals preserve/enhance the historic character, qualities and special interest of the buildings; be necessary and not detrimental to the architectural and historical integrity and detailing of a Listed Building's exterior; protect the architectural and historical integrity and detailing of a Listed Building's interior; protect the special interest of buildings of architectural or historic interest; and protect, and where possible enhance the setting of the building. In addition, YNDP policy E9 states that planning permission will not be granted for development that would result in the loss of listed buildings.

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

It is necessary to consider policy guidance in the National Planning Policy Framework (NPPF) which sets

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

The application includes a Heritage Statement which provides information in accordance with the relevant paragraphs of the NPPF 2019 as described above.

The Conservation Officer has assessed the proposal and his comments are set out in full on the Council's website and summarised above. The Conservation Officer advises that the proposal will not cause any harm to the significance of the heritage asset or its setting and it should therefore be determined in accordance with the relevant policies within the Development Plan along with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As such, it is not necessary to consider the public benefits of the proposal.

This application was previously supported by the Council's then Historic Buildings Advisor and is currently supported by its Conservation Officer. The scheme will preserve the building and its setting and will also conserve the existing features of special architectural/historic interest. The proposal complies with the guidance in the NPPF, with policies HER SP1 and HER DM1 of the ALP and with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

CHARACTER & 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.

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. 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. There are no relevant design policies within the YNDP.

The application seeks to subdivide the existing building to create 3 dwellings and proposes only limited external and internal changes. It is not considered that the proposed alterations will adversely affect the character or appearance of the existing property or the wider countryside.

The site is large enough and well vegetated such that the proposed new outbuilding can be absorbed into the site without materially affecting the listed building, the streetscene or any other external views of the site. The courtyard area is to remain as an open shared area with no subdivision or private curtilage areas. The non-subdivision of this space was requested by the Council's heritage adviser on the first application.

It is material that the only new built 'footprint' is a new double garage which could either be treated as permitted development or applied for through a householder planning application. It is also material that there are other dwellings nearby (so this is not an isolated site) and that there is hardstanding all around

the existing house which could be used for vehicle parking. It is not considered that the proposal will result in any harm to the character or appearance of this countryside location.

It is therefore considered that the proposal complies with ALP policies D DM1 & D 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 D DM4 requires that alterations are sympathetic and 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". 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.

It is not considered that neighbouring properties will be adversely affected (if at all) by the proposed subdivision of the dwelling. There is the potential for overlooking of windows in the new dwellings by the other dwellings within the site but this is as a result of the existing built configuration and will not result in any loss of privacy to existing occupiers. New occupiers will have the choice as to whether or not to purchase a dwelling that may or not be overlooked in parts. This is an acceptable situation.

For the above reasons, it is considered that the proposal accords with ALP policies D DM1, D DM4 and QE SP1.

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. The requirements for the new dwellings vary as a result of the difference in number & size of bedrooms plus the number of storeys. However, all 3 dwellings provide an amount of space that far exceeds the standards.

Policy 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 three units have shared use of a large broadly central space which includes an outdoor pool, pond and two areas of gardens. There is additional amenity/recreation space in the outer parts of the site.

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

ACCESS & 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".

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."

WSSC Highways raise no objections to the proposed scheme and do not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. There are no changes to the access which is considered suitable in its current form for this minor intensification of the current site. Furthermore, it is clear that the site is capable of accommodating more parking spaces than is required by either the WSSC Parking Demand Calculator or YNDP policy PK1. There is also space within the hardstanding areas for the turning of vehicles.

The proposal accords with policy T SP1 of the ALP and with guidance on highway safety in the NPPF

WASTE PROVISION:

ALP policy WM DM1 states that: "New residential development, including conversion of one dwelling into multiple units, will be permitted provided that: a. it is designed to ensure that kerbside collection is possible for municipal waste vehicles; and b. Where appropriate, communal recycling bins and safe bin storage areas are available to residents of flats."

The application site is currently serviced from the road and there will be no change to this arrangement. The proposal includes provision for the internal storage of waste bins within an existing outbuilding to the east of the main house which is served by the existing access driveway and is within only around 30m of Bilsham Lane (so within the maximum pulling distances allowed under Health and Safety legislation for 240 litre bins).

The proposal is therefore in accordance with ALP policy WM DM1.

SUMMARY:

The principle of additional residential development on this countryside site is in accordance with the most recent policies of the development plan. This report identifies that there will be no harm to the existing heritage asset or the character of the countryside and all other relevant development control criteria are complied with. It is therefore recommended that the application be approved subject to the following conditions.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Drawing 008 "Location Plan" & "Site Plan";
Drawing 003 "Proposed (Ground) Floor Plans";
Drawing 004 "Proposed (First & Second) Floor Plans";
Drawing 006 "Proposed Elevations";
Drawing 007 "Existing and Proposed Elevations";
Drawing B01 (Garage) "Floor Plan";
Drawing B02 (Garage) "Building Elevations"; and
Drawing 009 "Proposed Parking Provision".

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

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the Listed Building by endeavouring to achieve a building of visual quality in accordance with policies D DM1 and HER DM1 of the Arun Local Plan and the National Planning Policy Framework.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the Listed Building by endeavouring to preserve existing key historic features in accordance with policies D DM1 and HER DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 5 No development above damp proof course (DPC) level shall take place unless and until details of the construction and materials of all new windows and doors have been submitted to and approved in writing by the Local Planning Authority and the new joinery so approved shall be constructed in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the protection of the existing heritage asset in accordance with policies D DM1 and HER DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 6 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 historic environment in accordance with policies HER DM1 and D DM1 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until the proposed waste and recycling storage facilities have been provided in accordance with the approved site plan (Drawing 008). The storage of waste and recycling within the existing outbuilding shall thereafter be permanently retained.

Reason: To provide adequate on-site waste & recycling provision in accordance with policy WM DM1 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

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

Reason: To provide adequate on-site car parking and turning space for the development in

accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 10 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.

- 11 No new external lighting shall be installed on the site or on the buildings 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.

- 12 The new detached timber garage building shall be used as a private domestic garage in connection with the residential occupation of the site and for no other purposes.

Reason: To ensure the provision of adequate off street parking space in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 13 All ground and first floor bathroom/en-suite/WC windows on the building/s shall at all times be glazed with obscured glass.

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.

- 14 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 to the building or the various roofs (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within their curtilages unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun Local Plan.

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

accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

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

Y/57/19/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: Y/58/19/L

LOCATION: Old Bilsham Farm
Bilsham Lane
Bilsham
Yapton

PROPOSAL: Application for Listed Building Consent for conversion of existing single residential dwelling into 3 No. residential units with associated internal & external alterations & refurbishment & detached garage/outbuilding

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The alterations to the Listed Building consist of new external windows & doors and new internal stud walls. A full list of the alterations is provided within the submitted "Design & Access & Heritage Statement". There are no plans to subdivide the garden space.

BOUNDARY TREATMENT No changes are proposed to boundaries which are a mix of 2.2m high walls/close boarded fencing to the west boundary, 2m high hedge atop a 1m high earth bund to the north boundary and a 1m-2m high flint wall along the frontage.

SITE CHARACTERISTICS Large detached Grade II listed house with one and two storey additions/outbuildings set around a central courtyard. Further outbuilding to the east of the access drive. Large gardens to the east and north.

The Conservation Officer described the building as: "Old Bilsham Farm is a C18 Grade II Listed Building. It is an 'L-shaped' building, which was probably two cottages at some point. It is of two storeys and attic, with two C19 gabled dormers. The elevation is faced with knapped flints with red brick dressings, quoins and a stringcourse. There is a tiled roof and painted casement windows."

CHARACTER OF LOCALITY Predominantly rural. A small number of dwellings located predominantly to the north side of Bilsham Lane. There are two further listed buildings to the east of this site. Open fields to the north, west and south.

RELEVANT SITE HISTORY

Y/57/19/PL Conversion of existing single residential dwelling into 3 No. residential units with associated internal & external alterations & refurbishment & detached garage/outbuilding

Y/39/16/PL	Conversion of existing single residential dwelling into 3 No. residential units with associated alterations & refurbishment & detached garage/outbuilding (resubmission following Y/60/15/PL).	ApproveConditionally 01-09-16
Y/40/16/L	Application for listed building consent for the conversion of existing single residential dwelling into 3 No. residential units with associated internal & external alterations & refurbishment & detached garage/outbuilding (resubmission following Y/61/15/L).	ApproveConditionally 01-09-16

Y/39/16/PL & Y/40/16/L were approved under delegated powers in September 2016. There are no changes between the approved scheme and that proposed.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

Whilst Yapton Parish Council (YPC) support regeneration of existing suitable buildings within the Parish's BUAB, YPC is of the view that this proposal has failed to take into consideration both the rural position of this site and the importance of the listed building and its immediate setting. YPC therefore object on the following grounds:

- Outside the BUAB;
- Over development of the proposed plot having a significant and negative impact on the listed building and its setting;
- Inadequate amenity space provided for each individual proposed unit in relation to the buildings' rural setting;
- Poor parking and vehicular turning provision on a dwelling by dwelling basis;
- Inadequate cycle and bin provision for each individual unit.

COMMENTS ON REPRESENTATIONS RECEIVED:

It is only possible to determine a Listed Building Consent in respect of the impact of the proposals on the character and appearance of the listed building itself (i.e. not its setting). This will be considered within the report's conclusions section.

CONSULTATIONS

Engineers (Drainage)

Engineering Services Manager

Engineers (structural)

Listed Building Officer

Conservation Officer
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

ADC CONSERVATION OFFICER - No objection. Comment that:

- The application relates to the conversion of a residential dwelling into 3 units with associated internal/external alterations and refurbishment. A detached garage/outbuilding is also to be provided;
- The current application appears to be a direct renewal of the previously approved one in 2016;
- The concept of redevelopment is still supported, subject to the preservation of noted heritage features;
- Details of materials, glazing and any change in external colours should be provided to the LPA by way of condition;
- The landscaping of the courtyard area will have a significant impact upon the success of the scheme, and it is suggested that details could be provided for by way of condition, if this element of the scheme is to alter.
- The application is considered to not cause harm to the significance of the heritage asset or its setting;
- As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments; and
- You will need to take into account the contents of section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site: Grade II Listed Building.

DEVELOPMENT PLAN POLICIES

[Yapton neighbourhood plan 2014 Policy E9](#)

Listed Buildings and Buildings or Structures of Character

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.

Yapton Neighbourhood Plan policy E9 states that: "Planning permission will not be granted for development that would result in the loss of either listed buildings, or the buildings or structures of character set out in Appendix 1 and Appendix 2 of the Plan."

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character of the Grade II Listed Building.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

Relevant Local Plan policies are HER SP1 (The Historic Environment) and HER DM1 (Listed Buildings). HER SP1 states that listed buildings and their settings will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. Also that development likely to prejudice their setting will be refused and that any proposals for development will be required to comply with all other relevant policies. HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. In addition, YNDP policy E9 states that planning permission will not be granted for development that would result in the loss of listed buildings. This is an application for Listed Building Consent so the policy is not relevant.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

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

The application includes a Heritage Statement which provides information in accordance with the relevant paragraphs of the NPPF 2019 as described above.

The Conservation Officer has assessed the proposal and advises that the proposal will not cause harm to the significance of the heritage asset or its setting and it should therefore be determined in accordance with the relevant policies within the Development Plan along with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. As such, it is not necessary to consider the public benefits of the proposal.

This application was previously supported by the Council's then Historic Buildings Advisor and is currently supported by its Conservation Officer. It is considered the scheme preserves the building and its setting and will conserve existing features of special architectural/historic interest. The proposal complies with the guidance in the NPPF, with policies HER DM1 and HER DM3 of the ALP and with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is therefore recommended that the application be approved subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The works for which Listed Building Consent is hereby granted must be begun not later than the expiration of 3 years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

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

Drawing 008 "Location Plan" & "Site Plan";
Drawing 003 "Proposed (Ground) Floor Plans";
Drawing 004 "Proposed (First & Second) Floor Plans";
Drawing 006 "Proposed Elevations";
Drawing 007 "Existing and Proposed Elevations";
Drawing B01 (Garage) "Floor Plan";
Drawing B02 (Garage) "Building Elevations"; and
Drawing 009 "Proposed Parking Provision".

Reason: For the avoidance of doubt and in the interests of the preservation of the heritage asset in accordance with policy HER DM1 of the Arun Local Plan.

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

Y/58/19/L - 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: P/53/19/L

LOCATION: Inglenook Hotel
253-255 Pagham Road
Pagham
PO21 3QB

PROPOSAL: Listed building consent for the demolition of modern side extension & 2.25m of boundary wall.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
BOUNDARY TREATMENT	Boundary wall constructed with flint/brick and coursed rubble stone to the front, hedgerow to the side.
SITE CHARACTERISTICS	Grade II Listed Building with a large two storey modern extension to the south and a small single storey side extension attached to the modern extension. Front garden with boundary wall situated on the western side of Pagham Road.
CHARACTER OF LOCALITY	Built up area, mix of predominantly residential and commercial use. Three other Listed Buildings are located in close proximity to the Inglenook.

RELEVANT SITE HISTORY

P/58/19/PL	Erection of 9 No. dwellings with associated access, parking, cycle & refuse storage & landscape design. This application is a Departure from the Development Plan & may affect the setting of a listed building.	
P/129/98/L	Application for listed building consent for removal of stair and alterations to bathrooms	ApproveConditionally 10-03-99
P/93/98/L	Application for Listed Building consent for single storey front kitchen extension, single storey rear restaurant extension, first floor extension on flat roof partly for bathroom, partly to increase size of bedroom.	ApproveConditionally 16-12-98
P/92/98/	Single storey front kitchen extension, single storey rear restaurant extension, first floor extension on flat roof	ApproveConditionally 16-12-98

Site history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

No objection.

30 letters of objection raising following concerns:

- The entrance will be very restricted; some existing car park spaces will be lost, restricted visibility.
- The additional access point will multiply the danger.
- It would be total disregards for listed buildings.
- The demolitions are for the purposes of development on land behind the Inglenook.
- It would create two entrances side by side.
- The demolition will not provide adequate access to the proposed development to the rear.
- This listed building should be protected from this constant barbaric changes.
- This application should be read in conjunction with planning application P/58/19.
- Changes to this historic building can only be to its detriment as a well known and well used hotel.

COMMENTS ON REPRESENTATIONS RECEIVED:

The majority of the concerns are not relevant to this application for a listed building consent. The Heritage statement implies the section of walling to be demolished has been rebuilt recently and the chair store is a new extension attached to another extension not to original building.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer comments:

The Hotel is a Grade II Listed Building. It is a C18 or earlier, two storey (with attic) building. The front elevation of the older part of the building is treated with painted stone rubble. There is a large modern extension visible from the neighbouring road. A front garden area is enclosed with a boundary wall. One section of the wall is constructed with flint/brick, and the other section is coursed rubble stone. The age of the building, along with its use means that it is considered to be of historic and communal significance with the other three Listed Buildings which are located in close proximity.

There are two elements to the proposal; the demolition of a modern single storey side extension, and the demolition of a 2.25m section of walling.

The extension is small in scale and constructed approximately 30 years ago. It is attached to another modern, much larger extension. As a consequence, the proposal will not affect historic fabric, or result in works which will negatively affect the character of the building. It is considered this element will not harm the significance of the building.

At present the wall forms a pleasing means of enclosure for the site and is visible in the street scene. The section of the wall consists of coursed 'rubble' stones. It appears as if the wall has been altered over time with the coping material varying along the length of the wall. The revised proposal is to use the material removed from the demolished section of walling to create a new element which will link the remaining section of walling to the public house. The concept of re-using the existing material, whilst ensuring the wall is incorporated into the public house is an acceptable approach.

All of the materials should be carefully removed from the wall and stored prior to their re-use. Details of any materials should be provided by the applicant in order to ensure that they reflect the existing ones. A sample panel or similar should be conditioned in order to ensure that the quality of the new section reflects that of the existing.

It is considered the works to the wall will not harm the significance of the listed building and the application is considered to not cause harm to the significance of the heritage assets or their setting. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments. The contents of sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) should be taken into account.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

- 5km Buffer for Site of Special Scientific Interest Pagham Harbour
- 20 km Buffer for Site of Special Scientific Interest Bognor Reef
- Pagham Harbour Zone B
- Within Built Up Area Boundary
- Grade II Listed Building

DEVELOPMENT PLAN POLICIES

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

- DDM1 D DM1 Aspects of form and design quality
- HERDM1 HER DM1 Listed Buildings
- HERSP1 HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE:

- NPPF National Planning Policy Framework
- NPPG National Planning Practice Guidance

POLICY COMMENTARY

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

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

The Neighbourhood Development Plan

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

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character of the Grade II Listed Building.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The application seeks Listed Building Consent for the demolition of modern side extension and 2.25m of boundary wall. It will be necessary to consider the proposals against relevant development plan policies which in this case would be HER DM1 of the Arun Local Plan and the NPPF.

HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest. Additional proposals should protect the setting of these buildings.

LISTED BUILDING AND HERITAGE

Paragraph 189 of the National Planning Policy Framework (NPPF) advises that in the determination of applications, the local planning authority should require an applicant describe the significance of any heritage assets affected, including any contribution made by their setting. The applicant has submitted a heritage statement in support of the proposals which includes a description of the listed building and concludes that the proposals could be considered sympathetic to the listed building.

When considering the impact of the proposal upon the significance of a designated heritage asset it is identified under paragraph 193 that a great weight should be given to the asset's Conservation (and the more important the asset, the greater the weight should be) irrespective of if the potential harm amounts to substantial harm, total loss or less than substantial harm to the significance of the designated asset.

Paragraph 193 of the NPPF reflects the requirements of Section 16(2) of the Planning (Listed buildings and Conservation Areas) Act 1990 (as amended) which identifies that when considering whether to grant listed building consent for any works, the Local Planning Authority or the Secretary of State shall have

special regard to the to the desirability of preserving the building or its settings or any features of special architectural or historic interest which it possesses.

The works would involve the demolition of a modern single storey side extension. The extension is small in scale and constructed approximately 30 years ago. It is attached to a modern, much larger extension. As a consequence the proposal will not affect any historic fabric, or result in works which will negatively affect the character of the building.

The wall forms a means of enclosure for the site and is visible on the street scene. The proposal is to use the material removed from the demolished section of walling to create a new element which will link the remaining section of walling to the public house. The concept of re-using the existing material on site, whilst also ensuring that the wall is incorporated into the public house is an acceptable approach therefore the works to the wall will not harm the significance of the listed buildings.

SUMMARY

Given the scale, a nature of the proposed development and the way how it would be implemented it is considered, that the proposed works would not have an adverse impact on the appearance, character or historic fabric of The Inglenook Hotel, therefore the listed building consent should be granted.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The works for which Listed Building Consent is hereby granted must be begun not later than the expiration of 3 years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
DRW 30 'Location Plan'
DRW 31 Rev A ' Plan and Elevation of Existing &Proposed Wall'
DRW 34 'Block Plan as Proposed'

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 wall shall be re-built in the position shown within 2 years following the demolition of the current wall. All existing materials shall be carefully removed from the wall and stored prior to their re-use. Details of any new materials shall be submitted to and approved in writing by the Local Planning Authority and a sample panel shall be erected on site to be approved by the Local Planning Authority prior to the construction of the wall. The new wall will be implemented in accordance with the approved sample panel and material details.

Reason: To enable the Local Planning Authority to exercise the necessary statutory control over works likely to affect the character of the Listed Building in accordance with the National Planning Policy Framework and policies HER DM1 and HER SP1.

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](#).

P/53/19/L - 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: P/58/19/PL

LOCATION: Rear of Inglenook Hotel
253-255 Pagham Road
Pagham
PO21 3QB

PROPOSAL: Erection of 9 No. dwellings with associated access, parking, cycle & refuse storage & landscape design. This application is a Departure from the Development Plan & may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This is a full application for 9 dwellings (8 x two storey, 1 x bungalow). The layout includes parking spaces including garages, bin and cycle stores. It is proposed to erect a 1.8m fence along the northern boundary to protect the amenities of the mobile home owners. The houses are shown to have chimneys and materials proposed include brick, timber and clay tiles.

Access will be from an existing road on the south side of the Inglenook. The existing crossover will be widened at the junction of Pagham Road to 7.7m. The start of the access driveway is then to be widened from 3.5m to 5.3m and this will be achieved through the demolition of a 2.25m section of boundary wall. This demolition is not part of this application and is instead covered by P/53/19/L. Approximately 10m back from the highway boundary, the access driveway narrows again to 3.8m but the driveway would then widen out again to 4.8m around 30m back from the highway boundary. It is also required to demolish a modern lean-to extension to the hotel to achieve the necessary road widening elsewhere on the driveway

The driveway will operate with a priority arrangement where vehicles entering the site will have priority through the narrowest point. The driveway will be a shared surface arrangement as per the existing operation and include traffic calming features in the form of a rumble strip, 5mph speed limit on road signage and a speed control bend.

SITE AREA

0.4 Hectares.

RESIDENTIAL DEVELOPMENT DENSITY

22.5 dwellings per hectare.

TOPOGRAPHY

The land appears flat but slopes upwards from west to east by a maximum of around 0.6m.

TREES	There are no trees on site but there are notable specimens in the adjoining land to the east which overhang the boundary.
BOUNDARY TREATMENT	- Low approx. 1m high post and rail fence to eastern and northern boundaries - 1.8m high close boarded fencing to the southern boundary; - Mix of low fencing and hedging to the western boundary.
SITE CHARACTERISTICS	Paddock used occasionally as overspill parking for the hotel. Mown grass with some areas of overgrown vegetation to the boundaries. Timber stable type building at the southeast corner (which will be removed). Access via a long gravelled driveway to the east.
CHARACTER OF LOCALITY	<p>The site is bordered by dwellings to the south (Crayfern Homes approved by P/125/14/PL), residential mobile homes to the north, a further area of grassed land forming part of the mobile home park to the west and land forming part of the Inglenook to the east (on which there are mobile homes used for staff living quarters). The access road is sandwiched between land forming part of the Inglenook to the north and dwellings to the south.</p> <p>The mobile homes to the north are single storey with ground floor rear principal windows, some have conservatory's to the rear. In the new-build site to the south, is a roadway and part amenity landscaping with houses beyond (i.e. no houses directly abutting the land on which the dwellings will be). The access road does border directly with rear gardens of other dwellings in the adjacent scheme.</p>

RELEVANT SITE HISTORY

P/53/19/L	Listed building consent for the demolition of modern side extension & 2.25m of boundary wall.	
P/125/14/PL	Demolition of existing dwelling & ancillary buildings & erection of 40 no. dwellings with associated access, car parking, cycle & refuse storage, hard & soft landscaping & amenity space. This application is a Departure from the development plan	App Cond with S106 30-06-16

P/125/14/PL relates to dwellings to the south (Crayfern Homes). P/53/19/L relates to demolition & alteration works to the hotel which are required to upgrade the access to serve the dwellings.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

Pagham Parish Council

Revised comments received 25/08/19: "The Committee noted the improvements made to Unit 7, and was satisfied that residents' concerns had been addressed. However, there were still concerns regarding the access onto Pagham Road. It would be far safer to access the development through the newly-built Spinnaker View development. This should be fully explored. The Committee was very concerned to see the comments of WSCC Area Highways Manager (12/9/19) that signage to alert the presence of pedestrians in the road was not required. The Committee felt this was essential for safety. It continued to OBJECT to the application on these grounds."

1 letter of support - the site is under-utilised and not required as overspill parking for the hotel.

48 letters of objection raising the following concerns:

- (1) Unsafe access;
- (2) Access is adjacent to Crayfern Homes site entrance and opposite an access to shops;
- (3) Lack of visibility at the access for cars traveling North;
- (4) The access driveway is too narrow and not wide enough for larger vehicles;
- (5) The access driveway is not a suitable shared space;
- (6) No plans to show how existing exits from the hotel onto the access driveway are dealt with;
- (7) Safety of pedestrians including blind people using the driveway;
- (8) A footpath or alternative pedestrian access should be included;
- (9) Traffic Light system will cause traffic to back up to Pagham Road;
- (10) No detailed drawings of the width of the access driveway or the significant trees;
- (11) Pagham Road needs upgrading;
- (12) Applicant road surveys should be undertaken again now that the Crayfern site is complete;
- (13) Impact of employees vehicles during site construction;
- (14) Land should remain as a car park for the hotel;
- (15) Impact on servicing arrangements to the hotel;
- (16) Loss of existing green space;
- (17) Overdevelopment;
- (18) Harm to character of the area;
- (19) Already far too much housing planned for Pagham;
- (20) Harm to heritage assets;
- (21) Vibration from use of driveway will damage the Listed Building;
- (22) Application documents state land not used for horses yet a horse was there 2/3 years ago;
- (23) Harm to wildlife;
- (24) Harm to important trees;
- (25) Local GP surgery is already oversubscribed;
- (26) Insufficient local sewage capacity;
- (27) Increased risk of flooding on neighbouring land;
- (28) Risk of damage to 2 Spinnaker View's northern boundary;
- (29) Harm to amenity of 2 Spinnaker View from running vehicles;
- (30) Harm to privacy of adjoining residents (Spinnaker View & Millfarm Drive);
- (31) Overshadow Mill Farm homes from planting/fencing therefore increased moss on roofs and walls;
- (32) Spinnaker View residents can already see residents of Mill Farm;
- (33) New dwellings should all be bungalows;
- (34) Plot 7 chalet bungalow is too high and will adversely affect amenity of Millfarm Drive residents;
- (35) New houses will not benefit Pagham residents and no affordable housing provision; and
- (36) Devaluation of existing houses and mobile homes.

COMMENTS ON REPRESENTATIONS RECEIVED:

In response to the Parish Council, matters of access are considered in the conclusions. In essence WSCC Highways have comprehensively assessed the application and attended the site and raise no objection.

The applicants state they are unable to gain access via the development to the south as there are two ransom strips that would need to be crossed. One is owned by the developer of the neighbouring site and the other is owned by the previous owner. The Government guidance on ransom strips (Practice Note 2/6) states:

"A reasonable starting point for the calculation of a 'ransom payment' for the grant of access (for example to a potential development site) would be that the parties would be willing to share any increase in value resulting from the grant of access equally." (<https://www.gov.uk/guidance/land-compensation-manual-section-2-compensation-for-land-taken/practice-note-2-6-ransom-strips> accessed 18/12/2019).

The applicant states that with three parties dividing the increase in value equally, this would reduce the profitability of the development by two-thirds. Such a reduction in value would have a significantly adverse impact on the viability of any development. This is particularly the case given the challenging economic climate.

The letter of support is noted. The following comments are offered in response to the objections:

- (1), (2), (5), (7) & (8) Refer to WSCC Highways comments summarised below and contained in full on the Council's website (dated 12/09/19). Access matters are considered in the report's conclusions.
- (3) This is considered by WSCC Highways in their response in that Manual for Streets considers this to be acceptable at minor accesses and in cases where vehicular movements during peak hours are not anticipated to be high;
- (4) The access and the site layout have been tracked for use by refuse and emergency vehicles and the Council's Cleansing team have no objections to its use by waste vehicles;
- (6) Any existing exits from the Hotel site onto the driveway remain as per current arrangements;
- (9) It is understood a traffic light system was discussed in pre-application community meetings as one option but was not proceeded with. A priority signage system is to be implemented;
- (10) These are contained in the Transport Statement and the Arboricultural Report;
- (11) Noted. WSCC Highways do not consider the impact of this proposal is such that a contribution to any upgrade is necessary;
- (12) The Transport Statement is based on traffic speed survey data from February 2018 and this has been accepted by WSCC Highways;
- (13) Such impacts will be temporary in nature and will be carefully controlled by way of condition requiring approval of a Construction Management Plan;
- (14) Noted. However, the hotel owner clearly considers that the overspill parking is not necessary and WSCC Highways raise no objections to the loss of this occasional parking area;
- (15) The hotel owner clearly considers that the servicing of the hotel will be unaffected and this view is shared by WSCC Highways;
- (16) This space is privately owned and has no benefit to the public other than through views of it;
- (17) - (18) These issues will be considered in the report's conclusions;
- (19) Noted however this is not in itself a reason to refuse permission;
- (20) Heritage assets are considered in the Conservation Officer response summarised below and set out in full on the Council's website (dated 03/09/19);
- (21) The Conservation Officer does not consider this to be a concern. It should be noted the access is already used by vehicles;

- (22) Noted however this is not relevant to the determination of the application;
- (23) The Councils ecologist raises no objection subject to mitigation measures being secured;
- (24) The revised Arboricultural Assessment shows there will be no built development in root protection areas of the significant trees and that these trees will be incorporated into a landscape buffer along the eastern boundary. The Tree Officer has been asked to make further comments;
- (25) Noted however, national planning law currently prevents local planning authorities from securing contributions to medical facilities from schemes of less than 10 dwellings;
- (26) Southern Water were consulted but have declined to respond;
- (27) The Drainage Engineer does not object and considers it is possible to drain the development such that there will be no surface water flooding elsewhere. This site is currently designated as Flood Zone 1 (low risk) and this designation does not change on the Councils future flooding maps;
- (28) Any damage to personal property would be a civil matter to be pursued with the offending party;
- (29) - (33) Amenity issues are considered in the report's conclusions;
- (34) This has since been changed from a chalet bungalow to a straight bungalow;
- (35) The Councils affordable housing policy only applies to developments of 14 or more houses; and
- (36) This is not a material planning consideration.

CONSULTATIONS

Southern Water Planning
Engineers (Drainage)
Engineering Services Manager
Natural England
Arboriculturist
WSCC Strategic Planning
Parks and Landscapes
Economic Regeneration
Ecology Advisor
Environmental Health
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - No objection. States that:

- The application may result in impacts to the coastal Special Protection Area(s) and Ramsar Site(s) from increased recreational disturbance;
- Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site;
- However, this approach may need to be formally checked and confirmed by ADC, as the competent authority, via an Appropriate Assessment (AA);
- Natural England advises that it is a matter for ADC to decide whether an AA of this proposal is necessary; and
- Natural England must be consulted on any appropriate assessment that ADC may decide to make.

WSCC HIGHWAYS - No objection subject to conditions (access to be provided prior to first occupation; car parking details to be approved; cycle parking details to be approved; provision of the access road; and a construction management plan) as well as an Informative. Advise that:

- The development requires demolition of a portion of the hotel building & wall to facilitate a wider access route (widened from 3.5m to 5.3m) and this enables an improved means of access for the development and the hotel use;
- This widening will impinge slightly on the layby adjacent to the Inglenook Hotel but the Area Highways Manager does not consider this to be a severe cause for concern;
- WSCC undertook a site visit on 09/09/19 to assess this proposal further and review traffic conditions;
- Sussex Police data confirms no recorded injury accidents therefore no evidence that the current junction is unsafe;
- The driveway will operate with a priority arrangement where vehicles entering the site will have priority through the narrowest point and this is a suitable arrangement;
- The width of the access route will be 5.3m wide with the narrowest parts measuring 3.5m wide;
- The Area Highways Manager advises signage to remind drivers of pedestrians in carriageway is not required;
- Visibility at the access is sufficient (44m northbound & 39m southbound) to cope with the average road speeds (27-30mph);
- Visibility may be obscured if cars are parked in the layby however, Manual for Streets considers this to be acceptable at minor accesses and in cases where vehicular movements during peak hours is not anticipated to be high;
- The wall within the applicants' ownership at the point of access should not exceed 0.6m in height, in order to maintain visibility of pedestrians along Paghham Road;
- The Parking Demand Calculator indicates that a total of 24 parking spaces would be required to serve a development of this size and the proposal is for 20 allocated and an additional 2 visitor parking spaces;
- The shortfall is acceptable as it will not generate a severe highways safety concern and the site is sustainably located on a bus route and in walking/cycling distance to shops & services;
- The analysis outlines an additional 43 two way vehicular movements would be anticipated per day as a result and this would be expected to generate 4-5 movements in the a.m. peak of 8-9am and 4-5 movements in the p.m. peak of 5-6pm. This would not be a severe highways safety concern; and
- WSCC do not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 109).

COUNCILS ECOLOGIST - No objections. Request the following:

- The lighting scheme take into consideration the presence of bats in the local area;
- A precautionary approach is undertaken on the site for reptiles (removal of habitat to be done sensitively);
- An updated badger survey be undertaken prior to work starting on site;
- Works to trees be carried out outside bird breeding season or if not then with an ecologist check the trees first; and
- That certain wildlife enhancement measures are proposed.

State they are satisfied that the only Habitat Regulations Assessment (HRA) issue is recreational disturbance and as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used.

ADC LANDSCAPE OFFICER - No objections. Request that a landscaping condition be imposed to improve the setting of the homes, green the development and enhance biodiversity.

ADC TREE OFFICER - No objection. States that the Tree Protection Plan demonstrates avoidance of root protection areas (RPA) during construction which is welcome. Does raise concern with the risk of cumulative negative impact on trees T2 & T4-T7) and advises that it would be beneficial if unit 1 could be enlarged so that proportionately less of it would be within those tree's existing and potential rooting area. Concludes that whilst he cannot lend the scheme his full support, he is prepared to remove the earlier

objection as the RPA issue has been addressed and there is now no overriding reason to object on arboricultural grounds.

ADC CONSERVATION OFFICER - No objection. Advises that:

- The site is near to the Inglenook Hotel (Grade II Listed Building) and three other Listed Buildings located close to the Inglenook (Mill Cottage; a group of Four Barns at Mill Farm; and 247 Pagham Road) with all of these being associated with Pagham Road;
- The Inglenook ownership is in three parts - (a) the listed building & associated public garden space/parking; (b) a private garden area with caravans and substantial tree screening; and (c) the application site - paddock land;
- The Design & Access statement refers to heritage;
- The existing significant trees to the east of the application site effectively screen the listed building from the application site to the point that there is little inter visibility between the two;
- These trees should remain and be supported by further landscaping. On this basis, it is considered that there will be no harm to the significance of the nearby heritage assets or their setting;
- The access route will mean that traffic is brought close to both the modern element of the listed building, as well as its 'pub garden' area. This is acceptable;
- The design of the buildings seems to be acceptable, subject to the use of traditional materials and construction detailing; and
- The proposal should be determined in accordance with the relevant policies within the Development Plan, along with these comments and take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

ADC ENVIRONMENTAL HEALTH - No objection subject to conditions to secure a Construction Management Plan, electric charge points and to control the hours of construction.

ADC CLEANSING - The Arun Cleansing team have advised informally that there are no severe concerns with the routing of refuse vehicles for this development.

ADC DRAINAGE ENGINEERS - No objection. Advise that a drainage strategy has been submitted demonstrating that the site can be drained via attenuation and discharge to the surface water sewer and that consent will be required from Southern Water for such a connection. State that winter groundwater monitoring and infiltration testing must still be completed to demonstrate that infiltration is not viable. Therefore request standard drainage conditions.

COMMENTS ON CONSULTATION RESPONSES:

WSCC HIGHWAYS state that the parking proposals fall 2 short of the expected demand. However, it should be noted that under the emerging Arun Parking Standards Supplementary Planning Document, the shortfall would actually be greater as there are 4 garages proposed and these standards set out that each garage will only count as half a space. This will be considered further in the conclusions section.

In respect of the NATURAL ENGLAND and COUNCIL ECOLOGIST comments, a Habitat Regulations Assessment Screening Opinion has been completed. This confirms that on the basis that the Pagham Harbour financial contribution is secured, no Habitat Regulations Assessment is required.

All other comments noted and all recommended conditions are included.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
 Close to a Grade II Listed Building (The Inglenook Hotel);
 Pagham Harbour Zone B;
 Within 2km Buffer of Pagham Harbour SSSI;
 Within 2km Buffer of Bognor Reef SSSI;
 Area of Special Control of Adverts;
 Current/Future Flood Zone 1; and
 TPO/P/2/15 (Within the site to the south).

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HWBSP1	HWB SP1 Health and Wellbeing
QEDM2	QE DM2 Light pollution
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
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:

PDS	Pagham Parish Council's Village Design Statement by
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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. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

On the 19th July 2019, the "Pagham Development Management Plan 2019-2026" was published. The Plan contains four policies. The PNP was published under regulation 14 and the necessary consultation period ended on the 31st August 2019. It is therefore necessary, in accordance with paragraph 216 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration.

However, given the conflict between the PNP and the NPPF, the PNP should be attributed no weight at this time. It must also be highlighted that the PNP in its current format is not considered to be in general conformity with the Arun Local Plan and is therefore in conflict with Paragraph 036 (Reference ID: 41-036-20190509) of the Planning Practice Guidance.

Only policy DM1 is relevant to this determination and this states: "Minor development will be permitted in Pagham where any application for such development is supported by sufficient evidence to demonstrate that it is accordance with the development plan unless material considerations indicate otherwise." This approach is taken 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 site is located outside of the designated Built Up Area Boundary where new residential development is considered to be inappropriate. However, the proposal complies with the other relevant policies regarding heritage asset protection, character/design, parking, highway safety, residential amenity, trees, ecology and drainage.

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 site's location with existing residential development to all boundaries such that it cannot be considered to have a countryside character;
- (2) The Councils current Housing Land Supply position; and
- (3) The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of Sustainable Development and the 'presumption' for sustainable development.

CONCLUSIONS

PRINCIPLE:

The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031 and the West Sussex Waste and Minerals Plan.

Arun Local Plan:

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

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 in a sustainable location given it is bordered by residential development to the west, north and south and by a public house/hotel to the east. The site is accessed by way of a short driveway from Paghham Road on which there are shops, bus stops and pubs. There are schools and doctors surgeries further afield but still a reasonable walk from the site (and use lit pavement routes). It is considered safe to cycle to access nearby shops and services. Some longer distance trips are likely to still be made by the private car but it is not necessary to have a car to be able to live at the site.

Policy SD SP2 "Built up Area Boundary" states that BUAB are defined for the main towns and villages in the District and shown on the Policies Maps. 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.

Although the defined settlement boundary runs to the rear of the hotel and along the southern boundary of the site, the land is clearly outside of this and is therefore classed as countryside. Development on site would be contrary to policies C SP1 and SD SP2 of the ALP. However, the aims of C SP1 would not be harmed as the site is surrounded by existing built development.

National Planning Policy Framework (NPPF):

The NPPF (Feb 2019) is an important material consideration in determining planning applications. It sets out a presumption in favour of approving sustainable development. At para 12, it is clear that:

"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development

plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

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 site's location with existing residential development on all sides and as such it cannot be considered to have a countryside character

The site is bordered by a new residential development to the south (itself an allocation in the former version of the emerging Pagham Neighbourhood Plan), by a residential mobile home park to the north & west and by land used in connection with the Inglenook Hotel to the east.

The defined settlement boundary runs to the rear of the hotel and then along the southern boundary of the application site leaving the application site and the residential mobile home park outside.

Although the site is an open green space it is surrounded on all sides by either built development or land associated with such and is not considered to have a countryside character to it. The land itself is not in an agricultural use and is used occasionally as overspill parking for the pub. It is not enough to simply refuse an application on the grounds of being in the countryside unless there is some form of harm to the character/appearance of the countryside. This is not considered to be the case here.

Furthermore, the policies of the development to protect the countryside from development have reduced weight due to the fact that the Council can no longer demonstrate a 5-year Housing Land Supply (HLS) as is required by the NPPF.

(2) Housing Land Supply

The Council's Annual Monitoring Report (AMR) was considered at the Planning Policy 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 or market factors outside of local authority control.

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 Presumption in favour of Sustainable Development

The National Planning Policy Framework (NPPF) 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 and the comments of the Conservation Officer are such that there will be no harm to the nearby listed buildings. In respect of (ii), the remainder of this report shows there are no significant & demonstrable adverse impacts associated with the proposal. The presumption in favour of sustainable development applies.

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 - The site is in a sustainable location given it is bordered by residential development to the west, north and south and by a public house/hotel to the east. The site is accessed by a short driveway from Pagham Road on which there are shops, bus stops and pubs. There are schools and doctors surgeries further afield but a reasonable walk from the site (and use lit pavement routes). It is considered safe to cycle to access nearby shops and services. Some longer distance trips are likely to still be made by private car but it is not necessary to have a car to be able to live at the site. The proposal results in a loss of green space which although regularly maintained has some wildlife value.

Social - The proposal supports the local community by providing 9 new family homes to help meet future needs. The additional custom may lead to an increase of customers to the Hotel or other pubs in the immediate area and thus contribute to the diversity of the local community.

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) the creation of new or maintenance of existing construction jobs; and (d) additional spending by new residents on local goods & services including at the public house.

Assessment of Sustainable Development - the site is in a sustainable location and the proposal offers clear social and economic benefits. There are some environmental costs but these are minimal and outweighed by the other factors. The proposal would be environmentally, socially and economically sustainable and benefits from the NPPF presumption in favour of sustainable development.

Conclusion on Matters of Principle:

Whilst the principle of development is considered contrary to the policies of the development plan, there are strong reasons discussed above to depart from these policies and allow this development.

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.

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 response of WSCC Highways (summarised above and set out in full on the Councils website dated 12/09/19). They do not object and consider the proposal will be safe for both motor vehicles and pedestrians. They state the proposal would not result in 'severe' cumulative impacts on the operation of the highway network. There are no objections to the loss of the overspill parking for the hotel. Although the proposal is anticipated to generate an additional 43 two way vehicular movements per day, there would only be an additional 4-5 in the morning peak and 4-5 in the late afternoon peak.

The application proposes 22 parking spaces comprising of 16 off-street spaces, 4 garages and 2 unallocated visitor spaces. In addition, there is space within the curtilage of plot 7 for 1 additional off-street parking space and therefore 23 spaces are possible. However, 4 of these spaces are provided by garages and under the terms of the emerging Arun Parking Standards Supplementary Planning Document, garages only count as half a space. Therefore, the total provision is only 21 and this is 3 short of the anticipated demand as per the West Sussex Parking Demand Calculator. This is acceptable as the site is sustainably located on a bus route and in walking/cycling distance to shops & services. Conditions will be imposed to secure cycle storage and to prevent garages from being converted without planning permission.

Pedestrian signage has been proposed by the applicant as a method of alerting drivers within the access driveway of the potential for there to be pedestrians in the highway. The access driveway is an existing shared surface arrangement so existing drivers using it will be aware of pedestrians and similarly, pedestrians on Pagham Road will already be aware that there is an existing access crossing the pavement. The proposal is for 9 dwellings and these occupiers will be aware that the vehicular/pedestrian routes are the same. The suggested speed limit of 5mph is likely to be such that pedestrians and drivers have plenty of time to see each other.

In the absence of an objection from WSCC Highways, a refusal on highway grounds cannot be sustained. In all other respects, the application is considered to be in accordance with policies T DM1 and T SP1 of the ALP and with the guidance on highway safety in the NPPF.

HERITAGE ASSETS:

There are existing Listed Buildings to the East including notably the Grade II Listed Inglenook Hotel which the access driveway passes close to. There are also other Listed Buildings located close to the Inglenook (Mill Cottage; a group of Four Barns at Mill Farm; and 247 Pagham Road).

It is necessary to consider the impact of the proposed new residential development on these designated heritage assets. Relevant Local Plan policies are HER SP1 (The Historic Environment) and HER DM1 (Listed Buildings). HER SP1 states listed buildings and their settings will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. Also

that development likely to prejudice their setting will be refused and that any proposals for development will be required to comply with all other relevant policies. HER DM1 requires that proposals should (amongst other matters) protect, where possible, enhance the setting of Listed Buildings.

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

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

The application provides a heritage statement in their Design & Access Statement which has been accepted by the Conservation Officer as being in accordance with the NPPF 2019 as described above.

The Conservation Officer has assessed the proposal (comments set out in full on the Councils website dated 03/09/19) and summarised above. The Conservation Officer advises that neither the residential layout nor the changes to/intensification of the access driveway will cause any harm to the significance of the heritage assets or their setting. It is advised the application be determined in accordance with the relevant policies in the Development Plan along with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As such, it is not necessary to consider the public benefits of the proposal.

The application complies with relevant policies and section of the Act on the grounds that the heritage assets and their setting is conserved and that there will be no harm to the special qualities of the heritage assets. The proposal complies with NPPF guidance, with policies HER DM1 and HER DM3 of the ALP and with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

CHARACTER & 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. 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 site density is 22.5 dwellings per hectare and is slightly lower than that of the new build residential development to the south (28.6 dwellings per hectare). An equivalent 0.4 hectare section of the mobile home park has 12 homes (30 dwellings per hectare).

The surrounding form of development is mixed with predominantly two storey houses to the south and mobile homes to the north and east. The proposal is for predominantly traditional two storey homes but these are all considered to have a good degree of separation from the mobile homes. The closest dwelling to the mobile homes is to be a bungalow with ground floor accommodation only.

The layout is spacious and allows for large front & rear gardens, sufficient parking spaces and for landscaping to be added to the boundaries particularly to the north and east. The dwellings are have a traditional appearance, use traditional materials, have elevation detailing and include chimneys. Front garden areas are predominantly open with a mix of either frontage or side parking and there being space for front landscaped gardens.

The scheme represents good design and there is no harm to the character of the surrounding area. It should also be noted that the development will not be seen from the Pagham Road streetscene and no rights of way cross the site, therefore views will only be from existing residential adjoining occupiers.

The Pagham Village Design Statement (PVDS) was adopted by the Pagham Parish Council in 2007 and is a material consideration in the determination of this application. It is considered that this has minimal weight in the determination of this application given that it is over 10 years old and predates the current Arun Local Plan and the NPPF & associated guidance on design.

The site falls in the "Pagham Road" area and this sets out the following development criteria relevant to this site/proposal:

- (1) Highest quality layout and design;
- (2) Exclude development in existing Open Spaces;
- (4) Preserve character of area;
- (5) Front boundaries should contribute to overall street scene;
- (6) Traditional materials where appropriate;
- (9) Maintain existing pattern e.g. setback, density;
- (11) Preserve views over open land to the west of Pagham Road; and
- (12) Speed restrictions and traffic calming, especially on Pagham Road.

The proposal conflicts with criteria (2) and (11) in that an existing open area is being developed. Notwithstanding, as the open space is private land, it is not considered the conflict should be afforded any significant weight in the determination of this application. The proposals complies with the other criteria although in respect of (12), this is on the basis that WSCC Highways do not require any upgrade works to Pagham Road.

It is considered that the proposal complies with ALP policies D DM1 & D SP1 and with the guidance on good design within the NPPF.

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 specific rules regarding the relationship between dwellings. The emerging Arun Design Guide proposes, for habitable rooms, a distance of 21m for back to back arrangements, 14m for back to side arrangements and 16m for front to front arrangements. There is no standard for flank to flank but flanks do not tend to contain principal windows therefore a narrow gap is often acceptable.

The closest distances between the proposed houses and existing dwellings are considered to be:

- 22m between the rear of plot 6 and the rear of the conservatory on 19 Millfarm Drive;
- 22.5m between the rears of plots 3/4 and the rear of no. 15 Millfarm Drive;
- 12.4m between the flank of plot 7 and the rear of the conservatory on 23 Millfarm Drive; and
- 23m between the front of plot 6 and the front of 24 Spinnaker View.

All other relationships exceed these distances. It is acknowledged that floor levels of the mobile homes are approximately 0.6m higher than their ground levels and therefore they will be able to see over the proposed 1.8m boundary fence, however the addition of landscaping along this boundary will, once it has established, provide further screening. It is also noted that the distance between plot 9 and 45 Spinnaker View is closer than those measurements above, however, any views between front/rear windows will be at an obscure angle and this is an acceptable arrangement.

On this basis it is not considered there will be significant loss of privacy or loss of light from the proposed buildings. The addition of a fence along the northern boundary could take some light away from the mobile home rear gardens however, the land owner could at any time erect a 2m high fence or plant landscaping along this boundary without the need for planning permission.

Occupiers of dwellings adjoining the access road have raised concerns due to the increase in vehicles using the access way which borders their properties. This is especially the case for 2 Spinnaker View which is as close as 1m to the boundary. Regard must be had to the fact that this is an existing access used by the hotel. The increase in vehicle movements is not considered to be significant (e.g. only 4-5 extra at peak times) and vehicle speeds will be low. The Councils Environmental Health officers do not raise concerns regarding noise to adjacent residential dwellings.

For the above reasons, it is considered the proposal accords with ALP policies D DM1 and QE SP1.

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 new buildings will be suitable for residential use. The following is a breakdown of the proposed homes:

Plot	Unit Type	Internal Space	National Standard	Difference (+/-)
1/2	3 Bed, 5 Person, 2 Storey	102.38	93	+9
3/4	3 Bed, 5 Person, 2 Storey	111.90	93	+19
5/6	3 Bed, 5 Person, 2 Storey	153.76	93	+60
7	2 Bed, 4 Person, 2 Storey	126.67	99	+47

8/9 3 Bed, 5 Person, 2 Storey 153.76 93 +60

Policy 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 emerging Arun Design Guide proposes the following standards:

- Minimum 10.5m depth for private rear gardens;
- 50sqm area for two-bedroom homes and 60sqm for three or more bedroom homes (smaller gardens with adequate daylight and privacy may be acceptable in corner plots); and
- Minimum 2m deep private front garden.

The spacious layout means that all of the houses comply with these emerging standards. The proposal therefore complies with policies D DM1 & D DM2 and with the guidance in the NPPF (para. 127).

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP policy ENV DM2 states that within the designated Zone B (0-5km), all new residential development which is likely to have an impact on Pagham Harbour will be required to:

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

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

Natural England advise that subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site. However, they also state that this approach may need to be formally checked & confirmed by ADC via an Appropriate Assessment (AA) and that ADC should determine whether or not an AA is required.

The Council has taken further advice from its ecologist who advises that the only Habitat Regulations Assessment (HRA) issue is recreational disturbance and as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used. The Screening Matrix has been completed and this concludes that no AA is required for this application.

A contribution to the Bird Aware Scheme of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015 and this was subsequently reduced to £871 as of the 10th April 2017. The net increase in 9 dwellings results in a contribution of £7,839 at the current rate and this is secured by a signed legal agreement. On this basis, the application complies with policy ENV DM2.

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)." Government guidance states that the Local Planning Authority must consider how a development might affect protected species on or near a proposed development site when reviewing a planning application.

The application is accompanied by a "Preliminary Ecological Appraisal and Bat Building Assessment" and a "Reptile Survey Report". These documents have been appraised by the Councils ecologist who raises no objection to the proposals. The required mitigation measures will be secured by condition and if the badger survey (to be carried out prior to works starting) reveals badgers to be present then a Natural England license may be required.

Existing trees to the east boundary will be retained and it is indicated the eastern and northern boundaries will be strengthened with additional planting. This will be secured through conditions.

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

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".

The Tree Officer considers those trees adjacent to the east boundary (in the adjoining land) are important and should be protected. The Tree Officer originally raised an objection but it became clear that the Arboricultural Assessment as originally submitted was based on a different layout. This has since been rectified and the Tree Officer has withdrawn the previous objection.

The layout as proposed does not propose any tree felling and does not show any built development in the root protection areas of the adjacent significant trees. It is therefore considered that the development complies with ALP policy ENV DM4.

SUMMARY:

This application comprises the development of this existing parcel of relatively unused grassed paddock land with 9 new residential dwellings. The site will be accessed from Paghams Road via an existing access driveway which is to be widened in places including most notably by the demolition of a section of wall which is considered separately by P/53/19/L.

The principle of development on this site is contrary to the policies within the development plan due to the site being within defined countryside. 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. It is also considered that the development of this site will not result in any significant and demonstrable harm to the character and appearance of the wider countryside.

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 on the principle of development can be taken other than in accordance with the development plan.

Although it is acknowledged that there are a number of objections to the proposal, the above analysis has demonstrated that the proposal is in accordance with all of the relevant development plan policies and that there are no objections from any statutory consultees.

This application should be approved subject to conditions below and the signed legal agreement.

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 will be granted with a S106 legal agreement relating to a contribution of £7,839 towards the provision of accessible natural open green spaces to offset the impact 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 plan" dwg. 01 Rev A;
"Site Plan as Proposed" dwg. 06 Rev B;
"Houses Types 1-4" dwg. 07;
"House Types 5 & 6 (Mirrored)" dwg. 08;
"Bungalow Type 7" dwg. 14 Rev A;
"House types 8 & 9" dwg. 09;
"Street Elevation - Longitudinal Section" dwg. 10 Rev A;
"Street Elevation - Cross Section" dwg. 11 Rev A;
"Street Elevation (Bungalow) Cross Section" dwg. 35;
"Refuse Vehicle Swept Path Analysis" dwg. 2017-3763-001 Rev A (only insofar as it relates to the access junction, access arrangements & access driveway);
"Visibility Splays and Internal Swept Path Analysis" dwg. 2017-3763-002 Rev A (only insofar as it relates to the access junction, access arrangements & access driveway);
"Refuse Vehicle Access and Egress and Concurrent Car's Movements" dwg. 2017-3763-003 Rev A; and
"Forward Visibility" dwg. 2017-3763-004 Rev A;

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

- 3 All activity at the site is to be carried out in strict accordance with the submitted Arboricultural Report by Beechdown Arboriculture Ltd (ref: B/0189/18 V.2).

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.

- 4 The development must be carried out in accordance with the mitigation and enhancement measures as set out within section 6.0 of the "Preliminary Ecological Appraisal and Bat Building Assessment" by Arbeco Ltd dated 09/04/18; and section 6.0 of the Reptile Survey Report by Arbeco Ltd dated 22/05/18. The enhancements and mitigation measures shall be implemented as per the documents and permanently retained and thereafter maintained as fit for purpose.

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

- 5 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with West Sussex County Council and the Councils Environmental Health Officers). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters

- An indicative programme for carrying out of the works;
- The anticipated number, frequency and types of vehicles used during construction;
- The method of access and routing of vehicles during construction;
- The parking of vehicles by site operatives and visitors;
- The loading and unloading of plant, materials and waste, including permitted times for deliveries;
- The storage of plant and materials used in construction of the development;
- The erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;

- The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- measures to control the emission of dust and dirt during construction;
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination; and
- A scheme for recycling / disposing of waste resulting from demolition and construction works.

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

- 6 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.

- 7 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.

- 8 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 Protection Plan (Appendix 7 (version 2), 23/07/19) as contained within the submitted Arboricultural Report, August 2019 (ref B/0189/18 V.2).

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.

- 9 No development including site access, demolition or associated construction activities, shall take place on the site unless and until a badger survey has been undertaken in order to ensure that badgers are not using the site. If a badger sett is found on the site, then the applicants shall provide a mitigation strategy to the Local Planning Authority for approval in writing to be determined in consultation with Natural England.

Reason: To safeguard resident badgers in accordance with Policy ENV DM5 of the Arun Local Plan and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because the commencement of development could result in harm to any badgers living within the site area.

- 10 Prior to the commencement of development a detailed level survey of the site including existing and resulting ground levels and the finished floor levels buildings the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy D DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because otherwise site levels must be set prior to works commencing on the new houses as otherwise it would be difficult and expensive to rectify any changes.

- 11 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 all details of hard and soft landscaping (including hard surfacing to new/upgraded roadways) 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.

- 12 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials, finishes and detailing 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 visual amenity and the setting of the nearby listed buildings by endeavouring to achieve buildings of visual quality in accordance with policies HER SP1, HER DM1, D DM1 and D SP1 of the Arun Local Plan.

- 13 No development above damp proof course (DPC) level shall take place until details of all new and improved boundary treatments have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such boundaries associated with them have been erected.

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

- 14 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on approved drawings.

Reason: In the interests of road safety in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

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

Reason: To provide adequate on-site car parking for the development in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

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

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies T SP1 & T DM1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 17 No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of

the NPPF.

- 18 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.

- 19 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.

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

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

- 21 Before the buildings hereby permitted are occupied dustbin enclosures shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. The approved bin storage enclosures or spaces shall thereafter be permanently retained.

Reason: To ensure sufficient refuse facilities and to safeguard the appearance of the development & the amenities of the area in accordance with policies D DM1 and WM DM1 of the Arun Local Plan.

- 22 The new dwellings shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the new houses will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwellings 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.

- 23 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 works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

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

- 24 All bathroom and toilet windows in the elevations of any of the buildings hereby approved shall be glazed with obscured glass and permanently retained so thereafter.

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

- 25 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 or alterations to the roofs of plots 1 to 7 inclusive shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of existing residential occupiers to the north and south in accordance with policies QE SP1 and D DM1 of the Arun Local Plan.

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

- 27 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £7,839 towards the provision of accessible natural open green spaces to serve the Pagham area.

- 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: 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 license 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/>

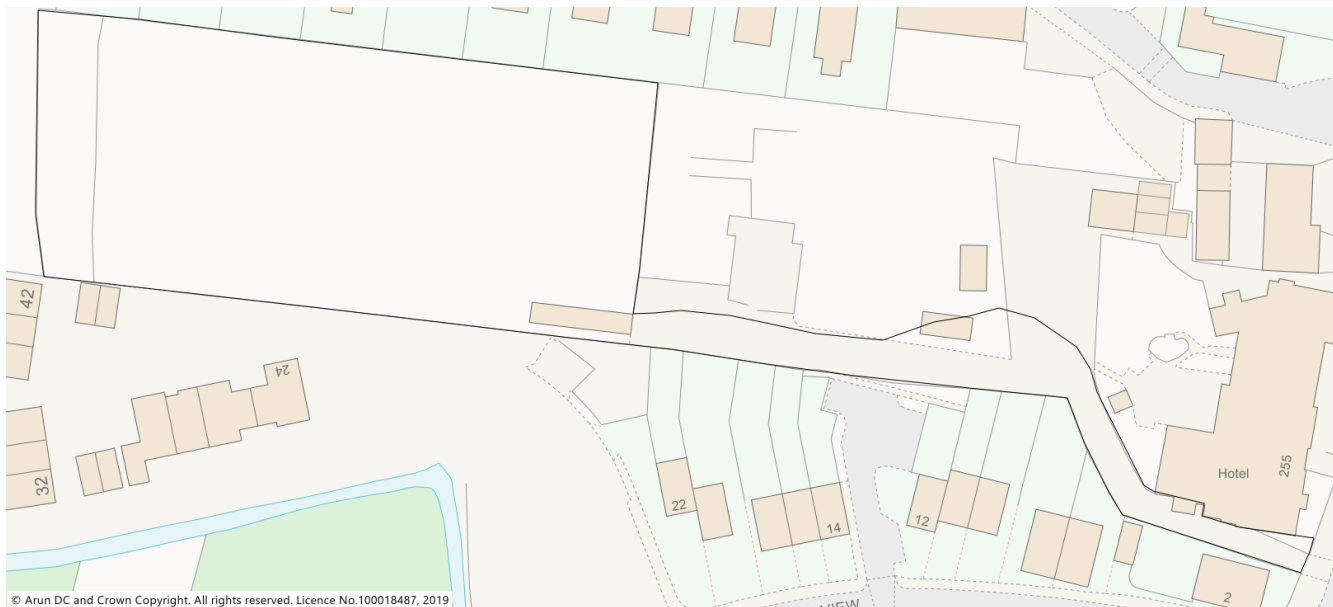
Online applications can be made at the link below, alternatively please call 01243 642105.

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

BACKGROUND PAPERS

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

P/58/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: M/42/19/PL

LOCATION: 117 Elmer Road
Elmer
PO22 6LH

PROPOSAL: Demolition of existing dwelling & erection of pair of semi-detached chalet dwellings with on-site parking facilities & new vehicular access.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to demolish a detached single storey bungalow and replace it with a pair of 2 storey semi detached chalet bungalows with rooms in the roof.
SITE AREA	0.05 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	40 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There are no trees on the site affected by the proposed development.
BOUNDARY TREATMENT	1.8 metre fencing and trellising to the west side of the property and rear garden. 1 metre hedging and low wall to the front garden.
SITE CHARACTERISTICS	The site is a standard designed bungalow with a windowed loftspace in the roof. Parking and access is directly from Elmer Road onto the front garden. The property has a 16 metre garden to the rear.
CHARACTER OF LOCALITY	The locality is a predominantly residential area in Elmer.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

- Objection on the grounds of a loss of residential amenity and possible impact on endangered species including great crested newts.

8 letters of objection from neighbouring properties have been received on the following grounds:

- Loss of privacy/ overlooking.
- Loss of light.
- Height and footprint would cause overbearing impact.
- Harmful impact on the street scene.
- Unsympathetic architectural style.

- Harm to slow worms, hedgehogs and greater crested newts in area.

COMMENTS ON REPRESENTATIONS RECEIVED:

The application has been amended and further comments are awaited from the Parish Council which will be reported as a committee update.

Material planning issues raised are addressed in the Conclusions section of the report.

CONSULTATIONS

Environmental Health
 Engineering Services Manager
 Engineers (Drainage)
 Southern Water Planning
 WSCC Strategic Planning
 Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

Ecology - No objection subject to conditions relating to protection of bats & nesting birds.

ADC Surface Water Drainage - No objection subject to a condition and an informative.

ADC - Environmental Health - No objection subject to a condition relating to asbestos and its removal.

WSCC County Highways - No objection subject to a condition relating to provision for electric vehicle charging points.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Within built up area boundary.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
SDSP2	SD SP2 Built-up Area Boundary

WDM2 W DM2 Flood Risk
QESP1 QE SP1 Quality of the Environment

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

POLICY COMMENTARY

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

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

The Neighbourhood Development Plan

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

Middleton does not have a neighbourhood plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would not be out of character in the street scene and would not have an acceptable impact on the residential amenities of neighbouring properties.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

CHARACTER AND DESIGN.

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

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

The two proposed semi detached bungalows would have a cottage style modern design incorporating 3

bedrooms in the first floor of the building within the sloped roof. They are designed to be similar to the neighbouring properties at no.115 and 115a. The plot widths are similar between the 115 and 115a at 15.7 metres and no. 117 at 14.7 metres.

The character of the area is of mixed individually designed properties including bungalows and two storey dwellings such that the proposed dwellings would fit in and not jar in the street scene. Two storey developments exist at 101 and 131 Elmer Road with further 3 storey developments at Chandlers Reach 45 metres to the east of the application site.

There are a number of examples of dormers featuring in dwellings most notably at 115 and 115a but also at 128,133 and 100 Elmer Road.

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

RESIDENTIAL AMENITY

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

The existing dwelling has a first floor window serving a loft in the roof facing 119 & 115b Elmer Road to it's rear. The proposed new dwellings would be 28 metres away from the rear elevations of the affected properties (119 & 115b). This is considered to be a sufficient separating distance to prevent unacceptable overlooking from the rear dormers and unacceptable loss of light or overbearing impact from the dwellings as a whole.

The impact of the proposed dwellings on no. 127 Elmer Road, the neighbour to the east of the site which is located beyond a 3.5 metre wide access road, is not unacceptable. The Council uses the 45 degree rule to assess the impact of neighbouring built form on the habitable room windows of existing dwellings. When a 45 degree line is drawn from the rear elevation habitable room windows at no. 127 the new development at 117 Elmer Road would not intersect that line and therefore the impact of the proposed development would not cause a significant loss of light or have an overbearing impact.

The impact of the proposed development on the front elevation of 115a is considered acceptable because it would comply with the 45 degree rule and development would not intersect a line drawn from the closest primary habitable room windows at ground and first floor level.

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

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

SPACE STANDARDS

In terms of the internal space requirements Policy D DM2 of the ALP requires that room sizes accord with the Nationally Described Space Standards.

For a 3 bedroomed, property occupied by 4 people as proposed the National space standards state a required minimum gross internal floor area of 84 sq.m. including a minimum of 2.0 metres allocated as built in storage. From an assessment of the submitted floor plans the dwelling would have a gross

internal floor area of 96 sq.m.

As such, the proposed dwelling would comply with these internal space standards in accordance with Policy D DM2 of the Arun Local Plan.

In respect of outside amenity space the proposal includes a rear garden length of 12 metres across the width of the plot which is acceptable and in line with other dwellings in the vicinity of the application site.

BIODIVERSITY/ECOLOGY

The applicant's commissioned an ecological survey which found no evidence of any protected species on site including bats, hedgehogs and reptiles.

The Council's Ecologist inspected this survey and found no objection to the scheme subject to conditions relating to the protection of birds and bats. While no protected species were found, the encouragement of provision for bat habitats is requested.

The risk of impact from the proposed development is considered acceptable and the proposal therefore accords with policies ENV SP1 and ENV DM5 of the Arun Local Plan.

PARKING AND HIGHWAY SAFETY

Arun Local Plan Policy T SP1 seeks to ensure that development provides safe access on to the highway network & promotes sustainable transport, including the use of low emission fuels. It seeks that parking provision accords with West Sussex County Council guidance.

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

Regard should also be had to paragraph 109 of the National Planning Policy Framework (NPPF) which states that development should only be prevented where the residual cumulative impacts on the road network would be severe.

West Sussex County Council Highways Department have assessed the scheme and consider:

- It has a suitable access and parking arrangement.
- It would not have 'severe' impact on the operation of the Highway network.
- Complies with the WSCC car parking demand calculator.

They have requested that conditions be applied with respect to the provision of electric vehicle charging points prior to the occupation of the development. The agents have provided details of the cycle parking in sheds to the rear of the properties.

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

SUMMARY

This proposal is an efficient use of the site without harming the visual amenity of the area, highway safety or the amenities of existing residential occupiers. It is therefore recommended that permission be granted subject to the following conditions.

HUMAN RIGHTS ACT

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

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Proposed Ground Floor Plan and Block Plan - Sheet 1A of 4
Proposed First Floor Plan, Elevations, Roof Plan - Sheet 2 of 4
Proposed Front Elevation, Parking and Vehicular Access Plan - Sheet 3A of 4
Proposed Bicycle Store , Floor Plan & Elevations - Sheet 4 of 4
Parking and Vehicular Access Plan

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 development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 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.

- 5 No development shall commence until a scheme for the incorporation of a bat brick on the southern elevation positioned 3-5 metres above the ground and a bird box on the building or on a tree in the garden of the property has been submitted to and approved by the Local Planning Authority. The bat brick and bird box shall be permanently retained in accordance with the approved details.

Reason: To ensure compliance with policies ENV DM5 and ENV SP1 of the Arun Local Plan.

- 6 The use of the parking area shall not commence until the vehicular access serving the development has been constructed in accordance with the approved Parking & Vehicular Access plan.

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

- 7 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved Parking & Vehicular Access 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.

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved Block Plan (Proposed Ground Floor Plan and Block Plan - Sheet 1A of 4) and the Proposed Bicycle Store , Floor Plan & Elevations - Sheet 4 of 4.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with policy T DM1.

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

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

drainage system prior to commencing any building works.

- 10 The windows on the first floor of the east and west elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7 metres in height from internal floor level.

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

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

- 12 **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.

- 13 **INFORMATIVE:Vehicle Crossover - Minor Highway Works**
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:**The owner(s) of any domestic property built or refurbished before the year 2000 are legally obliged to protect householders from any risks from work activities being carried out in their homes. Where the work being carried out involves Asbestos-Containing Materials (ACM's), then the Control of Asbestos Regulations 2012 will apply. As the proposed development is being demolished, the Council need to be satisfied that any ACM previously identified as still present, is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure.

Within any owner-occupied domestic properties, the owner(s) are not legally responsible for risks to contractors from asbestos, as the owners themselves are not engaged in any work activity.

NB: If you are planning any DIY home improvements, repairs or maintenance - and intend to bring in any additional builders, maintenance workers or contractors to site - you must inform them of any ACM's in your home before they start work. This will help reduce the risks of any ACMs being disturbed.

The domestic enforcement authority; the Health and Safety Executive (HSE) strongly encourages the use of trained professionals to repair or remove ACMs. If an owner / occupier choose to carry out DIY repairs or remove damaged asbestos materials themselves, they must make sure the right Personal Protective Equipment (PPE) is used and always follow safe working methods. In addition, please be aware that ACMs need to be legally disposed of as 'hazardous waste'. The removed materials should not be mixed with normal household waste. Arrangements must be made to have any ACM's collected by a competent person(s) or there may be special facilities in an area where you can safely dispose of it.

- 15 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

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)

M/42/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: CM/21/19/PL

LOCATION: Land adjacent to Scyld
Horsemere Green Lane
Climping
BN17 5QZ

PROPOSAL: Construction of 9 no. dwellings, access, landscaping and associated works.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal is for nine detached 2 storey houses comprising 1 no. 5-bed, 3 no. 4-bed, 3 no. 3-bed and 2 no. 2-bed dwellings. A new access is proposed for the development to be located between the properties Scyld and Forgetmenot Cottage.

SITE AREA 0.66 hectares.

RESIDENTIAL DEVELOPMENT DENSITY Approximately 14 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES The site has been cleared of trees except on the site boundaries.

BOUNDARY TREATMENT The boundary to the West along the boundary of Scyld has a 2m high fence that runs the full length of the plot. The boundary to Apple Tree Walk is also fenced to 2m with foliage to Horsemere Green Lane.
Other boundaries are enclosed by 2m high fencing.

SITE CHARACTERISTICS The application site is located on the south side of Horsemere Green Lane. It is an overgrown, vacant plot of land.

CHARACTER OF LOCALITY The extensive plots of Scyld, Mistletoe Farm, Forgetmenot Cottage and Langford the adjacent property to the east, contrast significantly with the prevailing pattern of development fronting Horsemere Green Lane which is characterised by high density residential development. This comprises two-storey houses and bungalows of higher density to Wooldridge Walk and Apple Tree Walk flanking the application site.

Development is predominantly in linear form fronting the highway, with hard standings forward of the properties, integral garages and landscaped front gardens.

RELEVANT SITE HISTORY

CM/13/19/RES	Application for approval of reserved matters following outline approval CM/37/18/OUT for the redevelopment of site with 2no. 4 bed detached bungalows & associated works	ApproveConditionally 26-07-19
CM/37/18/OUT	Outline application with some matters reserved for the redevelopment of site with 2 no. 4-bed detached bungalows & associated works (resubmission following CM/10/18/OUT). This application is a Departure from the Development Plan.	ApproveConditionally 06-03-19
CM/10/18/OUT	Application for Outline planning permission with some matters reserved for redevelopment of the site with 1 No. 4-bed detached bungalow, 1 No. 3-bed detached chalet bungalows & 2 No. 3-bed semi-detached bungalows & associated works. Departure from the Development plan	Refused 28-09-18

The planning history above is for sites adjoining the application site to the west. It demonstrates that residential development has been permitted by the Council and on appeal within the vicinity of the site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Objection:

- The site is in land designated as Countryside and is contrary to Arun Policy C SP1 Countryside that provides the context to the Clymping Neighbourhood Plan.
- It is an over intensive high-density development which is against the character of the area and will be detrimental to the street scene. This is contrary to Clymping Neighbourhood Plan Policy CPN 11.
- There is no information about the impact on habitats for wildlife or the loss of trees. This application is contrary to the Clymping Neighbourhood Plan Policy CPN 8 Protection of Trees and Hedgerows and Policy CPN 9 Protection of Natural Habitats.
- The creation of a further new access on to Horsemere Green Lane is not acceptable.
- There will be overlooking of neighbouring properties which will be detrimental to privacy.

54 objections:

- There should be no more than 6 approved on Scyld and none on Wren or Langford.
- Is there some way of making the developer pay a Section 106 payment to provide a pavement or social housing as the developer is clearly the same developer as on Mistletoe Farm?
- How will the entrance onto Horsemere Green Lane be safe given that it is between two other entrances within 10 metres? There is no footpath along Horsemere Green Lane.
- Any ambulance/fire engine/bin lorry/delivery would be unable to enter the site from the proposed access. This is not safe.
- Development will result in traffic congestion. Traffic surveys are completely unrealistic. The site proposes 54 bedrooms and that means 36 cars.

- Trees have already been cleared from the site.
- This application shoe horns 9 houses into someone's back garden.
- Works are in preparation for the 300 houses proposed. Therefore another development under these conditions and with such local opposition should be refused.
- The village does not need more bland houses.
- There are owls, bats and hedgehogs in this location and vegetation has been cleared.
- The developer does not own any access points to this site. Only a right of way.
- The proposal has not considered the importance of Scyld and its setting by cramming in so many houses.
- Scyld should be considered for local listing as this would recognise the architectural importance of this property and it would help to protect its setting.
- A bench mark has been set in the neighbouring site of Mistletoe Farm, a site half the size that has 2 properties approved, therefore this application should be no more than 4 properties.
- The site is outside the Parish plan and they have objected.
- Will adversely impact on privacy and light to neighbouring properties.
- Extra strain on services.
- Impact of noise disruption during building.
- Risk of flooding.
- The density of housing does not fit the Neighbourhood Plan.

COMMENTS ON REPRESENTATIONS RECEIVED:

- The number of houses proposed is such that infrastructure improvements cannot be demanded.
- This application cannot be considered in conjunction with other proposals on adjacent sites. Each application is considered on its own individual merits.
- County Highways have no objection to the proposal in terms of highway safety.
- The Council's Ecologist has reviewed the submitted Ecology Reports and appropriate conditions are included in the recommendation.

All other planning related comments raised are addressed in the Conclusion section of this report.

CONSULTATIONS

Environmental Health
Engineering Services Manager
Engineers (Drainage)
Ecology Advisor
WSCC Strategic Planning
Arboriculturist
Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

Council's Ecologist - No objection:

- Following submission of the Reptile Presence / Absence Survey report we are satisfied that no further work is required for reptiles.
- The lighting scheme for the site will need to take into consideration the presence of bats in the local area.
- The hedgerows on site are used by protected species for commuting and foraging and will need to be retained and enhanced. Conditions should be used to ensure this.

- Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season.
- We would like to see a number of enhancements incorporated within the scheme which can be conditioned.

County Highways - No objection subject to conditions relating to access, vehicle parking and turning, cycle parking, and construction management plan.

Drainage Engineer - No Objection. Imposition of standard pre commencement conditions requested to allow for infiltration testing and groundwater monitoring to be completed.

Landscape Officer - No Objection.

- The provision of landscaping for the development must be conditioned. Some indicative landscaping particularly trees detailed have been illustrated with the general layout plan. A full landscape scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting.

Tree Officer - No Objection:

- The applicant's have provided an Arboricultural Impact Assessment & Method Statement along with Tree Retention and Protection Plans.
- The Tree Survey data is comprehensive and accords with the requirements of BS5837:2012.
- The proposal has already involved the removal of a large number of established trees across the site, including those of highest quality. The opportunity to assess the public amenity value (existing or potential) of many on-site trees has long since passed.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary
HEELA Site

DEVELOPMENT PLAN POLICIES

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

TSP1	T SP1 Transport and Development
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
ENVDM5	ENV DM5 Development and biodiversity
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM4	ENV DM4 Protection of trees
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
CSP1	C SP1 Countryside

ECCSP2 ECC SP2 Energy and climate change mitigation

Clymping Neighbourhood Plan 2015 Policy CPN11	Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment
Clymping Neighbourhood Plan 2015 Policy CPN12	Reducing the risk of flooding
Clymping Neighbourhood Plan 2015 Policy CPN8	Protection of Trees and Hedgerows

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

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

The Clymping Neighbourhood Plan has been made and the relevant policies 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 conflict with relevant Development Plan policies in that the site lies outside the built-up area boundary where development or redevelopment is unacceptable in principle and is not considered to accord with policy CSP1 of the Local Plan.

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.

These are that the proposal does not result in material harm to the character or appearance of the area and represents an acceptable form of development in this location adjacent to existing development which complies with the Council's identified housing strategy and housing need.

CONCLUSIONS

PRINCIPLE

The site is outside of the built up area as defined in the Local Plan and as such the development plan in the determination of this application will consist of the Arun District Local Plan (ALP) 2011 - 2031 and the Clymping Neighbourhood Plan. In the Clymping Neighbourhood Plan Clymping doesn't have a built up area boundary but the application site is adjoined by residential development on all sides and is currently in residential use.

Arun District Local Plan (2011-2031):

The key policy considerations in the determination of this application are considered to be SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031. Policy C SP1 states that 'Outside the Built-Up Area Boundaries (as identified on the Policies Maps) land will be defined as countryside and will be recognised for its intrinsic character and beauty.'

The application site is situated outside of the built up area boundary (BUAB) as specified by policy SD SP2 which seeks to focus development within the built up area. Due to the sites location outside of the BUAB development in this location the development would be in conflict with locational requirements of policy C SP1 of the Arun Local Plan 2011 - 2031.

The NPPF (July 2018) states:-

Para 2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The principle of residential development on this site is contrary to the development plan (Arun District Local Plan policy C SP1 and the intention of the ANDP to protect countryside and make provision for housing on identified sites policies HD1 & HD2).

However, the proposed development would provide an additional 9 houses which are required in the District at the present time due to the less than 5 year housing land supply. The development would have a positive effect upon the supply of housing and there are other relevant material considerations which need to be taken into account.

The Annual Monitoring report, published on the 18th of June 2019, identifies the current five year housing land supply situation. The current housing land supply (with a 'policy off' position) is 4.7 years.

The National Planning Policy Framework (NPPF) provides information on the issue of the weight that can be given to the Arun Local Plan or 'made' neighbourhood development plans, where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. These details are set out in full in Paragraph 11(d), where it is stated that permission would be granted, unless there are any adverse impacts that would demonstrably outweigh the benefits.

MATERIAL CONSIDERATIONS

The NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)). Whilst outside of the defined BUAB, contrary to Policy C SP1, there needs to be a demonstrable harm to the aims of this policy. The aims of this policy are to preserve the character and beauty of the countryside and to manage the urban/rural fringe.

The application site is adjoined to the South, East and West by existing dwellings. To the North-East there is an industrial estate. The site is bordered by a road to the North. Therefore none of the sites boundaries are in open countryside use and the application site is bounded by built form. The impact on the character of the countryside, from the erection of 9 houses on the site is therefore acceptable. For these reasons, it is considered that there are other material considerations that would weigh in favour of

granting planning permission, contrary to the principles of the development plan.

The Local Plan Examination Inspector's Report paragraph 96 stated that Arun District Council (ADC) has agreed to invite planning applications on policy compliant HELAA sites. The HELAA Assessment Summary Table shows that the Site (CLY2) as being "deliverable".

Indeed, it notes that the site is a suitable site as there are no major constraints to overcome and that it is viable and achievable. The supporting text at paragraph 12.1.6 of the adopted Local Plan states that the housing supply for the Plan period includes "Deliverable" HELAA sites. This category of site is expected to produce a minimum increase of 530 dwellings during the Plan period. This site and application relates to the HELAA CLY2 'Developable' site (i.e. beyond 5 years). The overall site given a net developable housing yield of 20 dwelling units - but the overall site comprises of 3 linear plots in 3 adjacent ownerships - Mistletoe Farm - Scyld and - Langford. This application at Mistletoe Farm is proposing 9 net additional units - which given the configuration of the site (with existing properties as do the others) is reasonable and in comparison the other two plots appear slightly larger in the same configuration so it is considered that 9 on this plot is in keeping.

It is therefore concluded that development of the site to provide an additional 9 houses is acceptable in principle and would accord with the requirements of the NPPF.

VISUAL AMENITY AND CHARACTER

Arun Local Plan policy D DM1 lists a series of 15 criteria that development must comply with - these include character where the policy states:

'1. Character

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

Arun Local Plan Policy D SP1 - Design states:

'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....' The policy requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design. The proposed development comprises nine houses on a site measuring 0.66 hectares. The density of the development accords with adjoining development. The proposed development site has been designed at a density of 14dpa (dwellings per hectare). Compared with densities of 18 dph at Appletree Walk and 17 dph at Mant Close and Wooldridge Walk. Therefore, the proposed development site is currently lower density than the surrounding development, but comprises an acceptable density given the range of adjacent plot densities. Forgetmenot Cottage, Langford and Wren Cottage all have significant plot sizes.

Policy CPN11 of the Clymping Neighbourhood Plan seeks to ensure that proposed development is in keeping with its location so as to protect and enhance the character of the locality. Good design is considered to mean 'responding to and integrating with the local built environment and landscape context as described in the Clymping Character Assessment'.

Appendix 1 'Climping Character Assessment' of Climping Neighbourhood Plan identifies the application site as 'Horsemere Green Lane' where it states that 'most of the houses are detached with only smaller numbers of semi detached houses' and 'Wooldridge Walk/Mant Close (39 properties) differs in that it is exclusively three bedroom detached bungalows with rendered walls and tiled roofs built around a small

open green space.'

It is also necessary to consider the guidance within the National Planning Policy Framework. Paragraph 124 states that high quality buildings and places are fundamental to the planning process. Paragraph 127 sets out 5 design criteria against which development proposals will be assessed including the need to be visually attractive and sympathetic to local character.

The design of the dwellings is acceptable. The proposal incorporates a traditional design with a simple appearance and a materials palette reflective of houses in the local area such as tiled roofs with timber cladding or tile hanging to the gables and upper floors, and red stock brick work. Precise details of the materials are not provided and a condition is suggested to ensure the Local Planning Authority can control the final colour of brickwork, cladding, tiling, render and slate.

A detached house (Plot 1) is proposed fronting Horsemere Green Lane and set adjacent to Scyld, following the pattern of existing development to the road frontage. A linear development of detached two-storey houses with varying roof forms and complimentary materials palette are proposed beyond the rear gardens of the frontage properties. The proposed properties are situated towards the eastern site boundary and orientated facing west to respect amenities of adjacent neighbours. Parking is proposed within garages and to hard standings, with each property benefitting from either a single or double garage with 2 or 3 no. parking spaces per dwelling.

The application site forms an irregular plot of land approximately 42 metres wide and extending 190 metres back from the highway. The proposed development has been designed to make appropriate and effective use of the residential land available. The nine dwellings are proposed in an arrangement with a house to the site frontage, flanking the access road with Scyld to the west, and a linear pattern of eight two-storey houses fronting the access road and extending the full depth of the plot. Parking is proposed at 2 to 3 spaces per dwelling with 5 further unallocated or visitor spaces giving a total of 29 parking spaces to serve the development which exceeds West Sussex County Council minimum parking standards.

The stretch of dwellings between Wooldridge Walk and Apple Tree Walk are of relatively modern design and mainly bungalows with reduced garden areas. It is considered that the principle of the development in the site would accord with this style of development and be in keeping with what is existing in the area.

The scheme comprises a well-balanced layout and appropriate house design for its location within existing residential development. The amount of development is considered to be appropriate in context with the surrounding residential development and would make more efficient use of this previously developed land for residential use in line with the Council's guidance on density and development management issues generally.

The scale of the development is responsive to the site's surroundings with bungalows to the west within Wooldridge Walk and larger two-storey houses to the east. The elevational drawings submitted show the proposed dwellings would not exceed 8 metres in height. Roof forms vary from gable to half-hipped in order to add variety and interest to the street scene and reduce mass and bulk. The ridge height accords generally with built form in the vicinity.

It is considered that house designs and site layout has led to a well-proportioned scheme, where the proposed plots provide sufficient amenity space and compare favourably with other nearby properties, and would provide an appropriate scale of development consistent with the surrounding form of residential development local to provide much needed additional housing within the district without resulting in harm to the character of the area.

It is therefore considered that the proposal would be in accordance with policy D DM1 (1) and D SP1 of the ALP 2011 - 2031, policy CPN11 of the CNP and paragraphs 12 and 127 of the National Planning Policy Framework.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 (3) indicates that development will be permitted if it does not result in impacts on adjoining occupiers, land, use or property. None of the NP policies specifically refer to residential amenity issues.

The NPPF in paragraph 180 states that 'planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.'

Furthermore in paragraph 123 c) it states that 'when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'

In this case the layout dwellings has been considered in terms of separation distances and the placement of fenestration and in order to protect the amenities of neighbouring residential occupiers does not result in materially adverse overlooking of neighbouring properties. The closest properties bordering the site are 30 Appletree Walk which is 1m from the southern boundary and Forgetmenot Cottage which is located on the eastern boundary. Plots 4 and 5 are 10m from the eastern boundary and Plot 9 is 8m from the southern boundary at first floor and has no windows at first floor level. There are three high level Velux windows in the roof, but these only serve to provide light to a first floor landing and bathroom. Cross section details showing their position in relation to floor height have been requested. Plot 1 is 1m from the side boundary to the east, but adjoins an access road and is 15m from the nearest dwelling to the east.

Separation distances between the development and existing dwellings are therefore sufficient to prevent overlooking or overshadowing of neighbouring properties, due to existing dwelling orientation. Wren Cottage to the west is separated from the proposed development by between 16.5-20 metres where overlooking or over shadowing would not occur. The proposed dwellings are set back well into the site in line with the form of existing development to the site frontage and arranged in order that the development would not give rise to materially adverse overlooking.

The layout has been designed to take account of the amenities of neighbouring residential occupiers and is not considered to cause harm to the amenities of existing neighbouring occupiers or to those of the future occupiers of the development in accordance with policy D DM1 of Arun Local Plan .

INTERNAL/EXTERNAL SPACE STANDARDS

Plot 1 is a 5 bed dwelling has a gross internal floor area of 189m² which exceeds the standard for an 8 person, 2 storey dwelling. With regards to the 2 bed dwellings (plots 2 & 3) have floor areas of 129m² which exceeds the standards for a 4 person, 2 storey dwelling. Plots 4, 5 and 6 have 3 bedrooms with a gross internal floor area of 165sqm which exceeds the 6 person, 2 storey standard. Plots 7,8 and 9 have

4 bedrooms and exceed the 124sq m standard for an 8 person 2 storey dwelling. As such the proposal is fully compliant with the Nationally Described Space Standards (NDSS).

The development achieves good sized gardens and appropriate separation distances between dwellings. The frontage property and Scyld would have rear gardens in excess of 15m deep, with Scyld also retaining a substantial area of garden to the frontage. Gardens to plots 2 and 3, the smaller 2-bed units extend to 9.5m in length with the larger 4 and 5-bed properties to the rear of the site having garden depths of approximately 14m.

Policy D DM3 of the emerging Local Plan is no longer being applied, but that sought the provision of a 10m rear garden length and proportionate and useable garden areas. Only 2 rear gardens fall short of this standard, plots 2 and 3 where the depth is 9.5m. It is considered that the shortfall of garden length to plots 2 and 3 (2 bed units) is acceptable given the rear garden areas of 115sqm. The private amenity space for the proposed development would be acceptable.

HIGHWAY SAFETY, & PARKING

The proposals would result in a new access arrangement from Horsemere Green Lane to the east of Scyld measuring 4.8m wide and with required visibility splays in order to serve the nine additional dwellings. The scheme would provide adequate turning and parking provision for each house and a turning head at the southern end in order that refuse vehicles are able to access the site. Each dwelling has two to three parking spaces and a garage and five further unallocated spaces for visitors resulting in a total of 29 parking spaces to serve the development.

Policy T SP1 of the Arun Local Plan 2011 - 2031 discusses transport issues including safe highway access.

Regard should be had to paragraph 109 of the National Planning Policy Framework which states that: 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

The application has been assessed by WSCC Highways. WSCC advice is that it is satisfied with the proposed access, associated visibility splays and car parking provision subject to imposition of appropriate conditions.

It is not therefore considered that there is any conflict with the adopted development plan policies or with the NPPF.

DRAINAGE AND FLOODING

The Council's Drainage Engineers have been consulted on this application. There is an ordinary watercourse running along Horsemere Green Lane, any proposals to culvert or alter this (including to provide a new access way) would require land drainage consent. The site is constrained, especially with trees. The applicant has submitted a Drainage Strategy Report and further details of SUDS have been considered by the Council's Drainage Engineer. Drainage conditions are suggested which provided the submitted Drainage Scheme is satisfactory, would be adequate to ensure the site is adequately drained in accordance with policies W SP1 and W DM2 of Arun Local Plan and CPN12 of Climping Neighbourhood Plan.

ECOLOGY

Policy ENV DM5 of the Arun Local Plan related to development and biodiversity. It states that development should seek to achieve a net gain in biodiversity and protect the existing habitats on site. Development should also seek to facilitate the emergence of new habitats. This can be done by a variety

of different measures. Where there is evidence of an existing species on site, surveys should be undertaken, detailing the measures that will be incorporated in order to protect said species.

The proposed development was accompanied by a full ecological appraisal and tree report and a reptile survey has subsequently been undertaken. Owing to the findings of the ecological appraisal further emergence surveys were also conducted on site. The comments from the ecologist state that, subject to conditions, there is no conflict with the policy.

TREES

The application is supported by a Tree Survey and Tree Protection and Retention Plan. Most trees are being retained where possible, and those that are proposed for removal are mainly Category U, D or C - Trees of Low Quality and Value. The Arboriculturalist has been consulted and raises no objection. Policy CPN8 Protection of Trees and Hedgerows in the Clymping Neighbourhood Plan is relevant. Only one Category B tree a *Liriodendron tulipifera* is to be removed to create the driveway. All other trees are being shown as retained and protected throughout development.

SUMMARY

The proposal would make efficient use of land by delivering nine new homes in context with the surrounding pattern of residential development and would make a useful contribution to the supply of housing. The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

date of this permission.

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

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

- Location, Block & Site Plan: 1111/DPA101 Rev 01
- Proposed Context Plan: 1111/DPA102 Rev 01
- Floor Plans - Plot 1: 1111/DPA103 Rev 01
- Proposed Elevations - Plot 1: 1111/DPA104 Rev 01
- Floor Plans - Plots 2 & 3: 1111/DPA105 Rev 01
- Proposed Elevations - Plots - 2 & 3: 1111/DPA106 Rev 01
- Floor Plans - Plot 4: 1111/DPA107 Rev 01
- Proposed Elevations - Plot 4: 1111/DPA108 Rev 01
- Floor Plans - Plots 5 & 6: 1111/DPA109 Rev 01
- Proposed Elevations - Plots 5 & 6: 1111/DPA110 Rev 01
- Floor Plans - Plot 7: 1111/DPA111 Rev 01
- Proposed Elevations - Plot 7: 1111/DPA112 Rev 01
- Floor Plans - Plots 8 & 9: 1111/DPA113 Rev 01
- Elevations Plots - 8 & 9: 1111/DPA114 Rev 01
- 1111/DPA 115 Rev 01
- Tree Constraints Plan Sheet 1 of 2 LLD1483-ARB-DWG-001 rev00
- Tree Constraints Plan Sheet 2 of 2 LLD1488-ARB-DWG-002 rev00
- Tree Retention & Protection Plan Sheet 1 of 2 LLD1483-ARB-DWG-003 rev01
- Tree Retention & Protection Plan Sheet 2 of 2 LLD1483-ARB-DWG-004 rev01

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

3 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing no: FIGURE 1.3 Rev P2.

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

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

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy D DM1 of 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 plans and details submitted to and approved by the Local Planning Authority. The agreed scheme shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy TSP1 of Arun Local Plan.

6 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.

- 7 The development shall proceed in accordance with the Ecology Enhancement Plan 1111/DPA115 rev01 and prior to occupation ecological enhancements shall be made to the scheme and retained in perpetuity in accordance with details to be submitted to and approved by the Local Planning Authority, which shall include the following :

- Wildflower meadow planting used.
- Filling any gaps in tree lines or hedgerows with native species.
- Grassland areas managed to benefit reptiles.

Reason: To protect and enhance native flora and fauna in accordance with policies ENV DM3 and ENV DM5 of Arun Local Plan

- 8 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- The anticipated number, frequency and types of vehicles used during construction.
- The method of access and routing of vehicles during construction.
- The parking of vehicles by site operatives and visitors.
- The loading and unloading of plant, materials and waste.
- The storage of plant and materials used in construction of the development.
- The erection and maintenance of security hoarding.
- The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders).
- Details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policies T SP1 and D DM1 of Arun Local Plan.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed at first floor level or above in east wall of plots 1, 2 and 3 or the south elevation of plot 9 without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies D DM1 of the Arun Local Plan.

- 10 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 DDM1 of the Arun Local Plan.

- 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 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment & Method Statement, Lizard Landscape and Design Ltd, ref. LLD1488-ARB-REP-001, Rev 01, 20 May 2019.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in accordance with policy ENV DM4.

- 15 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 Protection Plans, dwg. nos. LLD1483-ARB-DWG-003 Rev 01 and LLD1488-ARB-DWG-004 Rev 01. The approved fencing shall be retained in the approved positions throughout the development of the site.

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.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in accordance with policy ENV DM4

- 16 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 to the Local Planning Authority for consideration 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 and the works shall proceed in accordance with the agreed methodology.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in accordance with policy ENV DM4 .

- 17 No part of the development shall be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the residential unit and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

- 18 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.

- 19 **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.

- 20 **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.

- 21 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

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

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

BACKGROUND PAPERS

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

CM/21/19/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: BR/120/19/PL

LOCATION: The Bandstand
The Promenade
Bognor Regis

PROPOSAL: Application under Regulation 3 of the Town & Country Planning (General Regulations) 1992 for the reinstatement of missing pieces of ornamental metalwork; redecoration of entire structure; removal of yellow brick plinth and step, and reinstatement with red brick; relocation of entrance gate from south elevation to west elevation; infilling of open east and west sides with new railing to match existing; removal of existing lighting and provision of new; fitting of horizontal ceiling; removal of concrete floor finish; laying of new non-slip tiles in geometric pattern; fitting of Perspex sheeting at high level to prevent rainwater penetration.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Reinstatement of missing pieces of ornamental metalwork; redecoration of entire structure; removal of yellow brick plinth and step and reinstatement with red brick; relocation of entrance gate from south elevation to west elevation; infilling of open east and west sides with new railing to match existing; removal of existing lighting and provision of new; fitting of horizontal ceiling; removal of concrete floor finish; laying of new non-slip tiles in geometric pattern; fitting of Perspex sheeting at high level to prevent rainwater penetration.
SITE AREA	180 square metres
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	The promenade is in on a higher level than the road to the north (The Esplanade), with a wall approximately 1.2m high with railings on the edge of pavement, with the beach running along the southern side.
SITE CHARACTERISTICS	Bandstand on Bognor Regis promenade.
CHARACTER OF LOCALITY	Built up area, mix of residential and commercial use.

RELEVANT SITE HISTORY

BR/121/19/L	Listed building consent for the reinstatement of missing pieces of ornamental metalwork; redecoration of entire structure; removal of yellow brick plinth and step, and reinstatement with red brick; relocation of entrance gate from south elevation to west elevation; infilling of
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open east and west sides with new railing to match existing; removal of existing lighting and provision of new; fitting of horizontal ceiling; removal of concrete floor finish; laying of new non-slip tiles in geometric pattern; fitting of Perspex sheeting at high level to prevent rainwater penetration & fitting of Perspex sheeting behind balustrading to form windbreaks.

BR/151/06/L	Application for Listed Building Consent to attach flexible rope light to the verticle ribs of the Bandstand roof	ApproveConditionally 28-06-06
BR/146/94	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 to reinstate S W timber boarded ceiling including the installation of 8 no recessed downlighters. To reinstate cast frieze to roof eaves above gutter.	Deemed Perm Cnd 10-08-94
BR/147/94/L	Application under Regulation 13 of the Planning (Listed Building & Conservation Areas) Regulations 1990 for Listed Building Consent to reinstate S W timber boarded ceiling including the installation of 8 no recessed downlighters. To reinstate cast frieze to roof eaves above gutter.	ApproveConditionally 10-10-94
BR/47/92	Application under Regulation 4 of the Town & Country Planning General Regulations 1976 to dismantle and remove Bandstand from site to refurbish and replace missing details as necessary to re-assemble on existing site with new roof to existing detail	Deemed Perm Cnd 13-04-92
BR/48/92/L	Application under Regulation 13 of the Planning (Listed Building & Conservation Areas) Regulations 1990 for Listed Building Consent to dismantle and remove Bandstand from site To refurbish and replace details missing as necessary. To re-assemble on existing site with new roof to existing detail.	Apprvd Cond by DCLG 08-05-92

Site history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Objected on the grounds of design, appearance and visual impact with particular concerns over the fitting of Perspex sheeting to The Bandstand; insufficient design details were provided.

COMMENTS ON REPRESENTATIONS RECEIVED:

The agent addressed the comments of Bognor Regis Town Council and of the Conservation Officer and provided amended plans showing the omission of the originally proposed Perspex sheeting behind balustrading to form windbreaks and ensured the proposed Perspex sheeting at high level will not be readily visible and would be easily removable on a future occasion in order that the work can be fully reversed.

CONSULTATIONS

Conservation Officer

Estates Manager

Engineering Services Manager

Engineers (Drainage)

Engineers (Coastal Protection)

CONSULTATION RESPONSES RECEIVED:

Conservation Officer:

The proposal is to repair the structure, whilst restoring certain elements and generally refurbishing it, the existing general layout of the site would be retained. The access into the bandstand would be altered slightly with the pedestrian gate relocated from the south elevation to the west two open sides to the east and west infilled with new balustrading to match existing, missing railings and ceiling details will be reinstated. The existing step on the west elevation will be retained. Such a proposal will have a positive impact upon the listed building.

It is not clear from reviewing the information why the location of the gate is to change. Scant information has been provided regarding the proposed Perspex sheeting and it is not clear how it will be fixed to the structure, if a permanent element of the structure, or removable. The size of the panels and how the horizontal timber boarding will to be fitted below the roof structure is unclear as well.

Based on the information provided, details of the proposed red bricks to be used to replace those used for the brick plinth will need to be provided. All of the colours to be used should be agreed with the LPA.

A copy of this assessment and of any new information which comes to light during alterations and construction should be offered to the Historic Environment Record of Arun District Council.

Engineer (Drainage & Coastal): no comments regarding surface water drainage.

COMMENTS ON CONSULTATION RESPONSES:

The agent provided amended drawings addressing the comments of Conservation Officer and has answered his questions and all the requirements of Conservation Officer were conditioned.

- Relocation of access gate. The Bandstand has previously been disassembled and re-assembled and is not in it's original location.
- The new timber boarding will be fitted to existing horizontal metal framework and would have a painted finish.
- Materials. We accept that a suitably worded condition will need to be applied to agree the details of the new bricks and other items.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary
Grade II Listed Building
Class C Road

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy

Bognor Regis Neighbourhood Plan 2015 Policy 1	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 2	Promoting the Seaside Identity
Bognor Regis Neighbourhood Plan 2015 Policy 7	Promotion of tourism and beach service points

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.

Bognor Regis has a "made" Neighbourhood Plan and the relevant policies are 1,2 and 7.

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 would have a positive impact upon the listed building, would help to raise the overall profile and image of the area promoting the main tourism assets of the waterfront.

Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these criteria in that it would not materially affect the character of the Grade II Listed Building.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

NEIGHBOURHOOD PLAN:

Policy 1 of the Bognor Regis Neighbourhood Development Plan - Delivery of the vision- requires proposals to identify the significance of any affected heritage asset and assess any harm and benefit. Policy 2- Promoting the seaside identity asks for a restoration and an increase of the seaside identity; Policy 7- Promotion of tourism and beach services around five specific Beach Service Points in close proximity to step free access routes between the town and the foreshore; expected to provide the greatest range of amenities such as seasonal promenade cafes, eateries, retail and information outlets relevant to beach and seafront experience and visitor's needs.

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. The works result in some subtle changes and improvements to the external appearance whilst preserving the special architectural characteristics and qualities, bearing in mind the improvement and enhancement of the site in an appropriate manner.

HERITAGE:

The criterion a. and b. of Policy HER DM1 stress that proposals affecting statutory Listed Building will be required to preserve or enhance the historic character, qualities and specific interest of the buildings/structures; and be necessary and not detrimental to the architectural and historical integrity and detailing of a Listed Building's exterior. The criterion d. and e. carry on by requiring to protect special interest of buildings of architectural or historic interest; and protect and where possible enhance the setting of the building.

NPPF part 16 reminds that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations. In para 190 the local planning authority is required to consider the significance of heritage assets (including the setting) that may be affected by the proposal.

NPPF para 193 states that considering the impact of a development on the significance of a designated heritage asset, the great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance; and where a development proposal (paragraph 196) will lead to less than substantial harm to the significance of designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case the works are considered to cause no harm to the heritage asset.

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

The Bandstand is a Grade II Listed Building which has been under-utilised, very rarely used for its original designed purpose as a bandstand in the recent past and some areas have consequently deteriorated in condition. The changes would provide appropriate conservation work to revitalise the structure together with some alteration and refurbishment. The originally proposed fitting of Perspex sheeting behind balustrading to form windbreaks has been omitted due to the objections of Bognor Regis Town Council and the comments of Conservation Officer. The retaining Perspex sheeting at high level would be fitted on the inside face of the existing metal fretwork and is required to prevent water penetration into the structure. The new Perspex sheeting will not be readily visible and would be easily removable on a future occasion in order that the work can be fully reversed. The relocation of the gate will position it where there is currently an access step, which is a logical location as this position would enable easy access and egress without disturbing the main thoroughfare along the promenade. The proposal would improve and enhance the appearance of the structure, site and the wider area.

SUMMARY

Given the a nature and necessity of the proposed alteration and the way how it would be implemented it is considered that the proposed works would protect the architectural and historical integrity and detailing of a Listed Building, would improve and enhance the existing surrounding environment and consequently attract visitors, therefore they are considered to accord with D DM1, HER SP1 and HER DM1 of the Arun Local Plan and with the guidance in the NPPF and the planning consent should be granted.

HUMAN RIGHTS ACT

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

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Location & Block Plan

DRW 824/01 'Existing Site Layout Plan

DRW 824/04 'Proposed Floor and Roof Plan & Elevations' Rev B

DRW 824/05 'Proposed South & North Elevations Railing Replacement Repair Details'

DRW 824/06 'Proposed East & West Elevations Railing Replacement Repair Details'

DRW 824/07 'Proposed reflecting Ceiling and Lighting Plans'

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 development shall take place unless and until full details (colours/designs/materials) of the installation of Perspex sheeting (including the size of panels) to the roof structure, the installation of the horizontal boarding below the roof structure, the new bricks and the proposed flooring tiles to be used have been submitted to and approved by the Local Planning Authority. Thereafter, the proposed renovation/repair works shall be implemented in accordance with the approved details and retained.

Reason: To enable the Local Planning Authority to exercise the necessary statutory control over works likely to affect the character of the Listed Building in accordance with the National Planning Policy Framework and policies HER DM1 and HER SP1.

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

accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

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

BR/120/19/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: BR/121/19/L

LOCATION: The Bandstand
The Promenade
Bognor Regis

PROPOSAL: Listed building consent for the reinstatement of missing pieces of ornamental metalwork; redecoration of entire structure; removal of yellow brick plinth and step, and reinstatement with red brick; relocation of entrance gate from south elevation to west elevation; infilling of open east and west sides with new railing to match existing; removal of existing lighting and provision of new; fitting of horizontal ceiling; removal of concrete floor finish; laying of new non-slip tiles in geometric pattern; fitting of Perspex sheeting at high level to prevent rainwater penetration.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Listed building consent for the reinstatement of missing pieces of ornamental metalwork; redecoration of entire structure; removal of yellow brick plinth and step, and reinstatement with red brick; relocation of entrance gate from south elevation to west elevation; infilling of open east and west sides with new railing to match existing; removal of existing lighting and provision of new; fitting of horizontal ceiling; removal of concrete floor finish; laying of new non-slip tiles in geometric pattern; fitting of Perspex sheeting at high level to prevent rainwater penetration.
BOUNDARY TREATMENT	The promenade is in on a higher level than the road to the north (The Esplanade), with a wall approximately 1.2m high with railings on the edge of pavement, with the beach running along the southern side.
SITE CHARACTERISTICS	Bandstand on Bognor Regis promenade.
CHARACTER OF LOCALITY	Built up area, mix of residential and commercial use.

RELEVANT SITE HISTORY

BR/120/19/PL	Application under Regulation 3 of the Town & Country Planning (General Regulations) 1992 for the reinstatement of missing pieces of ornamental metalwork; redecoration of entire structure; removal of yellow brick plinth and step, and reinstatement with red brick; relocation of entrance gate from south elevation to west elevation; infilling of open east and west sides with new railing to match existing; removal of existing lighting and provision of new; fitting of horizontal
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ceiling; removal of concrete floor finish; laying of new non-slip tiles in geometric pattern; fitting of Perspex sheeting at high level to prevent rainwater penetration.

BR/151/06/L	Application for Listed Building Consent to attach flexible rope light to the verticle ribs of the Bandstand roof	ApproveConditionally 28-06-06
BR/146/94	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 to reinstate S W timber boarded ceiling including the installation of 8 no recessed downlighters. To reinstate cast frieze to roof eaves above gutter.	Deemed Perm Cnd 10-08-94
BR/147/94/L	Application under Regulation 13 of the Planning (Listed Building & Conservation Areas) Regulations 1990 for Listed Building Consent to reinstate S W timber boarded ceiling including the installation of 8 no recessed downlighters. To reinstate cast frieze to roof eaves above gutter.	ApproveConditionally 10-10-94
BR/47/92	Application under Regulation 4 of the Town & Country Planning General Regulations 1976 to dismantle and remove Bandstand from site to refurbish and replace missing details as necessary to re-assemble on existing site with new roof to existing detail	Deemed Perm Cnd 13-04-92
BR/48/92/L	Application under Regulation 13 of the Planning (Listed Building & Conservation Areas) Regulations 1990 for Listed Building Consent to dismantle and remove Bandstand from site To refurbish and replace details missing as necessary. To re-assemble on existing site with new roof to existing detail.	Apprvd Cond by DCLG 08-05-92

Site history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Objected on the grounds of design, appearance and visual impact with particular concerns over the fitting

of Perspex sheeting to The Bandstand; insufficient design details were provided.

COMMENTS ON REPRESENTATIONS RECEIVED:

The agent addressed the comments of Bognor Regis Town Council and of the Conservation Officer and provided amended plans showing the omission of the originally proposed Perspex sheeting behind balustrading to form windbreaks, also ensured that the proposed Perspex sheeting at high level will not be readily visible and would be easily removable on a future occasion in order that the work can be fully reversed.

CONSULTATIONS

Conservation Officer

Estates Manager

Engineering Services Manager

Engineers (Drainage)

Engineers (Coastal Protection)

CONSULTATION RESPONSES RECEIVED:

Conservation Officer:

The proposal is to repair the structure, whilst restoring certain elements and generally refurbishing it, the existing general layout of the site would be retained. The access into the bandstand would be altered slightly with the pedestrian gate relocated from the south elevation to the west two open sides to the east and west infilled with new balustrading to match existing, missing railings and ceiling details will be reinstated. The existing step on the west elevation will be retained. Such a proposal will have a positive impact upon the listed building.

It is not clear from reviewing the information why the location of the gate is to change. Scant information has been provided regarding the Perspex sheeting and it is not clear how it will be fixed to the structure, if a permanent element of the structure, or removable. The size of the panels and how the horizontal timber boarding will to be fitted below the roof structure is unclear as well.

Based on the information provided details of the proposed red bricks to be used to replace those used for the brick plinth will need to be provided. All of the colours to be used should be agreed with the LPA.

A copy of this assessment and of any new information which comes to light during alterations and construction should be offered to the Historic Environment Record of Arun District Council.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The agent provided amended drawings addressing the comments of Conservation Officer and has answered his questions and all the requirements of Conservation Officer were conditioned.

- Relocation of access gate. The Bandstand has previously been disassembled and re-assembled and is not in it's original location.
- The new timber boarding will be fitted to existing horizontal metal framework and would have a painted finish.
- Materials. We accept that a suitably worded condition will need to be applied to agree the details of the new bricks and other items.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Grade II Listed Building

Class C Road

DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

HERDM1 HER DM1 Listed Buildings

HERSP1 HER SP1 The Historic Environment

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

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.

Bognor Regis has a "made" Neighbourhood Plan and the relevant policy is 1.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character of the Grade II Listed Building.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in

accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The application seeks Listed Building Consent for reinstatement of missing pieces of ornamental metal work, reinstatement of yellow brick plinth with red brick, relocation of entrance gate, replacement of existing lighting with a new one, fitting of horizontal ceiling, laying of new non-slip tiles and fitting of Perspex sheeting at high level. It will be necessary to consider the proposals against the relevant development plan policy which in this case would be HER DM1 of the Arun Local Plan and the NPPF.

HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest. Additional proposals should protect the setting of these buildings.

LISTED BUILDING AND HERITAGE

Paragraph 189 of the National Planning Policy Framework (NPPF) advises that in the determination of applications, the local planning authority should require an applicant describe the significance of any heritage assets affected, including any contribution made by their setting. The applicant has submitted a heritage statement in support of the proposals which includes a description of the listed building and concludes that the proposals could be considered sympathetic to the listed building.

When considering the impact of the proposal upon the significance of a designated heritage asset it is identified under paragraph 193 that a great weight should be given to the asset's Conservation (and the more important the asset, the greater the weight should be) irrespective of if the potential harm amounts to substantial harm, total loss or less than substantial harm to the significance of the designated asset.

Paragraph 193 of the NPPF reflects the requirements of Section 16(2) of the Planning (Listed buildings and Conservation Areas) Act 1990 (as amended) which identifies that when considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposed works would involve the reinstatement of missing pieces of ornamental metal work, reinstatement of yellow brick plinth with red brick, relocation of entrance gate, replacement of existing lighting with a new one, fitting of horizontal ceiling, laying of new non-slip tiles and fitting of Perspex sheeting at high level. This Perspex sheeting will be clear and would barely be visible from ground level. It will be fixed in a manner to enable removal on a future occasion to ensure the work is entirely reversible. It is considered no harm is caused to the heritage asset.

Given the scale, a nature and a necessity of the proposed development and the way how it would be implemented it is considered, that the proposed works would protect the architectural and historical integrity and detailing of a Listed Building and therefore they are considered to be acceptable.

SUMMARY

Following the comments received by the Conservation Officer and Bognor Regis Town Council the revised drawings were provided. Therefore it is considered that the proposed alterations of the Bandstand, Listed Building Grade II, would not have an adverse impact on its appearance, character or historic fabric, therefore the listed building consent should be granted.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The works for which Listed Building Consent is hereby granted must be begun not later than the expiration of 3 years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

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

Location & Block Plan

DRW 824/01 'Existing Site Layout Plan

DRW 824/04 'Proposed Floor and Roof Plan & Elevations' Rev B

DRW 824/05 'Proposed South & North Elevations Railing Replacement Repair Details'

DRW 824/06 'Proposed East & West Elevations Railing Replacement Repair Details'

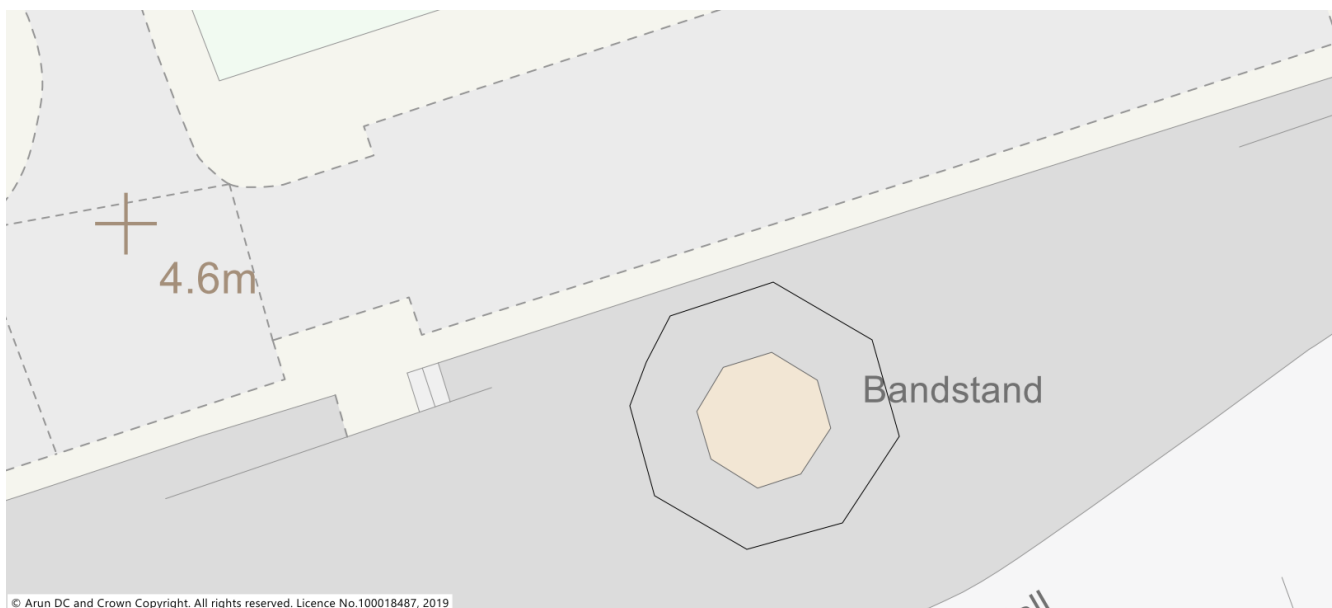
DRW 824/07 'Proposed reflecting Ceiling and Lighting Plans'

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1of the Arun Local Plan.

BACKGROUND PAPERS

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

BR/121/19/L - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Appeals Awaiting a Decision

- A/158/18/PL**
Received: 27-07-19
- Land Rear Of 1 To 6 The Cottrells Angmering
- 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**
Received: 30-07-19
- Pound Place Roundstone Lane Angmering
- 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**
Received: 21-03-19
- Blastreat Limited & adj Greenhurst Fitzalan Road Arundel
- Demolition of existing buildings & erection of a block of 46 No. sheltered apartments for the elderly (comprising 22 x one bedroom apartments & 24 x two bedroom apartments age restricted to 60 years and over), with associated access electric buggy/cycle stores & refuse bin store & 32 No. parking spaces. Resubmission of AB/77/17/PL. This application affects the character and appearance of Arundel Conservation Area
- Public Inquiry** **26-11-19**
- PINS Ref:** APP/C3810/W/19/3224632
- AL/20/18/OUT**
Received: 30-08-19
- Land at Bridge Cottage & The Old Cottage Lidsey Road Lidsey
- 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**
Received: 12-07-19
- 12 Hunters Close Aldwick Bay Estate Aldwick
- Reduce height by 8m to 1 No. Lombardy Poplar tree.
- Written Representations**
- PINS Ref:** APP/TPO/C3810/7494
- BN/11/19/HH**
Received: 23-10-19
- The Lillies Yapton Road Barnham
- Proposed single garage
- Written Representations**
- PINS Ref:** APP/C3810/D/19/3232827

- 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

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

ENF/505/12/

Received:

Hales Barn Farm Arundel Road Norton West Sussex

Written Representations

PINS Ref: APP/C3810/C/18/3212055

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