



Public Document Pack

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20 December 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 8 January 2020 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 - 8)

To approve as a correct record the Minutes of the meeting held on 6 November 2019 (attached).

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

PLANNING APPLICATIONS

- 6. **AW/237/19/PL THE FORMER SHIP INN, ALDWICK STREET, ALDWICK, PO21 3AP** (Pages 9 - 20)
- 7. **BR/306/19/HH 28 ARUN ROAD, BOGNOR REGIS, PO21 5PD** (Pages 21 - 26)
- 8. **M/32/19/PL 46 SEA LANE, MIDDLETON ON SEA, PO22 7RX** (Pages 27 - 36)
- 9. **M/53/19/PL 7 ALLEYNE WAY, ELMER, MIDDLETON ON SEA, PO22 6JZ** (Pages 37 - 46)
- 10. **WA/59/19/PL PIPPINS, YAPTON LANE, WALBERTON, BN18 0AS** (Pages 47 - 60)
- 11. **Y/83/19/OUT CLAYS FARM, NORTH END ROAD, YAPTON, BN18 0DT** (Pages 61 - 92)

PLANNING APPEALS

12. APPEALS LIST

(Pages 93 - 96)

OFFICER REPORT UPDATES

Will be circulated at the meeting.

BACKGROUND PAPERS

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

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

Contact Officers :

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

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

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DEVELOPMENT CONTROL COMMITTEE

6 November 2019 at 2.30 pm

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

Councillor Goodheart was also in attendance for part of the meeting.

264. CANCELLATION OF NEXT MEETING

The Chairman advised that, due to the General Election that had been called for 12 December 2019, the next meeting of the Committee on 4 December 2019 had been cancelled.

265. CHANGE TO THE ORDER OF THE AGENDA

The Chairman advised the meeting that Planning Application P/58/19/PL would be heard before P/53/19/L as the latter was the Listed Building Consent for the former.

266. APOLOGIES FOR ABSENCE

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

267. DECLARATIONS OF INTEREST

Councillor Mrs Yeates – Planning Application BE/135/18/PL – I previously declared a prejudicial interest when this application was considered in June 2019 when in fact it should have been a personal interest. However, in light of that, I will withdraw from the debate but will exercise my right to speak prior to consideration of the item.

Councillor Huntley – Planning Applications P/58/19/PL & P/53/19/L – I am a member of Pagham Parish Council's Planning Committee and wish to declare an interest in the Inglenook applications. I made recommendations based on the information available at that time. At this meeting, with new facts before me, I may come to a different decision. I made a mirror declaration at Pagham Parish Council.

Councillor Edwards – Planning Application BE/135/18/PL – I wish to make this meeting aware that I may have made public statements by virtue of my role on West Sussex County Council for Bersted Ward and/or in other circumstances that I have concerns about this particular application. These were my views I held at that time,

Development Control Committee - 6.11.19

however, I have an open mind regarding this item and will listen and consider all the relevant issues and interests presented to this Committee and will reach my decision on merit.

268. MINUTES

The Minutes of the meeting held on 9 October 2019 were approved by the Committee and signed by the Chairman as a correct record.

269. PREVIOUSLY DEFERRED APPLICATION BE/135/18/PL SALT BOX FIELD, LAND OFF ROWAN WAY, BERSTED

(Prior to consideration of this application, Councillor Mrs Yeates had declared a personal interest and spoke to the item before leaving the meeting and she took no part in the debate or vote.

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

BE/135/18/PL – Hybrid Application comprising of Outline application for the principle of employment uses B1-B8. Full application for Class B8 warehouse with fuel-island and car parking (Unit 2), 2 No. Class B1/B8 employment units with associated parking and servicing (Units 6 & 7), Class A1 retail food store with car parking and servicing (Unit 8), 2 No. drive thru units with car parking and servicing (Units 4 & 5), car showroom, workshops (including MOT testing), vehicle storage, external display areas, service areas and parking (Unit 9) together with access roads, associated ground and engineering works, landscaping and ancillary works. This application affects the character and appearance of the Shripney Conservation Area and a Public Right of Way, Salt Box Field, Land off Rowan Way, Bersted

This application had been considered at the meeting on 5 June 2019 and had been deferred as the details of the surface water drainage plans were outstanding and required further assessment.

The Principal Strategic Planner now represented an updated report which detailed the applicant's revised drainage strategy and associated plans and calculations and was able to confirm that, as a result, the Environment Agency had withdrawn its objection. The detail of the revised strategy was included in the update report.

In addition, Members were appraised of the following:-

- Amended Site Masterplan Block Plan (Rev C) and an updated Phasing Plan (Rev C), which ensured that the site layout accorded with the revised drainage strategy. These were listed in Condition 2 in the Full application and in Condition 4 in the Outline application, together with an additional informative.
- Two additional conditions relating to the opening hours at the Foodstore (Unit 8) and the Car Showroom (Unit 9).

- Two letters of representation from local residents regarding traffic congestion and quantum of development, which had been previously addressed at the meeting on 5 June 2019.
- Amendments to conditions as set out in the update report.
- A summary of updated consultee comments, with resultant amended conditions where relevant.
- An officer's report update was circulated at the meeting which detailed amendment to Condition 23 of the Full application, which was considered necessary to enable further discussions to take place on the best route for the footpath connection between the site and Bersted Brooks/Rowan Park.

The Engineering Services Manager was pleased to confirm that, since the last meeting, the drainage matters had moved on significantly and officers were now quite happy with the proposal.

In commencing the debate, Members thanked the Principal Strategic Planner for an excellent report and, although reservations were still expressed with regard to flooding, traffic issues and the impact of the development on the Conservation Area, the Committee accepted the drainage mitigation that had come forward and

RESOLVED

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

270. PREVIOUSLY DEFERRED APPLICATION EP/179/18/PL GLADWYN, THE STREET, EAST PRESTON, BN16 1HT

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
The Committee was reminded that this application had been deferred from the meeting held on 9 October 2019 to enable County Highways to visit the site 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.

The Planning Team Leader presented the updated report, together with the officer's written report update circulated at the meeting detailing an amendment to the wording of Condition 10 to replace the first word "Following" with "Prior" to ensure that details regarding the replacement of the boundary wall were agreed with the Council before any demolition took place. He advised on the detail of the amendments to the application and confirmed that the proposed dwellings had been realigned; car parking within the site had been increased from 7 to 9; and the front boundary wall had been resited to increase the visibility splays. County Highways had visited the site and had confirmed no objection to the proposal, subject to conditions. The original officer recommendation for approval of the application was maintained, subject to amended conditions.

Members welcomed the visit to the site from County Highways and that the car parking provision within the site had been increased but still expressed reservations

Development Control Committee - 6.11.19

with regard to the resiting of the flint wall and the safety of the access and egress from the site. Comment was particularly made that moving the northern section of the wall was not necessary.

A detailed discussion was had whereby Members voiced their concerns with regard to the re-building of the flint wall and the need for its demolition in its entirety. It was felt that the wall must be re-built using traditional methods and its curvature retained as an important design feature. It was also felt that there was a need to ensure that it could not be removed in the future due to its importance to the character of the area. The Group Head of Planning advised that the north section of the wall was being retained and suggested that any approval be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, subject to:-

- (i) a plan confirming the visibility splays relative to the siting of the proposed flint wall (with retention of the section to the north of the access and re-built section to the south); and
- (ii) amendment to the wording of condition 10 to ensure retention of the re-built wall in perpetuity.

The Committee agreed and

RESOLVED

That authority be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, to grant planning permission subject to:-

- (i) A plan confirming the visibility splays relative to the siting of the proposed re-built wall (with retention of the section to the north of the access and re-built section to the south); and
- (ii) Amendment to condition 10 to ensure retention of the re-built wall in perpetuity.

271. Y/57/19/PL OLD BILSHAM FARM, BILSHAM LANE, BILSHAM, YAPTON, BN18 0JX

Y/57/19/PL – Conversion of existing single residential dwelling into 3 No. residential units with associated internal & external alterations & refurbishment & detached garage/outbuilding, Old Bilsham Lane, Bilsham, Yapton Having received a report on the matter, together with the officer's written report update detailing a correction to paragraph 2 of the Conclusions section relating to the Planning (Listed Buildings and Conservation areas) Act 1990, the Committee

RESOLVED

That the application be approved as detailed in the report.

272. Y/58/19/L OLD BILSHAM FARM, BILSHAM LANE, BILSHAM, YAPTON, BN18 0JX

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, Old Bilsham Farm, Bilsham Lane, Bilsham, Yapton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

273. P/58/19/PL REAR OF INGLENOK HOTEL, 253-255 PAGHAM ROAD, PAGHAM, PO21 3QB

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 and may affect the setting of a listed building, Rear of Inglenook Hotel, 253-255 Pagham Road, Pagham

The Planning Team Leader presented this report, together with an officer report update which detailed additional objections received and replacement transport maps which had resulted in an amendment to Condition 2. The Committee was advised that none of the statutory consultees had raised an objection to the proposal; County Highways were happy with the access arrangements; and, although the site was outside the Build Up Area Boundary and conflicted with policy, other material considerations made it acceptable, namely that the location was surrounded by development, the Council at present did not have a 5 year housing land supply and, under National Planning Policy Framework (NPPF) guidelines, presumption should be made in favour of sustainable development.

In the course of discussion on the item, serious concerns were raised in respect of the access road to the development, which Members considered to be too narrow to provide safe movement of vehicles and pedestrians, particularly for those using wheelchairs and/or pushchairs.

The Group Head of Planning acknowledged that the access was far from ideal and that highway impact and highway safety was a valid planning consideration. However, he advised that, as this was an existing access, an assessment had to be made on what was currently in use against what was being proposed. County Highways had made that assessment and had determined that the difference between the two was not sufficient to cause a severe impact on highway safety. Improvements to visibility were being made as part of the application and County Highways had demonstrated that there would not be such a severe impact on highway safety and highway users as to warrant a refusal. In the event of any appeal, that was what would be taken account of by the Inspector.

Development Control Committee - 6.11.19

Members still expressed concern and comment was made that the existing use as a car park for the hotel was substantially different from a permanent development with increased traffic movements and pedestrian use by families, children and disabled users. Although the Committee had considered and approved single track access roads in the past, it was felt that this one had too many bends and so there were blind spots – the point was made that if the development was to go ahead, improvements were required to the pinch points and signage should be installed.

The general view of Members was that there were overriding safety issues and, following advice from the Group Head of Planning, it was duly proposed and seconded that the application should be deferred to enable an independent assessment of the proposal to be carried out on the highways impacts for all users, to include safety issues for all users.

The Committee then

RESOLVED

That the application be deferred to enable an independent assessment of the proposal to be carried out on the highways impacts for all users, to include safety issues for all users.

274. P/53/19/L INGLENOOK HOTEL, 253-255 PAGHAM ROAD, PAGHAM, PO21 3QB

P/53/19/L – Listed building consent for the demolition of modern side extension & 2.25m of boundary wall, Inglebrook Hotel, 253-255 Pagham Road, Pagham Having received a report on the matter, and in light of the decision on the previous application P58/19/PL, the Committee

RESOLVED

That the application be deferred.

275. M/42/19/PL 117 ELMER ROAD, ELMER, PO22 6LH

M/42/19/PL – Demolition of existing dwelling & erection of pair of semi-detached chalet dwellings with on-site parking facilities & new vehicular access, 117 Elmer Road, Elmer Having received a report on the matter and following a brief discussion, the Planning Team Leader was able to assure Members that the proposal did safeguard residential amenities and there would be no unwarranted overlooking. The Committee therefore

RESOLVED

That the application be approved as detailed in the report.

276. CM/21/19/PL LAND ADJACENT TO SCYLD, HORSEMERE GREEN LANE, CLIMPING, BN17 5QZ

CM/21/19/PL – Construction of 9 No. dwellings, access, landscaping and associated works, Land adjacent to Scyld, Horsemere Green Lane, Climping Having received a report on the matter, Member comment was made that the proposal did not provide affordable housing which was much needed in the District and that a total of 54 objections had been received which needed to be taken account of. The Planning Lawyer advised that the threshold for such provision was 11 so there was no requirement for affordable housing in this instance. The Group Head of Planning also responded that the number of objections was not necessarily material, rather it was the planning considerations within those objections that would determine the weight that could be afforded to the comments made.

Members generally agreed that the proposal was acceptable and, following satisfactory clarification of questions relating to boundaries and highway safety within the site, the Committee

RESOLVED

That the application be approved as detailed in the report.

277. BR/120/19/PL THE BANDSTAND, THE PROMENADE, BOGNOR REGIS

(Prior to consideration of this application, Councillor Goodheart spoke as a member of Bognor Regis Town Council.)

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 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, The Bandstand, The Promenade, Bognor Regis

In presenting the detail of this proposal, the Planning Team Leader highlighted condition 3 which required full details of colours/designs/materials for the perspex sheeting, roof structure, bricks and flooring tiles to be submitted to the Local Planning Authority prior to any development taking place.

In commencing the debate, Member comment was made that it was good to see structures such as this being restored but were there any plans to provide access to the interior to enable anyone to access the bandstand? The Planning Team Leader advised that there was nothing included in the application to indicate that.

Development Control Committee - 6.11.19

Further concerns were raised in respect of the wooden boarding which could adversely effect the acoustics and that wind breaks needed to be in place to ensure maximum use of the bandstand.

With regard to the request for disabled access, the Planning Team Leader advised that would require a separate new application in order for the red edge to be increased to enable a suitable ramp to be installed. Alternatively, the provision of a temporary or permanent ramp could be investigated through a separate process.

In the course of further discussion, it was felt that the Perspex screening at the base of the structure needed to be reinstated (had been taken out from the original plans due to the Town Council's objection) so full use could be made of the bandstand.

It was suggested and agreed that, due to the issues raised, the matter should be deferred to enable discussion to be had with the Cabinet Member for Technical Services and that a further report be presented at a future meeting detailing his comments.

The Committee

RESOLVED

That the application be deferred for comment by the Cabinet Member for Technical Services.

278. BR/121/19/L THE BANDSTAND, THE PROMENADE, BOGNOR REGIS

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 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 Having received a report on the matter and in light of the decision on the previous application BR/120/19/PL, the Committee

RESOLVED

That the application be deferred.

279. PLANNING APPEALS

The Committee noted the appeals that had been received.

(The meeting concluded at 5.32 pm)

PLANNING APPLICATION REPORT

REF NO: AW/237/19/PL

LOCATION: The Former Ship Inn
Aldwick Street
Aldwick
PO21 3AP

PROPOSAL: Variation of conditions imposed on planning reference AW/211/14/PL relating to condition 8 - delivery times & Condition 10 - delivery of goods serving the store in accordance to the Delivery Management Schedule

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks permission to vary the existing conditions which specify the number of deliveries and the delivery hours. These are as follows:

(8) There shall only be one delivery of newspapers/magazines between 06:00 and 08:00. The other two deliveries to the site shall be made between the hours of 07:00 and 21:30.

(10) There shall be no more than three deliveries to the site per day comprising of: (a) one newspaper/magazine delivery via a transit van or similar size vehicle of less than 7m in length; and (b) up to two deliveries by a larger vehicle (a rigid HGV up to 10.35m in length).

The Delivery Management Scheme (18/10/19) states:

- Maximum 4 deliveries per week from the One Stop Stores Limited Distribution Centres in Nursling using articulated lorries with an overall length of 38ft (No vehicle will exceed a gross train weight of 28 tonne);
- Maximum 5 deliveries per week from an outsourced Chilled distributor using 3.5 Tonne refrigerated box van;
- Maximum 3 deliveries per week from an outsourced Frozen distributor using 18 Tonne rigid vehicles;
- Maximum 5 deliveries per week from an outsourced Milk distributor using 26 Tonne refrigerated vehicles;
- 12 Deliveries a week (two per day, including local & regional supplies) from an outsourced Bread distributor using 18 tonne rigid vehicles;
- 7 Deliveries a week from an outsourced News supplier using Transit vans; and
- All deliveries will take place between the hours of 7am - 9pm with exception of the News supplier that will deliver to a holding box between the hours of 5am - 7am.

SITE AREA

0.11 Hectares.

RELEVANT SITE HISTORY

AW/211/14/PL	Change of use from Public House (Class A4 Drinking Establishment) to a Food Shop (Class A1 Retail), including the erection of a 39 sqm extension, an external freezer store, resurfacing and reconfiguration of the car park, installation of an ATM and all other associated works.	ApproveConditionally 17-12-14
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Permission was granted for the change of use from a public house in 2014 (AW/211/14/PL). Advertising consent was granted under AW/215/14/A and AW/25/15/A.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

OBJECTION on the following grounds;

- Aldwick Street is a busy narrow street with a footpath on the north side only and cars parked on the south side regularly reducing this street in the vicinity of 'The Ship' to a single lane. 38ft articulated lorries trying to negotiate this would have great difficulty manoeuvring and the impact to other road users and pedestrians would be severe.
- The car park at the ship is very small and lorries trying to reverse into this to unload would cause both directions of traffic to stop for the duration of that task.
- There are doubts as to whether articulated lorries will be able to negotiate the gated access at Fish Lane or the small roundabout at the Gossamer Lane, Aldwick Street junction.
- The scale of the increase (21 to 35 per week) will further increase traffic pollution and noise unnecessarily and put at risk the health and wellbeing of residents.
- Condition 12 had not been addressed as documented in the previous West Sussex County Council Consultation paper and further information relating to the size of the proposed vehicles, scheduled daily vehicle movement numbers, a location plan showing where loading/unloading will take place, swept paths to show how the different size vehicles can use the existing site was absent.
- Conflict with Policy T SP1 of the Arun Local Plan as it does not provide or accommodate an efficient delivery of goods and supplies, give priority to pedestrians and cycle movements and certainly does not create safe and secure layouts for traffic, cyclists and pedestrians or avoid street clutter.
- Conflict with Policy QE SP1 of the Arun Local Plan as it will result in increased levels of noise pollution and increased levels of air pollution. The increased number of deliveries and size of vehicles is contrary to the District Council's aim to mitigate against climate change.
- Conflict with the Parish Design Statement page 67 "because of the narrow road (Aldwick Street) strict control should be exercised over any increase in car access".

112 objections raising the following concerns:

- (1) Aldwick Street is too narrow / not enough space for delivery vehicles and the traffic to flow correctly;
- (2) Significant impact on highway congestion and safety;
- (3) Delivery vehicles would be parked over double yellow lines along Aldwick Road;

- (4) Hindrance to movement of emergency vehicles past the site;
- (5) The Barrack Lane/Aldwick Street roundabout is not large enough for use by large vehicles;
- (6) Not enough space in the car park for delivery vehicles;
- (7) Insufficient parking spaces on site;
- (8) The car park will be closed for long periods in the day;
- (9) No pavement or pedestrian crossing outside the building;
- (10) Impact on pedestrian access to the site;
- (11) 5.30am is too early for vans to deliver;
- (12) Too many delivery vehicles a week;
- (13) 35 deliveries per week far exceeds the number permitted for Morrisons (21 per week);
- (14) Increase in local noise pollution and harm to residents without double glazing;
- (15) Air pollution from diesel fumes from delivery vehicles;
- (16) Negative impact on quality of life in the area for local people;
- (17) Two existing Co-op stores within walkable distance;
- (18) A convenience store is not needed;
- (19) Site is unsuitable for a convenience store;
- (20) 2 other convenience stores have failed on the site;
- (21) Negative impact on local businesses;
- (22) Not supported by local residents or the local community;
- (23) Impact on house values; and
- (24) Not in accordance with section 9 of the NPPF.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are made in response to the Parish Council objection:

- Although there will be an increase in the length of delivery vehicles, members should note that 34 foot vehicles are already permitted therefore the increase is 4 feet;
- WSCC Highways have considered the impacts of the changes on the safety of all users of the highway and find no severe impact;
- The application is supported by evidence that shows two cars can pass each other in the highway when a HGV is stationed in the road;
- There remains the requirement for condition 11 (Servicing Management Plan) of AW/211/14/PL to be addressed and this requirement will fall on the new occupier;
- Members should note that there is already permission for the retail use of this site and deliveries can already be made to the site;
- There remains the requirement for condition 12 (pedestrian improvements) of AW/211/14/PL to be addressed and this requirement will fall on the new occupier. This will make it easier for users to cross the road to the front of the retail store;
- Environmental Health have considered the impacts of the changes in respect of pollution (noise/air) and following changes to the delivery management scheme, is satisfied there will be no harmful impact to local residents/customers; and

The following comments are made in response to the objections of local people:

- WSCC Highways have considered the impacts of the changes on the safety of all users of the highway and find no severe impact. The highway/parking implications will be discussed further in the conclusions of this report including with reference to section 9 of the NPPF;
- Vehicles parked on Aldwick Street on double yellow lines can be reported to Sussex Police;
- There remains the requirement for condition 12 (pedestrian improvements) of AW/211/14/PL to be addressed and this requirement falls on the new occupier. This will make it easier for users to cross the road to the front of the store;

- Environmental Health do not raise objections to the delivery times or the increase in vehicles. The pollution implications of these changes will be discussed further in the conclusions of this report;
- There will be an increase of 15 deliveries per week (from 21 to 36) an increase of 2 per day;
- Permission exists for the retail use and so it is not possible to consider the need for a retail store in this location or whether the site is suitable; and
- The impact on house prices is not capable of being considered as a material planning consideration.

CONSULTATIONS

Environmental Health
Economic Regeneration
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - Following receipt of plans to show how deliveries will work/the impact of waiting delivery vehicles on the highway, raise no objection to the variation of conditions 8 & 10. State that:

- Any loading/unloading taking place off the highway will not impact on the safety or operation of the highway network;
- Some on-site customer parking may still be useable during deliveries and it will be determined by responsible staff member if these can be used safely;
- This is acceptable provided visibility splays are not compromised to allow the safe entry/exit;
- Existing on-street parking bays opposite could be used for additional car parking if available and double yellow lines are in situ along the southern boundary, to stop any unlawful parking behaviours;
- The majority of trips will be on foot and it will be necessary to ensure compliance with condition 12 of AW/211/14/PL to secure the proposed informal crossing point;
- Delivery vehicles will generally avoid peak times;
- Should a delivery vehicle arrive or depart when it would not be practical to use the car park; the applicant has shown that a vehicle can wait within the highway and that cars can still pass each other on the highway (see supplementary drawing B104);
- It may be possible, under separate application, to make changes to the front of the building to create a servicing bay and improve the situation. This would be acceptable from a highway point of view;

ADC ENVIRONMENTAL HEALTH - could not agree the delivery management scheme dated 17/10/19 due to the potential noise disturbance to residents. It was therefore recommended that the scheme be changed to state:

- Maximum of four deliveries per week from the Nursling distribution centre;
- Maximum of five deliveries per week from an outsourced chilled distributor;
- Maximum of three deliveries per week from an outsourced frozen distributor;
- Maximum of five deliveries per week from an outsourced milk distributor;
- 12 deliveries per week (two per day) from an outsourced bread supplier;
- Seven deliveries per week from an outsourced news supplier;
- Deliveries to take place between 07.00 hours and 21.00 hours, with the exception of the news supplier which may take place between 05.00 hours and 07.00 hours on the provision that the items are delivered via Transit van (or smaller) to a holding box.

COMMENTS ON CONSULTATION RESPONSES:

The applicant revised the delivery management scheme to reflect that proposed by Environmental

Health. The current scheme is dated 18/10/19.

POLICY CONTEXT

Designations applicable to the site:

Within the Built Up Area Boundary;
 Pagham Harbour Zone B;
 Class C Road;
 Tree Preservation Order;
 No Public Sewer;
 Asset of Community Value;
 Area of Special Character; and
 Building of Special Character.

DEVELOPMENT PLAN POLICIES

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

HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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POLICY COMMENTARY

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

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

The Neighbourhood Development Plan

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

There is currently no Aldwick Neighbourhood Development Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the changes to the delivery details would not have a materially adverse effect on the safety of the local highway, on the ability of customers to visit the site or on the amenities of nearby residential properties and people passing the site at any given time.

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

PROPOSAL:

The application seeks permission to vary the existing conditions which specify the number of deliveries and the delivery hours. These are as follows:

(8) There shall only be one delivery of newspapers/magazines between 06:00 and 08:00. The other two deliveries to the site shall be made between the hours of 07:00 and 21:30.

(10) There shall be no more than three deliveries to the site per day comprising of: (a) one newspaper/magazine delivery via a transit van or similar size vehicle of less than 7m in length; and (b) up to two deliveries by a larger vehicle (a rigid HGV up to 10.35m in length).

It is proposed instead to have these conditions referring to the following delivery schedule:

- Maximum 4 deliveries per week from the One Stop Stores Limited Distribution Centres in Nursling using articulated lorries with an overall length of 38ft (No vehicle will exceed a gross train weight of 28 tonne);
- Maximum 5 deliveries per week from an outsourced Chilled distributor using 3.5 Tonne refrigerated box van;
- Maximum 3 deliveries per week from an outsourced Frozen distributor using 18 Tonne rigid vehicles;
- Maximum 5 deliveries per week from an outsourced Milk distributor using 26 Tonne refrigerated vehicles;
- 12 Deliveries a week (two per day, including local & regional supplies) from an outsourced Bread distributor using 18 tonne rigid vehicles;
- 7 Deliveries a week from an outsourced News supplier using Transit vans; and
- All deliveries will take place between the hours of 7am - 9pm with exception of the News supplier that will deliver to a holding box between the hours of 5am - 7am.

PRINCIPLE:

The retail store benefits from permission (AW/211/14/PL) granted in October 2014. This application is to be determined whether the change to the number and timing of deliveries adversely affects the safety & convenience of the local highway and the amenities of the local area.

HIGHWAY SAFETY & CONVENIENCE:

ALP policy T SP1 seeks to ensure that 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."

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."

As noted elsewhere in this report, the exiting permission allows for 21 deliveries per week (3 per day). The proposal is for 36 deliveries a week the number of deliveries per day is 5; an increase of only 2. It is not considered that this itself represents a significant or severe impact on the road network.

The following is a comparison of the approved delivery plan versus the proposed:

Existing Plan:

14 x 10.35m long 2 axle rigid vehicles per week;
7 x 7m newspaper delivery transit type vans per week;
(21 delivery vehicles weekly or 3 daily)

Proposed Plan:

4 x 38ft (11m) articulated lorries per week;
15 x 18 tonnes rigid lorries (10m) per week;
5 x 26 tonnes refrigeration lorries (15m) per week;
7 x transit type vans per week;
5 x refrigerator box vans per week;
(36 delivery vehicles weekly or 5 daily)

This application has been assessed by WSCC Highways who raise no objection to any implications of the proposal on highway safety, convenience or parking provision. They have included the possibility of cars waiting to pass a HGV, loading/unloading in the highway, cars having to wait in the highway whilst a HGV reverses into the current car park and the no of vehicles, their sizes & delivery timings.

The proposal complies with ALP policy T SP1 as there is already safe access from/to the site, pedestrian improvements will be provided and enforced through a condition, goods & supplies can be safely delivered to the site and that visibility is good such that there will be no harm to any pedestrians walking along the northern side of Aldwick Street (although it should be noted that the pedestrian pavement is on the south side). The proposal accords with the NPPF as impact on the local highway would not be unacceptable or severe.

The proposal accords with the policies of the development plan and the guidance within the NPPF.

AMENITY IMPACTS:

ALP policies QE DM1 (Noise Pollution) and QE DM3 are not relevant as no new noise or odour/fume generating development is proposed. However, ALP policy QE SP1 is important as it states: "The Council requires that all development contributes positively to the quality of the environment and will

ensure that development does not have a significantly negative impact upon residential amenity".

The store is permitted to open between 6am & 11pm and deliveries are allowed between 6am and 9.30pm. The change to these timings is to allow 1 delivery of newspapers per day in a transit van to an on-site holding box from 5am onwards. The addition of 1 vehicle between 5 and 6am is not considered to be significant and will not result in any noticeable impact in noise disturbance in the vicinity of the site.

Additional deliveries through the day result in noise disturbance and will increase engine fumes in the vicinity. Given the numbers of vehicles involved (5 vehicles - an increase of two per day), it is not considered this will be a significant impact or one that will be particularly noticeable to local residents/people in the area particularly given the presence of a road alongside the site.

Environmental Health Officer have raised no objections to the delivery management scheme as applied for. The previous version of the scheme was considered to have the potential to cause noise disturbance to neighbouring residents.

The changes to the number/timing of deliveries is acceptable and complies with ALP policy QE SP1.

CONDITIONS:

As this is a variation of condition application, it is good practice to not only vary the conditions applied for (8 & 10) but to ensure any other conditions from the original decision which remain relevant are imposed again. There is case law which states that the Local Authority can at the same time amend/delete other conditions.

As the original permission was implemented, conditions 01 (time limit for implementation), 02 (plans condition), 04 (details of plant) and 05 (materials of the extension) are no longer relevant. Of the remaining original conditions, it is necessary to amend these slightly to ensure the reasons reflect the current development plan and to ensure the drainage condition is reworded to state "prior to occupation". Conditions 08 and 10 are amended to require the number and times of deliveries are in accordance with the approved Delivery Management Scheme (18/10/19)

CONCLUSION:

Changes to delivery arrangements are such that there will be neither conflict with the policies of the Local Plan or with national planning guidance, nor material harm to highway safety or the amenities of local people. It is recommended permission be granted subject to the following conditions.

HUMAN RIGHTS ACT

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

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

report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The shop premises shall not be occupied unless and until details of the window detailing (including details of the proposed resolutions) to the front elevation has been submitted to and approved by the Local Planning Authority and the new windows so approved shall be constructed in accordance with approved details and retained thereafter.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the character and appearance of this Building of Special Character in accordance with policies D DM1 and HER DM2 of the Arun Local Plan and the National Planning Policy Framework.

- 2 The shop premises shall not be occupied until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: 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.

- 3 Notwithstanding Part 7, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no extensions other than those approved by this application shall be erected without an application in that behalf to the Local Planning Authority.

Reason: To protect the amenities of the area and the character of the building in accordance with policies D DM1 and HER DM2 of the Arun Local Plan and the National Planning Policy Framework.

- 4 The timing of deliveries to the store shall be in accordance with the Delivery Management Scheme dated 18/10/19. There shall be no deviation from this Schedule other than with the written approval of the Local Planning Authority.

Reason: In the interests of the residential amenities of neighbouring properties in accordance with policies QE SP1, QE DM1 & QE DM2 of the Arun Local Plan.

- 5 The premises hereby permitted shall only be open to the public between the hours of 06:00 and 23:00.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun Local Plan policies QE SP1, QE DM1 & QE DM2.

- 6 Deliveries of goods to the store shall be in accordance with the Delivery Management Scheme dated 18/10/19. There shall be no deviation from this Schedule other than with the written approval of the Local Planning Authority.

Reason: To safeguard the amenities of the neighbouring properties in accordance with policies QE SP1, QE DM1 & QE DM2 of the Arun Local Plan.

- 7 The shop premises shall not be occupied until such time as a Servicing Management Plan has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries in terms of location within the site and frequency (within the limits set by condition 06), and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Plan.

Reason: to safeguard the operation of the public highway in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 8 Within 2 months of the variation of condition planning permission hereby granted, the applicant shall enter into negotiations with the local planning authority to identify a scheme of pedestrian improvements on Aldwick Street in the vicinity of the application site and once the scheme has been agreed in writing with the local planning authority, the applicant is required to enter into a Section 278 agreement with the local highway authority and implement the works in full within a timescale to be agreed.

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

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

- 10 INFORMATIVE: The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

BACKGROUND PAPERS

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

AW/237/19/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/306/19/HH

LOCATION: 28 Arun Road
Bognor Regis
PO21 5PD

PROPOSAL: Two storey side and rear extension, single storey rear extension & replacement front porch.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

RELEVANT SITE HISTORY

BR/42/09/	Side extension	Refused 24-04-09
BR/121/11/	Proposed double storey side extension (Resubmission of BR/327/10/)	Refused 23-06-11
BR/327/10/	Proposed side and rear extension	Refused 14-01-11 Appeal: Dismissed

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

- A departure from the Arun Local Plan Policy D DM4 whereby any extension or alteration should not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.
- Unacceptable size in scale and bulk.
- Unbalance the symmetry of the pair of semi-detached houses
- Detrimental to, the existing spatial character and pattern of the street scene contrary to policies D SP1 and D DM1 of the Arun District Local Plan.

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

2km Buffer for Site of Special Scientific Interest
 Pagham Harbour Zone B
 Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

The key policies considered are DDM1 and DDM4 of the Arun Local Plan.

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

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and locality.

Policy DSP1 of the Arun Local Plan sets out 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.

Bognor Regis Town Council have a 'made' Neighbourhood Plan but none of the policies are considered relevant.

DESIGN AND VISUAL AMENITY

The development to the side and rear is large and as a result adds bulk to the property, however it is set lower than that of the host dwelling and is therefore considered a subservient addition. It also appears sympathetic in appearance with materials matching that of the host dwelling.

Whilst the extensions proposed are large in nature due to their locations and the house positioning it is not considered that the views of the extension will be extensive. The alterations to the principle elevation are considered to be minor as it is a replacement of the existing front porch. It is noted that there is a character to the area which consists of symmetrically paired houses. The houses in the locality have been subject to some alterations, mainly in the form of single storey extensions, garages and outbuildings, this is evident at number 27 where a single storey side extension is clearly visible from the street scene. The changes to properties in the area have altered the once uniformed pattern and eroded rigid style and design. This change in style is also epitomised through the design of the dwellings

between 33 and 41 Arun Road.

There have been applications for two storey extensions in the area that have been refused and dismissed at appeal. However, the differing location of the dwelling in question. No. 28 is set back from Arun Road and is a corner plot. As such the dwelling has a different garden space and will have a differing impact on the street scene to the preceding applications.

The development is not considered to adversely impact upon the spatial pattern or character of the area and accord with D DM1 and D DM4 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposal removes the existing front porch and replace it with a slight enlargement to incorporate the moving of the front door to the principle elevation. The roof will be changed to accommodate a lean to roof. This will have an eaves height of less than the original but a maximum height of 3.6m whilst this is high it is not considered to be a detrimental factor to the application.

The two storey extension has a hipped roof which sits just below that of the ridge height of the host dwelling. Whilst the addition adds bulk to the rear of the property, due to the siting of the development with the two storey addition sited towards the rear of the property, with a single storey addition to the north west, the development is not considered to give rise to significant impacts upon neighbouring occupiers. This includes that of the 45 degree rule. It is appreciated that the two storey extension does protrude to the rear and there will be some impact on the visual amenity from the neighbouring windows but due to the separation it is not considered to have an adverse impact.

There is a single window at first floor level in the side of the extension - this will be condition to be obscure glazed.

The proposal whilst adding bulk to the property, as a result of the siting and design the development is not considered to result in significant overlooking, overshadowing or overbearing impacts upon neighbouring amenity.

SUMMARY

The proposed development is deemed to accord with relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
- Location and Site Plan
 - 002 Proposed Plans & Elevations
 - 003 Proposed Elevations

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

- 3 The first floor window on the south-east elevation of the building shall at all times be glazed with obscured glass permanently non-opening.

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

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

BACKGROUND PAPERS

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

BR/306/19/HH - Indicative Location Plan (Do not Scale or Copy)
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PLANNING APPLICATION REPORT

REF NO: M/32/19/PL

LOCATION: 46 Sea Lane
Middleton-On-Sea
PO22 7RX

PROPOSAL: New dwelling & separate garage replacing the proposed new house in the previous planning permission ref: M/7/16/PL - Amendment to M/153/18/PL

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	3 bedroom chalet style dwelling of modern design in the eastern side garden of 46 Sea Lane. The dwelling has a ridge height of 7.9m and an eaves height of 2.7m.
SITE AREA	783 sq m
RESIDENTIAL DEVELOPMENT DENSITY	13 dwellings per hectare
TOPOGRAPHY	Predominantly flat, but raised above the level of Sea Lane.
TREES	None affected by the development.
BOUNDARY TREATMENT	Trellis fencing and walling to south. Hedging and fencing to other boundaries
SITE CHARACTERISTICS	A detached 2 storey dwelling with gardens to the front, rear and side. The side garden has recently been cleared and the garage has been demolished.
CHARACTER OF LOCALITY	The Sea Lane boundary is a wide grass bank topped by a small tree and shrubs which acts as a landscaped edge. The area is part of a residential street comprising a mixed character with predominantly detached properties of mainly 2 storey height in medium/large plots set back from the highway with gardens to the front, side and rear within a spacious low density suburban environment. Foreshore to south of site.

RELEVANT SITE HISTORY

M/14/19/CLE	Application for a Lawful Development Certificate following grant of planning permission M/7/16/PL for an existing development - Confirmation required that permission has been lawfully commenced	Approve 22-05-19
M/7/16/PL	Demolition of existing garage, pool house & part east wing of existing house & erection of 1 No. dwelling &	ApproveConditionally 16-06-16

garage.

M7/16/PL granted permission for a 3 bed dwelling of very contemporary design in the eastern side garden of 46 Sea Lane. The access to the existing dwelling was shared with the new dwelling. The materials of the dwelling comprised self weathering cedar boarding, clay tiles, brickwork, hardwood windows and shutters. The seaward roof surfaces included photovoltaic tiles. The garage and pool house were to be demolished and 2 new garage buildings constructed.

The dwelling had an internal floor area of 208.5 sqm and a height of 6.8m. The proposal included demolition of the east wing of the dwelling.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Objection

- Out of character with the street scene.
- Overall mass, height and scale is out of keeping with surrounding properties.
- The proposed development is overbearing.
- Over development of the site.
- Sited in Area of Character and subject to the requirements of the Village Design Statement.

Three Objections

- The building is much too large for the location and size of the plot (over development).
- Larger than previously application and does not fit with the Middleton-on- Sea Village Design Statement (for example the tile/slate combination is out of character with the street scene).
- The large first floor window on the North elevation is overlooking neighbouring garden.
- Much too large for the area and not in keeping with the design principles of the Sea Lane estate.
- The location of the plot is key to the aesthetic and historical view approaching the sea at the end of Sea Lane.
- Is tile/slate roof an architectural feature or a structural requirement? Fully tiled roof would be better.

Two Support

- The proposed plans are fantastic.
- The site will make a wonderful home.
- Like the proposed mixture of tiles and slates for the roof.
- The size of the house seems appropriate and has been designed with respect to its neighbours.

COMMENTS ON REPRESENTATIONS RECEIVED:

All of the comments on the application were made in response to the originally submitted application and not to the revised plans.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Engineers (Coastal Protection)
Ecology Advisor
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

Coastal Engineer - No Objection. The proposal is located just outside of Flood Zone 2 & Flood Zone 3. It should be understood that the mapping provided by the Environment Agency is indicative and subject to change as new information/modelling becomes available.

Ecologist - No Objection. An updated Ecology Report has been submitted. Conditions and Informatives requested to cover the provision of a bird box, a lighting scheme to take account of bats in the local area a bat brick integrated into the building, ecological enhancements and avoidance of nesting time.

Conservation Officer - No Objection. The proposal will not cause harm to the heritage assets or their settings. Middleton-on-Sea estate has been identified as an Area of Character in the adopted Local Plan (2018), and as a consequence, is considered to be a non-designated heritage asset. The area contains attractive mature detached properties, set amongst spacious grounds. Properties appear to be of a relatively low density.

The precedent of a house was established in the previous consent. The site fronts Sea Lane which has a distinctively rural ambiance. Mature trees, bushes and grass verges add to this rural character.

The proposal is for a chalet style property which will have stone and wooden clad elevations and a tiled roof. The scale and character of the proposed building are more acceptable. The dwelling will not cover as much of the site as the previous scheme and is of similar scale to the neighbouring property.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. A condition controlling materials is suggested.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Area of Character

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
HERDM4	HER DM4 Areas of Special Character
HERSP1	HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

MDS	Middleton-on-Sea Village Design Statement by Middleton PC
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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.

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 an adopted 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 have a materially adverse effect on the visual amenities and character of the area or residential amenities.

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 proposal seeks to alter the design and appearance of the previously approved replacement dwelling

where the principle of redevelopment is accepted.

VISUAL AMENITY AND CHARACTER OF THE AREA

Planning Policies and Central Government advice support efficient and effective use of land. Policy D DM1(1) requires new developments to reflect or improve upon the character of the site and the surrounding area, in terms of scale, massing, aspect, siting, layout and density and D DM 1(14) requires scale to keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement. Central Government advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Paragraph 130 of the NPPF suggests that Authorities should refuse development of poor design that fails to take opportunities available for improving the character and quality of an area.

The principle of a new house was established in the permission for the subdivision of the plot (M/7/16/PL). This more traditional approach to the new house complies with local style constraints. The site is in a sensitive and prominent location in the Middleton Area of Character. The design and scale of the building is considered to respect this character. The size of the plot is comparable with others in the locality and the dwelling would retain an acceptable curtilage. The footprint, height and scale of the dwelling are comparable with neighbouring dwellings. The new house uses materials and forms prevalent in the village. The scheme is a detached house in its own landscaped garden. The garage is detached and forms part of the courtyard entrance with space for additional parking for two cars. The gable walls, ridges, bulk and massing are within the range of sizes of similar elements in adjacent buildings. Sections of the roof on the new house fall to eaves of 3m.

The layout of buildings follows the local pattern of detached houses with outbuildings (garages). The site is set back from the road by virtue of the existing verge. The distance from the seafront is 18m. It is proposed that the existing Sea Lane Boundary will be substantially landscaped with a wide raised planting zone and to the existing boundary which will be defined by a new flint and brick wall. Existing trees are retained where appropriate and new trees will be planted. Railings are not proposed but the new gates are designed as suggested in the Middleton Village Design Statement. The proposed house is set on the general frontage of the sea front detached houses. The proposal retains a reasonable space around the dwelling to ensure that the spaciousness which contributes to the character of the area is not compromised.

The dwelling is not significantly higher than the host dwelling (only 0.6m higher) and would not dominate this corner site or appear overly prominent in the locality. The plot has a depth of 44m and the dwelling and garaging would occupy 28m of this plot depth leaving a reasonable garden depth of 19m. Other properties to the west have garden depths to the beach of 23-25m and the host dwelling has a depth of 20m. The host dwelling is a chalet style property and is reflective of the modest proportions and height of dwellings in this part of the estate.

When compared with the approved dwelling (M/7/16/PL) the dwelling has a similar floor area with the same number of bedrooms and is a similar distance to site boundaries. The previous dwelling was angled on the site which better protected views across the site towards the seafront, but gave the development a greater northward projection in front of the host property. As with the approved dwelling this proposal has modest proportions and respects its setting making a positive contribution to the visual amenities of the locality.

For the reasons above it is considered that the proposal is compliant with policy D DM1 or the NPPF.

Within Areas of Character, policy HER DM4 of Arun Local Plan requires consideration to be given to the

retention of buildings and other features such as boundary walls, hedges, trees, railings, open spaces, etc which make positive contributions to the special character of the area and development should also make a positive contribution to the special character of the area. This proposal includes a bank of soft landscaping over flint and brick walling and does not result in the loss of the perception of space derived from the side garden. The side elevation of the proposed dwelling is 2m from the side boundary at its closest point and 7m from Sea Lane. Given the position of the side elevations of the dwelling in relation to the site boundaries it would appear overly dominant when viewed from the side and rear boundaries. The dwelling would project 3m beyond the rear elevation of the host dwelling, but only for part of the southern elevation and 2.5m beyond the front elevation which visually intrudes on the perception of space around the existing dwelling and detracts from the character of the area.

The proposal provides a set back from the sea frontage of 19m which is in conformity with adjoining development and the existing dwelling. The proposal preserves a set back distance from both the road and seafront frontage and maintains a sense of space.

Middleton on Sea also has its Village Design Statement which contains a list of Design Guidelines. These refer to new developments being in keeping with the scale of existing developments and well related to existing buildings and space and materials, design, style detailing, layout and form demonstrating an awareness of local context. This proposal is in keeping with the character of the area and the scale of adjacent development. The use of materials comprising slate roof, brick elevations and clay tiles, render, boarding and incorporation of chimneys would comply with the design criteria. The development demonstrateS awareness of the local context in its use of layout and form.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 (3) indicates development will be permitted if it takes into account impact on adjoining occupiers. Good design should contribute positively to making places better for people. The development would be acceptable on the residential amenities of neighbouring properties because it would be sited an adequate distance from adjoining properties to preclude adverse overbearing or overlooking effects. It would be 14m from the nearest residential curtilage to the east and 24m from the boundary with the dwelling to the north. These distances are adequate to ensure there are no materially adverse impacts on the residential amenities of neighbouring properties.

Policy DDM1 of the Arun Local Plan indicates that development will be permitted provided that amongst other considerations the proposal creates attractive places and spaces with the needs of people in mind. In accordance with policy D DM2 the council is applying the Nationally Described Space Standards. The proposal is compliant with the adopted standards.

BIODIVERSITY AND PROTECTED SPECIES

Due to the location of the site along the coast-line and Site of Nature Conservation Importance (SNCI) any submitted landscape scheme should not include certain plant species. The ecologist previously recommended that lawns to the rear (south of the property) are laid with a fine-leaved lawn turf or allow grasses and lawn species to naturally seed, thereby allowing local species to colonise that maybe better adapted to the harsh coastal environment and providing a natural feature to compliment the adjacent SNCI.

Informatives could be included to cover the recommendations of the submitted ecology report.

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.

The proposal utilises an existing access and provides a new garage and 2 car parking spaces. The proposal provides 3 spaces and 2 are required by the ADC Parking Standards SPD. It is considered that the proposal is in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

CONCLUSION

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

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

approved plans:

Proposed South Elevation dated 08-10-2019
Proposed North Elevation dated 08-10-2019
Proposed East Elevation dated 08-10-2019
South Elevation Plan with levels
South and West material elevations dated 08-10-2019
Site Location proposed dated 29-03-2019
Section BB dated 08-10-2019
x-Section AA dated 08-10-2019
Roof Plan dated 08-10-2019
Proposed Landscaping and car parking dated 08-10-2019
North Elevation Plan with levels
North and East Elevation Materials dated 08-10-2019
Ground Floor dated 08-10-2019
First Floor dated 08-10-2019
East Elevation with levels
Drainage diversions dated 08-10-2019
Block Plan dated 08-10-2019
General Arrangement Drawings dated 08-10-2019

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

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

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

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

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

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

- 6 No development above damp proof course shall take place until details of the following wildlife habitats and enhancements have been submitted to and approved by the Local Planning Authority:

- Bat brick to be integrated into the building in south/south westerly facing elevation positioned 3-5m above ground
- A bird box on the building/ and or a tree
- Two hedgehog nesting boxes
- Incorporation of gaps at the bottom of the fences to allow movement of small mammals across the site.

The boxes/brick/gaps so approved shall be provided prior to occupation of the dwelling and retained in perpetuity.

Reason: In the interests of protected species in accordance with policy ENV DM5 of Arun Local Plan.

- 7 No development above damp proof course shall take place until details of Wildflower meadow planting to be incorporated within the scheme have been submitted to and approved by the Local Planning Authority. The details so approved shall be provided prior to occupation of the dwelling.

Reason: In the interests of biodiversity in accordance with policy ENV DM5 of Arun Local Plan.

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

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

- 10 INFORMATIVE: 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.

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/32/19/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/53/19/PL

LOCATION: 7 Alleyne Way
Elmer
Middleton-On-Sea
PO22 6JZ

PROPOSAL: Demolition & erection of 1 No. dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Demolition of existing single storey dwelling and the construction of a two storey detached dwelling set back 12.5m from the road. The roof will have twin gables aligned east-west of differing depths and hipped at the rear connected by a flat roof element 6m high with a false hip to north and south, set back 1.5m from the gable elements. The northern gable will be 12.5m deep and 4m high at the eaves and 7m at the ridge. The southern gable will be the same height and 9 m deep.

The northern gable has a balcony at first floor set back inside the roof and accessed by a French window. Two other windows are proposed at first floor on the front elevation. No windows are proposed on the north elevation. Three 1.6m high windows extending into the roof as roof lights are proposed at first floor in the south elevation serving bedrooms. There are floor-ceiling windows at ground floor on this elevation. The original proposal has been amended to replace first floor windows on the rear elevation with roof lights.

The roof would be grey standing seam and the walls would be render and timber cladding.

The application has arisen as a result of works being undertaken to implement previously approved extensions when unforeseen works were discovered including sub-standard/non-existent foundations which resulted in demolition of the old property.

SITE AREA

0.05ha

RESIDENTIAL DEVELOPMENT DENSITY (NET) 20 dwellings per hectare

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the development.

BOUNDARY TREATMENT

The front boundary has a dwarf wall with timber panels on top to a maximum height of 1.8 m. with large gate piers and metal

vehicle gates. There is a mix of timber fences, walls and mature planting to a height of over 3 metres on the south side boundary of the front garden.

SITE CHARACTERISTICS

The site is occupied by a mobile home. The existing property was a detached bungalow with a flat roof element on the north side. The large front garden laid to gravel with an outbuilding adjacent to the south boundary.

CHARACTER OF LOCALITY

The property is on the east side of a quiet residential street. Other houses are mainly detached in medium sized plots set back from the highway with gardens to front and rear. The property to the north is a bungalow and is 4m from the site boundary. It has a shallow pitched roof 4.5m high at the ridge. Beyond this bungalow properties to the north are two storey and there is a consistency in design in that most present a gable end on to the road. The property to the south is a bungalow with a ridge height of 6 m. It has a flat roof garage on the north side adjacent to the site.

RELEVANT SITE HISTORY

M/37/18/HH	Single storey extensions to East, South & West elevations & loft conversion (resubmission following M/126/17/HH).	ApproveConditionally 25-06-18
M/126/17/HH	Single storey extensions to East, South & West elevations & loft conversion.	Refused 27-02-18

Permission (M/37/18/HH) for single storey extensions to the east, south and west of the dwelling as well as a loft conversion. This resulted in the dwelling having the same appearance as now proposed.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council
Middleton Parish Council

Objection - The overall mass, height and scale is out of keeping with surrounding properties.

4 Objections

- Concern regarding the number of large developments which are changing the character of this private estate. Larger properties bring increasing numbers of residents, vehicles and parking.
- Whilst some larger plots of land may have been suitable for this scale of development in the past, these larger developments are now moving into areas of smaller plots creating a situation of over development.
- The estate infrastructure was not designed to take the increasing numbers of residents for which these

developments are designed. Southern Water foul water pumping station which serves the estate on The Hard has regularly failed in the past.

- Roads are narrow and parking of increasing numbers of vehicles on the private estate roads cause problems.
- The building is not in keeping with the surrounding area.
- The proposal will and will set a precedent for future developments.
- Height and size of the proposed building is not in keeping with the neighbouring properties.
- The drainage plan appears incorrect as it refers to 24 Alleyne Way. It shows the movement of a surface water soak away, which is sited on Elmer Sands land (road side), this is not acceptable as it is part of the estate scheme to disperse surface water.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Permission was granted (M/37/18/HH) for the extension of the dwelling to create a property of the same mass, scale, height and appearance as proposed by this application. The principle of the development as proposed is established.

The replacement dwelling will not materially increase pressure on existing infrastructure/services.

The Council's Drainage Engineer is satisfied with the submitted drainage details.

CONSULTATIONS

- Engineering Services Manager
- Engineers (Drainage)
- WSCC Strategic Planning
- Southern Water Planning
- Environment Agency
- Engineers (Drainage)
- Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection. The proposal would not 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 there are no transport grounds to resist the development. Condition relating to cycle parking requested.

Drainage Engineer - Previous request for pre-commencement drainage conditions is removed. If approval is granted a condition should be imposed ensuring that construction of the surface water drainage is in accordance with the Drain Inverts and Soakaway Section drawings.

Environment Agency - The proposed development will only meet NPPF requirements if the requested planning condition is included.

Southern Water - No Objection. Informative requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and relevant conditions included in recommendation. A cycle storage plan has been

submitted as part of the proposal and provision is not therefore conditioned..

POLICY CONTEXT

Designation applicable to site:
Within built area boundary

DEVELOPMENT PLAN POLICIES

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

DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

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.

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

PRINCIPLE

M/37/18/HH granted permission for the extension and alteration of the existing dwelling. This approval was a scheme of identical mass, scale, design and appearance as now proposed but through extension rather than demolition. The proposed elevation and floor plan drawing number 104 revA is the same for the drawing approved under M/37/18/HH.

The approved householder extension is a material planning consideration and the permission is extant. The impact on residential and visual amenity is the same as approved and it would not therefore be reasonable to refuse this application.

CHARACTER AND DESIGN.

Policy D DM1 of the Arun Local Plan (ALP) requires the Council to have regard to certain aspects including character, appearance/attractiveness, density, and scale. This is reiterated in the recently published National Design Guide which states that the underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities. Paras 21 to 29 set out the components of good design which include layout, form and scale of buildings; appearance; landscape; materials and their detailing.

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 replacement dwelling would have 2 storeys and be designed as 2 linked pitched roofs of modern design of differing width and eaves height, incorporating 4 bedrooms in the first floor of the building within the sloped roof. The West elevation incorporates a recessed balcony.

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 the street scene.

The dwelling will significantly alter the shape of the original dwelling and the approved extension effectively resulted in a new build rather than an extension to the existing building. As such the design was previously considered as a whole rather than as a subservient addition. Whilst the ridge height will be increased overall by 0.5m and at the highest points of the gables by 1.5m, the bulk of the roof appears lighter by splitting the mass into 2 gables. In view of the significant set back from the road and the separation distance from the properties either side it will not appear overbearing. The design and materials proposed have a contemporary feel which reflects that of other houses in the vicinity, in particular 12 Alleyne Way.

Having regard to the size, scale, massing and overall design of the proposed dwellings, 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 foot print of the building will extend no further forward or back than the existing. The first floor elements will be 1.5 m higher than the existing roof at the ridge and 1 m higher at the eaves. There is a window in the side elevation of the bungalow to the north, 9 Alleyne Way, which faces the application site but having regard to the relative positions of the existing property to this bungalow and the distance between this window and the eaves (6 m) and ridge (8m) of the new roof on number 7 there will a minimal impact in terms of overshadowing and outlook. There is a dormer window on the side roof slope of the property to the south facing onto the application site. The distance between this dormer and number 7 is 7m. Due to the orientation and separation distance there will be no loss of light or outlook to this window. Three windows are proposed at first floor in the side elevation opposite this dormer. They are secondary windows to bedrooms which have principal windows facing west and east and therefore will be subject to a condition to ensure they are glazed with obscure glass.

The development would not 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).

FLOOD RISK AND DRAINAGE

The site lies in an area categorised as at high risk of flooding within Flood Zone 1 and the application is accompanied by a Flood Risk Assessment. The proposed development is categorised as "More Vulnerable" in accordance with the NPPF; it is therefore an appropriate type of development within Flood Zone 1 without the need to pass the Exception Test. All occupiers of the dwelling would have access to the raised ground floor level and the first floor is also above the extreme event for lifetime of the scheme. There would be sufficient time to seek refuge and/or evacuate to an area outside of the surface water flooding. Subject to a condition setting the minimum finished floor levels there are no objections to the development from the Environment Agency nor the Arun District Council Engineers and therefore the proposal complies with policy W DM2 of the Arun Local Plan.

The development replaces a dwelling with a similar roof profile. Engineers have made no objection to the scheme provided it is carried in accordance with submitted surface water drainage information. The proposal is considered to comply with policies W SP1 and W DM3 of the Arun Local Plan.

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 4 bedroomed, property occupied by 8 people as proposed the National space standards state a required minimum gross internal floor area of 124 sq.m. From an assessment of the submitted floor plans the dwelling would have a gross internal floor area of 208 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 maintains the rear garden length of 5 metres across the width of the plot which is acceptable and in line with other dwellings in the vicinity of the application site.

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.

County Highways have assessed the scheme and consider:

- There is no evidence to suggest that the existing access is operating unsafely.
- There is adequate parking space already present and it does not impact upon the Publicly Maintained Highway.
- It would not have a 'severe' impact on the operation of the Highway network.

It is suggested that a condition relating to the provision of cycle parking is imposed.

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. The proposal is identical to the householder extensions already approved. 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:

1310 100 Existing Location Plan
Location Plan
1310.102 Proposed Site Plan
1310.103 revA, Existing Floor Plans and Elevations
1310.104 revA Proposed Floor Plans and Elevations
Bin and Cycle Storage
Drainage Plan of soakaway and drain type/positions
Drainage Plan
Soakaway Location Plan
Street Scene

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

- 3 The windows on the south elevation at first floor level shall at all times be glazed with obscured glass and fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy DDM1 of Arun Local Plan.

- 4 The building shall not be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the submitted details namely Building Regs Drainage Specification, Rainwater Harvesting Equipment Soakaway Report, Surface Water Drainage Proposal Checklist, Foul and Surface Water Drainage Statement, Infiltration Test Location Plan, applicant's e-mail dated 07-08-2019 and the agreed details attached to the Council's Drainage Engineer's consultation response dated 05-09-2019. 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 WDM3 of Arun Local Plan.

- 5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) submitted June 2019 by ARK Environmental Consultancy Ltd and the following mitigation measures detailed within the FRA:

1. Finished floor levels of the ground floor shall be set no lower than 3.8 m above Ordnance Datum (AOD).
2. Flood resilient techniques as set out in section 9.6 of the Flood Risk Assessment shall be incorporated .

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the impact of flooding on the proposed development and future occupants in accordance with policies W SP1 and W DM2 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until the covered and secure cycle parking spaces have been provided in accordance with the plan submitted with this application and the spaces so provided 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 T SP1 of the Arun Local Plan.

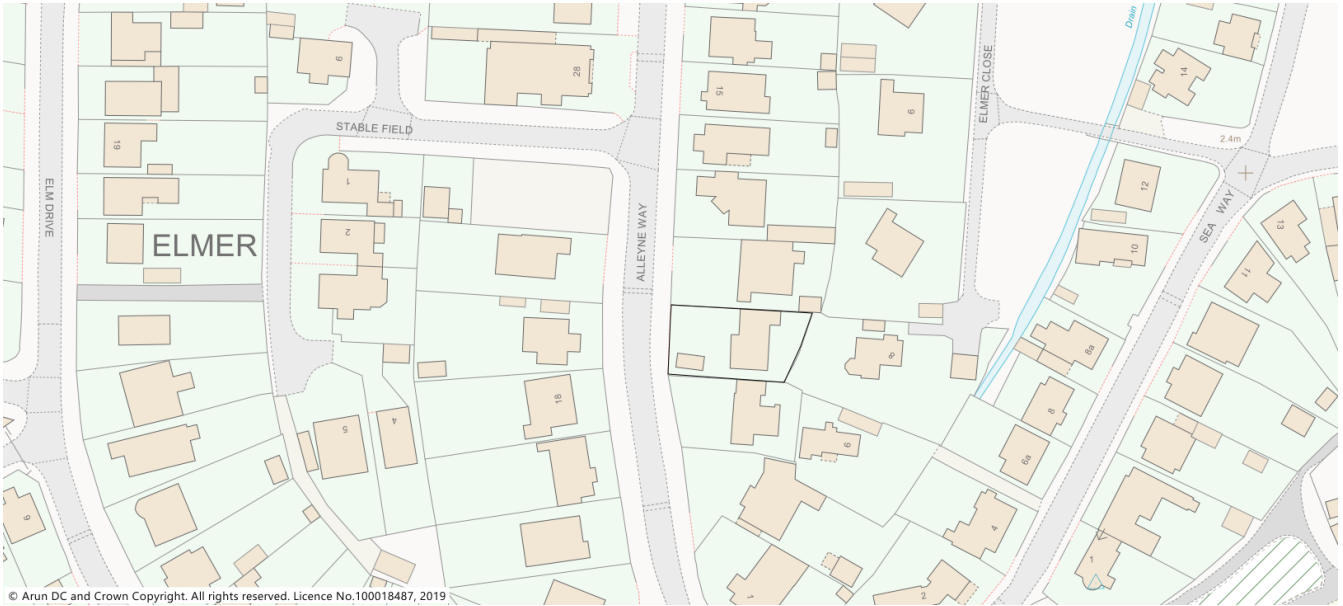
- 7 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections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

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

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/53/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: WA/59/19/PL

LOCATION: Pippins
Yapton Lane
Walberton
BN18 0AS

PROPOSAL: Provision of an additional 3 No. residential mobile homes. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION There are currently 4 residential mobile homes on site, 3 of which were granted on appeal, the other is used by a family member of the occupants of the main house and who is employed at the adjacent nursery site and, as such, this unit is 'ancillary' to the main dwelling.

The proposal is for 3 additional mobile homes, which would be for a permanent residential use and would not be restricted to agricultural workers. Each unit would contain 2 bedrooms and would have parking provision to the side. The units would be 11m in length and 3.8m in width.

SITE AREA 0.2 hectares.

RESIDENTIAL DEVELOPMENT Existing = 20 dwellings per hectare.
DENSITY (NET) Proposed = 35 dwellings per hectare.

TOPOGRAPHY Predominantly flat with an area to the west which forms a small steep bank up to the boundary with the nursery site.

TREES None affected by the proposed development.

BOUNDARY TREATMENT The site is enclosed by a mixture of a 2.5m tall brick boundary wall, 2m high close boarded timber fencing, and 3m high evergreen hedging.

SITE CHARACTERISTICS The site consists of a two storey detached property 'Pippins', a front gravel driveway and a garden area to the side and rear of the property enclosed by concrete posts and timber close board fencing.

There is a further grassed garden area to the west beyond this fencing around the property, and a gravelled area to the south of the fencing which contains four existing mobile homes.

The whole site is enclosed by a brick wall, close board fencing and evergreen hedging.

The 4 existing mobile homes have dark brown clad elevations.

The most westerly is occupied by a family member of the occupants of the main house and someone who is employed at the adjacent nursery site (i.e. ancillary to the main house). The other three residential mobile homes were allowed on appeal in July 2018.

The site is within the Lidsey Treatment Catchment Area and EA Flood Zone 1 (Lowest risk of flooding).

CHARACTER OF LOCALITY

The site is in a rural area within the designated 'Countryside', on the main road (B 2132) between Yapton and Walberton. There is linear development, particularly on the west side of the road, where the site is located. Formerly the area to the west side of Yapton Lane was dominated by nurseries and green houses. There are detached dwellings mostly associated with nursery uses, and B1 office uses fronting onto this part of Yapton Lane. On the eastern side of Yapton Lane there are open agricultural fields beyond boundary hedges.

RELEVANT SITE HISTORY

WA/86/17/PL	Continuation of use of land for the stationing of 3 No. residential mobile homes. This application is a Departure from the Development Plan	Refused 19-02-18 Appeal: Allowed+Conditions 17-07-18
WA/6/16/PL	Application for removal of condition 3 imposed under WA/2/70 relating to restriction of occupation of the dwelling for persons employed locally in agriculture.	Refused 14-03-16
WA/62/05/	Removal of condition no.3 imposed on WA/2/70 (Agricultural occupancy restriction)	Refused 15-09-05
WA/36/89	Removal of agricultural occupancy condition imposed on previous approval WA/2/70	Refused 31-07-89 Appeal: Dismissed 09-07-90

The main house 'Pippins' has an agricultural occupancy restriction on the original permission (WA/2/70). Planning permission to remove this condition was refused in 1989 and 2016.

The Council refused planning permission in February 2018 for the continued use of the land for the siting of the existing 3 residential mobile homes (ref. WA/86/17/PL). The application was allowed on appeal in July 2018.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

Objection.

Object to removal of an agricultural workers condition when local agriculture and horticultural businesses are flourishing. The agricultural tie is essential to allow local workers to occupy the units, there is local need. Homes designated for rural workers should be retained for that purpose in agricultural communities.

Inaccuracies in application form; existing housing states 3 x 2 bed homes, when there is a 4 bedroom detached property, and a fourth mobile home. Proposed housing states 6 x 3 bed homes, no reference to the 4 bedroom detached property or fourth mobile home. Site plan is unclear and does not clarify which have agricultural ties.

COMMENTS ON REPRESENTATIONS RECEIVED:

To be covered in Conclusion section of report.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - Site is within the Lidsey Catchment Area and in an area of known high groundwater. Surface water drainage design should be carefully considered. Infiltration must be fully investigated.

Southern Water - The applicant is advised to consult the Environment Agency directly regarding the use of a septic tank drainage and will need to maintain the septic tank. Should any sewer be found during construction works which may be public, an investigation should be made into its condition, the number of properties it serves, and potential means of access before any works commence on site.

Environmental Health - The Caravan Licence would need amending if planning permission is granted. Recommend Informatives regarding site licence and statutory nuisance complaints.

COMMENTS ON CONSULTATION RESPONSES:

To be covered in Conclusion section of report.

POLICY CONTEXT

Designation applicable to site:

Outside Built-Up Area Boundary - Countryside

Lidsey Water Treatment Catchment Area

Walberton Nighbourhood Plan Area

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

<u>Walberton Neighbourhood Plan Policy 2017 GA3</u>	Car Parking
Walberton Neighbourhood Plan Policy 2017 HP1	Spatial Plan of the Parish
Walberton Neighbourhood Plan Policy 2017 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE7	Surface Water Management
Walberton Neighbourhood Plan Policy 2017 VE8	'Unlit village' status

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.

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.

Walberton Neighbourhood Plan policies that apply include;

Policy HP1 - Spatial Plan of the Parish
 Policy HP11 - Housing Density
 Policy HP13 - Design Guidance
 Policy VE7 - Surface Water Management
 Policy VE 8 - 'Unlit' village status
 Policy GA3 - Car Parking

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 would be a departure from the Development Plan in that it would represent development in the designated Countryside, in conflict with policy C SP1 of the Arun Local Plan and HP1 of the Walberton Neighbourhood Plan. However, the proposal would comply with other relevant Development Plan policies in that, subject to conditions, it would have an acceptable impact on the visual amenity of the area, the residential amenity of neighbouring occupants, parking and drainage.

OTHER MATERIAL CONSIDERATIONS

The proposal would conflict with countryside policy C SP1 of the Arun Local Plan and Walberton Neighbourhood Plan policy HP1.

However, the new units would not be 'isolated' new homes in the countryside as advised against in paragraph 79 of the NPPF. Furthermore, Arun District Council has a lack of a 5 year housing land supply and paragraph 11 of the NPPF advises there is a 'presumption in favour of sustainable development' (paragraph 11) in such cases. As such, these form material planning considerations in the determination of this planning application.

The recent appeal decision allowing the existing three mobile homes is also a material consideration which is to be afforded significant weight in the decision-making process of this current application.

As such, there are material considerations in this case, which would warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site lies outside the Built-Up Area Boundary where the principle of development is considered unacceptable if it does not meet a specified criteria. Development Plan policies seek to exert a strict control over new development in the countryside to protect its intrinsic character and beauty.

Policy C SP1 of the Arun Local Plan states that outside the Built-Up Area Boundaries land will be defined as Countryside and development will only be permitted in the countryside where the criteria set out in policy C SP1 is met, or there is a strong justification for a countryside location.

One of the exception tests set out in policy C SP1 (a) is that development will be permitted in the countryside where it is 'for the operational needs of agriculture, horticulture...'. The existing dwelling at Pippins has an agricultural workers tie imposed on planning permission WA/2/70 which states 'The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, locally in agriculture as defined in section 221(l) of the Town and Country Planning Act 1962, or in forestry, and dependants of such a person residing with him (but including a widow or widower of such a person)'. Removal of the condition has previously been refused and dismissed at appeal.

The current proposal is for 3 residential mobile homes which would not be subject to an agricultural workers tie, and as such it would not meet criteria C SP1 (a) for permissible development in the countryside.

Walberton Neighbourhood Plan policy HP1 states that development proposals for other new dwellings

outside the Built-Up Areas will be resisted, unless the Plan has made specific provision for those proposals.

Paragraph 14 of the NPPF states that in situations where the presumption in favour of sustainable development applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, if all the following apply:

- (a) the neighbourhood plan became part of the Development Plan 2 years or less before the decision was made
- (b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement
- (c) the local planning authority has at least a 3 year supply of deliverable housing sites, and
- (d) the local planning authority's housing delivery was at least 45% of that required for the last 3 years

As such, although the presumption in favour of sustainable development applies and this application involves the provision of housing, since none of the above conditions of paragraph 14 of the NPPF apply, the Neighbourhood Plan is to be afforded limited weight. In accordance with this policy in the NPPF, the adverse impact of allowing development which would conflict with the neighbourhood plan (policy HP1 in this case) is unlikely to significantly and demonstrably outweigh the benefits.

Planning Inspectors appeal decision (ref. WA/86/17/PL):

In the recent appeal decision, dated July 2018, in which the existing 3 unrestricted mobile homes were allowed, the Planning Inspector concluded that the proposed residential units would not represent 'isolated' new homes in the countryside given the existing cluster of development in the immediate area, would not harm the visual amenity and character of the local area, and would be sited in a sustainable location.

Paragraph 79 of the National Planning Policy Framework (NPPF) advises that the development of isolated homes in the countryside should be avoided unless under certain circumstances. As such, the Inspector concluded that the proposal would not represent 'isolated' new homes in the countryside and this NPPF policy would not apply.

The Council is currently unable to demonstrate a 5 year housing land supply. In such cases Paragraph 11(d) of the NPPF applies and states that where housing supply policies are out-of-date a 'presumption in favour of sustainable development' must be applied and permission granted, unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

Paragraph 8 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental objectives. The application is assessed against each of these objectives below:

Economic role - The proposal would lead to a small increase in Council Tax receipts. This would provide a small benefit to the local economy. This factor weighs in the scheme's favour.

Social role - The proposal would support the community by providing 3 small dwellings which would nominally contribute to meeting future local housing needs. This factor weighs in the scheme's favour.

Environmental - Under the Council's previous refusal of the existing three mobile homes, it was considered that the location of the new homes was environmentally unsustainable due to the poor walking, cycling and public transport routes in the immediate area, and the resultant reliance of the private car for future occupants.

In the recent appeal decision, which allowed the existing three mobile homes, the Inspector concluded that it was probable that future occupiers would be dependent on the private vehicle to access facilities and services, and that there would be some conflict in this respect with policy GEN7 in the previous Local Plan. However, the Inspector concluded that, in the absence of other harm, this did not weigh significantly against the development and proceeded to allow the appeal and grant planning permission.

As described above the proposal would conflict with Development Plan policy relating to unrestricted residential development outside the built up area boundary. However, given the Council's lack of 5 year housing land supply which renders the housing supply policies of the Development Plan out of date, and given the significant weight to be attributed to the recent appeal decision for a similar scheme which concluded acceptable environmental harm, there would be no significant adverse impacts which would significantly and demonstrably outweigh the limited economic and social benefits of the proposal. The development for three additional mobile homes therefore benefits from the 'presumption in favour of sustainable development' as set out in the NPPF and is acceptable in principle.

VISUAL AMENITY

Policy D SP1 of the Arun Local Plan states that development should seek to make efficient use of land but reflect the characteristics of the site and local area, in matters such as layout, density, scale, mix, character, landscaping, materials, finish and architectural details. It also states that proposals should adhere to objectives informing sustainable design e.g. attractiveness, inclusivity, security and climate change.

Local Plan policy D DM1 looks at aspects of form and design quality, including character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees, crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment.

Walberton Neighbourhood Plan policy HP11 states that the density of new development shall be appropriate to its location by virtue of its size, siting and relationship to existing properties. Neighbourhood Plan policy HP13 advises that new development which would have an effect on the appearance and character of the surrounding area must be of a high quality of design and must contribute to local character. Neighbourhood Plan policy VE8 states that development that distracts from the unlit environments of the Parish will not be supported.

One of the reasons for refusal of the previous application for the existing three mobile homes, was the harm to the visual amenity and established character of the local area and failure to integrate with the rural surroundings.

Under the allowed appeal, however, the Inspector, concluded that, given the distinct linear form of development along this side of Yapton Lane, that the mobile homes are not visible from road, their single storey scale, and the presence of other outbuildings and glasshouses in the immediate area, that the development integrates comfortably with its surroundings.

Given the significant weight to be attributed to this recent appeal decision, and that the proposal is for three additional units of a similar scale which would be even more shielded from views from Yapton Lane behind the existing two storey property 'Pippins', it is concluded that the proposed development would integrate with its surroundings and respect the character of the locality.

The siting, size and appearance of the mobile homes will be controlled by planning condition 2 (approved plans) and it is recommended that an informative is applied stating that the mobile homes must comply with the Caravan Act 1968. Under this Act, the definition of a mobile home gives a maximum external

size of 20m x 6.7m (66ft x 22ft) and 3.048m internal ceiling height. There is no maximum external roof height included (this was overlooked in the original Caravan Act of 1968).

Although the proposals would result in three additional units on the site, with a total of seven mobile homes in total on the site, it would not represent 'overdevelopment', given the siting of the new units would be somewhat tucked away in the corner of the land behind the property and away from the main road. The combined effect of the arrangement of this group of buildings would be of an acceptable density and scale.

No external lighting has been proposed, and although it is not in an isolated countryside location and thus not in an entirely unlit area of the Parish, as a precautionary measure, it is recommended a planning condition is attached requiring details of any external lighting.

The proposals would accord with policies D SP1 and D DM1 of the Arun Local Plan and policies HP11, HP13 and VE8 of the Walberton Neighbourhood Plan.

RESIDENTIAL AMENITY

Policy D DM1 of the Arun Local Plan that new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

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

The site is located adjacent to offices associated with horticulture to the south, horticultural glasshouses to the west, and is 24m from the boundary with the closest neighbouring property to the north 'Walberton Nursery House'. As such, given these separation distances and the scale of development, the proposals would not result in any harmful overbearing, overshadowing nor loss of light to neighbouring occupants. There may be potential for some overlooking from the 2 storey property on the site 'Pippins' towards the new mobile homes. However, given the separation distance of around 14m, and the fact that the additional mobile homes are likely to be orientated similarly to the others on site with no windows directly facing the property, no direct obtrusive angles of view would be possible, and privacy would be maintained. It is noted from the plans that the proposal would result in the existing fence line being moved around 1m closer to the main house 'Pippins' which would result in the loss of some garden space. However, the main house would still retain sufficient garden space to serve the 4 bedroom property.

The proposals would protect residential amenity in accordance with policy D DM1 and QE SP1 of the Arun Local Plan.

INTERNAL & EXTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards apply. The minimum Gross Internal Area (GIA) for a single storey 2 bedroom home would be 61sqm for a 2B3P and 70sqm for a 2B4P.

Whilst the Council does not have specific external space standards, the supporting text to Local Plan policy D DM2 refers to a detailed Design Guide (still to be adopted) which will include guidance on external space standards, and the need for planning applications to have regard to include adequate

provision of private external space. Until such time as the Design Guide is published, there is no policy within the Arun Local Plan regarding private garden sizes. However, regard should also be had to paragraph 127 of the NPPF which states that "Planning policies and decisions should ensure that developments (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users".

No external or internal layout plans have been provided with the application. Since the application relates solely to a change of use of the land, Local Plan policy D DM2 and Nationally Described Space Standards for internal habitable accommodation are not applicable in this instance, and instead the Caravan Act which specifies maximum dimensions will apply. It is recommended that an informative is attached specifying that the use of the site will be subject to a Caravan License.

Additionally, there would be a grass/gravel area surrounding each mobile home which could be used for sitting out on and thereby providing some outdoor amenity space.

CAR PARKING

Regard should be had to paragraph 109 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

Policy T SP1 of the Arun Local Plan supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision. Policy GA3 of the Walberton Neighbourhood Plan states that proposals which reduce existing available parking in the Parish will be resisted.

West Sussex County Council has Guidance on Parking at New Developments, which was published in May 2019. Arun District Council has recently consulted on its own Parking Standards SPD, which is due to be adopted in January 2020.

The application form states that there would be on-site parking provision for 1 vehicle for each new 2 bedroom mobile home. No cycle parking storage has been shown. The WSCC Parking Guidance advises that for a 2 bedroom home in this type of location (Parking Behaviour Zone 1) the parking requirement would be 1.7 on-site car parking spaces. The emerging Arun Parking SPD advises that for a 2 bedroom home in this location the minimum requirement would be for 2 car parking spaces on site. The cycle parking provision should be 1 space per home.

Whilst there would be an under provision, the site inspection (undertaken in October 2019) suggested that there would be sufficient space to park two vehicles next to each mobile home and there was also ample space to park on the gravel driveway in front of the main house. There would also be space for cycle parking.

As such, the proposals would provide sufficient space for car and cycle parking, and accord with Local Plan policy T SP1 and Walberton Neighbourhood Plan policy GA3.

DRAINAGE

Local Plan Policy W DM1 advises that proposals for minor development on sites within the Lidsey Wastewater Treatment Works Catchment Area must be accompanied by a Drainage Impact Assessment that must take account of the individual and cumulative impact upon foul water disposal, flood storage capacity, and surface water drainage or flood flows.

As set out in the National Planning Policy Framework, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. There are requirements regarding the submission of a Flood Risk Assessment and Sequential Test documentation. The relevant requirements for these are dependent upon the designated flood zone that the site is located within and the Technical Guidance to the NPPF provides more details on these issues. Arun Local Plan policy W DM2 provides policy on areas at risk of flooding.

Local Plan W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. These features may include green roofs, permeable driveways, soakaways, water harvesting such as water butts. Walberton Neighbourhood Plan policy VE7 advises that new development should aim to reduce the overall level of flood risk, and surface water management measures should be implemented and Flood Risk Assessments where appropriate.

The site is within the Lidsey Water Treatment Catchment Area and in an area of known high groundwater. Surface water drainage design should be carefully considered. Infiltration must be fully investigated. The Council's Drainage Officer has recommend a planning condition and informative to secure details of a surface water drainage scheme. Southern Water have recommended an informative regarding septic tank and sewer drainage.

The site is located within Environment Agency Flood Zone 1 (lowest risk of flooding) and no Flood Risk Assessment or flood mitigation measures are required.

Subject to conditions, the proposals would accord with policies W DM1, W DM2 and W DM3 of the Arun Local Plan and VE7 of the Walberton Neighbourhood Plan.

CONCLUSION

The proposal would constitute new development in the countryside, which is in conflict with Arun Local Plan policy C SP1 and the Walberton Neighbourhood Plan policy HP1 of the Development Plan.

However, the recent appeal decision which allowed the existing three mobile homes is a material consideration in the determination of this current planning application for three additional units. Also the fact that the development would not constitute 'isolated' new homes in the countryside and thus not harm the rural and open character of the countryside and the Council's current lack of a five year housing land supply means that there are material considerations in this case which warrant a decision otherwise than in accordance with the Development Plan.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) 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 Site Plan (received 27/06/2019).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, QE SP1 and T SP1 of the Arun Local Plan and policies HP11, HP13, VE8 and GA3 of the Walberton Neighbourhood Plan.

- 3 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 and avoid unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained at all times in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, in accordance with policy QE SP1 of the Arun Local Plan and policy VE8 of the Walberton Neighbourhood Plan.

- 4 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 and VE7 of the Walberton Neighbourhood 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.

- 5 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.
- 6 INFORMATIVE: The applicant is advised to consult the Environment Agency directly regarding the use of a septic tank drainage and the owner of the premises will need to maintain the septic tank to ensure its long term effectiveness.
Should any sewer be found during construction works which may be public, an investigation should be made into its condition, the number of properties it serves, and potential means of access before any works commence on site. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 7 INFORMATIVE: The granting of this permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health department on 01903 737555.
- 8 INFORMATIVE: The applicant is advised that the proposed use of the site will require an amendment to the existing Caravan Site License under the provisions of the Caravan Site and Control of Development Act 1960. The application is advised to contact the Council's Licensing team for further information: <https://www.arun.gov.uk/licensing>.
- 9 INFORMATIVE: The applicant is advised that the mobile homes must comply with the Caravan Act 1968. Under this Act, the definition of a mobile home gives a maximum external size of 20m x 6.7m (66ft x 22ft) and 3.048m internal ceiling height.
- 10 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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](#).

WA/59/19/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/83/19/OUT

LOCATION: Clays Farm
North End Road
Yapton
BN18 0DT

PROPOSAL: Outline application with some matters reserved for the erection of 33 No. dwellings, access roads, landscaping & associated works (resubmission following Y/62/18/OUT). This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Outline application seeks approval of the principle of development and access arrangements. An indicative layout plan has been provided but layout is a reserved matter. The indicative plan shows 33 dwellings - a mix of 2 beds, 3 beds and 4 beds. An area of public open space (POS) is shown in the south west corner, it is indicated that children's play space would be located there. A smaller area of POS is between plot 28 and the north boundary. The layout suggests a link to an existing footpath to the west as well as two potential links into neighbouring developments to the north and south. A landscaped buffer is shown to the north, south and west boundaries. Access would be via the existing but with improved bell mouth, road width and visibility splays.

This application clarifies that the site is Grade 2 agricultural land (not grade 1 as suggested on the previous application).

The applicant states this resubmission provides the Council with the opportunity to grant permission and save unnecessary appeal preparation time.

SITE AREA 1.67 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 19.8 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES Trees are to site boundaries and not affected by the proposal.

BOUNDARY TREATMENT Mixed - 1m high post & rail and a 2m hedge to "The Steddles".

SITE CHARACTERISTICS Grassed paddock, overgrown to the edges. Two timber pitched roof buildings - one a double barn (around 1.5 storeys high) and a single storey stable building. Single width access to North End Road.

CHARACTER OF LOCALITY The land to the west is arable farmland. To the east are two large residential dwellings ("The Steddles" and "St Mary's")

Vicarage"). The Steddles is the closest of these and is part single, part two storey (the northern half has a first floor within the roof). The land to the north and south is discussed below.

Yapton has two GP surgeries, a pharmacy, two churches, a village hall and playing fields, a primary school and a small selection of shops. Barnham railway station is 2 miles west (as the crow flies). Yapton has a regular bus service.

RELEVANT SITE HISTORY

Y/62/18/OUT	Outline application with some matters reserved (appearance, landscaping, layout & scale) for 33 No. residential dwellings, access, landscaping & associated works. This application is a Departure from the Development Plan.	Refused 27-06-19
Y/88/18/OUT	Outline application with some matters reserved for the erection of 38 No. dwellings. This application affects a Public Right of Way.	App Cond with S106 26-11-19
Y/49/17/OUT	Outline application with some matters reserved for the demolition of all existing structures & redevelopment of the site with up to 45 dwellings (30% affordable (up to 14)) & 0.3 hectares of landscaped open space with vehicular access from Maypole Lane & pedestrian/cycle access only from North End Road. This application is a Departure from the Development Plan & may affect the setting of a listed building.	App Cond with S106 15-02-18
Y/52/16/HH	Two storey front extension, two storey rear extension, replacement dormer window to rear, new hipped roofs to front dormer windows, new garage/carport, replacement greenhouse & revised fenestration (resubmission following Y/24/16/HH).	ApproveConditionally 02-09-16

This application is a resubmission of Y/62/18/OUT, refused in June 2019 for the following reason:

"The proposal results in a loss of high grade agricultural land in conflict with policies SO DM1 of the Arun Local Plan, H1 of the Yapton Neighbourhood Development Plan and paragraph 170 of the National Planning Policy Framework."

This site is subject to a written representation appeal for which the Councils appeal statement is due by

the 24th December 2019 and the appeal will be determined in 2020.

To the south of the site lies land to the north of the Yapton Primary School which is allocated in the Yapton Neighbourhood Development Plan for residential development and benefits from outline permission for 38 dwellings (Y/88/18/OUT). To the north lies land known as "Land at Street Buildings, North End Road" which has an outline permission for 45 dwellings (ref Y/49/17/OUT).

The applicant states the site was acquired by the present landowner in 1978, since when it has been used continuously for training and grazing horses. Prior to 1978, it was occupied by a garden centre but no produce was grown on the site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

Continue to object to the development. Full comments (07/11/19) are on the website.

- (1) The Clays Farm site has never been designated as an area within Yapton for future housing growth;
- (2) The site remains outside the Built Up Area Boundary (BUAB) and is not identified as an agreed Non-Strategic Site Allocation within the Parish's agreed allocation numbers.
- (3) YPC has met its new Parish housing allocation as part of ADC's Non-Strategic Site Allocations Development Plan Document (NSS DPD) process and Yapton's current work on modifying its Neighbourhood Development Plan;
- (4) Yapton's original allocation of 120 has been increased by 90 and this has been achieved;
- (5) The previous objections to the scheme still remain;
- (6) The scheme is presented as an isolated site with only an indication as to how it might relate to adjoining sites and how links into adjoining sites will work;
- (7) YPC requires that a full connectivity masterplan is produced for this western edge of Yapton with one way access through all of the sites;
- (8) No details as to how the loss of agricultural land will be compensated for with extensive landscaping to compensate for the loss of biodiversity and green space;
- (9) Increased traffic movements will conflict with traffic flows and Primary School parking and traffic;
- (10) Safety concerns regarding access - creation of a 4th busy residential access point within a 150m stretch of North End Road and within 250m of Yapton Primary School's entrance point;
- (11) Visibility levels are insufficient;
- (12) The development must contribute to improving education and medical infrastructure; and
- (13) The Village also needs a new community building to cater for demand.

2 letters of objection:

- (1) The application lacks sufficient detail on how it will support sustainable transport;
- (2) Need interconnected cycle routes & paths across this site;
- (3) Need for provision for cycle storage and this should not be in back gardens;
- (4) Loss of agricultural land; and
- (5) Road safety issues due to junction on a bend and opposite a new housing site.

COMMENTS ON REPRESENTATIONS RECEIVED:

PARISH COUNCIL:

- (1) This is accepted;
- (2), (3) & (4) The site lies outside the BUAB. The emerging replacement Yapton Neighbourhood Development Plan has not yet reached a stage where the Council is required to make reference to it;
- (5) Noted;
- (6) The application is an outline and layout is not for approval at this time. The Council is unable to force the applicant to show such level of detail on this scheme;
- (7) This is not an appropriate objection to this application as all other sites on the western edge of Yapton already have planning permission;
- (8) Landscaping is a reserved matter. The application is accompanied by a Soil Resource Plan which sets out how the high grade agricultural land will be managed and protected during construction;
- (9), (10) & (11) These comments are considered in the Conclusions section of the report and with regard to the advice of WSCC Highways;
- (12) The application will contribute to education and medical infrastructure in the local area; and
- (13) Noted but there are no policies in either the Arun Local Plan or Yapton Neighbourhood Plan to require that this application contribute to a new community facility.

OBJECTORS:

- (1) The application contributes to a scheme for a new cyclepath between Barnham and Littlehampton;
- (2) & (3) The application is an outline and layout is not for approval at this time. The Council is unable to force the applicant to show such level of detail at this time;
- (4) This will be considered in the Conclusions section; and
- (5) Road safety is considered in the Conclusions and with regard to the advice of WSCC Highways.

CONSULTATIONS

Natural England
Ecology Advisor
Archaeology Advisor
Parks and Landscapes
WSCC Strategic Planning
Planning and Housing Strategy
Engineering Services Manager
Engineers (Drainage)
NHS Coastal West Sussex CCG
Sussex Police-Community Safety
Southern Water Planning
Arboriculturist
Parks and Landscapes
Environmental Health
Surface Water Drainage Team
Highways England

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - no comments. Lack of comment does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory

designated nature conservation sites or landscapes.

HIGHWAYS ENGLAND - no objection subject to conditions to secure a construction management plan and phasing to require no more than 17 dwellings are occupied before the A27/Yapton Lane improvement works have been implemented.

NHS - no objection subject to financial contribution of £41,957 which will most likely be allocated to assist with the creation of a new integrated community hub facility at Croft Medical Centre on Barnham Road, Eastergate which will then serve the catchment population of this proposed development.

SOUTHERN WATER - no objection subject to a condition to require approval of details of foul sewerage disposal.

SUSSEX POLICE - no objections but list a number of advisory notes regarding improving security.

WSCC HIGHWAYS - State no real change to their previous advice which was no objection subject to conditions to secure the vehicular access, the necessary visibility and a construction management plan. The only thing to note is the updated parking standards. The previous response stated that:

- The proposal will result in a new vehicle access onto North End Road which is a single carriage way "B" class local distributor road designated as the B2132 and subject to a 30mph speed limit;
- The application is supported by a Transport Statement (TS); this includes TRICS data and a Stage 1 Road Safety Audit (RSA) with Designer's Response.
- Access to the site via new 4.8m bellmouth which will become a simple two way priority junction;
- The access road will be a shared surface arrangement.
- The applicant has based vehicular visibility splays on Manual for Streets (MfS) Parameters of 2.4 by 43m in line with 30 mph speed limits.
- No recorded injury accidents in the vicinity of the site access onto North End Road;
- No evidence to suggest the road is operating unsafely or that the proposal would exacerbate an existing safety concern;
- Access road should take the form of a 4.8m wide shared surface arrangement and this would be suitable as this will be a low speed, low traffic environment;
- Refuse collection will take place from within the site and swept path diagrams demonstrate that larger vehicles can turn within the site;
- Trip generation data suggests 19 two way movements in the morning and 17 in afternoon peak hours;
- Whilst the development would give rise to intensification in use of North End Road, the proposal accords with the NPPF in that it cannot be demonstrated the development would have a severe impact on the operation of the local road network;
- There are several bus services operating in the vicinity and bus stops located along North End Road;
- The nearest Rail service is 1.6 miles North West of the site in Barnham. This is reachable via bus (16 minute journey) and on foot approximately 32 minutes.
- Yapton is a sustainable area, with shops and amenities within walking distance. There is a nearby school (Yapton Primary) located in close proximity. This is linked via street lit pedestrian footpaths;
- There is an existing footpath leading to Barnham and Yapton fronting the site.

In response to the suggestion on the previous application that the developers provide a pedestrian crossing on North End Road, WSCC commented that as Clay's Farm is on the same side of the road as the primary school, this cannot be requested. The application to the east of North End Road (Y/80/16) did not request specific pedestrian improvements to North End Road rather Ford Lane therefore it would be hard to justify on this application.

WSCC INFRASTRUCTURE - request contributions (calculated by a formula) to the following projects:

- internal alterations and reconfiguration to accommodate additional pupils and increase classroom provision at Yapton C of E Primary School (or its successor);
- on phase 1 of the new secondary school serving Arun;
- additional facilities at St Phillip Howard Catholic High School Sixth Form;
- additional stock at Arundel Library; and
- towards new anti-ventilation and UHP (ultra-high pressure) equipment which allows the Fire Service to control access and smoke penetration within the Southern area serving the parish of Yapton.

Requests a contribution of £52,107 towards the implementation of cycling improvements between Barnham and Littlehampton (scheme ID 82).

WSCC FLOOD RISK MANAGEMENT - no objection subject to a surface water drainage condition. Note:

- Site is at a low risk of surface water flooding;
- Any existing surface water flow paths across the site must be maintained;
- Site is at high risk of groundwater flooding;
- No historic records of flooding; and
- No ordinary watercourses present.

COUNCIL ARCHAEOLOGIST - the site lies on a part of the coastal plain that has been demonstrated to have been intensively exploited from at least the late prehistoric period, so it should be expected to contain structures and deposits of archaeological interest that might be harmed by development. Requests a standard archaeological condition.

COUNCIL ECOLOGIST - no objection and requests conditions to secure various protection, mitigation and enhancement measures.

ADC LANDSCAPE OFFICER - previously raised no objections and commented that:

- On-site public open space (POS) is required of at least 2534.4m² (based on 33 dwellings) to include an on-site local area play (LAP) facility;
- The indicative layout suggests an over provision of on-site public open space;
- The buffer planting areas are welcomed;
- Local Area for Play (LAP) and Local Equipped Area for Play (LEAP) would be required on the site;
- Existing boundary trees should be protected and retained;
- An indication of future management responsibility and regime for open space should be provided; and
- A Multi Use Games Area (MUGA) contribution should be sought as it was for other nearby approved schemes. The evidence based work suggests that there is already sufficient MUGA provision within suitable distance and therefore a contribution would not be necessary.

ADC DRAINAGE ENGINEER - no objection subject to standard drainage conditions.

ADC HOUSING STRATEGY & ENABLING MANAGER - states no change to the previous comments which were: "no objection subject to 10 affordable houses being secured with a tenure split of 75% rented and 25% intermediate housing and within the following mix: 5 x 2 bed and 2 x 3 bed rented; 2 x 2 bed and 1 x 3 bed shared ownership."

ADC TREE OFFICER - No response received.

ADC ENVIRONMENTAL HEALTH - no objections subject to conditions: Construction Management Plan, electric vehicle charging, construction hours, internal noise levels, contamination, asbestos registration,

lighting and air quality.

COMMENTS ON CONSULTATION RESPONSES:

Noted. Agreed except for the Environmental Health request for conditions on internal noise levels, air quality and asbestos certification, which are not relevant to the site which is set well back from the road.

POLICY CONTEXT

Designations applicable to site:

Outside of the Built Up Area Boundary;
Agricultural Land (Grade 2);
Lidsey Treatment Catchment Area; and
Area of Special Control of Adverts.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E4	Minimising the environmental impact of development

Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E6	Green infrastructure and development
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy H3	Dwellings appropriate for the needs of older people
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.

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 within the Yapton Neighbourhood Development Plan have been considered in the preparation of this report. Yapton Parish Council are currently working on a review of their Neighbourhood Plan, but they have not yet reached the Regulation 14 stage in this process.

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 it would result in development in the countryside outside of the defined settlement boundary within the Arun Local Plan (ALP) and the Yapton Neighbourhood Development Plan (YNDP). The development would also lead to the loss of high grade agricultural land.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section. These are as follows:

- The result of the Governments 2018 Housing Delivery Test which states Arun have underdelivered on its housing targets and recommends that an Action Plan be published to set out how delivery rates will be improved (this was published in June 2019);

- The Council's Authority Monitoring Report (AMR) as considered at the Planning Policy Local Plan Sub-Committee on 18th June showed the Council can no longer demonstrate a 5 year Housing Land Supply (HLS) as required. The AMR shows there is 4.7 year supply.
- The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of the presumption in favour of sustainable development;
- The Councils' 2018 HELAA (updated March 2019) assessed the site (NEWY23) as being deliverable and noted it was considered suitable with no major constraints to overcome; and
- The site is between parcels of land which have outline permission for dwellings (Y/49/17/OUT & Y/88/18/OUT).

CONCLUSIONS

PROPOSAL & PRINCIPLE:

This is an outline application with means of access details only. Although an indicative site layout plan has been submitted which demonstrates 33 dwellings can be provided together with access roads, footpaths, public open space (including a play facility), parking and landscaping; siting is not a matter for determination at this time.

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

However, section 38 (5) states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the YNDP and the Arun Local Plan, should therefore be resolved in favour of the latter.

All development policies that relate to the supply of housing in the Local Plan (policies C SP1, SD SP2) have reduced weight because Arun cannot demonstrate an adequate supply of housing land (only 3.7 years). Policies in the Yapton Neighbourhood Development Plan that relate to the supply of housing (BB1, H1) have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. In this case, criteria (a) to (d) are not all applicable because the Neighbourhood Plan was made over two years ago. Therefore, the presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

The Arun Local Plan:

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

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document" (NSS-DPD).

This document will fulfil an identified deficit of 1,250 houses from smaller sites (under 300 units each) in the Local Plan. The NSS-DPD has not yet been published for Regulation 18 and it is currently anticipated that an Issues/Options document will be available in early spring 2020. Yapton Parish Council are currently working on a review of their Neighbourhood Plan, but they have not yet reached the Regulation 18 stage in this process.

Yapton Parish Council have indicated that this site will not be proposed for the NSS-DPD or the review of the Neighbourhood Plan.

Policy SD SP1 "Sustainable Development" 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 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 in walking and cycling distance of a range of local shops, services, health and education facilities. There are bus services which enable access to nearby Barnham which has a railway station. Whilst the private car could be required for longer distances, future residents would not need to rely on a car to be able to live comfortably.

Policy SD SP2 "Built up Area Boundary" states that the Built-Up Area Boundary (BUAB) is 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 the Local Plan.

The site lies adjacent and in between two defined edges of the BUAB but is outside of the designation. The site does not form part of any proposed Local or Neighbourhood Plan allocation and does not accord with another policy in the ALP.

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. It is noted that none of these relate to the appeal proposal

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

Yapton Neighbourhood Development Plan (YNDP):

The YNDP was made 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 round the edge of the settlement of Yapton which, save for proposed allocations within the YNDP, broadly compared with that provided by the 2003 Local Plan. The BUAB in the ALP is different having been amended to include Yapton strategic allocation SD7, the approved development on the corner of North End Road & Yapton Road (Y/1/17/OUT), the approved development on North End Road towards Maypole Lane (Y/49/17/OUT) and the approved development on land east of North End Road (Y/80/16/OUT). Nevertheless, the application site remains outside of the BUAB and is classified as countryside.

Policy BB1 states development outside of the BUAB will not be permitted unless in accordance with 4 listed criteria. Criteria 1-2 & 4 are not relevant to the proposal but number 3 is where the development relates to additional allocations for housing land in accordance with policy H1.

Policy H1 allows for a buffer of up to an additional 20% of the ALP housing requirement of 100 dwellings for the Yapton Neighbourhood Plan area. It is considered that this 20% has already been achieved through recent applications in the village such as Y/1/17/OUT (56 dwellings), Y/44/17/OUT (70 dwellings), Y/49/17/OUT (45 dwellings) and Y/80/16/OUT (100 dwellings).

Above and beyond this 20%, the policy states any further housing development will only be permitted if it can be demonstrated that either the expected child yield would not result in the Yapton CE Primary School exceeding the maximum number of children permitted or that appropriate modifications and/or extensions to the School can be delivered at the developer's expense. The applicant has not provided any justification in respect of this matter but any approval would be subject to contribution towards the expansion of Yapton CE Primary School which would be gain some support from policy H1.

Other Material Considerations:

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

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

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

(2) The Councils Current Housing Land Supply Data

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

The Council's Authority Monitoring Report (AMR) was considered at the Planning Policy Local Plan Sub-Committee on the 18th June and showed that the Council could no longer demonstrate a 5-year Housing Land Supply (HLS) as is required by the NPPF. Indeed, the AMR showed there was currently only a 4.7 year supply. There is a new AMR for 2018/19 which is to be presented at December's Planning Policy Sub Committee and which shows that the HLS is now only 3.7 years.

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; strategic site applications not coming forward as anticipated and developer/market factors outside of local authority control.

The Council's Action Plan was published in June 2019 and makes a series of recommendations in order to boost housing delivery. This includes use of the 'presumption in favour of sustainable development' until such time as the 5-year housing land supply re-established. It recommends that applications be invited from landowners/developers on 'deliverable' HELAA sites to re-establish 5 year HLS.

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) 2017 HELAA Report:

To boost housing land supply in advance of the adoption of the current Local Plan, in early 2017, the Council invited applications on sites identified as 'deliverable' by the HELAA where they were considered sustainable and would not prejudice the emerging local plan and/or infrastructure delivery.

The 2017 HELAA report assessed the site (NEWY23) as deliverable with a yield of 42 dwellings. The report stated: "Considered to be a suitable site as no major constraints to overcome. A site to the southern boundary has recently gained planning permission for housing development." It was on this basis Y/62/18/OUT was submitted.

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

The National Planning Policy Framework (NPPF) 2019 is a material consideration in determining planning applications. As the Council cannot currently demonstrate a 5-year HLS, paragraph 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

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

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

The site is environmentally sustainable as it lies on the northern edge of Yapton and it will be possible for residents to use non-car means of transport to access schools, shops and other services. Pedestrians would have the benefit of street lit pavement to access services to the south of the site.

The proposal could help to support the local community by providing 33 dwellings with a mix of bedrooms (and 11 affordable homes) to meet future needs. If approved the development would be required to contribute towards local schools, libraries, the local health service and to contribute to a new local footpath route. As such, there would be a further benefit to the local community.

The development will likely result in economic benefits to the local area in the form of the following:

- * An increase in Council Tax receipts;
- * Potential 'New Homes Bonus' payments from the Government;
- * The creation/maintenance of construction jobs; and
- * Additional spending by new residents on local goods & services.

There is potential for an economic cost due to the loss of Grade 2 Agricultural Land. The land is not currently used for agriculture and there is no immediate prospect of this taking place.

(5) Site Location:

The application includes a location plan on which the site is shown in comparison to recently permitted residential developments and one of the YNDP residential allocations. This shows the application is between the neighbourhood plan allocation (land north of the School) which has the benefit of outline planning permission (Y//88/18/OUT) and land with permission for residential development to the north (Land at Street Buildings - ref Y/49/17/OUT). The BUAB in this part of Yapton is drawn around these two sites but excludes the application site and as a result, the application site has BUAB to the north and south and existing residential development outside of the BUAB to the east.

With the development of the two sites north and south, there would be limited harm to the character of the countryside if the application site was developed. If development on this site was allowed it would be possible to secure an alternative pedestrian/cyclist route through all of the residential developments on land west of North End Road between Main Road to the south and Maypole Lane to the north.

It is not enough to simply refuse an application on the grounds of being in the countryside without there being some form of demonstrable harm to the character or beauty of the countryside.

Conclusion on Matters of Principle:

The principle of development on this site is clearly contrary to the policies within the development plan. However, the policies of the Arun Local Plan (ALP) that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. In addition, policies in the Yapton Neighbourhood Development Plan (YNDP) that relate to the supply of housing have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

The proposal represents sustainable development and the NPPF 'presumption in favour of sustainable development' is engaged. This and the other material considerations set out above combine to outweigh the conflict with the policies of the development plan and serve to allow for the principle of the application to be supported.

AGRICULTURAL LAND:

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

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

The applicants have submitted an Appraisal of Agricultural Land Quality by Reading Agricultural Consultants. This states the site and other land to the west and east of North End Road were subject to a detailed survey carried out on behalf of MAFF in 1998 which identified the site as Grade 2. This survey

provides the definitive source of information of agricultural land classification (ALC) at the site. The report states that there has been no agricultural production at the site for over forty years and that there are no opportunities to use areas of poorer quality land to those of a higher quality around Yapton.

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

The need for this housing development to boost the Council's Housing Land Supply and to ensure a seamless alternative pedestrian route west of North End Road overrides the loss of this grade 2 agricultural land which has not been used for agricultural production for some time (and has no immediate prospect of being used for such either).

Policy SO DM1 then states that if development is permitted by the policy, the applicant should submit mitigation measures and a soil resources plan for the development site. The applicant has submitted a Soil Resource (Management) Plan which sets out a strategy and procedures for stripping, handling, storing and reinstating soils throughout the construction of the proposed development. Adherence to the Plan will ensure that the physical soil properties are maintained throughout construction, such that undisturbed and reinstated soil profiles will be able to support healthy root growth and successful plant establishment thereafter.

This satisfies the remaining parts of policy SO DM1 and as such there is no longer any conflict with the policy. This necessitates an additional condition to ensure that the soil mitigation measures are followed in order to ensure that the best soils on the site are retained.

It is recognised that the previous application was refused on the grounds of loss of high grade agricultural land and that although the grading of the agricultural land has changed, it remains best and most versatile agricultural land. However, it remains the opinion of officers that the agricultural value of the site is limited and that the need for residential development clearly outweighs the limited harm particularly as the high grade soils will be retained on site.

There is no conflict with ALP policy SO DM1 but there does remain some conflict with YNDP policy E1 although this policy has low weight due to it being based on the 2003 Local Plan.

CHARACTER AND DESIGN:

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

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

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 National Design Guide (September 2019) forms part of the Government's collection of planning practice guidance. Paragraphs 20-21 of the Design Guide explain how good design should pay regard to place and context and that 'a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. Part 2 of the Guide sets out ten characteristics for good design, namely Context, Identity, Built form, Movement, Nature, Public spaces, Uses, Homes and buildings, Resources and Lifespan.

The application is outline and does not seek the approval of layout, external appearance, scale or landscaping. Although an indicative layout is provided it is not possible to determine the application on the basis of this. However, it would be appropriate to make an assessment of whether residential development in this location would be acceptable in the context of the character of this part of Yapton.

The site sits on the western edge of the settlement with farmland beyond. Houses to the east are large buildings set in large plots and are appropriate to the rural edge of a settlement. Regard should be had to the approval for 56 dwellings on land immediately to the north (Y/49/17/OUT) and the neighbourhood plan allocation for houses on the land north of the school (Y/88/18/OUT for 38 dwellings) which abuts the southern edge of the site. It is clear the character of this part of Yapton will change as a result of residential development which has been accepted by the Council.

Within this context, it is not appropriate to conclude the development of this site with houses would harm the character and appearance of the locality. It is noted the indicative layout shows a buffer planted area to the western boundary which reflects that shown on approved indicative layouts Y/44/17/OUT and Y/49/17/OUT and on indicative layout for Y/88/18/OUT. The indicative layout suggests a spacious scheme with good provision of open space and landscaping and this reflects what might be appropriate on the edge of a settlement.

The proposal complies with the ten characteristics of good design in the National Design Guide in that:

1. Context - The site is in a sustainable location and a part of Yapton already considered suitable for new residential development. The proposal will respect surrounding built development in terms of density, layout, form, scale, appearance, details, and materials;
2. Identity - The proposed scheme will be developed at the detail stage to ensure that it respects and harmonises with the surrounding built development;
3. Built Form - The proposed scheme will be developed at the detail stage to facilitate linkages with the surrounding developments, have a legible layout and reflect basic 'secure by design' principles;
4. Movement - The proposed scheme will be developed at the detail stage to respect surrounding footpath networks and provide a pedestrian link between the committed development sites to the south and north. It will also deliver a clear pattern of streets that is safe and accessible for all;
5. Nature - The existing trees and landscape planting will be retained and reinforced with new planting wherever possible. Bat boxes will be available to encourage on site biodiversity;
6. Public Spaces - Public open space will be provided on the site and the development will include a range of dwellings and tenures including affordable housing to ensure the development is socially inclusive;
8. Homes & Buildings - The dwellings will be well-related to external amenity and public space and built to the national space standards;

9. Resources - The layout will pay regard to the need to maximise solar gain and prevent overlooking & overshadowing. The houses will also be built to a high standard of sustainable construction; and
10. Lifespan - The houses will be built to last using high quality materials and will allow for future home working/other changes in personal circumstances. There will also be some lifetime homes in the overall mix.

The proposal would not result in significant harm to the character of this part of Yapton and, on the grounds of density and character, the proposal would not conflict with development plan policies. Character was not a refusal on the previous application.

HIGHWAYS 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 advice of WSCC Highways is summarised above and it is clear they have comprehensively assessed the proposals and do not consider there will be severe harm to the safety or convenience of the local highway network either solely or in combination with other developments. WSCC Highways do have concerns regarding the indicative parking provision but this is an issue to be resolved at reserved matters stage.

Unlike with the previous application, WSCC Highways have requested a developer contribution (to be secured by the Section 106 agreement) of £52,107 towards cycling improvements between Barnham and Littlehampton (scheme ID 82). This would provide a valuable link from the site via Yapton Road to Barnham station and Main Road, Burndell Road and Yapton Road towards Littlehampton. It would facilitate sustainable transport. WSCC request this contribution in line with the policies of the ALP, YNDP and the NPPF. This contribution is in accordance with the CIL regulations.

The proposal accords with relevant development plan policies and with the NPPF on highway safety.

BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of

biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

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

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

The application is accompanied by a Preliminary Ecological Appraisal Report including a daytime Bat Roost survey. The Councils Ecologist has accepted the development will not result in harm to local bat populations. The applicant has also provided a Reptile Presence/Absence Survey which found that:

- A single slow-worm was recorded in the same location on the south-eastern boundary on two of the seven visits in May 2019; and
- A number of spot searches of the site were undertaken on the same days as refugia surveys. These involved searching piles of debris and rubbish on the site which were deemed suitable for reptiles. These searches uncovered no reptiles or evidence of reptiles.

The report then sets out the following mitigation strategy:

- Clearance of any suitable reptile vegetation shall be reduced by hand strimmer first to a height of 15cm before being cut with hand mower or strimmer to <5.0 cm height and kept low throughout the construction phase;
- Clearance of suitable vegetation shall be carried out under ecological supervision; and
- It is recommended that at least half of the proposed buffer zone shown on the indicative plans is enhanced for reptiles, through allowing the grass to grow longer, seeding with additional wildflowers, planting of a hedge along the northern boundary and provision of reptile hibernacula and refugia such as log and compost piles.

The proposed condition 05 will seek to secure a detailed ecological mitigation and enhancement scheme which will seek to address the requirement in policy ENV DM5 for a net gain in biodiversity.

The Councils Ecologist has no objections to the scheme and there is no conflict with NPPF para 175 or with ALP policy ENV DM5 or policy E3 of the YNDP.

FLOODING AND DRAINAGE:

The site does not lie in an area at risk from flooding from rivers or from surface water flooding.

Policy W DM2 of the ALP ("Flood Risk") is therefore not relevant. Policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process." YNDP Policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish; and provide appropriate surface water drainage.

WSCC and ADC Drainage Engineers do not object to the principle of development subject to mitigation by planning condition. The proposal accords with relevant development plan policies.

FOUL DRAINAGE:

Part 3 of Arun Local Plan policy W DM1 states: "Major development within this area must also be accompanied by a full Drainage Impact Assessment which must take account of surface water disposal and foul water disposal." And: "Where surface water and foul water drainage systems are approved as part of the consideration of a planning application, conditions may be imposed upon the permission relating to dates for implementation or other detailed technical requirements."

Southern Water do not object. They note there is an issue with sewer infrastructure but consider this can be improved to coincide with development. Although there is concern locally as to the impact of this application on the foul sewer network, in the absence of an objection from Southern Water it is not considered a refusal on foul water drainage grounds can be justified and the proposal accords with relevant development plan policy.

RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." Policy QE SP1 states the Council will ensure that development does not have a significantly negative impact upon residential amenity. It is necessary to have regard to para 127 (f) of the NPPF which states that planning policies and decisions should ensure that developments create places that have a high standard of amenity for existing and future users.

It is not possible to make a detailed assessment of residential amenity as layout, scale and appearance are reserved matters. The indicative layout sets all houses in from boundaries and shows landscaping to these boundaries.

Subject to more detailed consideration of privacy issues at a reserved matters stage, it is not considered there would be conflict with policies D DM1, QE SP1 or para 127 of the NPPF.

AFFORDABLE HOUSING:

Developments over 11 residential units require minimum provision of 30% affordable housing on site as per Policy AH SP2 of the Arun Local Plan and the Interim Affordable Housing Policy (2010).

The Planning, Design & Access Statement states 7 no. 2 bed and 3 no. 3 bed houses would be provided to meet affordable housing requirements. The affordable housing provision will be secured by a S.106 agreement and the proposal accords with policy AH SP2.

PUBLIC OPEN SPACE & PLAY:

The Council's supplementary planning document (SPD) "Open Space & Recreation Standards" sets out standards for public open space. This guidance is out of date and reference is made instead to the Fields in Trust (FIT) standards (32 square metres per person) set out in "Guidance for Open Sport and Play: Beyond the Six Acre Standard" (October 2015). A revised Open Space & Recreation Standards SPD has recently undergone public consultation but until this has been adopted regard must be had to the current standards.

The requirements in respect of this proposal are for public open space of at least 2534.4 sqm in accordance with the 32sqm per person FIT standard and on-site play facilities in the form of a Local Area

for Play (LAP). The indicative layout is considered to show more than the required amount of public open space as confirmed by the Councils Landscape Officer and indicates the location of a LAP in the largest area of public open space. This is acceptable. The applicant must enter into a legal agreement to secure the provision of public open space and the play area and to secure the relevant management plan or maintenance contributions.

The applicant has agreed to these provisions and they will be in the S106 Agreement. The proposal accords with ALP policy OSR DM1.

SUPPORTING INFRASTRUCTURE:

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

WSCC have requested financial contributions in respect of primary education, secondary education, 6th form education, libraries and fire & rescue. The level of these contributions is based on a formula to allow the contribution amounts to be calculated using the housing mix at the reserved matters stage. The contributions will be spent on the following projects:

- (1) Internal alterations and reconfiguration to accommodate additional pupils and increase classroom provision at Yapton C of E Primary School (or its successor);
- (2) Phase 1 of the new secondary school serving Arun;
- (3) Additional facilities at St Phillip Howard Catholic High School Sixth Form;
- (4) Additional stock at Arundel Library; and
- (5) New anti-ventilation and UHP (ultra-high pressure) equipment which allows the fire service to control access and smoke penetration in the Southern area serving the parish of Yapton.

The NHS requested £41,957 to assist the creation of a integrated community hub facility at the Croft Medical Centre on Barnham Road in Eastergate to serve the catchment population of this development.

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

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

SUMMARY:

This outline application considers the development of this site with 33 residential dwellings. Access is to be as per the existing with some improvements to its width and the junction with North End Road. Other matters regarding design, layout, appearance, scale and landscaping would be the subject of a reserved matters application.

The principle of development on this site is contrary to the policies in the development plan. These policies have reduced weight as the Council are not able to demonstrate an adequate supply of housing

land. The proposal represents sustainable development and the NPPF presumption in favour of sustainable development in engaged. It is vital to consider additional sustainable housing developments to contribute to housing land supply and maintain/improve housing delivery rates.

This site was previously considered to be deliverable in the HELAA and is surrounded on three sides by built or committed residential development and is in close proximity to other recent approvals for residential development. The development will not result in harm to character of the countryside. The development would ensure a seamless pedestrian route as an alternative to the use of North End Road.

There is additional conflict with the development plan in respect of the loss of grade 2 agricultural land. The land has not been used for food production for over 40 years and there is no guarantee that it will in the future be used to grow crops. The application is accompanied by a Soil Resource Plan which sets out measures to ensure the valuable soils are retained on the site.

The material considerations set out in this report are such that in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, a decision can be taken other than in accordance with the development plan.

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

The recommendation to approve with conditions is subject to a S.106 agreement which at the time of writing, has not yet been signed. It is requested delegated authority is granted for the approval of planning permission, to the Group Head of Planning for a decision to be issued once the legal agreement has been signed.

If the Section 106 Legal Agreement is not signed within 4 months, it is agreed that the application shall be refused for the following 4 reasons:

(1) In the absence of a signed Section 106 legal agreement, the development fails to make an adequate contribution towards local infrastructure (education, libraries, healthcare and fire & rescue) and is thereby contrary to the aims and objectives of the National Planning Policy Framework (in particular paragraphs 8 & 72) and policy INF SP1 of the Arun Local Plan.

(2) In the absence of a signed Section 106 legal agreement, the development fails to make any affordable housing provision and is thereby contrary to the aims and objectives of the National Planning Policy Framework (in particular paragraphs 62-64) and policy AH SP2 of the Arun Local Plan.

(3) In the absence of a signed Section 106 legal agreement, the development fails to make a contribution towards local cycling improvements as required and is contrary to the aims and objectives of the National Planning Policy Framework (in particular paragraphs 102 & 108) and policies T SP1 and INF SP1 of the Arun Local Plan.

(4) In the absence of a signed Section 106 legal agreement, the development makes no contribution towards the provision and maintenance of on-site public open space and children's play equipment and is thereby contrary to the aims and objectives of to the aims and objectives of the National Planning Policy Framework (particularly paragraphs 96-101), policy OSR DM1 of the Arun Local Plan and the Council's supplementary planning guidance "Open Space and Recreation Standards".

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

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

AFFORDABLE HOUSING

30% (10 units) of affordable housing (tenure split of 5 x 2 bed & 2 x 3 bed social rented; and 2 x 2 bed and 1 x 3 bed shared ownership).

PUBLIC OPEN SPACE/PLAY

On site public open space (POS) of at least 2534.4m² (based on 33 dwellings) to include an on-site local area play (LAP) facility. This will be subject to one of the following:

- (a) a management plan for the forward maintenance of the POS & LAP which details the management regime and responsibility; or
- (b) where the POS & LAP is to be handed over post practical completion, a maintenance contribution of £13.51 per m².

A play area maintenance contribution of £1500 per annum x 16 years.

WSCC INFRASTRUCTURE CONTRIBUTIONS

The use of a formulaic approach to calculate future contributions to be spent on the following projects:

- (1) Internal alterations and reconfiguration to accommodate additional pupils and increase classroom provision at Yapton C of E Primary School (or its successor);
- (2) Phase 1 of the new secondary school serving Arun;

- (3) Additional facilities at St Phillip Howard Catholic High School Sixth Form;
- (4) Additional stock at Arundel Library; and
- (5) New anti-ventilation and UHP (ultra-high pressure) equipment which allows the fire service to control access and smoke penetration within the Southern area serving the parish of Yapton.

NHS

£41,957 towards the cost of the creation of an integrated community hub at the Croft Medical Centre on Barnham Road in Eastergate to serve the catchment population of this proposed development.

HIGHWAYS

£52,107 to be put towards the implementation of cycling improvements between Barnham and Littlehampton (scheme ID 82).

A provision to state where the developer intends to keep some of the estate roads private, a provision to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 2 years beginning with the date of this permission:-

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

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

- 2 The development permitted shall be begun either before the expiration of 3 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

- "Site Location Plan" Dwg. 100 Rev P01;
- "Visibility Splays at Junction with North End Road" (Figure 4.1 in the Transport Assessment dated 11 July 2018); and
- "Tree Constraints Plan" Dwg. LLD1472-ARB-FIG-002 Rev 00.

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

- 4 The preparation and development of the site must be carried out in accordance with the protection and mitigation measures as set out within the submitted Soil Resource Plan by Reading Agricultural Consultants dated November 2019. The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction process.

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

- 5 Prior to the commencement of any site clearance or preparation works, a detailed ecological mitigation and enhancement scheme, including timing for implementation, shall be submitted to the Local Planning Authority for approval. The scheme shall be based on the mitigation and enhancement details set out in sections 7.0 and 8.0 of the Preliminary Ecological Appraisal by Lizard Landscapes ref LLD1472 Rev 00 (July 2018) and on the comments/recommendations of the Councils Ecologist as set in the published comment dated 16/10/19. The development shall then be carried out in full accordance with the approved scheme and timetable with no deviation other than with the written approval of the Local Planning Authority.

Reason: To ensure adequate protection and enhancement of protected wildlife species and their habitats in accordance with the guidance within the NPPF and policy ENV DM5 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the commencement of development could result in harm to wildlife species including those already identified by the Council.

- 6 No development shall commence until the vehicular access serving the development has been provided constructed in accordance with the approved planning drawing "Visibility Splays at Junction with North End Road" (Figure 4.1 in the Transport Assessment dated 11 July 2018).

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. This is required to be a pre-commencement condition because it is necessary to have the access road in place prior to access by construction traffic.

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

- the anticipated number, frequency and types of vehicles used 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),
- An indicative programme for carrying out of the works,
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s),
- Details of any floodlighting, including location, height, type and direction of light sources and

intensity of illumination,

- Measures to control the emission of dust and dirt during construction,
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of the amenity of nearby residents & occupiers of any nearby noise sensitive premises, the general amenities of the area, in the interests of highway safety and in particular the free flow of the A27 Trunk Road in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff.

- 8 Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

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

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

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

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because it would not be possible to carry out a survey once construction work had commenced.

- 12 Prior to the occupation of 17 dwellings within the development, the improvement works at the A27 / Yapton Lane junction shall be completed and open to the travelling public as shown on i-Transport's drawing number ITB11324-GA-014 Revision C "Proposed extension to A27 Yapton Lane right turn" dated 30/8/17 (available on the Councils website within the Highways England consultation response).

Reason: To ensure the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 13 No part of the development shall be first occupied until visibility splays of 2.4m by 43m have been provided at the proposed site vehicular access onto North End Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with policies T DM1 and T SP1 of the Arun Local Plan.

- 14 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.

- 15 Prior to the occupation of any part of the development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1 and Yapton Neighbourhood Plan policy BE1.

- 16 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a

completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall be maintained in perpetuity.

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

- 17 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, in accordance with policy ECC SP2 of the Arun Local Plan.

- 18 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.

- 19 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.

- 20 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the

Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policy QE DM4 of the Arun Local Plan.

- 21 The landscape details referred to in Condition 1 shall include details of all existing trees and hedgerows on the land indicating which are to be retained and which removed. Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the local planning authority.

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

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

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

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

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

- 24 As part of the approval of the reserved matters application, the applicant shall include details of security measures to the development layout and to buildings and boundary treatments in accordance with the consultation advice of Sussex Police available on the Councils website. The details to be submitted shall include siting, design and appearance of any measures as well as associated technical details. The approved measures shall then be implemented in full and permanently retained and maintained in good working order.

Reason: In the interests of crime prevention and deterrence and in accordance with policy D DM1 of the Arun Local Plan.

- 25 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 1 shall ensure that 25% of any 1, 2 or 3 bed dwellings included as part of the development are delivered to Lifetime Home Standards (or the equivalent current standard).

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with policy H3 of the Yapton Neighbourhood Plan.

- 26 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.

- 27 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.
- 28 INFORMATIVE: The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.
- 29 INFORMATIVE: The applicant is advised to enter into a legal agreement with 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.
- 30 INFORMATIVE: This decision is granted in conjunction with a Section 106 agreement relating to the following provisions:

AFFORDABLE HOUSING

30% (10 units) of affordable housing (tenure split of 5 x 2 bed & 2 x 3 bed social rented; and 2 x 2 bed and 1 x 3 bed shared ownership).

PUBLIC OPEN SPACE/PLAY

On site public open space (POS) of at least 2534.4m² (based on 33 dwellings) to include an on-site local area play (LAP) facility. This will be subject to one of the following:

- (a) a management plan for the forward maintenance of the POS & LAP which details the management regime and responsibility; or
- (b) where the POS & LAP is to be handed over post practical completion, a maintenance contribution of £13.51 per m².

Also, a play area maintenance contribution of £1500 per annum x 16 years.

WSCC INFRASTRUCTURE CONTRIBUTIONS

The use of a formulaic approach to calculate the future contributions to be spent on the following projects:

- (1) on internal alterations and reconfiguration to accommodate additional pupils and increase classroom provision at Yapton C of E Primary School (or its successor);
- (2) on phase 1 of the new secondary school serving Arun;
- (3) on additional facilities at St Phillip Howard Catholic High School Sixth Form;
- (4) on additional stock at Arundel Library; and
- (5) on new anti-ventilation and UHP (ultra-high pressure) equipment which allows the fire service to control access and smoke penetration within the Southern area serving the parish of Yapton.

NHS

A contribution of £41,957 towards the cost of the creation of a new integrated community hub facility at the Croft Medical Centre on Barnham Road in Eastergate to serve the catchment population of this proposed development.

HIGHWAYS

£52,107 towards the implementation of cycling improvements between Barnham and Littlehampton (scheme ID 82).

A provision to state that where the developer intends to keep some of the estate roads private, a provision to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

- 31 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the SW New Connections Services Charging Arrangements documents which is available to read on the SW website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 32 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 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.
- 33 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 34 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737555.
- 35 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A 'Statutory Nuisance' may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment

Agency should also be contacted regarding Exemption Permits to burn on site.

- 36 INFORMATIVE: In accordance with H2 of the Yapton Neighbourhood Plan & H DM1 of the Arun Local Plan, there is a requirement that the reserved matters submission conform to the following range of dwellings: 1-bed dwellings: 10-15% of all dwellings; 2-bed dwellings: 25-35% of all dwellings; 3-bed dwellings: 45-55% of all dwellings; and 4+-bed dwellings: 5-10% of all dwellings. This mix will take precedence over any suggested housing mix in the Section 106 Legal Agreement.

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/83/19/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

- A/158/18/PL** Land Rear Of 1 To 6 The Cottrells Angmering
Received: 27-07-19 Variation of condition 1 imposed under A/8/18/PL relating to the substitution of approved plan drawings NO ADC 962 04 rev A & 13 rev B for drawings No ADC 962 20 & 21 (ground & first floor plans & roof plan). This application affects the character & appearance of the Angmering Conservation Area.
Written Representations
PINS Ref: APP/C3810/W/19/3233230
- A/51/18/PL** Pound Place Roundstone Lane Angmering
Received: 30-07-19 Demolition of existing dwelling & erection of a 64 bedroom care home (C2 Residential Institution) with car park, landscaped gardens & access from Roundstone Lane. This application is a Departure from the Development Plan.
Informal Hearing **08-10-19**
PINS Ref: APP/C3810/W/19/3220233
- AB/36/18/PL** Blastreat Limited & adj Greenhurst Fitzalan Road Arundel
Received: 21-03-19 Demolition of existing buildings & erection of a block of 46 No. sheltered apartments for the elderly (comprising 22 x one bedroom apartments & 24 x two bedroom apartments age restricted to 60 years and over), with associated access electric buggy/cycle stores & refuse bin store & 32 No. parking spaces. Resubmission of AB/77/17/PL. This application affects the character and appearance of Arundel Conservation Area
Public Inquiry **26-11-19**
PINS Ref: APP/C3810/W/19/3224632
- AW/131/19/T** 12 Hunters Close Aldwick Bay Estate Aldwick
Received: 12-07-19 Reduce height by 8m to 1 No. Lombardy Poplar tree.
Written Representations
PINS Ref: APP/TPO/C3810/7494
- BE/107/18/PL** 42 Westfield Bersted
Received: 24-10-19 1 No. attached dwelling.
Written Representations
PINS Ref: W/4000185
- BR/229/17/PL** Land to rear of 41 - 47 Pevensey Road Bognor Regis
Received: 01-08-19 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** 99 Victoria Drive Bognor Regis
Received: 12-08-19 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 ***04-12-19***

PINS Ref: APP/C3810/W/19/3227374

CM/18/19/PL

Received: 11-11-19

Land at Entrance to Waterford Gardens Horsemere Green Lane Climping

Erection of 2 No 3 bed dwellings with off-road parking and associated landscaping

Written Representations

PINS Ref: W/400227

EP/82/19/HH

Received: 12-12-19

31 Cheviot Close East Preston

Erection of a fence

Written Representations

PINS Ref: APP/C3810/D/19/3242111

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/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

FG/59/19/HH

Received: 20-11-19

Pied A Terre Ferring Street Ferring

Erection of single storey extension to east elevation & first floor extension

Written Representations

PINS Ref: APP/C3810/D/19/3236739

K/19/19/HH

Received: 12-12-19

Little Tanglely Middle Way Kingston Gorse East Preston

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.

Written Representations

PINS Ref: APP/C3810/D/19/3241331

K/5/17/HH

Received: 17-08-17

Kingston Manor Kingston Lane Kingston

Construction of a Detached 6 Bay Barn with Log Store

Written Representations

PINS Ref: APP/C3810/W/17/3175616

LU/210/19/PL

Received: 19-11-19

Inglecroft Toddington Lane Littlehampton

Demolition of the existing vacant dwelling and workshop and the erection of 10 detached dwellings (9 dwellings net) - Resubmission of LU/133/19/PL

Written Representations

PINS Ref: W/4000248

LU/3/19/PL

Received: 11-11-19

Empty Supermarket Premises Avon Road Littlehampton

Demolition of existing buildings & redevelopment of site comprising 83 No. residential units (C3 Dwelling Houses) & 158.5 sqm flexible retail floorspace GIA (A1 (Shops) and/or A2 (Financial & Professional Services) and/or A3 (Food & Drink) and/or D1 (Non-residential Institutions)) together with the provision of car & cycle parking, landscaping & associated works. This application affects the setting of listed buildings & affects the character & appearance of the East Street, Littlehampton Conservation Area.

Written Representations

PINS Ref: W/4000221

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

R/72/19/PL

Received: 13-12-19

6 Manor Road Rustington

Demolition of existing garage & store on existing dwelling & construction of 2 new dwellings in rear garden.

Written Representations

PINS Ref: W/4000366

Y/20/18/OUT

Received: 23-10-19

Land adjacent to Bonhams & Flints Hoe Lane Flansham

Outline application with some matters reserved for the erection of 10 dwellings with access from Hoe Lane, Flansham (resubmission following Y/40/17/OUT). This application is a Departure from the Development Plan.

Informal Hearing 15-01-20

PINS Ref: APP/C3810/W/19/3236911

Y/62/18/OUT

Received: 19-11-19

Clays Farm North End Road Yapton

Outline application with some matters reserved (appearance, landscaping, layout & scale) for 33 No. residential dwellings, access, landscaping & associated works. This application is a Departure from the Development Plan.

Written Representations

PINS Ref: APP/C3810/W/19/3234972

ENF/505/12/

Hales Barn Farm Arundel Road Norton West Sussex

Received:

Written Representations

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