



Public Document Pack

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20 February 2020

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 4 March 2020 at 1.00 pm** and you are requested to attend. **Please note change to start time of the meeting**

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 - 6)

To approve as a correct record the Minutes of the meeting held on 5 February 2020 (attached).

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

DEFERRED ITEM

6. **P/58/19/PL PREVIOUSLY CONSIDERED APPLICATION FOR FURTHER INFORMATION REAR OF INGLENOK HOTEL, 253-255 PAGHAM ROAD, PAGHAM**

(Pages 7 - 38)

PLANNING APPLICATIONS

7. **AL/84/19/PL ALDINGBOURNE PARK, HOOK LANE, ALDINGBOURNE PO20 3YR**

(Pages 39 - 48)

8. **AL/85/19/PL ALDINGBOURNE NURSERIES, CHURCH ROAD, ALDINGBOURNE PO20 3TU**

(Pages 49 - 58)

9. **AL/91/19/PL BEECHFIELD PARK, HOOK LANE, ALDINGBOURNE PO20 3YR**

(Pages 59 - 68)

10. **A/122/19/OUT LAND OFF ARUNDEL ROAD, ANGMERING BN16 4ET**

(Pages 69 - 118)

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| 11. | BN/66/19/PL LAND OFF CANAL MEWS, BARNHAM PO22
ODP | (Pages 119 -
134) |
| 12. | BN/121/19/PL SWALLOWFIELD, EASTERGATE LANE,
EASTERGATE PO20 3SJ | (Pages 135 -
150) |
| 13. | BR/243/19/PL 130 LONGFORD ROAD, BOGNOR REGIS
PO2 1AF | (Pages 151 -
162) |
| 14. | CM/64/19/PL LANGFORD, HORSEMERE GREEN LANE,
CLIMPING BN17 5QZ | (Pages 163 -
182) |
| 15. | CM/65/19/PL ATHERINGTON LODGE, CLIMPING STREET,
CLIMPING BN17 5RN | (Pages 183 -
192) |
| 16. | EP/168/19/PL 4 BEECHLANDS COTTAGES AND LAND
ADJACENT, BEECHLANDS CLOSE, EAST PRESTON
BN16 1JT | (Pages 193 -
200) |
| 17. | FG/135/19/PL SILO AT FORMER MCINTYRE NURSERY,
LITTLEHAMPTON ROAD, FERRING BN12 6PG | (Pages 201 -
212) |
| 18. | F/11/19/PL WICKS FARM, FORD LANE, FORD BN18 0DF | (Pages 213 -
224) |
| 19. | F/18/19/PL LAND ADJACENT TO 3 WICKS FARM
COTTAGES, FORD LANE, FORD BN18 0DQ | (Pages 225 -
234) |
| 20. | K/32/19/PL LITTLE DEERSWOOD, GORSE AVENUE,
KINGSTON GORSE BN16 1SF | (Pages 235 -
244) |
| 21. | R/268/19/PL 6 MANOR ROAD, RUSTINGTON BN16 3QT | (Pages 245 -
256) |

PLANNING APPEALS

- | | | |
|-----|------------------------|----------------------|
| 22. | LIST OF APPEALS | (Pages 257 -
260) |
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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.

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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

5 February 2020 at 2.30 pm

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

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

416. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors B Blanchard-Cooper, Coster, Edwards, Northeast and Mrs Stainton.

417. DECLARATIONS OF INTEREST

Councillor Brooks – Planning Application M/80/19/PL – Personal Interest as my niece lives in a property in Yapton Road but it is sufficiently away from the development.

Councillor Mrs Hamilton – Planning Application M/80/19/PL – I wish to make the meeting aware that I recently sent an incomplete 5 word email in error that may have been misconstrued by some regarding possible opposition to item M/80/19/PL, in short that I agreed with Councillor Dixon that more information was needed regarding this application, that is all. However, I have an open mind regarding it and will listen and consider very carefully all relevant issues and interest presented to the Committee today and confirm that I will reach my decision based entirely on merit.

Councillor Charles challenged the statement made by Councillor Mrs Hamilton and advice was given by the Planning Lawyer.

418. MINUTES

The Minutes of the meeting held on 8 January 2020 were approved by the Committee and signed by the Chairman as a correct record.

419. M/80/19/PL FORMER POULTRY FARM, LAND WEST OF YAPTON ROAD, MIDDLETON ON SEA PO22 6DY

(Prior to consideration of this item, Councillors Brooks and Mrs Hamilton had declared a Personal Interest and remained in the meeting and took part in the debate and vote.

Development Control Committee - 5.02.20

In taking part in the public speaking process, Councillor Coster declared a prejudicial/pecuniary interest as a member of his family had part ownership in a property nearby. He stated that he would leave the room during the debate and vote.)

Demolition of the existing structures & redevelopment to provide a new 66 bedroom care home (Use Class C2) arranged over two storeys together with associated access, car and cycle parking, structural landscaping and amenity space provision, Former Poultry Farm, Land West of Yapton Road, Middleton on Sea

Having received a report on the matter, the officer's written report update was circulated at the meeting which detailed:-

- Additional objections received since publication of the agenda and relevant new points addressed
- Additional representation of support not raising any new points
- Further comment from the agent
- Recent appeal decision relating to a site 2.5 miles away in Climping
- Need for Extra Care development
- Additional ecology response
- Change to Conclusion section of the report to note that the S106 Agreement was required to be completed by 31 March 2020 due to the adoption of the Community Infrastructure Levy on 1 April 2020
- Amendment to Plans Condition and amendment to pre-commencement conditions
- Further comment from County Highways regarding access width
- Tree Preservation Order

The Planning Team Leader presented the detail of the report and advised that this application followed on from Planning Application M/45/16/PL which had been granted approval for 13 dwellings. This new application was for a 66 bedroom care home and, whilst it was recognised that the building would be higher and cover substantially more of the site, officers considered that it was acceptable. He informed the meeting that the Council's Engineering Services Manager was in attendance to provide responses to queries Members might have in relation to drainage/surface water issues.

In participating in a lengthy debate, Members expressed serious concerns around the proposal which centred on:-

- The potential for an increase in traffic, together with the nature of Yapton Road which had a blind bend
- Proposal not sympathetic or complementary to the locality and was considered to be out of character with the surrounding area. It was also felt that it was overdevelopment and, due to its height, it was out of scale with nearby existing properties. It would therefore have an adverse impact.

- Danger to the TPO trees – Members were assured that the Tree Officer was satisfied that the trees could be retained if the details the applicant had submitted were adhered to.
- Parking provision was considered to be inadequate and any overflow would then have a consequential detrimental impact on nearby roads. Officer advice was given that the car parking provision was in accordance with the Council's Parking Standards SPG (Supplementary Planning Guidance).
- Ditch structure would be compromised and clearance of the ditches would disturb the root balls of the trees, which would cause damage
- Detrimental to the environment due to loss of hedgerows and would have a negative impact on biodiversity, particularly the high level lighting would have an adverse impact on bats
- Built on flood risk land. The Engineering Services Manager advised that there was a ditch alongside the southern boundary which would need remediation and that the site was not within Flood Zone 2 or 3 but yet to establish how it would drain. Over wintering monitoring would have to take place and, as and when that became available, a full drainage proposal would be put forward and form part of the conditions.
- Non-compliance with Local Plan policies
- No need in the area – the Group Head of Planning highlighted that the Council had commissioned a housing needs study as part of its preparation of the Local Plan and that included specific needs for specialist accommodation for older persons.

On being put to the vote, the Committee did not accept the officer recommendation to approve and it was then proposed and seconded that the application be refused. Prior to going to the vote on this, the Committee discussed the reasons for refusal that should be put forward and, having taken advice from the Group Head of Planning, then

RESOLVED

That the application be refused for the following reasons:-

1. The proposals are considered to be an over development and adversely affect the visual amenities of the locality by virtue of them being out of character in scale and density in conflict with policies D DM1 and D SP1 of the Arun Local Plan and policies in the NPPF.
2. The use of the proposed access will result in damage to the protected Ash Trees by virtue of the proximity of vehicle movements to them leading to their loss contrary to policy ENV DM4 of the Arun Local Plan.

Development Control Committee - 5.02.20

420. EP/148/19/PL SCORTON, 9 LIME TREE CLOSE, EAST PRESTON, BN16 1JA

EP/148/19/PL – Application for variation of condition No. 2 imposed on planning permission EP/52/18/PL relating to amended internal layout & external appearance of plots 4, 5, 6 & 7 and alterations to external layout and landscaping, Scorton, 9 Lime Tree Close, East Preston

Having received a report on the matter, together with the officer's written report update detailing an additional objection received, the Planning Team Leader explained that this application sought to vary a condition to convert the roof space to additional living space, with additional windows which were considered to be acceptable. No additional car parking provision was being proposed within the site and a street survey had been undertaken by the applicant which indicated that that would be acceptable.

In discussing the proposal, Member comment was made that the Council had recently adopted its own Parking Standards SPD, which would not be complied with in this instance. Concerns were raised that the overflow parking would spill onto the road, which was felt to be unacceptable due to its layout and that it could be described as a country lane; there were a number of pinch points; and it was a busy bus route.

The Group Head of Planning advised that it had been established that additional parking provision could not be accommodated within the site and the applicant had therefore provided evidence about the car parking in the area. There was sufficient on street parking in the area which would allow a degree of flexibility. When the development was completed under its current approval, what was being proposed could be implemented anyway under Permitted Development.

Members expressed the view that the new policy relating to parking should be supported.

The Group Head of Planning provided advice that the Committee was required to make reasonable decisions and had to take account of what the applicant might do in the future. The proposals could be implemented under Permitted Development once the dwellings were occupied.

On being put to the vote, Members did not accept the officer recommendation to approve and, having been duly proposed and seconded, considered that the application should be refused as it did not adhere to the Council's Parking Standards SPD and was clearly in breach of it.

The Committee then

RESOLVED

That the application be refused for the following reason:-

The lack of additional car parking provision will result in increasing road congestion adversely affecting highway safety in the area in conflict with policy TSP1 of the Arun Local Plan and the Council's Parking Standards Supplementary Planning Document (January 2020).

421. BR/227/19/PL 3 SOUTHDOWN ROAD, BOGNOR REGIS PO21 2JS

BR/227/19/PL – Removal of condition 5 imposed under BR/84/16/OUT (APP/C3810/W/16/3153767) relating to – details of all trees/bushes/hedges to be retained along with measures to protect them during demolition & construction works, 3 Southdown Road, Bognor Regis

Having received a report on the matter, the Planning Team Leder advised that the condition no longer had merit as the development had been completed.

Following a brief discussion and having received an assurance that no trees had been damaged, the Committee

RESOLVED

That the application be approved as detailed in the report.

422. LIST OF APPEALS

In receiving and noting the appeals received, the Group Head of Planning advised that the following appeals had been allowed by the Planning Inspector :-

CM/16/18/PL - Land to rear of Bairds Farm Shop, Crookthorne Lane, Climping, Development of a 64 bed Specialist Dementia Care Home, etc

EP/82/19/HH – Erection of a fence, 31 Cheviot Close, East Preston

K/19/19/HH – Two storey rear extension with a small canopy projecting the footprint to the front. Demolition of existing living room and additional first floor for habitable use with alterations to fenestration, Little Tangley, Middle Way, Kingston Gorse, East Preston

423. APPEALS PERFORMANCE AND COSTS 1 JANUARY 2019 - 31 DECEMBER 2019

The Committee received and noted a comprehensive report from the Planning Team Leader which detailed the Council's performance in the calendar year 2019 in respect of appeals.

(The meeting concluded at 4.32 pm)

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Report following a request for further information, negotiations or consultation

REF NO: P/58/19/PL

LOCATION: Rear of Inglenook Hotel
253-255 Pagham Road
Pagham

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

INTRODUCTION

This application was deferred from the November Committee meeting due to a request by members for an independent assessment of the highways impacts of the proposals for all highways users to include consideration of safety issues for all users.

THE INDEPENDENT HIGHWAY ASSESSMENT & ROAD SAFETY AUDIT (RSA)

The Assessment concludes that the application should not be refused as the likely impacts would not be sufficient to justify a refusal. However, it makes a series of recommendations for improvements and the following key points:

- (1) the location is accessible to convenience goods but for larger goods & services and for work opportunities it is less accessible resulting in a higher reliance on car use than in a town centre location;
- (2) Parking provision is slightly below demand and this will have a minor impact on Pagham Road;
- (3) There were no traffic counts for the existing use of the access to determine the number of vehicles the access is already accommodating for;
- (4) There does seem to be a trend with collisions at junctions within the area that may present further issues with increased levels of traffic;
- (5) The swept path analysis doesn't take account of any parked vehicles on Pagham Road. There are currently no restrictions and a refuse vehicle would not be able to make a turn with the present arrangements without parking restrictions reducing the existing availability for residents and visitors on-street;
- (6) The presence of the layby to the north will have a significant impact to the safety with the additional flow expected from the development at peak times (particularly if a high sided vehicle is present in the layby);
- (7) It is recommended that a road safety audit is carried out for the access proposals to show that there is no detriment to highway safety or recommend options to make improvements. Although WSCC do not require a road safety audit for developments under 10 units this doesn't take account of the existing use of the site access;
- (8) A separate access for pedestrian is proposed at the north of Inglenook Hotel. This is better provision than previous however this is not overlooked and may be vulnerable by users at night who will not feel secure. Further details will be required to review;
- (9) The additional trips are unlikely to have a detrimental impact to the transport network in the vicinity of the site; and
- (10) It seems poor planning to construct two separate access roads adjacent to each other when one could serve the same purpose and reduce the impact on Pagham Road and the safety concerns raised.

A Road Safety Audit was also carried by the independent highway consultants and concluded no issues

with the access but suggested the following improvements:

- Plan 1594-13-F indicates a pedestrian path delineated by an alternative surface finish between the back of highway in Pagham Road along the northern edge of the widened access road adjacent to the hotel. Experience suggests that pedestrians seldom keep to such paths without raised kerbs and drivers expect the vehicle designated section to be free of pedestrians. It is recommended that the access road surface have a uniform finish through this section and consideration given to the provision of off highway signs;

- An email dated 07/0120 regarding of the 'Applicants Response to Independent Highway Assessment' indicates the existing lighting columns in the site access road are to be removed. Other lighting units are in-situ installed along the new fence on the southern boundary however these units have been mounted low down on the fence. It is recommended that these light units be relocated to the top of the fence or additional light units mounted on the hotel to give adequate spread of light over the access road; and

- Plan 1594-13-F indicates that the existing flint wall adjacent to the south east corner of the hotel is to be amended subject to separate LBC. Any re-modelling should aim to improve inter-visibility for pedestrians and drivers leaving the site.

APPLICANT RESPONSE TO THE HIGHWAY ASSESSMENT & ROAD SAFETY AUDIT

The applicant has responded to state that:

(1) "Whilst the site is not located within a town centre, it is located within an established residential area that benefits from a good existing level of accessibility to various local amenities and frequent local bus services. The site's accessibility credentials are therefore entirely appropriate in the context of the area and accord with the relevant tests at paragraph 103 of the NPPF."

(2) "The proposed parking provision and layout of the site accords with the projected demands from the WSCC parking demands calculator and will ensure that no displaced parking occurs away from designated parking areas on the site, or outside of the site itself. "

(3) "There is no 'requirement' for traffic surveys of an existing access' usage to be undertaken. Notwithstanding this, any such survey would likely serve to demonstrate that the access is an established, longstanding access route that operates without issue in any event as evidenced by the road safety records locally. Improvements to the access would be made as part of the proposals, which would more than offset the cumulative impacts of existing and proposed additional users."

(4) "The Transport Statement submitted with the application demonstrates that there are no road safety issues in this locality, with just 3 Personal Injury Accidents identified on this section of Pagham Road across the entire 5-year study period. Furthermore, no (zero) accidents occurred at the site access, confirming that the site access operates without issue, notwithstanding the improvements that would be delivered as part of the scheme. The proposals would have a negligible impact in terms of increase traffic. The nearest accident occurred over 100 metres from the site access, well outside of the operational area of the access including the associated visibility splays."

(5) "The swept path analysis submitted with the application at drawing 2017/3763/003 Rev B demonstrates that refuse vehicles would be able to access and egress the site without issue. In the event that a vehicle is parked on the eastern side of Pagham Road on the section to the north of the access, a refuse vehicle would still be able to turn in / out of the site towards the north given that the access would be widened as part of the proposals."

(6) "The access and layby are longstanding and operate without issue, including in terms of visibility for drivers. The accident records demonstrate that there are no existing safety issues in this locality."

(7) Have accepted the proposed modifications set out by the RSA.

(8) "Such pedestrian routes are commonplace and there is no reason that this route would be inherently

less secure than any others. Matters relating to lighting, and any other mitigation measures that may be considered necessary in respect to security, are Detailed Design points that can be controlled by way of a Condition associated with any planning approval."

(10) "As with any planning application, the proposed scheme should be considered on the basis of the plans presented, which have been demonstrated to be suitable in highway and transport terms, notwithstanding any alternative access arrangement that may or may not be achievable."

OTHER CONSULTATION ON THE HIGHWAY ASSESSMENT & ROAD SAFETY AUDIT

WSSC Highways have considered the documents and advise that:

- The Transport Review concludes that the additional traffic the proposals would generate would not have a 'severe' impact on the adjoining highway network;
- Although the parked cars opposite would require refuse vehicles to make a turn into the site from a more central position on the carriageway, this already happens for refuse vehicles turning into the site. The turning of refuse vehicles out of the site would be unhindered and it is noted that the Waste Collection Authority have not raised any concerns;
- On the basis of the information submitted, WSSC does not have any safety concerns about the proposed access that would warrant a reason to refuse the application; and
- The proposal for shared surface signage, the lowering of the lights on the access drive and the remodelling of the adjacent wall are all accepted.

The Parish Council have also considered the independent transport report and state that they support its conclusions.

FURTHER LOCAL RESIDENT OBJECTIONS

Three additional letters have been received raising the following relevant concerns:

- (a) This proposal is not for the benefit of Pagham residents or the residents of Mill Farm;
- (b) The Inglenook needs a larger car park not houses
- (c) Concern that any further site visits will be carried out on a quiet day/time of day;
- (d) Need for pedestrian warning signage where the access meets Pagham Road;
- (e) Harm to safety of vulnerable pedestrians using the access road;
- (f) The lack of a 5-year housing supply should not be used to outweigh the justify the principle of the site;
- (g) A recent appeal decision concerning a site of 5 bungalows in Bournemouth is pertinent to this appeal and suggests that permission should be refused;

The Council offers the following responses to some of the points made:

- (a) The Council would disagree as spending by new residents at shops/services will benefit the local economy;
- (b) The hotel owner clearly considers that the overspill parking is not necessary and WSSC Highways raise no objections to the loss of this occasional parking area;
- (c) WSSC Highways now share this view and a condition will be imposed to secure this;
- (d) This has now been reconsidered and the proposal offers improvements to mitigate the concerns;
- (f) The reasons for the Council's position on the principle of development are already explained in the recommendation report; and
- (g) Noted however, without full details of this appeal proposal it is not possible to give this appeal decision any weight. It is also from a different local authority with a different development plan.

FURTHER ASSESSMENT OF THE PROPOSALS BY WSCC HIGHWAYS

Two officers of County Highways attended a site meeting on 20/11/19 together with district Councillors Worne and Lury. This had been requested by Councillor Worne. Following this visit, a further consultation response was issued on the 22nd November. This is available on the Council's website (dated 25/11/19) and it requested the following improvements/amendments:

- Provision of an internal sign advising vehicles entering the site that pedestrians will be sharing the route;
- Improvement to the forward visibility where the existing pub car park exits onto the access road;
- Improvements to the surfacing of the whole length of the access road to allow for use by wheelchairs/push chairs (loose gravel/unmade roads are not appropriate in such cases);
- Delineation of the vehicle and pedestrian surfaced areas on the access; and
- Provision of a footpath link into the adjacent Crayfern development.

In addition, County commented that:

- Any vehicles parked on Pagham Road/nearby in unlawful locations can be reported to Sussex Police;
- On-street parking in lawful locations on Pagham Road is acceptable;
- On-street parking also helps to slow down road speeds as drivers anticipate pedestrian emerging between parked cars; and
- There have been no known highways collisions or personal injury claims within the vicinity of the site to flag an existing concern with the way that the highway is operating at this point.

FURTHER SUBMISSIONS BY THE APPLICANT

In response, to the site visit by WSCC Highways, the applicant provided an amended site plan (dwg. 13 Rev F) and an amended location plan (dwg. 01 Rev A - 28/11/19) which show the following improvements:

- An alternative pedestrian route is to be provided through the grounds of the hotel from the junction of the pub car park/access road to Pagham Road. This therefore provides an alternative route to the narrowest section of the access drive. This will be surfaced with bonded gravel so as to allow ease of movement by wheelchairs and pushchairs. This will be a resident only route and will be controlled by a key/pin code on a gate.
- Removal of 2 small category C Conifer trees from their position adjacent to the access drive/opposite the existing pub car park entrance to improve forward visibility.
- Provision of a bonded gravel pavement on the shared access drive to separate the pedestrian and vehicle sections.
- Provision of signage to advise vehicles entering the access drive from Pagham Road to expect pedestrians in the road.

Pagham Parish Council were notified of the amendment to the application red edge and they responded in late December to say that:

- Concerned that the alternative pedestrian route will not be fully used as it is not a direct route. It may also not be perceived as safe particularly at night or when the pub is busy.
- The proposed new pedestrian access is situated where deliveries are currently received to the pub and this would lead to an unacceptable mix of vulnerable pedestrians and large vehicles in the same area.
- Despite the use of a bonded gravel pavement and signage, the shared drive will still not be safe for pedestrians as cars will be able to enter this space. Lighting is also necessary.

WSCC Highways have appraised the applicants proposed changes to the plans and advised that the modifications will result in an improvement to the overall accessibility and internal layout of the site for pedestrians. On this basis, WSCC raised no objection to the changes.

The Councils Tree Officer also verbally advised no objection to the removal of the two small trees on the access drive.

In order to secure these improvements, the following conditions are to be changed/added:

02 - changed to refer to the amended plans;

11 - added to secure a scheme to show how the alternative footpath will be made available in perpetuity to residents of the new houses;

12 - changed to clarify that hard landscaping details should include details of the surfacing of the access drive and new footpath; and

13 - added to secure a scheme of signage/visual measures to alert drivers entering the access from Pagham Road of the potential for pedestrians to be in the road.

CONCLUSION

The applicant has proposed improvements to the scheme to provide alternative pedestrian access and to also make the access driveway safer for pedestrians. The Council has commissioned a highway assessment and a Road Safety Audit. Neither raise any objection to the use of the access or to the proposal as a whole sufficient to justify a refusal of permission. Certain concerns have been identified by the studies, but both the Highway Authority and the applicant consider that these are not significant and will not result in any severe impacts to highway safety.

The recommendation remains one to grant planning permission in accordance with the revised conditions.

PLANNING APPLICATION REPORT

REF NO: P/58/19/PL

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

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

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This is a full application for 9 dwellings (8 x two storey, 1 x bungalow). The layout includes parking spaces including garages, bin and cycle stores. It is proposed to erect a 1.8m fence along the northern boundary to protect the amenities of

the mobile home owners. The houses are shown to have chimneys and materials proposed include brick, timber and clay tiles.

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

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

SITE AREA	0.4 Hectares.
RESIDENTIAL DEVELOPMENT DENSITY	22.5 dwellings per hectare.
TOPOGRAPHY	The land appears flat but slopes upwards from west to east by a maximum of around 0.6m.
TREES	There are no trees on site but there are notable specimens in the adjoining land to the east which overhang the boundary.
BOUNDARY TREATMENT	<ul style="list-style-type: none">- Low approx. 1m high post and rail fence to eastern and northern boundaries- 1.8m high close boarded fencing to the southern boundary;- Mix of low fencing and hedging to the western boundary.
SITE CHARACTERISTICS	Paddock used occasionally as overspill parking for the hotel. Mown grass with some areas of overgrown vegetation to the boundaries. Timber stable type building at the southeast corner (which will be removed). Access via a long gravelled driveway to the east.
CHARACTER OF LOCALITY	The site is bordered by dwellings to the south (Crayfern Homes approved by P/125/14/PL), residential mobile homes to the north, a further area of grassed land forming part of the mobile home park to the west and land forming part of the Inglenook to the east (on which there are mobile homes used for staff living quarters). The access road is sandwiched between land forming part of the Inglenook to the north and dwellings to the south.

The mobile homes to the north are single storey with ground

floor rear principal windows, some have conservatory's to the rear. In the new-build site to the south, is a roadway and part amenity landscaping with houses beyond (i.e. no houses directly abutting the land on which the dwellings will be). The access road does border directly with rear gardens of other dwellings in the adjacent scheme.

RELEVANT SITE HISTORY

P/10/59/A	Use Of Private Dwelling As Guest House And Coffee Lounge	ApproveConditionally 21-10-59
P/10/59/D	Vehicular Access	ApproveConditionally 17-05-61
P/125/14/PL	Demolition of existing dwelling & ancillary buildings & erection of 40 no. dwellings with associated access, car parking, cycle & refuse storage, hard & soft landscaping & amenity space. This application is a Departure from the development plan	App Cond with S106 30-06-16
P/53/19/L	Listed building consent for the demolition of modern side extension & 2.25m of boundary wall.	

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

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council
Pagham Parish Council
Pagham Parish Council

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

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

50 letters of objection raising the following concerns:

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

COMMENTS ON REPRESENTATIONS RECEIVED:

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

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

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

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

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

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

- contributions to medical facilities from schemes of less than 10 dwellings;
- (26) Southern Water were consulted but have declined to respond;
- (27) The Drainage Engineer does not object and considers it is possible to drain the development such that there will be no surface water flooding elsewhere. This site is currently designated as Flood Zone 1 (low risk) and this designation does not change on the Councils future flooding maps;
- (28) Any damage to personal property would be a civil matter to be pursued with the offending party;
- (29) - (33) Amenity issues are considered in the report's conclusions;
- (34) This has since been changed from a chalet bungalow to a straight bungalow;
- (35) The Councils affordable housing policy only applies to developments of 14 or more houses;
- (36) This is not a material planning consideration;
- (37) This is not a material planning consideration;
- (38) The Council would disagree as spending by new residents at shops/services will benefit the local economy;
- (39) Noted; and
- (40) The advice of WSCC is clear that the proposed development would not conflict with paragraph 109 of the NPPF. This states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - No objection. States that:

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

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

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

COUNCILS ECOLOGIST - No objections. Request the following:

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

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

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

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

ADC CONSERVATION OFFICER - No objection. Advises that:

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

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

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

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

COMMENTS ON CONSULTATION RESPONSES:

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

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

All other comments noted and all recommended conditions are included.

POLICY CONTEXT

Designations applicable to site:

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

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HWBSP1	HWB SP1 Health and Wellbeing
QEDM2	QE DM2 Light pollution
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

PDS Pagham Parish Council's Village Design Statement by PaghamPC

POLICY COMMENTARY

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

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

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

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

Only policy DM1 is relevant to this determination and this states: "Minor development will be permitted in Pagham where any application for such development is supported by sufficient evidence to demonstrate that it is accordance with the development plan unless material considerations indicate otherwise." This approach is taken in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with the relevant Development Plan policies in that the site is located outside of the designated Built Up Area Boundary where new residential development is considered to be inappropriate. However, the proposal complies with the other relevant policies regarding heritage asset protection, character/design, parking, highway safety, residential amenity, trees, ecology and drainage.

OTHER MATERIAL CONSIDERATIONS

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

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

CONCLUSIONS

PRINCIPLE:

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

Arun Local Plan:

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

Policy SD SP1 states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will work to secure development that will contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

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

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

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

National Planning Policy Framework (NPPF):

The NPPF (Feb 2019) is an important material consideration in determining planning applications. It sets

out a presumption in favour of approving sustainable development. At para 12, it is clear that:

"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

Other Material Considerations:

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

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

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

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

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

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

(2) Housing Land Supply

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

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

(3) The NPPF Presumption in favour of Sustainable Development

The National Planning Policy Framework (NPPF) is a material consideration in determining planning applications. As the Council cannot currently demonstrate a 5-year HLS, paragraph 11 (d) of the NPPF

and the application of the 'presumption' for sustainable development is triggered.

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

There is no question that (i) does not apply to this determination as the site does not lie in a protected landscape and the comments of the Conservation Officer are such that there will be no harm to the nearby listed buildings. In respect of (ii), the remainder of this report shows there are no significant & demonstrable adverse impacts associated with the proposal. The presumption in favour of sustainable development applies.

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

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

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

Economic - The proposal is likely to result in economic benefits to the local area in the form of (a) an increase in Council Tax receipts; (b) potential 'New Homes Bonus' payments from the Government; (c) the creation of new or maintenance of existing construction jobs; and (d) additional spending by new residents on local goods & services including at the public house.

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

Conclusion on Matters of Principle:

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

HIGHWAY SAFETY AND PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. In respect of highway safety, it states: "The Council will support transport and development which: explains how the development has

been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, T SP1 states: "The Council will support transport and development which: Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined up cycle network and Public Rights of Way network.

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

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

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

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

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

HERITAGE ASSETS:

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

It is necessary to consider the impact of the proposed new residential development on these designated heritage assets. Relevant Local Plan policies are HER SP1 (The Historic Environment) and HER DM1 (Listed Buildings). HER SP1 states listed buildings and their settings will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. Also that development likely to prejudice their setting will be refused and that any proposals for development will be required to comply with all other relevant policies. HER DM1 requires that proposals should (amongst other matters) protect, where possible, enhance the setting of Listed Buildings.

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

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

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

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

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

CHARACTER & DESIGN:

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

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." Para. 122 states that planning decisions should support development that makes efficient use of land but the desirability of maintaining an area's prevailing character and setting should be taken into account.

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

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

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

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

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

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

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

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

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

RESIDENTIAL AMENITY:

Policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

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

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

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

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

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

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

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

SPACE STANDARDS:

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

Plot	Unit Type	Internal Space	National Standard	Difference (+/-)
1/2	3 Bed, 5 Person, 2 Storey	102.38	93	+9
3/4	3 Bed, 5 Person, 2 Storey	111.90	93	+19
5/6	3 Bed, 5 Person, 2 Storey	153.76	93	+60
7	2 Bed, 4 Person, 2 Storey	126.67	99	+47
8/9	3 Bed, 5 Person, 2 Storey	153.76	93	+60

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

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

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

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

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

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

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

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

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

A contribution to the Bird Aware Scheme of £1,275 per new residential unit was agreed by the Councils

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

BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)." Government guidance states that the Local Planning Authority must consider how a development might affect protected species on or near a proposed development site when reviewing a planning application.

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

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

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

TREES:

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

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

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

SUMMARY:

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

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

represents sustainable development and the NPPF presumption in favour of sustainable development is engaged. It is also considered that the development of this site will not result in any significant and demonstrable harm to the character and appearance of the wider countryside.

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

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

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

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This decision will be granted with a S106 legal agreement relating to a contribution of £7,839 towards the provision of accessible natural open green spaces to offset the impact of the development on the Pagham Harbour Special Protection Area.

RECOMMENDATION

APPROVE WITH A SECTION 106 AGREEMENT

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

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

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

"Location plan" dwg. 01 Rev A (28/11/19);
"Site Plan as Proposed" dwg. 06 Rev B;
"Houses Types 1-4" dwg. 07;
"House Types 5 & 6 (Mirrored)" dwg. 08;
"Bungalow Type 7" dwg. 14 Rev A;
"House types 8 & 9" dwg. 09;
"Street Elevation - Longitudinal Section" dwg. 10 Rev A;
"Street Elevation - Cross Section" dwg. 11 Rev A;
"Site Plan as Proposed" dwg. 13 Rev F;
"Street Elevation (Bungalow) Cross Section" dwg. 35;
"Refuse Vehicle Swept Path Analysis" dwg. 2017-3763-001 Rev A (only insofar as it relates to the access junction, access arrangements & access driveway);
"Visibility Splays and Internal Swept Path Analysis" dwg. 2017-3763-002 Rev A (only insofar as it relates to the access junction, access arrangements & access driveway);
"Refuse Vehicle Access and Egress and Concurrent Car's Movements" dwg. 2017-3763-003 Rev A; and
"Forward Visibility" dwg. 2017-3763-004 Rev A;

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

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

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

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

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

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

- An indicative programme for carrying out of the works;
- The anticipated number, frequency and types of vehicles used during construction;

- The method of access and routing of vehicles during construction;
- The parking of vehicles by site operatives and visitors;
- The loading and unloading of plant, materials and waste, including permitted times for deliveries;
- The storage of plant and materials used in construction of the development;
- The erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- measures to control the emission of dust and dirt during construction;
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination; and
- A scheme for recycling / disposing of waste resulting from demolition and construction works.

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

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

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

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with

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

- 8 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan (Appendix 7 (version 2), 23/07/19) as contained within the submitted Arboricultural Report, August 2019 (ref B/0189/18 V.2).

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

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

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

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

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

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

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

- 11 The means through which the footpath access in the grounds of the Inglenook Hotel will be made accessible in perpetuity to residents of the new houses should be submitted to, and approved by the Local Planning Authority. No part of the development shall then be occupied unless and until the alternative footpath has been provided and made available to the new residents.

Reason: To ensure that alternative safe access is provided for residents of the new houses in accordance with policies T SP1 & T DM1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 12 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a soft and hard landscape design scheme including details of all hard and soft landscape design elements (including hard surfacing to any new/upgraded roadways/footpaths or accesses). The approved planting 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. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of development, 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, the environment of the development and pedestrian safety/convenience in accordance with policies D DM1, T SP1 & T DM1 of the Arun Local Plan.

- 13 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a scheme of signage/visual measures to alert drivers entering the access from Pagham Road of the potential for pedestrians to be in the road. No part of the development shall be occupied unless and until the approved measures have been provided in full. Thereafter, these features shall be permanently retained in a condition that is fit for purpose.

Reason: To ensure that alternative safe access is provided for residents of the new houses in accordance with policies T SP1 & T DM1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and the setting of the nearby listed buildings by endeavouring to achieve buildings of visual quality in accordance with policies HER SP1, HER DM1, D DM1 and D SP1 of the Arun Local Plan.

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

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

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

approved drawings.

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

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

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

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

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

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

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

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

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

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

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

- 22 No 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.

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

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

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

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

- 25 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.

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

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

- 27 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions or alterations to the roofs of plots 1 to 7 inclusive shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

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

- 28 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.

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

30 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.

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

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

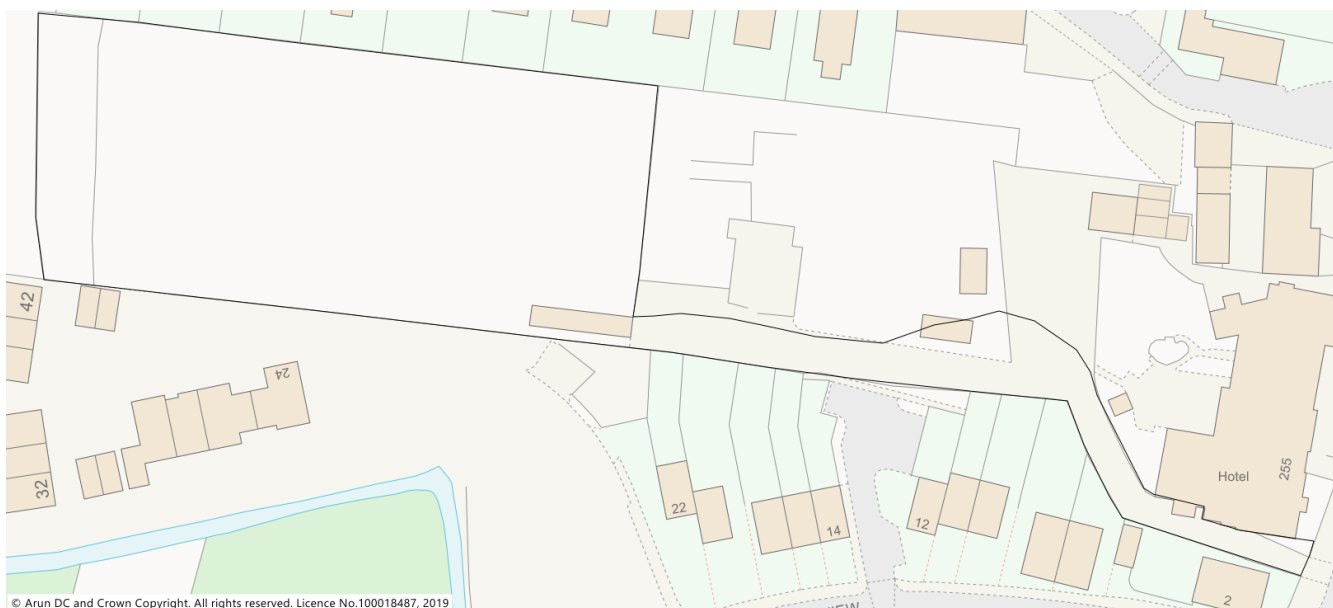
Online applications can be made at the link below, alternatively please call 01243 642105.

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

BACKGROUND PAPERS

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

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



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100018487. 2015

PLANNING APPLICATION REPORT

REF NO: AL/84/19/PL

LOCATION: Aldingbourne Park
Hook Lane
Aldingbourne
PO20 3YR

PROPOSAL: Application for removal of conditions 1, 2, 3, 4 & 5 imposed on planning reference AL/93/86 relating to timescale, number of caravans, electric lines, site licence & hedges

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This is an application under Section 73 of the Town and Country Planning Act 1990 (determination of applications to develop land without compliance with conditions previously attached). This sets out that:

"(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."

The conditions in question are as follows:

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission. Reason: To comply with Section 41 of the Town and Country Planning Act 1971.

(2) The number of caravans stationed on the site shall at no time exceed 33 in total. Reason: To avoid an overcrowded appearance and to secure satisfactory standards of space and amenity.

(3) Notwithstanding the provisions of the Town and Country Planning General Development Orders 1977 to 1987, no

electric service lines shall be erected or placed on the application site above ground level without the prior permission in writing of the Local Planning Authority. Reason: To enable the Local Planning Authority to exercise control in the interests of visual amenity.

(4) Notwithstanding the provisions of the Town and Country Planning General Development Orders 1977 to 1987, no works constituting development required by the condition of a site licence for the time being in force under Part 1 of the Caravan Sites and Control of Development Act, 1960 shall be commenced without the prior approval in writing to be undertaken within 3 months of the date of this permission to the satisfaction of the Local Planning Authority. Reason: To enable the Local Planning to retain control and secure a satisfactory development of the site.

(5) The existing boundary hedges shall be retained in the present form, with further planting in accordance with a scheme to be submitted to and approved by the Local Planning Authority within 3 months from the date of this permission. Reason: In the interest of visual amenity.

BOUNDARY TREATMENT

Mixed timber fencing supplemented by hedging particularly along the Hook Lane frontage.

SITE CHARACTERISTICS

Existing long established residential mobile home park currently comprising of 33 mobile homes each with parking spaces and small private gardens. Access from Hook Lane.

CHARACTER OF LOCALITY

Predominantly residential with another residential mobile home park to the west and bricks & mortar residential houses to the east and north. Railway line to the south with horticultural site beyond. There is a post office/shop, public house and bus stops a short walk to the east on Lidsey Road.

RELEVANT SITE HISTORY

AL/93/86	Change of use from holiday to full residential use	ApproveConditionally 29-07-87
----------	--	----------------------------------

Planning application AL/93/86 granted planning permission for the site. Application AL/91/19/PL refers to the adjoining site for which there is a similar application in for determination.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

Objects to this application on the grounds that the existing conditions seem reasonable and, therefore,

sees no reason to change the regularisation.

COMMENTS ON REPRESENTATIONS RECEIVED:

Planning and (caravan site) licensing are separate regimes and that any existing conditions on the site licence will be unaffected by the result of this planning application.

CONSULTATIONS

- Environmental Health
- WSCC Strategic Planning
- Natural England
- South Downs National Park
- Network Rail

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - No comments to make on this application.

NETWORK RAIL - No objections to the proposals.

WSCC HIGHWAYS - No objection.

- Hook Lane is a C-classified road subject to National Speed Limits;
- Only condition 2 is of interest to the Highway Authority;
- The site licence secures adequate standards of space and amenity to prevent overcrowding and as it also restricts numbers, it is not anticipated that the removal of condition 2 would enable a significant increase in caravan numbers;
- Therefore the proposal will not result in a severe intensification of use of the site access or have an unacceptable impact on highway safety.

ADC ENVIRONMENTAL HEALTH - No objections/comments re removal of conditions 1, 3, 4 & 5 but condition 2 should be retained on the grounds of avoiding an overcrowding appearance, visual amenity and in securing satisfactory standards of space with regard to amenity.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The objection of Environmental Health is also noted but as the conditions of the site licence will be unaffected, there will still be sufficient control on the site to avoid overcrowding and maintain appropriate standards of visual and residential amenity.

POLICY CONTEXT

Designations applicable to site:

- Outside the Built Up Area Boundary;
- Flood Zone 1 (low risk);
- Lidsey Treatment Catchment Area;
- Area of Special Control of Adverts;
- Within 12km of Singleton and Cocking Tunnels Special Area of Conservation; and
- Class C Road.

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
ENVDM4	ENV DM4 Protection of trees
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development

Aldingbourne Neighbourhood Plan 2016 POLICY EH1 Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY EH6 Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2016 POLICY GA3 Parking and new development

Aldingbourne Neighbourhood Plan 2016 POLICY H3 Housing density

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

The relevant policies of the Aldingbourne Neighbourhood Development Plan are referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with the Development Plan policies in that has the potential to result in more residential dwellings in the countryside.

OTHER MATERIAL CONSIDERATIONS

Notwithstanding the conflict with the Development Plan, it is material that when assessed against the 6 condition tests (para 55 of the NPPF & paragraph: 003 (reference ID: 21a-003-20190723) of the PPG), the conditions are either not appropriate or no longer relevant/necessary and should therefore be removed.

Paragraph 55 of the NPPF states that: "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects".

CONCLUSIONS

Principle

The caravan park lies outside (albeit adjacent to) of the defined settlement boundary (built up area boundary or BUAB) as shown within the ALP and therefore falls within the countryside. ALP policy C SP1 "Countryside" states that outside of the defined BUAB, development will only be permitted where it is for a specific type of development.

The proposal seeks to make changes to the existing permission which could lead to a greater number of residential mobile homes on the site and this does not fall into any of these categories and the proposal is therefore contrary to the countryside policy in the ALP.

The BUAB in the ANDP is the same as in the ALP and policy EH1 states development on sites outside of the BUAB which do not accord with the ALP policy will be resisted unless they are for essential utility infrastructure, where the benefits outweigh any harm, and it can be demonstrated that no reasonable alternative sites are available. In respect of policy EH1, it is not considered that this proposal leads to noticeable harm to the character of the area and clearly it is not relevant to consider alternative sites.

Highway Safety

Policy T SP1 seeks to ensure that development provides safe access on to the highway network and explains how the development has been designed to create safe and secure layouts for traffic, cyclists and pedestrians. Paragraph 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 also be had to para 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

West Sussex Highways acknowledge that as a result of the proposal there may be an increase in the number of homes on the site but they do not consider this to be significant and therefore, there will be no severe intensification of use of the site access or an unacceptable impact on highway safety. There is therefore no conflict with planning policy on highway safety.

Parking

ANDP policy GA3 states that development proposals must provide adequate parking in accordance with the standards adopted at the time. The Arun Parking Standards Supplementary Planning Document (SPD) does not contain any standards specific to mobile homes but 1-3 bed residential dwellings in this location would require 2 spaces each.

The Site Licence specifies that at least 1 parking space is to be provided and as such typically mobile homes only provide 1 space to the side of the home. Aldingbourne Park also provides a small amount of visitor parking.

Whilst technically there is conflict with the Parking Standards SPD and by connection, ANDP policy GA3,

it is not considered that this conflict attracts any great weight as any increase in new homes will only be small and as the site is located in a sustainable location adjacent to the BUAB and within only a very short walk of a shop, pub and bus stops. Furthermore, there is no evidence either on site or from WSCC Highways of any existing parking issues associated with the current levels of parking at the site.

Trees

ALP policy ENV DM4 states development will be permitted where it can be demonstrated that trees contributing to local amenity will not be damaged or destroyed. ANDP policy EH6 states damage to trees and hedgerows of amenity value will only be permitted unless the need for, and benefits of, development in that location clearly outweigh the loss. The hedge is considered to have amenity value to the streetscene and as such, any proposal to remove the boundary hedgerows would be contrary to these two policies.

Density & Visual Amenity

ALP policy D DM1 requires that the density of new housing make efficient use of land whilst maintaining character and local distinctiveness. ANDP policy H3 states that the density of new development shall be appropriate to its location by virtue of size, siting and relationship to existing properties.

Regardless of whether this proposal results in additional homes being added to the site, there will be no real harm to the character of the area or the streetscene as the homes are all a set height (single storey) and any new homes added to the site are not likely to result in a significant increase in density or overcrowding as the site licence conditions must still be adhered to:

- Minimum of 6m between any mobile homes and between mobile homes & any buildings;
- Minimum of 3m between a mobile home and a site or highway boundary

OTHER MATERIAL CONSIDERATIONS:

The above discussion sets out that any future increase in the number of mobile homes at the site or remove the boundary hedges will be in conflict with development plan policies in respect of development in the countryside and the protection of amenity trees/hedges. However, it is material that paragraph 55 of the NPPF states that:

"Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects."

Paragraph 031 (reference ID: 21a-031-20180615) of the Planning Practice Guidance states that in deciding an application to remove conditions, the local planning authority must only consider the disputed condition/s that are the subject of the application and is not allowed to re-consider the whole application.

The applicant considers that the conditions in question no longer meet the tests as set out in paragraph 55 and should therefore be deleted. The applicants arguments are as follows:

Condition (1) - the condition no longer serves a useful purpose as it has already been complied with.

Condition (2) - the condition is not necessary, relevant or precise:

(a) Necessary: the site licence controls the practical numbers of caravans that can be achieved on a mobile home site by reference to distances from each caravan to other features such as boundaries,

roads and other caravans and the densities which can be achieved. The site licence gives an adequate level of control to prevent overcrowding and secure appropriate standards of space and amenity for residents.

(b) Relevant: The site has the benefit of a planning permission for residential mobile homes and the ongoing control of the site should only need to be controlled by the site licence.

(c) Precise: The exact meaning of what this condition was trying to control is not precise. Caravan sizes have grown over the years to encompass both single and twin units. The impact of 33 small units compared with 33 twin units is clearly different, as would any mixture of unit sizes.

The applicant also notes that Arun DC previously accepted that such a condition on numbers of homes was not necessary at the Marigolds Caravan Park site (application reference BE/46/19/PL).

Condition (3) - the condition is unreasonable and unnecessary as it adds an additional layer of control for electric service/telecommunication providers which is not applicable to any other land or properties on Hook Lane (noting the longstanding presence of telecommunications wires on poles along Hook Lane).

Condition (4) - the condition is imprecise as it is unclear whether it is intended to give a control only for three months from 29th July 1987 or to permanently remove permitted development rights.

Condition (5) - the condition is imprecise as it does not define what the present form of the hedgerow was in 1986. It is not clear whether the landscaping scheme was ever submitted within the prescribed 3 month period and regardless, the landscaping scheme element does not go on to state any further requirements, such as a replanting or retention element.

ASSESSMENT OF CONDITION TESTS:

Condition (1) - whilst it is unusual for an application to seek to remove the standard time limit condition, it is clear that the condition no longer meets the 6 tests for the imposition of conditions in that it is no longer necessary and as such, there can be no objection to its removal.

Condition (2) - it is agreed that the condition is not necessary as the number of caravans on the site is separately restricted by the conditions of the site licence and whilst this may allow for an increase in the number of homes (such as with the replacement of larger twin units with smaller single units should units become unoccupied), the increase is unlikely to be significant. Further, this approach does indeed reflect that taken with respect to the Marigolds site granted in September 2019.

Condition (3) - it is agreed that this condition is unreasonable and unnecessary for the reasons set out by the applicant.

Condition (4) - it is agreed that there are issues with the precision of this condition such that it may no longer be enforceable. Furthermore, it is unreasonable to require a planning permission every time the park needs to carry out repairs out maintenance to roads, paths and mobile home hardstandings.

Condition (5) - There is a letter on the file for AL/93/86/ from the then applicant to Arun District Council that states "We confirm receipt of the above consent and, following our discussions with your officers regarding Condition No. 5 of that consent, we confirm that you will accept strengthening of the boundary hedge in satisfaction of the condition". However, there is no written response from Arun DC or any details of how the hedge was to be strengthened. Therefore, there is no clear evidence that the condition was formally discharged. Notwithstanding, it is agreed that there are issues with the precision of this condition concerning what the form of the hedgerow was in 1986 (there is no evidence on the file

to clarify this) and also that beyond the initial requirement for the approval of a landscaping scheme within 3 months, the condition is no longer necessary. The condition is also now unenforceable as there is no evidence that it was ever complied with.

SUMMARY:

It is considered that in each case, the condition in question fails to meet all of the 6 tests. As noted above, the PPG is clear that in deciding an application to remove conditions, the local planning authority must only consider the disputed condition and not reconsider the wider planning situation. On this basis, it is considered that the non-compliance with the 6 tests is capable of allowing for a decision to be taken other than in accordance with the Development Plan and this outweighs any conflicts with development plan policy.

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

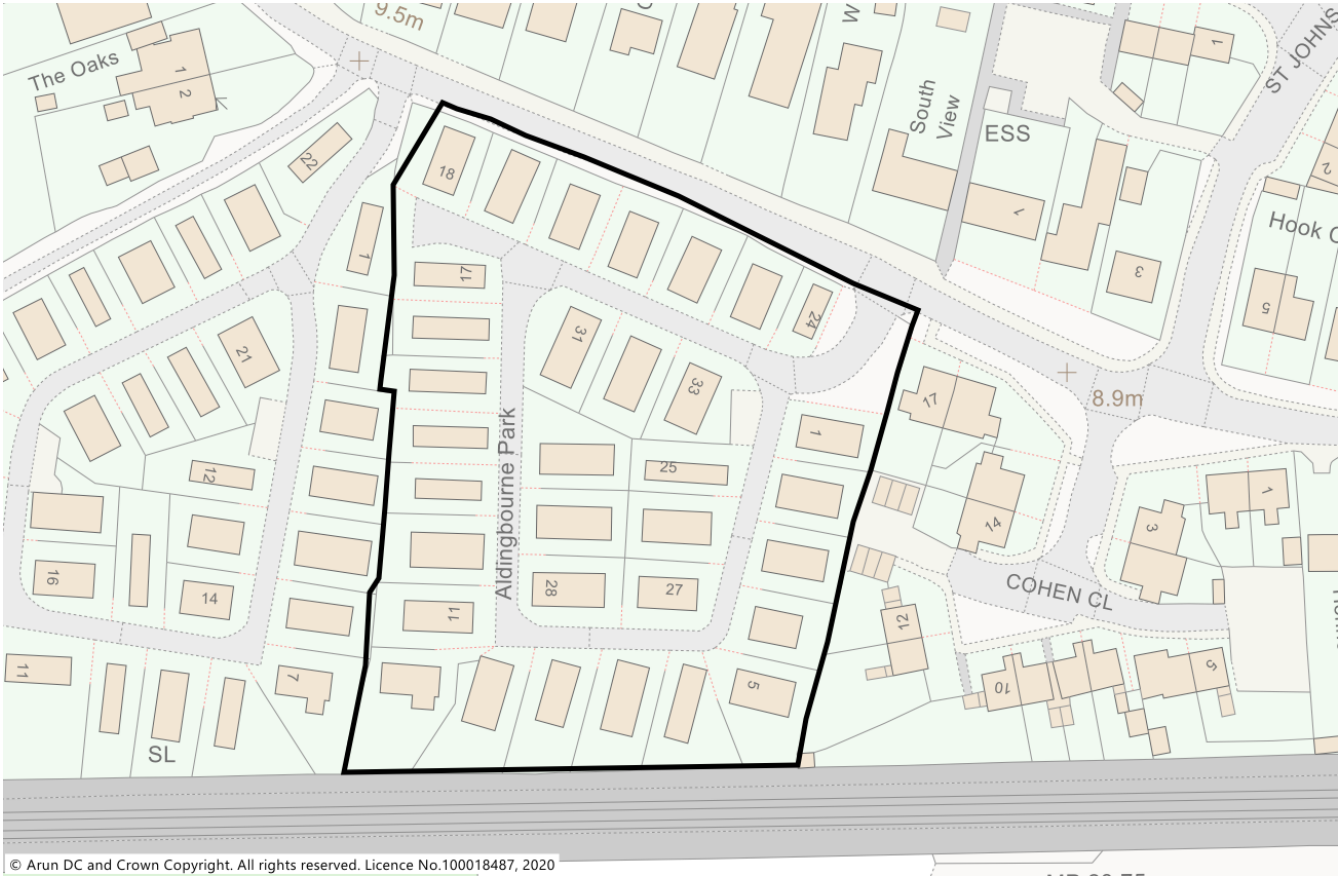
APPROVE

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

BACKGROUND PAPERS

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

AL/84/19/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: AL/85/19/PL

LOCATION: Aldingbourne Nurseries
Church Road
Aldingbourne
PO20 3TU

PROPOSAL: Retention of Shop used only by students of One School Global, their parents and friends of One School Global, who are registered to use the Shop, with no sale or display to visiting members of the public (sui generis use). This is a departure from the Development plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The shop is solely for use by parents and friends (who hold a registered vend account) of the One School (Global) Hindhead campus. Each customer has a unique log-in and vend account. There are approximately 50 pupils attending this school in the Bognor Regis area. The shop is run on a voluntary basis by parents and friends of the school and is open at varying times. There is no custom to visiting members of the public. The shop has most food items on sale with a mix of brands and there are some ancillary items. Notable exceptions were no loose vegetables/fruit, no newspapers/magazines and no tobacco products. The use commenced in December 2016.

The applicant is Campus & Co who run the shop but send 100% of all profits to One School (Global) who have over 130 campus schools in 20 different countries and are supported globally by the Plymouth Brethren Christian Church.

SITE AREA

1,285 square metres.

BOUNDARY TREATMENT

2m timber fencing Timber fencing and gates.

SITE CHARACTERISTICS

Predominantly hardstanding with a planted raised area on the northern side and a row of tall conifers to the eastern boundary with the road. The hardstanding surrounds the building with the majority to the front and all is available for parking.

The building comprises of 4 No. portacabins (relocated here from the previous shop site) secured together forming one general open area. The building has a low pitched metal clad roof with gable ends. External walls are clad in dark brown horizontal timber feather edge wide planks and door and windows in dark brown UPVC double glazed units. There is a partially covered wheelchair ramp on the front and three air

conditioning units attached at front & back.

CHARACTER OF LOCALITY

Part of the Aldingbourne Nurseries site adjacent to the driveway access for the Plymouth Brethren Gospel Hall and shares the gated access from Nyton Road. The Aldingbourne Nurseries site is accessed from Church Road. To the north west is a site occupied by travelling showpeople.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Departure from development plan and an overdevelopment. It is outside the Built Up Area Boundary.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Natural England

South Downs National Park

WSCC Strategic Planning

Economic Regeneration

Environmental Health

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - No comments.

SOUTH DOWNS NATIONAL PARK AUTHORITY - No comments.

SOUTHERN WATER - No objection. Request an informative regarding connection to the foul sewer.

WSCC HIGHWAYS - No objection subject to a condition to secure vehicle turning space.

- Wide access and allows two cars to use the access simultaneously, good visibility in both directions;
- Access to school shop will be taken from access road, which is privately maintained;
- Ideally the access onto the driveway should be designed to provide good visibility in both directions with adequate width to allow cars to enter and exit safely;
- The car park will accommodate up to 15 cars;
- As the site is considered to be sui generis use class no parking standards can be applied. WSCC advise any spaces should be created in line with manual for streets guidance of 2.4m x 4.8m. The layout should allow for parking and turning enabling cars to exit the site in forward gear;
- There are no footways or footpaths in the site and none are present on Nyton Road which suggests all trips would come to the site in a private car;
- Bus and rail services are close by however no footpaths make it difficult to reach;

- The size of the shop and likelihood of the trips being combined with the Gospel Hall are high, and as such it is not expected that there would be a significant capacity impact.

ADC DRAINAGE ENGINEERS - No comments.

ADC ECONOMIC DEVELOPMENT - No objection.

ADC ENVIRONMENTAL HEALTH - State no comments.

COMMENTS ON CONSULTATION RESPONSES:

In respect of the Southern Water comment, the application states that the building is already connected to mains drainage.

Regarding the WSCC Highways response, the access into the shop site is considered wide enough for two cars and visibility was not considered to be a problem when exiting after the site visit. It is not considered that a turning condition is reasonable or necessary as there is already vehicle turning space within the site and an informal parking arrangement is acceptable given the low use levels.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Class B Road;
Area of Special Control of Adverts;
Lidsey Treatment Catchment Area;
Horticultural Local Development Order;
WSCC Mineral Consultation Area - Sharp Sand & Gravel; and
Within 12km of the Singleton & Cocking Tunnels Special Area of Conservation.

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
QESP1	QE SP1 Quality of the Environment
HWBSP1	HWB SP1 Health and Wellbeing
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

[Aldingbourne Neighbourhood Plan 2016 POLICY EE9](#) Sustainable Commercial and employment buildings

Aldingbourne Neighbourhood Plan 2016 POLICY EH1 Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY Unlit village status

EH10

Aldingbourne Neighbourhood Plan 2016 POLICY GA1 Promoting Sustainable movement

Aldingbourne Neighbourhood Plan 2016 POLICY GA3 Parking and new development

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

POLICY COMMENTARY

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

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

The relevant policies of the Aldingbourne Neighbourhood Development Plan are referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with the Development Plan policies in that new retail development in this out of centre location is not appropriate.

OTHER MATERIAL CONSIDERATIONS

The applicant has supplied a legal opinion which advises that the shop is not a class A1 retail use and is classed as sui generis. The advice is clear that an A1 retail use has to include sales to visiting members of the public and this is not the case with this shop. The advice refers to established case law (The Queen v Thurrock Borough Council, Costco Europe (UK) Ltd, Lakeside Trading Estate Ltd 1993) which confirmed that a similarly restricted retail operation operated on a membership basis, was not to be regarded as Class A1 retail.

The Council's principal lawyer agrees with the legal opinion. The sui generis use ensures control is retained over the shop and prevents its use as an A1 store. This allows the Council to consider the proposal as a special case and approve the development contrary to development plan policy.

CONCLUSIONS

PRINCIPLE OF RETAIL USE IN THE COUNTRYSIDE:

The site lies outside the Built Up Area Boundary (BUAB) in both the Arun Local Plan (ALP) and the

Aldingbourne Neighbourhood Plan (ANDP).

ALP policy C SP1 allows for development in the countryside where it accords with another policy in the Local Plan. The proposed use is not in accordance with part (3) of ALP policy RET DM1 as this only allows retail uses outside of the centres defined on the Policies Maps where the proposal:

- a. The scheme meets the impact tests of the NPPF;
- b. The scheme is easily accessible by the highway network and public transport;
- c. The scheme includes provision for access by cycle and on foot;
- d. The scheme includes appropriate provision to enable access for people with disabilities.

In this case, (a) is not met as no sequential test has been provided; (b) is not entirely met as the site is not easily accessible by public transport; and (c) is not entirely met as although it is possible to cycle to the site, walking is not an option. However, (d) is met as the site has level access and a disabled access ramp up to the store.

On the basis that the proposal does not comply entirely with policy RET DM1, it also does not comply with ALP policy C SP1 and therefore is in conflict with the Arun Local Plan.

There is conflict with the older ANDP as policy EH1 states proposals for development outside of the built-up area boundary, that do not accord with development plan policies in respect of the countryside will be resisted. ANDP policy GA1 states development proposals that increase travel demand will only be supported where they can demonstrate they extend/improve walking & cycling routes and are located in places accessible to public transport. This site is not easily accessible by non-car modes of transport (cycling excepted).

DESIGN & AMENITY:

ALP policy D DM1 requires the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. The policy requires the scale of development keep within the general confines of the overall character of a locality. ALP policy DSP1 "Design" requires development to make an efficient use of land and also reflect local character.

It is not considered that the use represents overdevelopment as the building occupies a small part of the site whilst the site itself is an unused part of the Aldingbourne Nurseries. The site retains the eastern boundary trees and the planted bund on the northern side. The building has a functional appearance but is clad in timber which is a suitable material to the rural environment. It is not considered that the design is inappropriate and there are no views of the site or the building from nearby public viewpoints (such as Nyton Road). The proposal accords with the ALP design policies.

RESIDENTIAL AMENITY:

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

The site is not close enough to dwellings to warrant a full assessment of the likely impacts. The nearest dwellings are nos. 1-2 Aldingbourne Barn at 35m to the northwest and there is a row of cottages forming part of Aldingbourne Nurseries at around 115m to the south. The site is within the wider Aldingbourne

Nurseries (commercial) site and close to the Plymouth Brethren Church Gospel Hall. The use is not likely to result in harmful noise disturbance and it is noted Environmental Health have not objected. The proposal is in accordance with policies on residential amenity.

HIGHWAYS & PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network and promotes sustainable transport. In respect of parking, it states: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

ANDP policy GA1 seeks to promote sustainable (non-car) forms of transport. It requires development to be located in places accessible to public and community transport. ANDP policy GA3 requires parking be provided in accordance with the standards adopted at the time. ANDP policy EE9 states where appropriate, all new commercial and employment development, shall be designed to provide secure parking and storage of bicycles for customers and employees.

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

WSSC Highways raise no objections and note the access onto Nyton Road is wide enough for two cars, has good visibility in both directions and allows cars to wait off the highway if the gates are closed. They advise that the parking area is large enough to accommodate up to 15 cars but that there are no applicable parking standards for this sui generis use. They consider that although the site is not sustainably located and that most trips will be by car, the size of the shop, the size of the customer base and the potential for trips to be combined with the Gospel Hall are high, and as such it is not considered that there would be a significant capacity impact.

The site does not have any secure storage for bicycles, however, the site is secure given it benefits from gated access from Nyton Road and gated access into the site. The shop benefits from CCTV over the car park. The occasional cyclist customer/staff member can be confident that a bicycle left locked outside the shop will be secure and as such it is not appropriate to insist on cycle storage at the site.

Although there is some conflict with relevant ALP and ANDP policies in respect of the unsustainable location of the site, the particular nature of the use and small customer base combine to allow for the development to be considered acceptable in highway terms.

SUMMARY:

The principle of the use conflicts with policies of the development plan which seek to focus retail development to town and local service centre locations and to prevent unnecessary development in the countryside. This is not a normal retail use with no sales no visiting members of the public (so not in class A1 of the Use Classes Order) and has a very small customer base (those with a connection to the school and thus a registered vend account). Its location adjacent to the Plymouth Brethren Gospel Hall allows for some trips to be combined. These circumstances have significant weight in this assessment and conflict with the development plan can be disregarded in favour of granting permission.

It was considered whether to impose a personal permission condition. Paragraph 015 (Reference ID: 21a-015-20140306) of the National Planning Practice Guidance (NPPG) states: "A condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company". Consideration has been given to a temporary permission (which the applicant suggested) however this would only be appropriate if the Local Planning Authority wanted to monitor a use and review its impacts at a later date. The use has been running for over 4 years with little impact and so a temporary permission would not be relevant.

It is recommended the application be approved in accordance with the following conditions/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 premises shall only be available to parents and friends of One School Global who hold a registered vend account and there shall be no trade to visiting members of the wider public.

Reason: Planning permission has been granted exceptionally for the proposed retail use in conflict with policy RET DM1 of the Arun Local Plan therefore it is necessary to control the specific nature of the retail use.

- 2 Within 2 months of the planning permission being granted, the applicant shall submit for approval in writing by the Local Planning Authority details of any external lighting currently installed on the site or that is to be installed on the site. Such details shall include type of light appliance, the height and position of fitting, illumination levels and light spillage. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise

potential impacts to any bats in the area 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 and policy EH10 of the Aldingbourne Neighbourhood Development Plan.

- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 4 INFORMATIVE: A formal application for connection to the public sewerage system may be required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read New Connections Services Charging Arrangements documents which is available to read on the SW website: <https://beta.southernwater.co.uk/infrastructurecharges>.

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)

AL/85/19/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: AL/91/19/PL

LOCATION: Beechfield Park
Hook Lane
Aldingbourne
PO20 3YR

PROPOSAL: Removal of conditions 2, 3, 4 & 5 following AL/95/86 relating to number of caravans on site, electric service lines, no works constituting development required by the condition of a site licence & existing boundary hedges retained in current form.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This is an application under Section 73 of the Town and Country Planning Act 1990 (determination of applications to develop land without compliance with conditions previously attached). This sets out that:

"(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."

The conditions in question are as follows:

(2) The number of caravans stationed on the site shall at no time exceed 33 in total. Reason: To avoid an overcrowded appearance and to secure satisfactory standards of space and amenity.

(3) Notwithstanding the provisions of the Town and Country Planning General Development Orders 1977 to 1987, no electric service lines shall be erected or placed on the application site above ground level without the prior permission in writing of the Local Planning Authority. Reason: To enable the Local Planning Authority to exercise control in

the interests of visual amenity.

(4) Notwithstanding the provisions of the Town and Country Planning General Development Orders 1977 to 1987, no works constituting development required by the condition of a site licence for the time being in force under Part 1 of the Caravan Sites and Control of Development Act, 1960 shall be commenced without the prior approval in writing to be undertaken within 3 months of the date of this permission to the satisfaction of the Local Planning Authority. Reason: To enable the Local Planning to retain control and secure a satisfactory development of the site.

(5) The existing boundary hedges shall be retained in the present form, with further planting in accordance with a scheme to be submitted to and approved by the Local Planning Authority within 3 months from the date of this permission. Reason: In the interest of visual amenity.

BOUNDARY TREATMENT

Mixed timber fencing supplemented by hedging particularly along the Hook Lane frontage.

SITE CHARACTERISTICS

Existing long established residential mobile home park currently comprising of 33 mobile homes each with parking spaces and small private gardens. Access from Hook Lane.

CHARACTER OF LOCALITY

Predominantly residential with another residential mobile home park to the east and bricks & mortar residential houses to the northwest and north. Railway line to the south with horticultural site beyond. Access track leading to the railway line running along the northwestern/western boundary. There is a post office/shop, public house and bus stops a short walk to the east on Lidsey Road.

RELEVANT SITE HISTORY

AL/95/86	Change of use from holiday to full residential use	ApproveConditionally 02-09-87
AL/84/19/PL	Application for removal of conditions 1, 2, 3, 4 & 5 imposed on planning reference AL/93/86 relating to timescale, number of caravans, electric lines, site licence & hedges	

Planning application AL/95/86 granted planning permission for the site. Application AL/84/19/PL refers to the adjoining site for which there is a similar application in for determination.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

Objects to this application on the grounds that the existing conditions seem reasonable and, therefore, sees no reason to change the regularisation.

COMMENTS ON REPRESENTATIONS RECEIVED:

Planning and (caravan site) licensing are separate regimes and that any existing conditions on the site licence will be unaffected by the result of this planning application.

CONSULTATIONS

Environmental Health

WSCC Strategic Planning

Natural England

South Downs National Park

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - No comments to make on this application.

WSCC HIGHWAYS - No objection:

- Hook Lane is a C-classified road subject to National Speed Limits;
- Only condition 2 is of interest to the Highway Authority;
- While the replacement of twin units with single units may result in a small increase in units being provided onsite, it seems unrealistic that this would be possible in practice;
- It is also questionable if such a re-organisation of the site would yield an increase in which the LHA would consider a material increase in highways terms.
- Therefore the proposal will not result in a severe intensification of use of the site access or have an unacceptable impact on highway safety.

ADC ENVIRONMENTAL HEALTH - No objections/comments re removal of conditions 3, 4 & 5 but condition 2 should be retained on the grounds of avoiding an overcrowding appearance, visual amenity and in securing satisfactory standards of space with regard to amenity.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The objection of Environmental Health is also noted but as the conditions of the site licence will be unaffected, there will still be sufficient control on the site to avoid overcrowding and maintain appropriate standards of visual and residential amenity.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;

Flood Zone 1 (low risk);

Lidsey Treatment Catchment Area;

Area of Special Control of Adverts;
Within 12km of Singleton and Cocking Tunnels Special Area of Conservation; and
Class C Road.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
ENVDM4	ENV DM4 Protection of trees
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development

Aldingbourne Neighbourhood Plan 2016 POLICY EH1 Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY EH6 Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2016 POLICY GA3 Parking and new development

Aldingbourne Neighbourhood Plan 2016 POLICY H3 Housing density

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

The relevant policies of the Aldingbourne Neighbourhood Development Plan are referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with the Development Plan policies in that has the potential to result in more residential dwellings in the countryside.

OTHER MATERIAL CONSIDERATIONS

Notwithstanding the conflict with the Development Plan, it is material that as according to the 6 condition

tests (para 55 of the NPPF & paragraph: 003 (reference ID: 21a-003-20190723) of the PPG), the conditions are either not appropriate or no longer relevant/necessary and should therefore be removed.

Paragraph 55 of the NPPF states that: "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects".

CONCLUSIONS

Principle

The caravan park lies outside (albeit adjacent to) of the defined settlement boundary (built up area boundary or BUAB) as shown within the ALP and therefore falls within the countryside. ALP policy C SP1 "Countryside" states that outside of the defined BUAB, development will only be permitted where it is for a specific type of development.

The proposal seeks to make changes to the existing permission which could lead to a greater number of residential mobile homes on the site and this does not fall into any of these categories and the proposal is therefore contrary to the countryside policy in the ALP.

The BUAB in the ANDP is the same as in the ALP and policy EH1 states development on sites outside of the BUAB which do not accord with the ALP policy will be resisted unless they are for essential utility infrastructure, where the benefits outweigh any harm, and it can be demonstrated that no reasonable alternative sites are available. In respect of policy EH1, it is not considered that this proposal leads to noticeable harm to the character of the area and clearly it is not relevant to consider alternative sites.

Highway Safety

Policy T SP1 seeks to ensure that development provides safe access on to the highway network and explains how the development has been designed to create safe and secure layouts for traffic, cyclists and pedestrians. Paragraph 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 also be had to para 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

West Sussex Highways acknowledge that as a result of the proposal there may be an increase in the number of homes on the site but they do not consider this to be significant and therefore, there will be no severe intensification of use of the site access or an unacceptable impact on highway safety. There is therefore no conflict with planning policy on highway safety.

Parking

ANDP policy GA3 states that development proposals must provide adequate parking in accordance with the standards adopted at the time. The Arun Parking Standards Supplementary Planning Document (SPD) does not contain any standards specific to mobile homes but 1-3 bed residential dwellings in this location would require 2 spaces each.

The Site Licence specifies that at least 1 parking space is to be provided and as such typically mobile homes only provide 1 space to the side of the home. Aldingbourne Park also provides a small amount of visitor parking.

Whilst technically there is conflict with the Parking Standards SPD and by connection, ANDP policy GA3, it is not considered that this conflict attracts any great weight as any increase in new homes will only be small and as the site is located in a sustainable location adjacent to the BUAB and within only a very short walk of a shop, pub and bus stops. Furthermore, there is no evidence either on site or from WSCC Highways of any existing parking issues associated with the current levels of parking at the site.

Trees

ALP policy ENV DM4 states development will be permitted where it can be demonstrated that trees contributing to local amenity will not be damaged or destroyed. ANDP policy EH6 states damage to trees and hedgerows of amenity value will only be permitted unless the need for, and benefits of, development in that location clearly outweigh the loss. The hedge is considered to have amenity value to the streetscene and as such, any proposal to remove the boundary hedgerows would be contrary to these two policies.

Density & Visual Amenity

ALP policy D DM1 requires that the density of new housing make efficient use of land whilst maintaining character and local distinctiveness. ANDP policy H3 states that the density of new development shall be appropriate to its location by virtue of size, siting and relationship to existing properties.

Regardless of whether this proposal results in additional homes being added to the site, there will be no real harm to the character of the area or the streetscene as the homes are all a set height (single storey) and any new homes added to the site are not likely to result in a significant increase in density or overcrowding as the site licence conditions must still be adhered to:

- Minimum of 6m between any mobile homes and between mobile homes & any buildings;
- Minimum of 3m between a mobile home and a site or highway boundary (except to the track running between Hook Lane and the railway line on the western side of the park.

OTHER MATERIAL CONSIDERATIONS:

The above discussion sets out that any future increase in the number of mobile homes at the site or remove the boundary hedges will be in conflict with development plan policies in respect of development in the countryside and the protection of amenity trees/hedges. However, it is material that paragraph 55 of the NPPF states that:

"Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects."

Paragraph 031 (reference ID: 21a-031-20180615) of the Planning Practice Guidance states that in deciding an application to remove conditions, the local planning authority must only consider the disputed condition/s that are the subject of the application and is not allowed to re-consider the whole application.

The applicant considers that the conditions in question no longer meet the tests as set out in paragraph 55 and should therefore be deleted. The applicants arguments are as follows:

Condition (2) - the condition is not necessary, relevant or precise:

(a) Necessary: the site licence controls the practical numbers of caravans that can be achieved on a

mobile home site by reference to distances from each caravan to other features such as boundaries, roads and other caravans and the densities which can be achieved. The site licence gives an adequate level of control to prevent overcrowding and secure appropriate standards of space and amenity for residents.

(b) Relevant: The site has the benefit of a planning permission for residential mobile homes and the ongoing control of the site should only need to be controlled by the site licence.

(c) Precise: The exact meaning of what this condition was trying to control is not precise. Caravan sizes have grown over the years to encompass both single and twin units. The impact of 33 small units compared with 33 twin units is clearly different, as would any mixture of unit sizes.

The applicant also notes that Arun DC previously accepted that such a condition on numbers of homes was not necessary at the Marigolds Caravan Park site (application reference BE/46/19/PL).

Condition (3) - the condition is unreasonable and unnecessary as it adds an additional layer of control for electric service/telecommunication providers which is not applicable to any other land or properties on Hook Lane (noting the longstanding presence of telecommunications wires on poles along Hook Lane).

Condition (4) - the condition is imprecise as it is unclear whether it is intended to give a control only for three months from 29th July 1987 or to permanently remove permitted development rights.

Condition (5) - the condition is imprecise as it does not define what the present form of the hedgerow was in 1986. It is not clear whether the landscaping scheme was ever submitted within the prescribed 3 month period and regardless, the landscaping scheme element does not go on to state any further requirements, such as a replanting or retention element.

ASSESSMENT OF CONDITION TESTS:

Condition (2) - it is agreed that the condition is not necessary as the number of caravans on the site is separately restricted by the conditions of the site licence and whilst this may allow for an increase in the number of homes (such as with the replacement of larger twin units with smaller single units should units become unoccupied), the increase is unlikely to be significant. Further, this approach does indeed reflect that taken with respect to the Marigolds site granted in September 2019.

Condition (3) - it is agreed that this condition is unreasonable and unnecessary for the reasons set out by the applicant.

Condition (4) - it is agreed that there are issues with the precision of this condition such that it may no longer be enforceable. Furthermore, it is unreasonable to require a planning permission every time the park needs to carry out repairs out maintenance to roads, paths and mobile home hardstandings.

Condition (5) - Unlike with the adjoining site (Aldingbourne Park) there is no correspondence on the original file in respect of the discharge of the landscaping condition and therefore there is no evidence that the condition was formally discharged. Notwithstanding, it is agreed that there are issues with the precision of this condition concerning what the form of the hedgerow was in 1986 (there is no evidence on the file to clarify this) and also that beyond the initial requirement for the approval of a landscaping scheme within 3 months, the condition is no longer necessary. The condition is also now unenforceable as there is no evidence that it was ever complied with.

SUMMARY:

It is considered that in each case, the condition in question fails to meet all of the 6 tests. As noted above, the PPG is clear that in deciding an application to remove conditions, the local planning authority must only consider the disputed condition and not reconsider the wider planning situation. On this basis, it is considered that the non-compliance with the 6 tests is capable of allowing for a decision to be taken other than in accordance with the Development Plan and this outweighs any conflicts with development plan policy.

This Section 73 application does not seek to remove the time limit condition on the original planning permission therefore this condition remains in force however it has been complied with and as such it is not relevant to reimpose the condition on this new planning permission.

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

- 1 **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](#).

AL/91/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



PLANNING APPLICATION REPORT

REF NO: A/122/19/OUT

LOCATION: Land off Arundel Road
Angmering
BN16 4ET

PROPOSAL: Outline application with some matters reserved for the erection of up to 160 dwellings with public open space, landscaping and sustainable drainage systems (SuDs), vehicular access point from Arundel Road; together with up to 1,393 square metres (15,000 square feet) of B1/B2 units with associated parking provision and vehicular access point from Arundel Road and land made available for expansion of current sports pitch provision (following the demolition of existing commercial units and one bungalow) (re-submission following A/36/18/OUT). This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This outline planning application is for the erection of up to 160 dwellings, the provision of B1/B2 employment uses and the supply of land for sports pitch provision on land west of Arundel Road, in Angmering. The applicant is applying for access to the site as part of this outline planning application. Details regarding the appearance, scale, layout and landscaping of the proposed development would be submitted for consideration as part of a reserved matters application.
SITE AREA	9.1 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	35 dwellings per hectare.
TOPOGRAPHY	Predominantly flat. Land rises to the north.
TREES	Two oak trees (T8 and T9) situated on the western boundary of the site have been protected by a Tree Preservation Order (TPO/A/2/19). There are no other individual trees affected by the proposed development which are worthy of retention.
BOUNDARY TREATMENT	The boundary treatment for the site varies and includes post and rail fencing, hedgerows and trees of various heights.
SITE CHARACTERISTICS	The site is in mixed use with 2.45 hectares on the eastern part of the site in residential use, comprising New Place Bungalow, together with an existing industrial estate which includes caravan storage in the south east corner. The western part of the site comprises open countryside in agricultural use.
CHARACTER OF LOCALITY	The site lies in a predominantly rural area which is characterised by a linear form of existing and approved residential development along the road frontage with Arundel Road. The site is bounded to the south by playing fields, sports pitches including a cricket pitch, a pavilion and a multi-

use games area (MUGA) at Palmer Road Recreation Ground. Open agricultural fields adjoin the site to the west. The site is bounded to the north by Steyne Wood and to the north west by Decoy Spring and ponds; and to the east by houses fronting onto Arundel Road, and a plot of land with planning permission (A/131/16/OUT) for 9 houses which also fronts onto Arundel Road. To the north east of Arundel Road is the woodland of Poling Furzefields.

RELEVANT SITE HISTORY

A/36/18/OUT Outline planning application with some matters reserved Refused
for the erection of up to 200 dwellings with access, public open space, landscaping and sustainable drainage system (SuDS) with vehicular access point from Arundel Road, one full-sized adult football pitch and the demolition of industrial units and one residential dwelling. 07-09-18
Departure from the Development Plan.

The previous outline planning application (A/36/18/OUT) was refused on the following grounds:

- Outside the Built Up Area Boundary;
- No contribution towards infrastructure;
- Failed to identify an adequate affordable housing tenure split;
- Insufficient information to enable an assessment of the ability of the highway network to accommodate the development without adding to the hazards of highway users to an unacceptable degree; and
- The loss of an established employment site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Support the application.

The Parish Council agrees with the additional information on highways, parking and employment.

Fifty two letters of representation, together with a petition with 445 signatures, have been received from local residents and tenants of the industrial estate objecting to the proposed development on the following grounds:

- This is a departure from the Local Plan and Neighbourhood Plan. The site is not allocated for housing.
- Angmering has already taken enough new housing developments (600 homes over last 5 years).
- There is already enough housing granted planning permission off Water Lane, in Angmering.
- The schools and doctors cannot cope with all of the housing developments in Angmering.
- A new primary school must be opened before any further housing is granted in Angmering.
- There is no dental practice in Angmering.
- The junction from Arundel Road onto the A27 is dangerous enough without adding extra traffic.
- There is no right turn (eastwards) onto the A27 so cars will use housing estates as a rat run.
- Traffic signal controls are required at A27/B2225 junction incorporating pedestrian crossing phases.
- Arundel Road is already busy at school time.

- Arundel Road is congested with parked cars outside the primary school at the start/end of the day.
- The proposed access onto Arundel Road is sub-standard with a lack of visibility southwards.
- Arundel Road cannot accommodate the present level of peak time traffic.
- Arundel Road is used by people accessing the supermarkets in the area.
- The main supermarkets and shops are south of the village.
- An extra 400+ journeys a day would cause localised chaos on Arundel Road.
- The existing traffic speeds along Arundel Road are unacceptable.
- Heavy construction vehicles visiting the site would pass St Margaret's Primary School.
- There is no pavement on Arundel Road alongside School House.
- There is an open invitation from School House to experience the danger of crossing the road.
- Attempting to access and egress School House is a risk due to its location on a blind bend.
- The Travel Plan is inaccurate (there is no bus service on Sunday and Bank Holidays).
- The site is prone to flooding.
- The Flood Risk Assessment should investigate widespread infiltration to reduce flooding.
- Two parking spaces on Decoy Drive would need to be purchased to accommodate the development.
- Uninterrupted trading of existing businesses on the industrial estate should be allowed.
- There would be an unacceptable loss of 16 small businesses from the site.
- Will the new industrial units be constructed prior to the demolition of existing units?
- Two storey commercial units would cause noise pollution and be visible from existing houses.
- The proposed housing is in close proximity to existing houses on Arundel Road.
- The development would result in the destruction of wildlife and loss of green fields.
- The proposed development would add to air and noise pollution.
- The proposed development would result in a decreased quality of life for existing residents.
- The location of the LAP in close proximity to the road would be an unacceptable risk to children.
- A condition should be imposed securing Steyne Woods against unlawful activities.
- There is no need for a sports hub.
- There is a lack of detail on the sports hub in the planning application.
- The proposed sports hub is likely to encourage the LPA to grant permission for the development.
- Prior to determination of this application a feasibility study must be prepared to assess how S106 monies from developments on Roundstone Lane can achieve the requirements of the Playing Pitch Strategy at Palmer Road without the need for additional land.
- Why is there fencing and a site office area already established along the Arundel Road boundary?

The outline planning application was discussed at the Angmering Advisory Group meeting on 5th December 2019 and an update was provided on the consultee responses.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and issues addressed in the Conclusions section below.

CONSULTATIONS

- NHS Coastal West Sussex CCG
- Ecology Advisor
- Highways England
- WSCC Strategic Planning
- Southern Water Planning
- Economic Regeneration
- Environmental Health
- Planning and Housing Strategy

Engineers (Drainage)
Sussex Police-Community Safety
Strategic Projects
South Downs National Park
Archaeology Advisor
Surface Water Drainage Team
Engineering Services Manager
Sport England South East
Highways England
Parks and Landscapes
Environment Agency
Sport England South East
Planning and Housing Strategy
Sussex Police-Community Safety
South Downs National Park
Sport England South East
Arboriculturist
Economic Regeneration
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND:

No objection.

A condition is required to set out the improvement works at the A280 / A27 / Titnore Lane roundabout junction to ensure that the scheme is delivered in the event that the Land North of Water Lane (A/40/18/OUT) development does not come forward with its associated mitigation. Another condition should also set out the improvements to the existing pedestrian crossing points on the A27; while the crossing is in place, the signs as proposed are not.

LOCAL HIGHWAY AUTHORITY:

No objection.

Conditions are required regarding pedestrian links to Palmer Road Recreation Ground, the provision of a controlled crossing on Arundel Road, the construction of the new vehicular access serving the site, the provision of parking spaces, and the submission of a Construction Management Plan and a detailed Travel Plan. A developer contribution of £576,000 (i.e. £3,600 per dwelling) is requested towards improvements to the A280/A27/Long Furlong; and the A259 Junctions (A259/Station Road roundabout and A259/A280 roundabout); or the A280 Water Lane; or the 280/Titnore Lane/A27. A developer contribution of £550,000 is also requested towards the implementation of a cycle route from the A27 to Angmering village centre.

ENVIRONMENT AGENCY:

The Environment Agency has no comments to make as this application falls outside the Agency's external consultation checklist.

SOUTHERN WATER:

No objection.

There is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will carry out detailed network modelling to establish the extent of works required and to design works in the most economic manner. The works would involve initial feasibility, detail modelling and preliminary estimates; flow monitoring; detail design; and construction. A condition is recommended requiring the phased occupation of the development to align with the delivery of any sewerage network reinforcement works.

WSCC FLOOD RISK MANAGEMENT:

No objection.

The site is at low risk from surface water flooding. Any existing surface water flow paths across the site should be maintained. The area is shown to be at low risk from groundwater flooding. The drainage designs should demonstrate that the surface water run-off generated up to and including the 100 year, plus climate change, critical storm would not exceed the run-off from the current site following the corresponding rainfall event. A developer contribution of £29,718 (£185 per home) is requested towards the Angmering Flood Alleviation Scheme to deliver sustainable water management for the Black Ditch catchment through Angmering.

ADC DRAINAGE:

No objection.

The application documents include a surface water drainage strategy. The strategy outlines that some infiltration testing has been completed and that poor infiltration results were found. More winter infiltration tests need to be completed to fully establish if infiltration is viable or not. Surface water drainage conditions are recommended.

SPORT ENGLAND:

No objection.

Sport England commented predominantly on the Palmer Road Recreation Ground (the sports hub). Angmering Cricket Club is interested in playing at the Sports Hub; on a non-turf pitch with a minimum boundary of 45.72 metres. The Local Football Facility Plan identifies the sports hub as top priority for a full size floodlit 3G pitch, improvement to the four grass pitches and new changing facilities. The Football Foundation supported investment into a new 3G pitch at the sports hub, rather than the creation of two new grass pitches on the application site.

SOUTH DOWNS NATIONAL PARK AUTHORITY (SDNPA):

No objection.

The site is outside the defined settlement boundary and the proposal would be a departure from the Local Plan and Neighbourhood Plan. It is not clear on the submitted plans whether off-site enhancements to the footpath to the west (FP 2176) would be proposed, or whether a cycle route alongside Arundel Road to the north would be provided. A future reserved matters application should include an appraisal of both internal and external lighting to consider what impact it may have on the dark skies of the National Park. Any floodlighting of the adjoining sports hub would need to consider the impact on the National Park. A cycle route from the A27 Hammerpot Junction to Angmering village centre; and a footpath link to the PRoW to the west of the site are supported.

ADC HOUSING:

No objection.

The applicant has submitted a revised Affordable Housing Statement and is proposing to provide 48 (30%) of the 160 dwellings for affordable housing, which is acceptable. The Council's Affordable Housing policy requires a tenure split of 75% rented and 25% intermediate housing. As at August 2019, there were 792 households in housing need on the Council's housing register. The revised affordable housing mix is considered to be acceptable.

ADC ENVIRONMENTAL HEALTH:

No objection.

Conditions are requested regarding the submission of a further acoustic (noise) report, the submission of a construction management plan; conditions controlling the hours of operation of the 2 sports pitches and deliveries to the industrial units; the provision of external lighting details and Electric Vehicle charging points within the housing development; together with conditions regarding contaminated land and asbestos.

ADC ECONOMIC DEVELOPMENT:

No objection.

The revised commercial unit provision is now suitable and reflects the Economic Development Team's aspirations for future provision of commercial accommodation on sites such as this.

ADC ARCHAEOLOGY:

No objection.

The site has the potential to contain archaeological interest and it should be trial trenched ahead of development to identify deposits of significance that might be present and to enable the implementation of appropriate measures for their preservation, whether in-situ or through further investigation, recording and dissemination of the results. The imposition of an archaeological condition is requested.

ADC CONSERVATION OFFICER:

The application site is located in close proximity to the following listed buildings: New Place Farmhouse, a Grade II* listed building and Decoy Cottage, a Grade II Listed Building; and Angmering Conservation Area, which contains a mixture of Grade II and II* Listed Buildings, and various locally listed buildings. A heritage statement has been submitted assessing the significance of the assets and the potential impact of the development upon them. The location of the application site, along with the area of woodland which separates New Place Farm House and Decoy Cottage from the site; and the Conservation Area is some distance from the site and is separated from it by a significant amount of later development, mean that the impact of the development on the various heritage assets would be extremely limited. It is considered that the proposed development would not harm the significance of the heritage assets due to their location and the lack of inter-visibility between them.

ADC GREENSPACE:

No objection.

The proposal includes a LEAP and a LAP and land for the provision of two sports pitches. The locations of the LEAP and the LAP are supported. A NEAP contribution is also triggered from this scale of development; this should be sought through the provision of new play equipment on the Palmer Road Recreation Ground. A robust planting scheme would be required to be submitted at the reserved matters stage to compensate for the removal of vegetation and allow for the formation of a Green Corridor within the site; and as the site is in close proximity to Steyne Wood and the National Park, and the treatment of the northern boundary would require careful consideration at reserved matters stage. Footways and cycleways are to be provided on the site with connections to the wider network, which are supported.

ADC ARBORICULTURE:

No objection.

The loss of trees should be mitigated through the provision of significant tree planting set out on a landscape plan at reserved matters. An Arboricultural Method Statement and a Tree Protection Plan would be required at the reserved matters stage.

ADC ECOLOGY:

No objection.

The bat, dormice and reptile mitigation measures would be suitable; and should be conditioned. The hedgerows on site are used by bats and dormice for commuting and foraging and should be retained and enhanced. The lighting scheme would need to take into consideration the presence of bats in the local area. Due to the presence of badgers on the site, a 20 metre buffer needs to be included around the sett, by means of condition. The proposed management of the public open space and attenuation ponds would provide suitable habitat for amphibians and Great Crested Newts. The proposed on-site enhancements and mitigation measures are supported and should be conditioned.

COASTAL WEST SUSSEX CLINICAL COMMISSIONING GROUP (CCG)

Object.

A developer contribution is requested of £183,670, which would overcome this objection. The contribution would be used most likely towards developing Willow Green and/or Coppice Surgery and the integrated services site, which would serve the catchment population of this proposed development.

SUSSEX POLICE:

No objection.

The development should be designed to Secured by Design standards.

CCTV should be provided by means of condition for the commercial units. The revised location of the LAP away from the site entrance is acceptable. Provision should be made to prevent the access of vehicles and motorcycles using the perimeter pedestrian recreational route or accessing the south side of Steyne Wood. Sussex Police are requesting developer contributions totalling £29,778.70 for the following:

- £2,110.59 towards officer start-up equipment cost in the Angmering Neighbourhood Policing Team.
- £2,675.40 towards officer start-up recruitment and training in the Angmering Neighbourhood Policing Team.
- £625.80 towards staff start-up equipment cost at Littlehampton Police Station.
- £318 towards staff start-up recruitment and training at Littlehampton Police Station.
- £18,560.91 towards the cost of accommodating a minimum of 2.5 additional officers/staff (which are required to police this development) at Littlehampton Police Station.
- £5,488.00 towards the vehicle fleet in the Angmering Neighbourhood Policing Team.

WSCC INFRASTRUCTURE:

WSCC is requesting developer contributions towards:

- Education: No spare primary / secondary / further secondary schools in catchment areas have spare capacity to accommodate the children generated. Formula based contribution into S106 Agreement so that the education contribution may be calculated at a later date. The contributions generated by this proposal shall be spent on the new primary school for Angmering or towards additional facilities at St Margaret's CE Primary School. The secondary contributions will be spent on phase 1 of the new secondary school serving Arun. The further secondary contributions shall be spent on additional facilities at the Angmering School Sixth Form.
- Library: A contribution generated by this proposal shall go towards development and enhancement of existing library services at Angmering Library.
- Fire and Rescue: Formula based contribution into S106 Agreement so that the fire service contribution may be calculated at a later date. The Fire and Rescue Service Contribution should be used towards the re-development of Littlehampton Fire Station.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and issues addressed in the Conclusions section below.

POLICY CONTEXT

Designation applicable to site:
Outside the Built-up Area Boundary in the Local Plan.

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
ECCDM1	ECC DM1 Renewable Energy
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
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest
HWBSP1	HWB SP1 Health and Wellbeing
SKILLSSP1	SKILLS SP1 Employment and Skills
1	
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Angmering Neighbourhood Plan 2014 POLICY CLW4 Health Facilities

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD3 Housing Mix

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design
Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density
Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments
Angmering Neighbourhood Plan 2014 POLICY HD9 Phasing of Residential Development
Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways
Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

POLICY COMMENTARY

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

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

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

Relevant Angmering Neighbourhood Plan (NP) policies have been taken account of and are addressed in the Conclusions section of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is 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 and the Angmering Neighbourhood Plan (NP).

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 under-delivered 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 17th December 2019 showed the Council can no longer demonstrate a 5 year Housing Land Supply (HLS) as required. The AMR shows there is 3.7 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 (HELAA Site Ref. 40) as being deliverable and noted it was considered suitable with no major constraints to overcome.
- the proposed employment development would match the amount of land that is currently classed as industrial uses at the site;
- the proposal to gift an area of land measuring 2.1 hectares for sports pitches would enable the land to the south to be re-developed into a Sports Hub, serving residents in the eastern part of the District.

CONCLUSIONS

PRINCIPLE:

This is an outline application with means of access details only. An indicative site layout plan has been submitted which demonstrates up to 160 dwellings could be provided together with 1,393 square metres of industrial floor-space, access roads, footpaths, public open space (including a LEAP and a LAP), parking and landscaping, together with 2.1 ha of land to be gifted to the District Council.

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 Angmering Neighbourhood Development Plan (March 2015) 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 Angmering NP 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 Angmering Neighbourhood Plan 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.

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 summer 2020. Angmering 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.

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, just over 15 minutes walking distance of a range of local shops, services, health and education facilities. There are bus services which enable access to Angmering railway station and the surrounding area. 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 outside the BUAB. The site does not form part of any proposed Local or Neighbourhood Plan allocation; but the Neighbourhood Plan Team are currently at the call for sites stage.

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 proposed development at the application site.

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

Angmering Neighbourhood Plan:

The Neighbourhood Plan (NP) was made on 11th March 2015. Policy HD1 of the NP seeks to focus development within the BUAB as defined in the neighbourhood plan. The application site is therefore classed as countryside by the Angmering NP; and the outline planning application conflicts with the Angmering NP.

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 Council's Housing Land Supply as set out in the Local Plan:

Members should note that the housing land supply target set out within the Local Plan 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 Council's Current Housing Land Supply Data

In February 2019, the Government published results of its Housing Delivery Test. This shows that Arun has under-delivered 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 in December 2019 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 is currently only a 3.7 year Housing Land Supply.

The reasons for the lower projected delivery include planning delays on some Strategic Allocations; 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 the 5 year housing land supply.

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) 2019 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 2019 HELAA report assessed the site (HELAA Ref. 40 - Land at Seven Acres and New Place Nursery) as "developable" with a yield of 95 dwellings, and a density of 30 dwellings per hectare. The report stated: "the site is considered to be viable and achievable." It was on this basis that this outline planning application (A/122/19/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 Angmering 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 a street lit pavement on Arundel Road to access services to the south of the application site in the village centre.

The proposal could help to support the local community by providing up to 160 dwellings with a mix of bedrooms (and 48 affordable homes) to meet future needs; and support the local economy by providing jobs in the Employment/Commercial Centre which would provide 1,393 square metres of floor space, and 2.1 ha of land is to be gifted to the District Council towards the delivery of the Sports Hub on the Palmer Road Recreation Ground. If approved, the development would be required to contribute towards local schools, libraries, the local health service and to contribute to a new cycle 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.

(5) Site Location:

The application includes a location plan and a Development Framework Plan. The Development Framework Plan shows the site in relation to a recently permitted residential development for 9 houses on land fronting Arundel Road. The BUAB in this part of Angmering excludes the application site and as a result, the application site has committed residential development for 9 houses outside of the BUAB to the east.

It is considered that 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 a footpath link to the PRow which runs to the west of the site and make contributions towards the delivery of a cycle route from the A27 in the north to Angmering Village Centre to the south.

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.

Employment/Commercial Development:

Policy EMP DM1(6) of the Local Plan says: "planning permission will be granted on sites outside the built-up area, provided that the proposals comply with criteria a-h. The proposed Commercial /

Employment Centre comprises the re-development of existing commercial premises on the site, in accordance with Policy EMP DM1(6.a). The proposed Commercial / Employment development would cover approximately the same amount of industrial floor-space as the existing employment uses on the site and consequently, it is considered that it would not intensify uses at the site to the detriment of existing routes and highways, in accordance with Policy EMP DM1(6.b). The detailed design, layout and landscaping of the site required by Policy EMP DM1(6.c) would be dealt with at the reserved matters stage. The accessibility of the site by public transport and by foot and by bicycle, as required by Policy EMP DM1(6.d) and the access and parking facilities required by Policy EMP DM1(6.e) are addressed in the Transport section of this report. The impact of the proposed Commercial / Employment Centre on the landscape, ecology and heritage assets in the surrounding area are considered in the respective sections of this report below, to ensure the development complies with Policy EMP DM1(6.f). The impact of the proposed Commercial / Employment Centre on neighbouring residential amenity is considered in the Residential Amenity section of the report below, so as to ensure the development complies with Policy EMP DM1(6.g). In terms of crime prevention, Sussex Police have submitted representations on the Development Framework Plan (i.e. the indicative layout plan) and amendments have been made to ensure crime prevention measures are incorporated, to ensure the development complies with Policy EMP DM1(6.h); and Sussex Police will be consulted on the detailed design of the Commercial / Employment Centre at the reserved matters stage.

Policy ER2 of the Angmering NP states that "there will be a general presumption against the loss of locations that provide employment within the Parish."

One of the reasons that the previous planning application (A/36/18/OUT) was refused permission was due to the loss of an established employment site and the fact that no provision was made for replacement employment provision on the site.

The existing industrial buildings have a floor area of approximately 1,389m² and the proposed employment development in the current planning application (A/122/19/OUT) comprises the provision of 1,393 square metres. Approximately 1.6 hectares of the site is currently occupied by caravan and car storage.

A Commercial Provision Statement has been submitted which confirms that the proposed B1/B2 element of the current outline planning application has increased significantly from when the application was initially submitted to the LPA. The employment provision has increased during the consultation period from 557 square metres up to a revised proposal for 1,393 square metres on the site, which would be spread over two storeys. The proposed employment floorspace would provide approximately the same amount of floorspace as currently exists within the application site (i.e. 1,389 square metres).

The employment site is currently occupied by 9 businesses, including vehicle repair shops and a pvc window showroom and workshop. The wider employment site is used for the storage of cars and caravans. There are approximately 16 full time and 4 part time employees based on the site. The existing businesses are accommodated in converted second world war structures (i.e. Nissan huts).

It is proposed that flexible floorspace would be provided including units of 500 to 1000 square feet through to 2,500 square feet units, as required. The Development Framework Plan shows 6 equally sized units of 2,500 square feet. The precise details of the B1/B2 floorspace would be determined at the reserved matters stage. The proposed development would provide a significant qualitative enhancement on the existing employment offer at the site, capable of supporting small offices or be sub-divided into services office space or provide industrial workshop space.

The floorspace proposed consists of Class B1 and Class B2 uses (which include offices, research and development, and general industrial). Class B1 uses are appropriate within residential areas. As there is

sufficient space within the Development Framework Document (the indicative layout plan) to accommodate the Commercial / Employment Centre without having a detrimental impact on existing houses on Arundel Road or on the proposed residential amenity, it is considered that Class B2 (general industrial) uses would be appropriate uses on this mixed use site. However, it is considered necessary to impose a condition restricting the ridge height of the employment buildings to 12 metres and no more than 2 storeys in height, limiting the uses to B1 and B2 due to the proximity to the South Downs National Park and to a development that would include 160 new dwellings; and to the amenity of the existing residents of Arundel Road and Palmer Road.

The detailed design, layout and landscaping of the units at reserved matters stage should take into account and respond to the sensitivity of the setting, as the site is only separated from the National Park by the A27 and Steyne Wood.

Subject to the imposition of conditions, the proposed employment part of the mixed use development is considered to be acceptable and complies with Policy EMP DM1(6) of the Local Plan and Policy ER2 of the Angmering NP.

Conclusion on Matters of Principle:

The principle of mixed use development (comprising residential and employment and the gifting of land for sports provision) on this site is clearly contrary to the policies within the Development Plan. However, the policies of the Local Plan 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 Angmering Neighbourhood Plan 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.

The proposed development of up to 160 houses on the site would go a considerable way in achieving the Council's Five Year Housing Land Supply. The proposed employment development would match the amount of land that is currently classed as industrial uses at the site, much of which is occupied by car and caravan storage. The proposed gifting of 2.1 ha of land for sports pitches in the south western part of the application site would also enable the land to the south known as Palmer Road Recreation Ground to be re-developed into a Sports Hub, serving the eastern part of Arun District, as identified in the Infrastructure Delivery Plan (the IDP). It is considered that these material considerations overcome the out of date policies in the Development Plan and justify the granting of planning permission for the mixed use development on this site.

TECHNICAL MATTERS

AGRICULTURAL LAND

The latest available classification map suggests that the site is both Grade 2 and either Grade 3A or 3B and is therefore to be considered as 'best and most versatile agricultural land (BMV)' which is the most flexible, productive and efficient. The NPPF (paragraph 170) requires that the Council takes into account the economic and other benefits of this type of land. The Local Plan's Sustainability Appraisal recognised that most of the undeveloped coastal plain within the District is high grade agricultural land. The loss of BMV is one factor in the decision making process.

Policy SO DM1 of the Local Plan states that "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."

Policy SO DM1 requires the submission of an Appraisal of Agricultural Land Quality and a Soil Resources Plan with this outline planning application, which demonstrates that care will be taken to preserve the soil resource, such that it can be incorporated into a productive green environment following development. An Appraisal of Agricultural Land Quality, a Soil Resources Plan and a Sustainability and Options Appraisal are currently being prepared and an Update will be provided.

ILLUSTRATIVE LAYOUT AND DESIGN

Policy D DM1 of the Local Plan requires proposed developments to "deliver or contribute to the ease of navigation within a new or existing development scheme through use of focal points (landmarks, gateways, vistas, corner buildings, active edges, existing topography), and/ or a variety of detail within the public realm".

Policy D SP1 of the Local Plan requires "all development proposals should be of good quality and demonstrate a high standard of design". Policy EMP DM1 of the Local Plan refers to a high standard of design and landscaping appropriate to the context.

The District's draft Design SPD says "the first step in the design process should be to carry out a detailed appraisal of the development plot and its surrounding context in order to ensure a clear understanding of the site and its wider setting. The appraisal should identify the constraints and opportunities presented by various aspects of the site and its surrounds, which will inform the upcoming development proposal. Major housing and masterplanning projects should approach site appraisal strategically, considering aspects such as surrounding settlements or landscapes, drainage patterns and transport networks." (Section D.01: (Site Appraisal))

Policy HD5 of the Angmering NP says new developments should demonstrate how they have considered their impact on the surrounding area.

Policy HD6 of the Angmering NP says "proposals for new development should demonstrate high quality design, reflect local distinctiveness, and seek to incorporate local design features evident in buildings in the surrounding area".

The Design and Access Statement provides an analysis of the site area and the wider context. The Statement addresses the following issues, which would be a matter for the detailed Reserved Matters stage, but provides an indication of the ability to deliver an acceptable scheme.

The Design and Access Statement states that the development will be set within an attractive landscape framework and has been structured to create a firm, green boundary to the settlement edge. New areas of open space will accommodate a range of green infrastructure uses. New recreational routes will meander through the open spaces around the development and provide key links to Arundel Road and to Palmer Road Recreation Ground. A new attenuation basin would be located within the north western corner of the site.

The Development Framework Plan (i.e. the indicative layout plan) shows a centrally located area of public open space, integrated within the housing layout which would be beneficial in the linking of all these areas allowing the greening of the development and for wildlife corridors to be established, increasing biodiversity across the application site.

The Development Framework Plan has been revised several times and the layout of the residential and

employment development; the green corridors of public open space running through the site together with the locations of the LEAP and the LAP; the location of the surface water attenuation basin in the north west corner of the site; and the land for pitches located in the south west part of the site are considered to be acceptable.

The indicative layout of the residential and employment development on the site shown on the Development Framework Plan (CSA/3467/136 Rev. G), and the site's relationship to the Palmer Road Recreation Ground to the south is considered to be acceptable in principle. The detailed site layout would be dealt with at the reserved matters stage.

CHARACTER AND APPEARANCE

The Design and Access Statement includes 4 Character Areas: Spine Street, Secondary Streets; Lane and Private Drives, and recreational routes. The Character Areas are defined by the road hierarchy that is proposed to be implemented within the residential part of the development.

It is considered that the character areas would need to be developed further at the reserved matters stage to include the proposed employment development, and move away from road hierarchy based character areas towards themed character areas based on the site itself, such as Gateway Character Areas alongside the new access road, Village Edge Character Areas alongside Arundel Road, and a Woodland Edge Character Area next to Steyne Wood, and so on. This would be achieved by imposing a condition requiring a design code masterplan to be submitted prior to the submission of the reserved matters stage.

The Design and Access Statement acknowledges that it is important that the new dwellings draw upon the traditional characteristics of the local vernacular architecture in Angmering Village to reinforce the sense of place established by the layout of the development in terms of the hierarchy of movement routes, the location of small open spaces along the spine streets and the provision of green infrastructure which encloses the residential development area. The use of traditional local vernacular in the residential development is supported in principle, due to the proximity of the site to Angmering Village Centre.

However, the Design and Access Statement is silent on the external appearance of the building in the proposed employment area. The reserved matters application would need to include information on the elevations and floor-plans of the employment building; and information on external storage space.

DENSITY AND SCALE

Policy D DM1 of the Local Plan says "the density of new housing will make 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. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity" (Policy D DM1(13)).

Policy HD7 of the Angmering NP seeks to ensure that the density of new development is in keeping with the surrounding area and should be complied with.

The Design and Access Statement states that higher densities of development would take place along the Spine Streets, which would create strong building frontages. Lower density development would front onto the green infrastructure along the northern, southern and western edges of the site. Lower density development would overlook the proposed housing along Arundel Road so as to respect the character of the existing housing on Arundel Road. The density of development on the site would be set out in more detail at the reserved matters stage.

The new houses would generally be 2 storey in height, but 2 and a half storey houses would be

introduced to emphasise the Spine Streets; overlook and frame areas of open space; terminate vistas and punctuate the street scene. The scale and height of the buildings would be dealt with in more detail at the reserved matters stage, but the principle of using 2 storey and 2 and a half storey houses is considered to be acceptable.

The Design and Access Statement is silent on the scale of the building on the employment site. Bearing in mind the relationship of the employment site and the existing houses on Arundel Road; and the location of the South Downs National Park, it is considered appropriate to restrict the height of the employment building to 2 storeys, by means of a condition.

Subject to a condition restricting the height of the buildings on the Commercial / Industrial area, the proposed densities set out in the Design and Access Statement showing the building heights and the different densities of development across the site complies with Policy D DM1 and Policy ENV DM4 of the Local Plan and Policy HD5, Policy HD6 and Policy HD7 of the Angmering NP.

AFFORDABLE HOUSING and HOUSING MIX

Policy AH SP2 of the Local Plan says "for all developments of 11 residential units or more the Council will require a minimum 30% of the total number of units proposed on site to be provided as affordable housing on the same site in the first instance".

One of the reasons that the previous planning application (A/36/18/OUT) was refused permission was due to the failure to identify an adequate affordable housing tenure split.

A revised Affordable Housing Statement was submitted during the consultation period for the current planning application (A/122/19/OUT) and the residential development on the site includes 48 affordable houses (30% provision which accords with the affordable housing policy in the Local Plan), and comprises 75% Affordable Rent and 25% Shared Ownership. The proposed quantum of affordable housing is considered to be acceptable.

The types and sizes of the houses would be provided at the reserved matters stage. The applicant will need to ensure at the reserved matters stage that the affordable housing would be pepper potted around the site and would not be clustered entirely in one location on the site.

The revised Affordable Housing Statement sets out the following housing mix:

Rented:

20 x 2 bed house

14 x 3 bed house

2 x 4 bed house

Intermediate:

8 x 2 bed house

4 x 3 bed house

The LPA requests that the applicant engages with one of the Council's preferred registered providers or an approved non-registered partner for the acquisition of the affordable housing. All of the necessary affordable housing requirements will be secured via a Section 106 Agreement.

Consequently, it is considered that the proposed development complies with Policy AH SP2 of the Local Plan, in terms of the provision of affordable housing.

ACCOMMODATION SUITABLE FOR OLDER PERSONS AND PEOPLE WITH DISABILITIES

Policy HD3 of the Angmering NP requires at least 25% of homes to be built to a Lifetime Homes standards. The equivalent standard to Lifetime Homes is Category 2 M4(2).

The LPA has a Guidance Note setting out standards aimed at securing a percentage of homes as disabled friendly and adaptable, meeting suitable standards. Under building regulations optional requirement M4(2): Category 2 - Accessible and adaptable dwellings can be enforced where it is required by a planning condition, in accordance with Policy D DM1 of the Local Plan. For schemes greater than 51 unit inclusive - 15% of units need to be designed to M4(2) standard plus two additional units to be designed to M4(3) wheelchair accessible, for every 50 units proposed thereafter. However, there is an aspiration to secure 100% M4(2). It is considered that this can be secured adequately via a suitably worded condition. As a condition was imposed on Land North of Water Lane, Angmering (A/40/18/OUT) for 10% of the units to be designed to M4(2), it is considered that this percentage (i.e.10%) should be imposed on a condition for this proposed development too, as it is reasonable to impose the same requirements on both developments.

OPEN SPACE PROVISION

Policy OSR DM1(2a) of the Local Plan says: "housing will be required to contribute towards open space provision in accordance with guidance set out in the current Open Space Study. In some parts of the district open space provision is identified as being sufficient in terms of quantity. Therefore, provision of new open space is not deemed necessary but what is needed is to seek contributions for quality improvements and/or new off-site provision in order to address any future demand."

The outline planning application includes 2.07ha of open space on the Development Framework Plan (i.e. the indicative layout plan). The requirement of 37 metres square per person results in a requirement of 1.30ha of open space. The proposed development includes an over-provision of on-site public open space and consequently it accords with the Open Space Playing Pitches, Indoor and Built Sports Facilities SPD.

Sufficient open space was proposed on the indicative layout plan of the site to enable 0.1 hectares of the proposed public open space to be transferred to the sports pitches to enable the pitches to be squared-off in the south west part of the site.

It is considered that the provision of 1 LEAP and 1 LAP on the site as proposed in the Development Framework Plan (i.e. the indicative layout plan) would be acceptable in terms of the quantity of play areas. The provision of a LAP and a LEAP onsite would be sought via a Section 106 Agreement. The proposed location of the LEAP within the village green in the centre of the site is considered to be acceptable; as is the location of the LAP in a green space within the site. The open spaces with the LAP and LEAP shown on the indicative layout plan have the potential to link up so as to ensure connectivity across the Green Infrastructure network running south to north through the site, towards Steyne Wood. This Green Infrastructure network needs to be strictly adhered to at the reserved matters stage.

The applicant has demonstrated that the outline planning application meets the requirements for the provision of on-site public open space in terms of quantity in accordance with Policy OSR DM1(2a) of the Local Plan and the new SPD.

SPORTS PITCH PROVISION

Policy OSR DM1 requires open space and playing pitch and indoor sports facilities to be provided within new developments and Policy HWB SP1 requires all developments to be designed to maximise its impact on promoting healthy communities and reducing health inequalities.

Section 8 of the National Planning Policy Framework states that planning decisions should aim to achieve healthy, inclusive and safe communities.

The Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD says "there are three

community sports hub sites recognised by ADC as a priority for progressing, including Palmer Road Recreation Ground in Angmering." (Paragraph 3.3 of the SPD, January 2020)

The proposed development includes the gifting of 2.1 hectares of land to the District Council to enable the re-modelling of the existing playing pitch provision for the development of the sports hub. The land that is proposed to be gifted to the District Council is located within the red line boundary of the application site. The sports hub would be centred on the Palmer Road Recreation Ground to the south of the application site. The gifting of the land for the provision of sports pitches would be dealt with in a Section 106 Agreement.

The provision of sports pitches in the south western part of the site would extend the sport facilities on offer in Angmering and the existing wider leisure facilities at Palmer Road and positively contribute towards the delivery of a Sports Hub on the land to the south of the application site. Parking for the proposed football pitch is identified indicatively on the Development Framework Plan (the layout plan) on land outside the application site, which is part of the Palmer Road Recreation Ground.

The proposed gifting of 2.1 hectares of land to the District Council for use as sports pitches within the Sports Hub would comply with the recommendations in the Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD and Policy OSR DM1 and Policy HWB SP1 of the Local Plan.

TREES

Policy ENV DM4 of the Local Plan requires developers to provide land and tree surveys (d), a tree constraints plan (e) and an Arboricultural Impact Assessment (AIA) to include a tree protection plan and Arboricultural Method Statement (f), which will ensure that development is planned to take a comprehensive view of tree issues at an early stage in the design process and that development works do not have a negative impact on existing trees.

The Angmering NP includes Policy HD6 whereby "layouts must retain important trees and hedgerows. The planting of new trees and shrubs of similar species to those already evident in the immediate surroundings shall be encouraged".

A Tree Survey and Arboricultural Impact Assessment were submitted with the outline planning application. There is a block of deciduous woodland alongside the northern boundary of the site and individual trees in the south west corner of the site. There are 2 Category A Oak trees on the western boundary of the site. A Tree Preservation Order (TPO/A/2/19) was confirmed and made on 9th January 2020 for the protection of the 2 Category A Oak trees. A number of lower quality trees would need to be removed to accommodate the new access which would serve the residential development on the site; to accommodate the residential and commercial developments on the site; and on the land that is to be gifted for use as sports pitches in the south west part of the site.

The ADC Arboricultural Officer is satisfied with the level of tree removal proposed on the site and has requested that an Arboricultural Method Statement and a Tree Protection Plan be submitted at the reserved matters stage.

Subject to the imposition of a condition requiring the Method Statement and Protection Plan, it is considered that the proposed mixed-use development on the site complies with Policy ENV DM4 and Policy HD6 of the Angmering NP.

LANDSCAPE

Policy LAN DM1 of the Local Plan says: "development within the setting of the South Downs National Park must have special regard to the conservation of that setting, including views into and out of the Park, and will not be permitted where there would be harmful effects on these considerations."

The site is in close proximity to the South Downs National Park. The statutory purposes of the National Park are:

- 1) to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and
- 2) to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public.

It is a duty of the LPA to assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Paragraph 172 of the NPPF (February 2019) sets out the Duty of Regard for LPAs when dealing with planning applications within or affecting the setting of a National Park: "great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks". Policy HD5 of the Angmering NP says: "New development must not adversely impact upon the landscape setting or views into or out of the South Downs National Park."

A Landscape and Visual Impact Assessment which was submitted with the outline planning application concluded that views of the proposed development would be largely confined to vantage points located to the south and west of the site. Views of the site from the north and east would be restricted by woodland surrounding the site, including Steyne Wood. There are views of the site from the Palmer Road Recreation Ground to the south and the housing estate to the south, together with views from public rights of way to the south west. Views of the application site from the South Downs National Park are restricted by the enclosed nature of the site and intervening developments and woodland. The extensive woodlands in the Angmering Estate ensure that the site is screened from view from the National Park immediately north of the A27. Views from Highdown Hill provide far reaching views across Angmering, but intervening development and woodland on the eastern edge of Angmering and at Poling Furzefields would disrupt the views of the site.

It is considered that the site would be acceptable in visual terms and would not have an adverse visual impact upon the South Downs National Park; nor would views into the site from the National Park be significant visually due to the existing woodland cover to the north and north east of the application site at Steyne Wood and Poling Furzefields. Consequently, the proposed development is acceptable visually and complies with Policies LAN DM1 and D DM1 of the Local Plan and Policy HD5 of the Angmering NP.

TRANSPORT

Policy T SP1 of the Local Plan says that "to ensure that growth in the District strengthens Arun's economic base, reduces congestion, works to tackle climate change and promotes healthy lifestyles; the Council will ensure that development: provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network".

Policy TM1 of the Angmering NP requires that proposals for new development shall demonstrate that adequate and satisfactory provision has been made to mitigate the impact of traffic generated both during construction and on completion.

One of the reasons that the previous planning application (A/36/18/OUT) was refused permission was due to insufficient information to enable an assessment of the ability of the highway network to accommodate the development without adding to the hazards of highway users to an unacceptable degree; and both Highways England and the Local Highway Authority objected to the previous planning application.

Site Access:

Two site accesses are proposed including a new access at the northern end of the site, which would be the main vehicular, pedestrian and cycle access into the proposed residential area. The proposed new access road would have a carriageway measuring 5.5 metres wide with 2.0 metre wide footways on both sides, together with a 3.0 metre wide right hand turning lane on Arundel Road. A revised Drawing (Ref. 2020-F01 Rev. D) has been submitted which details that the maximum achievable visibility splay is 2.4 metres x 77 metres, which is considered to be acceptable in terms of highway safety.

The existing access road to the industrial site at the southern end of the site would be improved, to serve the proposed employment area and the adjacent Sports Hub on the Palmer Road Recreation Ground. Two metre wide footways would be provided on both sides of the road to link in with the existing footway on the western side of Arundel Road, in accordance with Drawing Number 2020-F03 Rev. B.

The proposed development includes the provision of a controlled crossing on Arundel Road. The proposed pedestrian crossing (shown on Drawing No.2020-F05 Rev. A) at the site of an existing dropped kerb crossing is close to one of the school pedestrian access points at St Margaret's Primary School. This is considered to be an improvement on the existing uncontrolled provision and is acceptable.

It is considered that the proposed mixed use development with two vehicular access points onto Arundel Road would provide safe access onto the highway, in accordance with Policy T SP1 of the Local Plan.

Trip Generation, Distribution and Assignment:

A Transport Assessment accompanied the planning application as required by Policy T SP1(e) of the Local Plan. The proposed development of up to 160 houses on the site is anticipated to generate 88 two way vehicle movements in the AM peak and 92 two way vehicle movements in the PM peak. The proposed development of up to 1,393 square metres of B1 and B2 employment space on the site is anticipated to generate 25 two way vehicle movements in the AM peak and 21 two way vehicle movements in the PM peak. The employment space would be unlikely to result in an additional impact on the local highway network over that previously tested for the original proposal for 557 square metres of employment space.

Junctions:

Highways England has requested conditions be imposed on this outline planning application requiring the inclusion of the junctions A280/Water Lane and A280/Titnore Lane/A27 secured for implementation via the Section 106 Agreement which accompanied outline planning permission A/40/18/OUT for Land North of Water Lane (i.e. part of the strategic housing allocation in the Local Plan). The current planning application (A/122/19/OUT) has relied upon these junction improvements being in place and not provided an assessment without the schemes. Therefore, should outline planning permission A/40/18/OUT for Land North of Water Lane not be implemented then improvements would be required as part of the current outline planning application (A/122/19/OUT).

The Local Highway Authority has requested that developer contributions from the Section 106 Agreement for this application (A/122/19/OUT) should go towards the following junctions:

- Improvements to the A280/A27/Long Furlong; and / or
- A259 Junctions (A259/Station Road roundabout and A259/A280 roundabout).

The proposed development has demonstrated that the transport effects on the local and strategic road network can be satisfactorily mitigated by means of planning conditions and a Section 106 Agreement.

It is therefore considered that, subject to conditions and developer contributions toward junction improvements as set out in the draft Section 106 Agreement, the proposed development on Land off

Arundel Road, accords with Policy T SP1 of the Local Plan and Policy TM1 of the Angmering NP.

Public Transport:

Policy T SP1 of the Local Plan says "the Council will support transport and development which is designed to reduce the need to travel by car by identifying opportunities to improve access to public transport services and passenger transport services" (Policy T SP1(a)).

The nearest bus stop is located 600 metres south of the application site on Arundel Road. There is another bus stop on Chantryfield Road, to the south east of the application site. The Number 9 bus service travels along Arundel Road and Chantryfield Road once an hour and provides links to Angmering Railway Station, towards Arundel, Shoreham by Sea, East Preston, Worthing and Lancing.

Consequently, it is considered that the proposed development complies with Policy T SP1(a) of the Local Plan by improving access to public transport services.

Footways and Cycle Provision:

Policy T SP1 of the Local Plan says: "The Council will support transport and development which gives priority to pedestrian and cycle movements". Policy T DM1 of the Local Plan says "proposals for all new development must contribute towards the provision of a joined cycle network and Public Rights of Way network, taking into account the aspirational cycle network, which provides convenient, accessible, safe, comfortable and attractive routes for pedestrians and cyclists both in the development and in the form of links between the development" Policy T DM1(d)).

Policy TM2 of the Angmering NP gives support to proposals which improve or increase existing footpaths.

The Local Highway Authority requested the provision of a pedestrian link onto the existing PRoW network (i.e. FP2176) which runs to the west of the application site, which due to third party land ownership issues on the land immediately west of the application site, would be achievable via the Sports Hub site on the Palmer Road Recreation Ground to the south. Consequently, if the land is gifted to the District Council, ADC would then have to deliver the footpath link to the PRoW. The footpath link on the Palmer Road Recreation Ground to the PRoW (FP2176) would be achievable through the Section 106 Agreement. The footpath link from the application site to the Palmer Road Recreation Ground would be achievable by means of a condition.

The LPA requires the provision of a cycle route running from Angmering Village Centre; linking up with the site and continuing north along Arundel Road to the A27 Hammerpot Junction, from where the cyclepath would link up with existing routes into the South Downs National Park. A developer contribution is required towards a cycle route along Arundel Road from the Hammerpot Junction on the A27 to the north of the site and running south all the way to Angmering village centre. This would be dealt with in the Section 106 Agreement.

It is considered that the proposed footways and cycleway provisions, deliverable by means of conditions and the Section 106 Agreement would ensure that the development complies with Policy T SP1 and Policy T DM1 of the Local Plan and Policy TM2 of the Angmering NP.

Parking provision:

Policy T SP1 of the Local Plan says "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 upon on-street parking" (Policy T SP1(d)).

The proposed residential development of 160 dwellings is indicative on the Development Framework Plan (layout plan), but the reserved matters stage needs to ensure there are 2 car parking spaces per dwelling, in line with the recommendations in Table 3.1 of the ADC Parking Standards SPD, which was issued in January 2020.

The proposed commercial / employment development would accommodate a total of 30 car parking spaces, which is based on 5 spaces per unit, plus 3 visitor spaces and 1 medium/heavygoods vehicle parking space, providing 34 spaces in total. The total parking figure is below the parking provision for B1 uses as set out in Table 4.1 of the ADC Parking Standards. If the commercial / employment development was occupied solely by B1 uses (i.e. 1 space per 30 square metres) then up to 46 parking spaces could be provided. However, the total figure matches the parking provision for B2 uses as set out in Table 4.1 of the Standards (i.e. 1 space per 40 square metres) when up to 34 parking spaces could be provided.

Parking will be dealt with at Reserved Matters stage, but from the indicative layout plan, the quantum of car parking spaces for the proposed commercial / employment development would comply with the District Council's new Parking Standards SPD for B1 uses and would be in accordance with Policy T SP1(d) of the Local Plan and Policy HD8 of the Angmering NP.

Travel Plan:

Policy T SP1 of the Local Plan says "The Council will support transport and development which is supported by a Travel Plan, which is effective and deliverable" (Policy T SP1(e)).

A high level residential Travel Plan has been submitted with the current application (A/122/19/OUT) which aims to encourage residents to use sustainable modes of transport; reduce reliance on single car occupancy journeys; and generally reduce traffic related pollution and noise.

A detailed Travel Plan, which covers the employment uses as well as the residential development on the site should be provided by means of a condition.

It is considered that, subject to the detailed Travel Plan condition, the proposed development complies with Policy T SP1(e) of the Local Plan and Policy TM2 of the Angmering NP.

ECOLOGY

Policy ENV DM5 of the Local Plan says that "development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site".

An Ecological Mitigation and Enhancement Strategy was submitted with the outline planning application which recommended a number of on-site enhancements and mitigation measures. The on-site enhancements and mitigation measures comprise the provision of bat, bird, dormouse and invertebrate boxes and bat tubes; the retention of hedgerows with 5.0 metre buffer strip, scrub, trees and woodland edge to be retained; new woodland belt planting (0.5ha) and new thicket planting (0.4ha). The ADC Ecological Advisor supports the proposed on-site enhancements and mitigation measures and requests that they be conditioned.

The proposed on-site enhancements and mitigation measures include the provision of new habitats on the site comprising of 5.0 metre buffer strip around the hedgerows, the provision of a 0.5ha of woodland planting and 0.4ha of new thicket planting, together with the bat, bird, dormouse and invertebrate boxes. It is considered that the proposed enhancements/habitat creation are comprehensive and would constitute a biodiversity net gain.

The provision of a 20 metre buffer around the badger sett is considered to be acceptable and is achievable by means of a condition. The badger sett is located on land identified on the Development

Framework Plan (the indicative layout plan) for landscaping including thicket planting in accordance with the recommendations in the Ecological Impact Assessment (Ref. CSA/3467/07), dated July 2019.

Consequently, it is considered that subject to conditions including the provision of the on-site enhancements and mitigation measures, the proposed development accords with Policy ENV DM5 of the Local Plan in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible and provide enhancements.

HERITAGE ASSETS

Policy HER SP1 of the Local Plan states that designated heritage assets including listed buildings, structures and their settings; and Conservation Areas will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. Policy HER DM3(f) of the Local Plan says: "in order to preserve the character or appearance of the Conservation Area, planning permission will normally be granted for proposals within or affecting the setting of a Conservation Area, provided that it does not harm important views into, out of or within the Conservation Area".

Sections 66/72 of the Planning (Listed Buildings and Conservations Areas) Act, 1990 are relevant. Section 66 of the Act says: "in considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." In considering whether to grant planning permission with respect to any buildings or other land in a Conservation Area, the Council shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Section 72 of the Planning (Listed Buildings and Conservations Areas) Act, 1990.

Paragraph 190 of the NPPF (February 2019) requires great weight to be given to the conservation of heritage assets. Any harm resulting from the proposed development should be weighed against the public benefit in accordance with paragraph 196 of the NPPF (February 2019).

The proposed development needs to assess any impacts on New Place Farmhouse (Grade II* Listed Building) and Decoy Cottage (Grade II Listed Building) and Angmering Conservation Area.

A heritage statement has been submitted with the outline planning application which assesses the significance of the heritage assets including the listed buildings and Angmering Conservation Area, in accordance with the NPPF, including paragraph 189. The application has been properly assessed, considering the significance of the assets and any potential impact of the development upon them.

An area of woodland separates New Place Farm House a Grade II* listed building and Decoy Cottage a Grade II listed building from the site. The location of the application site in relation to New Place Farmhouse, a Grade II* listed building along with the area of woodland in between is considered to ensure that the proposed development would not harm the heritage asset. Equally, the location of the application site in relation to Decoy Cottage, a Grade II listed building along with the area of woodland in between is considered to ensure that the proposed development would not harm the heritage asset. Consequently, it is considered that Section 66 of the Act has been met and been fully taken into account in terms of impact on the setting of the listed buildings.

Angmering Conservation Area, contains a mixture of Grade II and II* Listed Buildings, and various locally listed buildings. Angmering Conservation Area is located some distance from the site and is separated from it by a significant amount of later development, which means that the impact of the development on the various heritage assets would be extremely limited. It is considered that the proposed development would not harm the significance of the Conservation Area, the Grade II and II* Listed Buildings, and

various locally listed buildings due to its location and the lack of inter-visibility between the site and the Conservation Area. The benefits of the proposed development are detailed elsewhere in the report and so the test in paragraph 196 of the NPPF is met.

The heritage statement identifies that there is potential for non-designated heritage assets on the site in the form of former WWII structures. The information supplied as part of the application indicates that the Nissan hut buildings were not originally constructed on this site and were in-fact relocated from elsewhere. This removes them from their original context and reduces their heritage significance as non-designated heritage assets. The quality of the buildings have been allowed to deteriorate over the years which further denudes the quality of the buildings. The structures are therefore of limited heritage significance.

In weighing this application which directly affects a non-designated heritage asset, a balanced judgement is required to be made having regard to the scale of any harm or loss and the significance of the heritage asset, as required by paragraph 197 of the NPPF. The WWII structures which are the non-designated heritage assets on the site would need to be demolished to accommodate the proposed mixed-use development. It is considered that the loss of the non-designated heritage asset when weighed against the proposal is acceptable for the following reasons: the buildings have been compromised as they have been moved onto the site and the quality of the structures have denuded over time as they have not been maintained. The asset is of reduced significance and the public benefit that would arise from the development is seen to outweigh the loss. Consequently, the scale and significance of the loss of the WWII structures is considered on balance to be acceptable in accordance with paragraph 197 of the NPPF

Consequently, It is considered that the proposed development is acceptable and it complies with Policies HER DM1 and HER DM3 and HER SP1 of the Local Plan and Policy EH1 of the Angmering NP. The contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) have been taken into account.

LIGHT POLLUTION

Policy QE DM2 of the Local Plan emphasises the need to consider the impact of light on neighbouring uses and wider landscape, particularly with regard the South Downs International Dark Sky Reserve designation (a), light levels should be the minimum required for security and working purposes (b), and minimise potential glare and spillage (c); and the degree to which outdoor lighting can be powered by on-site renewable sources (d).

The application site is in a semi-rural area of the district, on the boundary of Angmering adjacent to the National Park. It is considered that a lighting condition be imposed on the residential and employment developments requiring the submission of details of luminaires that are more suitable to semi-rural areas on the fringes of built-up areas. This is reinforced by the ADC's Ecological Advisor's request that the lighting scheme for the site will need to take into consideration the presence of bats in the local area through the use of directional light sources and shielding. Environmental Health has not raised an objection in terms of light emissions from the proposed residential development on existing residential amenity.

The imposition of a condition ensuring that the external lighting scheme meets the limits the environmental zone E2 (as set out in the Institute of Lighting Professionals Guidance for Reduction of Obtrusive Light) is proposed. The guidance sets out limits for the main sources of light pollution (sky glow, glare and spill) and would ensure that the lighting is appropriate to the wider landscape setting and minimises the impact of the development on the Dark Sky Reserve designation within the SDNP.

Consequently, subject to the lighting condition, it is considered that the proposed residential and

employment development complies with Policy QE DM2(a), (b), (c) and (d) inclusive of the Local Plan.

RESIDENTIAL AMENITY

Policy D DM1(3) of the Local Plan says "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".

There are a number of housing estates located off Arundel Road including housing on Palmer Road and Chantryfield Road. The proposed residential layout includes sufficient space to accommodate landscaping which would ensure that neighbouring residential amenity of dwellings fronting onto Arundel Road is not adversely affected by loss of privacy or overlooking. Notwithstanding this, the detailed layout will be dealt with at the reserved matters stage.

There is sufficient space within the site to achieve separation distances between the proposed residential and employment development and the existing houses fronting onto Arundel Road. Elevational details and floor plans showing the location of habitable rooms and industrial uses on the Employment/Commercial Centre would be submitted at the reserved matters stage.

An Odour Assessment has been submitted with the outline planning application which considers the potential for odour from the Hammerpot Brewery which is located 1.1km north west of the application site, to give rise to an adverse odour effect at the proposed residential development. The Assessment concludes that there would be a negligible risk of odour effect due to the large distance between the brewery and the application site; and that odour from the brewery is likely to be diluted and dispersed before reaching the proposed development. The potential for odour effects at the application site from Hammerpot Brewery is 'not significant'.

Consequently, it is considered that the proposed residential and employment development as set out on the indicative layout plan complies with Policy D DM1(3) of the Local Plan in terms of impact upon neighbouring amenity.

NOISE QUALITY

The NPPF and Policy QE DM1 of the Local Plan emphasise that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

Policy QE DM1 of the Local Plan says: "developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required. Proposals will need to be supported by evidence to demonstrate that there are no suitable alternative locations for the development." (Policy QE DM1(2))

The proposed B2 general industrial development with the Commercial / Employment site would be a noise generating development. The benefit of providing replacement employment provision on this site is set out in the Principle section of this report above.

A Noise Assessment was submitted with the outline planning application which focussed on the residential part of the proposed development. The submitted noise assessment proposed mitigation measures to ensure that the required noise levels would be achieved in the living rooms and the bedrooms and the rear gardens of the dwellings the would be located closest to the A27 and Arundel Road. Acoustic ventilation would be required in the living rooms and bedrooms in the northern and north eastern parts of the site so that windows could remain closed and maintain adequate ventilation. The noise report recommends that standard close boarded fencing or 1.8m high walls are constructed in the rear gardens in the northern and north eastern parts of the site. The report confirms that the requirement for glazing and acoustic ventilation could be confirmed on a plot by plot basis at the reserved matters

stage. The noise report comments that mitigation measures would be incorporated into the design of the proposed employment area to ensure that the noise impacts from the premises are reduced to acceptable levels. However, the noise report does not provide any specific details of the mitigation measures for the employment area, as these would be predicated on the detailed design layout that would be provided at the reserved matters stage. The final layout submitted at the reserved matters stage would need to be informed by a further acoustic report. Sufficient space would be required to ensure that mitigation can be incorporated and that the neighbouring amenity is protected.

Consequently, Environmental Health has requested the submission of a further Acoustic Report prior to the determination of any subsequent reserved matters application. The further Acoustic Report should include the industrial units in the Employment/Commercial Centre and how the associated increased traffic flow would affect the proposed residential development and the existing houses in the immediate vicinity. The further Acoustic Report should include the noise effect of the new foul water pumping station to the north eastern boundary of the site.

Conditions are also required regarding the hours that deliveries may be made to the proposed industrial units.

Therefore, subject to noise conditions, it is considered that the future and existing residents would not be adversely affected by noise in accordance with Policy QE DM1 of the Local Plan.

AIR QUALITY

Policy QE DM3 of the Local Plan says "all major development proposals will be required to assess the likely impacts of the development on air quality and mitigate any negative impacts".

The proposed development is not located in an Air Quality Management Area. The applicant submitted an Air Quality Assessment report with the outline planning application which concluded that the proposed development would not lead to an unacceptable risk from air pollution. However, the report recommended mitigation measures to assist in reducing any potential impact in accordance with the Sussex Air Quality SPD including the provision of electric vehicle charging points, the implementation of the recommendations in the Travel Plan, and provision of cycleways and footways.

Environmental Health has requested a condition regarding the provision of electric vehicle charging points, so as to mitigate against any potential adverse impact of the development on local air quality. Petrol and diesel cars and vans will not be sold beyond 2040 .

It is considered that, subject to the imposition of conditions that the proposed development complies with Policy QE DM3 of the Local Plan, in terms of air quality.

CONTAMINATED LAND

Policy QE DM4 of the Local Plan says that "prior to any development, the Council will require evidence to show that unacceptable risk from contamination will be successfully addressed through remediation without undue environmental impact during and following the development".

Environmental Health have requested the imposition of conditions regarding contaminated land, which are considered to be acceptable due to the industrial activities that have taken place within the application site over the years.

Subject to the imposition of the contaminated land conditions, the proposed development complies with Policy QE DM4 of the Local Plan.

SURFACE WATER FLOODING

The NPPF requires that development does not give rise to an unacceptable risk of flooding detrimental to human health or property. Policy W DM2 of the Local Plan requires the submission of a site specific Flood Risk Assessment (FRA) which demonstrates that the development will be safe without increasing flood risk elsewhere and reduce flood risk overall; consider flood flow routing and utilise temporary storage areas.

Policy EH3 of the Angmering NP (Flood Prevention) seeks to ensure that any new development must ensure that the prospect of flooding within the development boundaries is mitigated; it does not increase the flooding impact it may have on surrounding properties and areas; and development at risk from flooding should incorporate a sustainable urban drainage system unless it is demonstrated that an alternative drainage system is appropriate.

A Flood Risk Assessment has been carried out which confirms that the application site is located in Flood Zone 1. As a result, the risk to the proposed development is considered to be very low from both fluvial and tidal sources.

The majority of the site would drain into an attenuation basin which would be located along the north western boundary of the site as identified on the Development Framework Plan. It is proposed that surface water would be piped to the attenuation basin; and an existing surface water outfall to the ditch along the western boundary of the site would provide a connection from the attenuation basin into the wider drainage network.

ADC Drainage Engineers have raised no objection to the proposed development, subject to conditions being imposed for surface water drainage.

Overall, sufficient information has been provided to demonstrate that a SuDs scheme for the site could be developed based on the principles in the Flood Risk Assessment and shown on the Development Framework Plan (i.e. the indicative layout plan), in accordance with Policy W DM2 of the Local Plan and Policy EH3 of the Angmering NP.

FOUL DRAINAGE

A Foul Drainage Analysis has been submitted with the outline planning application which proposes that the foul water would be discharged at an existing manhole adjacent to St Margaret's Primary School. Off-site sewers would be constructed in the public highway between the site and the proposed point of connection.

CLIMATE CHANGE

Policy ECC SP1 of the Local Plan says: "The Council will support development which is located and appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding; water stress; health impacts as a result of extreme temperatures and a decline in the quality of habitats and richness in biodiversity". Policy ECC SP2 of the Local Plan says: "All major developments must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable".

The Development Framework Plan (indicative layout plan) submitted with the outline planning application does not set out the orientation of the houses so the LPA is not able to evaluate whether the orientation would ensure maximum solar gain, in compliance with Policy ECC SP1 of the Local Plan. The reserved matters application would need to maximise the number of houses set out in an east/west orientation so as to ensure maximum solar gain. The proposed residential and employment development could comply with Policy ECC SP2 through the imposition of a condition requiring 10% on-site generation from renewable or low carbon energy generation, plus the fabric first approach.

SUPPORTING INFRASTRUCTURE

Development is only acceptable with the provision of or contributions to the necessary infrastructure and facilities to mitigate the impacts of the development. Policy HD9 (Phasing of Residential Development) of the Angmering NP seeks to make sure that new housing proposals demonstrate that there is the necessary capacity in the community and physical infrastructure and services are available to support the increase in population. Representations received raised concerns about the lack of capacity of education and healthcare facilities in the area.

One of the reasons that the previous planning application (A/36/18/OUT) was refused permission was due to no contributions were being proposed towards infrastructure. The applicant is fully committed to contribute to infrastructure as part of the current planning application (A/122/19/OUT) and this commitment is set out in full below.

WSCC have confirmed that the present primary and secondary schools within the catchment areas of the proposal would not have spare capacity and would be unable to accommodate the children from the proposed development. The financial contribution requested by the County Council would be based on the housing allocation at Angmering North and Angmering South and East providing a 2FE primary school expandable to 3FE. A developer contribution towards a new primary school serving Angmering or towards additional facilities at St Margaret's CE Primary School, based on the provision of 160 dwellings.

A site has been identified which would provide an extension to land that has already been secured for a new primary school in the south of Angmering as part of the S106 Agreement for A/40/18/OUT - Land North of Water Lane. The County Council is currently seeking to secure the land which would ensure that the primary school requirements can be met.

A formula based contribution is required towards Phase 1 of the new secondary school serving Arun. The applicant has confirmed their acceptance of the formula based approach which would be based on the actual mix. As the applicant has agreed to provide this contribution as part of the S106 agreement it is considered that the development would accord with Policy INF SP1 of the Arun Local Plan.

The further education contribution generated by this proposed development shall be spent on future expansion at the Angmering School Sixth Form, which is CIL compliant.

In addition the following contributions are considered to be CIL compliant and are required in order to mitigate the impact of the development:

- A formula based contribution towards the development and enhancement of existing services at Angmering Library.
- A formula based contribution towards the re-development of Littlehampton Fire Station, providing additional services for the residents of Angmering,
- £29,718 (£185 per home) towards the Angmering Flood Alleviation Scheme to deliver sustainable water management for the Black Ditch catchment through Angmering.
- £183,670 toward Willow Green and/or Coppice Surgery and the integrated services site.
- £29,778.70 to fund the future purchase of police infrastructure to serve the proposed development.

The proposal includes the gifting of 2.1 hectares of land to the District Council to enable the re-modelling of the existing playing pitch provision to accommodate the development of the Sports Hub. The need for the additional 0.1ha of land was identified to provide the pitches and it was valued at £355,000. This would be in lieu of the following contributions which would not be sought:

- £85,800 towards the provision of new play equipment at the Palmer Road Recreation Ground.
- £63,863 towards providing the flexible sports hall/activity and / or studio space at a Sports and Community Hub at Palmer Road in Angmering.

- £68,224 towards improving provision and increasing the capacity of swimming pools and associated wet side facilities for the District.
 - £19,712 towards provision of additional health and fitness provision as part of a Sports and Community Hub at Palmer Road, Angmering.
 - £6,160 (a formula based contribution) towards public art.
- = £243,759 in total.

The highways infrastructure and open space requirements are set out in the relevant sections above and further detail is set out in the S106 Agreement Table attached to this report.

The proposed on-site provision of 48 affordable housing units would be secured through Section 106 Agreement, in accordance with Policy AH SP2 of the Local Plan.

Angmering Parish Council was invited to submit CIL compliant schemes that could be provided in full or in part through developer contributions by means of a Section 106 Agreement to be implemented if outline planning permission is granted for A/122/19/OUT. The Parish Council proposed 17 infrastructure schemes. The following schemes are considered to be CIL compliant:

- Flood Prevention Scheme. A proposal to build an attenuation system on the Highdown side of the A280. The overall cost was broadly estimated at £1.5m of which Government finance would pay for 50% and the remainder had to be found 'locally'. The Lead Local Flood Authority has made a request for a contribution from this outline planning application to a flood prevention scheme.
- Footpath Provision: The proposed development includes a footpath link to the PRow which runs to the west of the application site; together with footpath links onto Arundel Road.

The following schemes are not considered to be CIL compliant for the proposed development as the developer contributions already proposed in the Section 106 Agreement are considered to be sufficient to deliver the requisite infrastructure to accommodate the proposed development.

- Village Centre Public Toilets.
- Village Centre Parking.
- Bus Shelter Installation Project.
- Bus Service Support. Maintain the Number 9 bus service through Angmering.
- Hazard Warning Signs in Angmering;
- New Parish Council Office & Business Hub.
- Play Area Review.
- Mayflower Park Skatebowl, Car Park, MUGA.
- Additional Lighting for Mayflower Park.
- Litter Bins.
- Dog Bins.
- Funding to support the start-up of Angmering Men in Sheds (community space for men to connect, converse and create).
- Village Centre reconfiguration: increase in parking spaces and seating areas.

The A280 Road Link is not considered to be CIL compliant; nor is the scheme for extra parking spaces on Arundel Road. It is considered that the provision of extra parking spaces in this location could compromise the route of the proposed cycle route from the Hammerpot junction on the A27 in the north, running down the length of Arundel Road to Angmering Village Centre.

The draft Section 106 complies with Policy INF SP1 and Policy INF 2 of the Local Plan by ensuring provision of the required infrastructure. A table setting out all of the draft Section 106 Agreement developer contributions is provided at the back of this committee report.

SUMMARY

This outline application considers the development of this site with 160 residential dwellings; 1,393 square metres of industrial floor-space for B1 and B2 uses; and the gifting of 2.1 ha of land to the District Council towards the delivery of the Sports Hub on the Palmer Road Recreation Ground. Access is to be by a new access road to the north serving the residential development and by use of the existing access to the south which serves the existing industrial units on the site, but with some improvements to provide footways. 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 is 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 bounded to the east by committed residential development and to the south by existing housing off Palmer Road. The development would not result in harm to the character of the countryside.

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 is for the Development Control Committee to delegate to the Group Head of Planning (in consultation with the Chairman and the Vice Chairman) authority to:

Grant planning permission subject to conditions and;

- a) If the grant is on or before 31 March 2020, subject to a Section 106 Agreement, the terms of which are substantially in accordance with those set out in this report with any minor amendments authorised by the Group Head of Planning in consultation with the Chairman and the Vice Chairman; or
- b) If the grant is on or after 1 April 2020, subject to the Community Infrastructure Levy payable.

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 SUBJECT TO A SECTION 106 AGREEMENT

1 Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and be approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

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

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

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

4 The planning permission relates to the following approved plans:

Drawing Number CSA/3467/108 - Site Location Plan
 Drawing Number 2020-F01 Rev. D - Proposed Access Arrangement
 Drawing Number 2020-F03 Rev. B - Proposed Secondary Access Arrangement
 Drawing Number 2020-F05 Rev. A - Proposed Controlled Crossing

Ecological Mitigation and Enhancement Strategy prepared by CSA Environmental (Ref. CSA/3467/09), dated July 2019.

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

5 Prior to the submission of any reserved matters application a design code masterplan shall be submitted to, and be approved in writing, by the Local Planning Authority.

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

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

Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the design of the scheme goes to the heart of the planning permission.

- 6 The landscaping and layout particulars to be submitted in accordance with Condition 1 shall include details of the landscape treatment along the northern boundary of the site with Steyne Wood, including measures to deter unauthorised access by motor cycles and motor vehicles to the Wood; and details of the footpath links from the application site into the Sports Hub in accordance with the Development Framework Plan.

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

- 7 All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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

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

Reason: For the avoidance of doubt and in the interests of amenity, the environment and highway safety, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to mitigate the impact of construction works and deliveries on neighbouring residential amenity.

- 9 The hours of operation for the construction works, including deliveries to / from the site, to be limited to 08:00 hours and 18:00 hours on Mondays to Fridays inclusive; 08:00 hours and 13:00 hours on Saturdays; not at any time on Sundays or Bank Holidays except without the express authority of the Local Planning Authority.

Reason: In order to safeguard the amenity of neighbouring residents and highway safety, in accordance with Policy D DM1 of the Arun Local Plan.

- 10 No plant or machinery shall be operated, no process carried out and no deliveries taken or despatched from the Employment/Commercial Centre except between the hours of 07:00 and 18:00 hours on Monday to Fridays inclusive; 08:00 and 13:00 hours on Saturday; not at any time on Sundays or Public or Bank Holidays

Reason: In the interest of neighbouring residential amenity, in accordance with Policy D DM1 of the Arun Local Plan.

- 11 No dwelling and the Employment/Commercial Centre shall be occupied until refuse and recycling bins have been provided and space has been laid out for their storage in relation to that dwelling in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall not be used for any purpose other than the storage of refuse and recycling bins.

Reason: In the interests of the amenity of occupiers of nearby properties in accordance with Policy D DM1 and Policy WM DM1 of the Arun Local Plan.

- 12 Prior to the occupation of 80 dwellings on this site, the improvement works at the A280/A27/Titnore Lane Roundabout junction shall be completed and open to the traveling public as shown on I-Transport's drawing number "ITB9105-GA-024 Proposed Improvement Scheme to A280/A27/Titnore Lane Roundabout" (or such other scheme of works substantially to the same effect, as may be approved in writing by the Local Planning Authority in consultation with Highways England), including any necessary transfer of lands to enable the construction and maintenance of the scheme.

Reason: The modifications have been proposed to provide sufficient capacity at the A280/A27/Titnore Lane Junction, This is to ensure that 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, in accordance with Policy T SP1 of the Arun Local Plan.

- 13 Prior to the occupation of 80 dwellings on this site, the proposed improvements to the existing pedestrian crossing points on the A27 shall be completed and open to the travelling public as shown on Croft's drawing number "2020-06 - Proposed Improvements to existing pedestrian crossing points on A27" (or such other scheme of works substantially to the same effect, as may be approved in writing by the Local Planning Authority in consultation with Highways England), including any necessary transfer of lands to enable the construction and maintenance of the scheme.

Reason: To ensure that the A27 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, in accordance with Policy T SP1 of the Arun Local Plan.

- 14 Prior to the occupation of the first dwelling on this site, details of the pedestrian links to the boundary of the site with the Palmer Road Recreation Ground should be submitted to and be approved in writing by the Local Planning Authority. The approved pedestrian links to the Palmer Road Recreation Ground should be retained thereafter.

Reason: To provide alternative travel options to the use of the car in accordance with Policy D DM1, Policy T SP1 and Policy T DM1 of the Arun Local Plan.

- 15 No more than 80 dwellings shall be occupied until such time that the controlled crossing on

Arundel Road, hereby approved, is implemented in accordance with drawing titled proposed controlled crossing (Drawing No. 2020-F05 Rev. A).

Reason: To provide alternative travel options to the use of the car in accordance with Policy D DM1, Policy T SP1 and Policy T DM1 of the Arun Local Plan.

- 16 No part of the residential development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on Drawing No. 2020-F01 Rev. D: Proposed Access Arrangement.

No part of the Employment/Commercial Centre shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on Drawing No. 2020-F03 Rev. B: Proposed Secondary Access Arrangement.

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

- 17 No part of the development shall be first occupied until a detailed Travel Plan, which will cover both the residential and employment uses, has been submitted to and been approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department of Transport or as advised by the Local Highway Authority.

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

- 18 No dwelling shall be occupied until space for that dwelling has been laid out for the parking of cars, motorcycles and cycles in relation to that dwelling in accordance with a drawing and schedule to be submitted to and be approved in writing by the Local Planning Authority. These areas shall thereafter not be used for any purpose other than the parking of cars, motorcycles and cycles.

Reason: In the interests of road safety and to accord with approved policy in accordance with Policy D DM1 of the Arun Local Plan.

- 19 Garages provided on the site shall measure a minimum of 6 metres x 3 metres internally.

Reason: To ensure that adequate and satisfactory provision is made for the parking (and garaging) of vehicles clear of all highways in accordance with Policy D DM1 of the Arun Local Plan.

- 20 No development shall commence until a scheme for the location and installation of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition the scheme shall be in accordance with the Guidance Note: The Provision of Fire Hydrants and an Adequate Water Supply for Fire Fighting as published by West Sussex Fire and Rescue Services (as amended from time to time). No building hereby permitted shall be occupied until the fire hydrant(s) required to serve that building have been installed in accordance with the approved scheme.

Reason: In order to provide adequate infrastructure for emergency services, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure the safety of residents on the site.

- 21 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). Prior to the commencement of development details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure the provision of decentralised and renewable or low carbon energy sources on the site.

- 22 Prior to the commencement of 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 shall be carried out in accordance with the approved strategy.

Reason: To safeguard the amenities of residents in accordance with Policy D DM1 and Policy TEL SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

- 23 Prior to the commencement of construction and demolition works a Schedule of Works shall be submitted to the Local Planning Authority for approval and will be based on the recommendations within the supporting Ecological Mitigation and Enhancement Strategy. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

The Schedule of Works shall include but not be restricted to:

- Timings for clearance of trees or scrub to avoid impacts on breeding birds;
- Grassland areas managed to benefit reptiles;
- Details of compensatory and additional tree planting;
- Details of compensatory boundary habitat planting and wildflower meadow planting;
- Details and locations of bat, bird, dormouse and invertebrate boxes, and log piles provided on the site;
- Measures to minimise the disturbance of badgers including details of a 20 metre buffer to the badger sett;
- Post development habitat management and dormouse population monitoring will include maintaining hedgerows and planting for the foreseeable future.

Should the detailed layout of the site require the removal of further trees which have the potential to support bats, a climbed tree inspection survey will be required.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV DM4, Policy ENV DM5 and Policy ENV SP1 of the

Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect wildlife and habitats on site prior to any disturbance.

- 24 Prior to the commencement of development, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the dwellings and the employment premises shall be submitted to the Local Planning Authority for approval in writing 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. It is considered necessary for this to be a pre-commencement condition because of the need to ensure that the infrastructure for electric vehicle charging measures are in place in the residential development and in the industrial development.

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

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

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy W DM1, Policy W DM2 and Policy 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.

- 27 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 details. The agreed scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy D DM1 and Policy W DM3 of the Arun Local Plan.

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

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

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

Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reason: To prevent pollution of water bodies and to ensure the satisfactory drainage of the site and to prevent flooding, in accordance with Policy W DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the site drainage needs to be approved and implemented before the dwellings are occupied.

- 30 Prior to the commencement of development, details of the proposed external lighting for the residential development and the Employment/Commercial Centre on the site shall be submitted and be approved in writing by the Local Planning Authority. The lighting details should include:

- a) Details of Zone E2 (Rural) lighting luminaires (lux levels);
- b) Mitigation measures to minimise potential glare and spillage;
- c) Location of lighting columns;
- d) Design and appearance of lighting columns;
- e) Timings of lighting (reduced coverage between 11.00pm and 7.00am); and
- f) Phasing for the implementation of the scheme.

The approved lighting system shall be implemented in accordance with approved details and be retained thereafter.

Reason: To reduce light pollution, in the interests of amenity and the environment and to satisfy minimum security requirements, in accordance with Policy D DM1 and Policy QE DM2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the light levels for the site need to be approved and implemented before

the dwellings and the Employment/Commercial Centre are occupied.

- 31 No development shall commence until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and been approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

- 32 Prior to the commencement of development, an Arboricultural Method Statement (AMS) and a Tree Protection Plan shall be submitted for approval in writing by the Local Planning Authority, to both describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure that trees are protected during the construction of the development hereby approved.

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

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as it relates to the construction phase of development and to ensure measures are in place so that local crafts people and apprentices are employed on the development.

- 34 At least ten percent (10%) of all dwellings shall be designed and constructed to M4(2) standard and in addition six (6) dwellings shall be designed and constructed to M4(3) wheelchair accessible standard in accordance with 'Access to and use of buildings: Approved Document M'.

Reason: To ensure that dwellings are adaptable and meet the diverse needs of future occupiers in accordance with Policy D DM1 of the Arun Local Plan and Paragraph 61 of the National Planning Policy Framework.

- 35 The employment uses on the Employment/Commercial Centre should be restricted to Use Class B1 and B2. No development within use Class B8 (storage and distribution) uses will be permitted on the site.

The employment uses on the Employment/Commercial Centre shall not exceed 12.0 metres in height to the top of the ridgeline/roofline.

Reason: To protect the environment and mitigate the visual impact of the Employment/Commercial Centre when viewed from the South Downs National Park, in accordance with Policy D DM1 and Policy EMP SP3 of the Arun Local Plan.

- 36 Prior to the occupation of the commercial buildings within the Employment/Commercial

Centre, a CCTV strategy (to include details of the location cameras and type of system) shall be submitted to and be approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to first occupation and be retained and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public safety in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-occupation condition because the site security needs to be approved and implemented before the commercial buildings within the Employment/Commercial Centre are occupied.

- 37 Prior to the commencement of development a further detailed Noise Assessment Report, shall be submitted to and be approved in writing by the Local Planning Authority. The further detailed Noise Assessment Report should demonstrate that the internal and external noise levels of the proposed dwellings will conform to the indoor ambient noise levels for dwellings and external noise levels for amenity spaces ie. gardens, as specified within BS8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings and Pro PG: 2017. The further detailed Noise Assessment Report should provide specific details of the mitigation measures to be installed on the Employment/Commercial Centre.

Prior to the occupation of the dwellings and the Employment/Commercial Centre any mitigation measures specified in the approved scheme shall be implemented in accordance with the approved details; and retained thereafter.

Post construction validation testing is to be carried out which demonstrates to the satisfaction of the Local Planning Authority that the requirements of the above British Standard, WHO and ProPG guidance and are achieved both in terms of LAeq and LAm_{ax}.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the houses are constructed with the required noise mitigation measures.

- 38 Prior to commencement of the development hereby approved the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation

shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

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

Reason: The site is of archaeological significance in accordance with Policy D DM1 and Policy HER DM6 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences.

- 40 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.

- 41 INFORMATIVE: The Highways Act 1980 (as inserted via The Infrastructure Act 2015) requires those proposing works affecting the public highway to enter into an agreement with the Strategic Highway Authority (Highways England).

This development involves work to the public highway that can only be undertaken within the scope of a legal Agreement between the applicant and Highways England. Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Spatial Planning Team, Highways England, Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ. Highways England switchboard Tel. 0300 470 1370. Email: planningse@highwaysengland.co.uk

- 42 INFORMATIVE: The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980, 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 (Tel. 01243 642105) in order to commence this process.

- 43 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Local Highway Authority, to cover the off-site highway works. the applicant is requested to contact the Implementation Team Leader (Tel. 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.

- 44 INFORMATIVE: The applicant is advised that the erection of temporary directional signage

should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

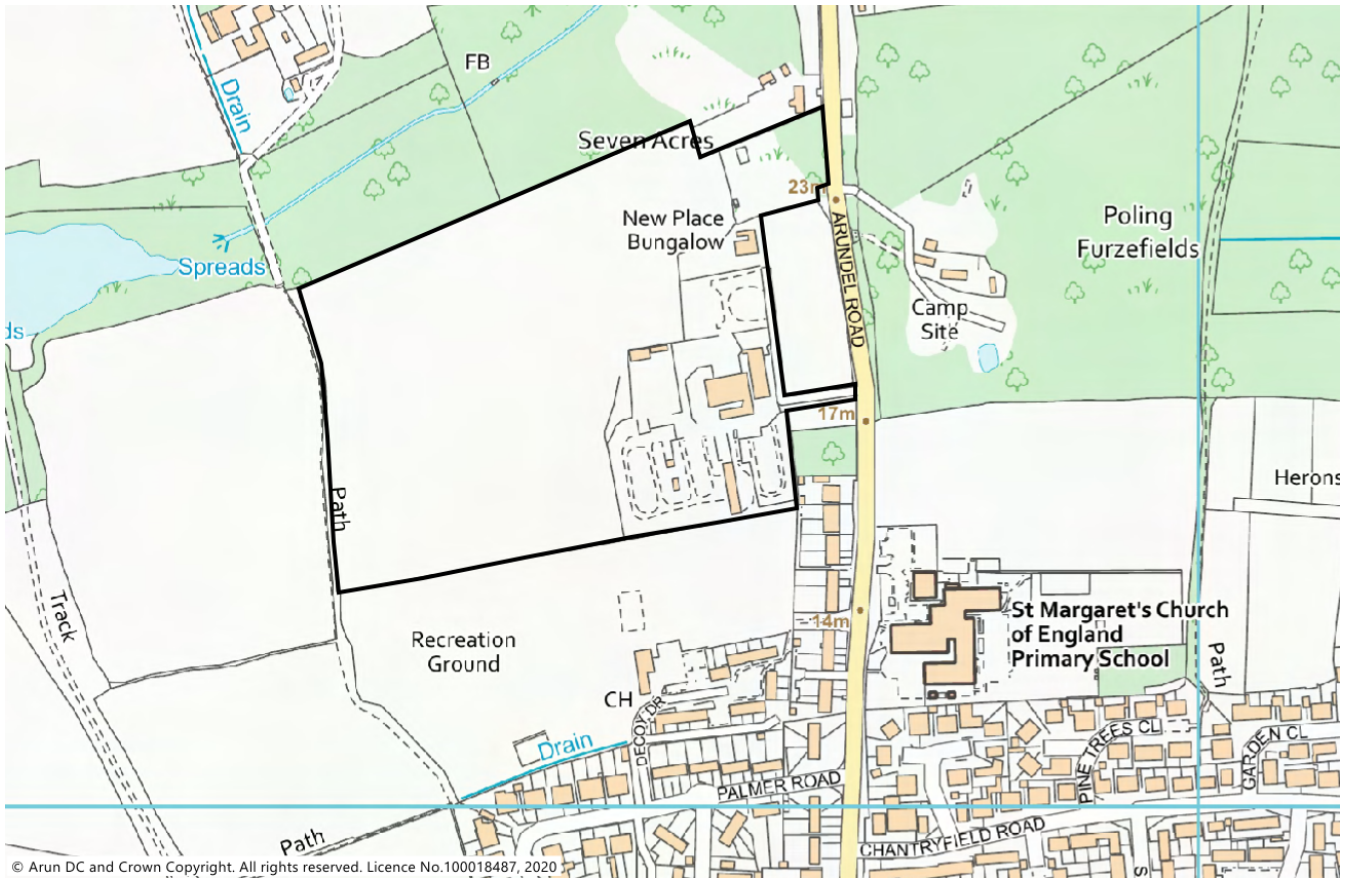
45 INFORMATIVE: Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with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

46 INFORMATIVE: The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. As the commercial properties are demolished, the Council need to be satisfied that if any asbestos previously identified is still present, it is removed safely to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register, and any remedial strategy (where appropriate), must be provided in writing to the Local Planning Authority prior to any works commencing.

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)

A/122/19/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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HEADS OF TERMS FOR A/122/19/OUT

Financial obligation(s) summary or change	Trigger Point	Amount	Due to (ADC, WSCC, NHS, other)	Destination/ project	Spend by restriction
Education Primary	To pay 25% of the primary education contribution prior to the Occupation of the first dwelling. To pay the remaining 75% prior to the occupation of the 50th house.	DfE figure x Additional Child Product = See WSCC response for full text	WSCC	To be used towards the provision of a new primary school serving Angmering or towards additional facilities at St Margaret's CE Primary School.	Ten (10) years of the date of receipt of final instalment of the Contribution
Education Secondary	To pay 25% of the secondary education contribution prior to the Occupation of the first dwelling. To pay the remaining 75% prior to the occupation of the 50th house.	£33,538 x Additional Child Product = See WSCC response for full text	WSCC	Contributions generated by this proposal shall be spent on Phase 1 of the new secondary school serving Arun.	Ten (10) years of the date of receipt of final instalment of the Contribution
Education Sixth Form	To pay 25% of the Sixth Form contribution prior to the Occupation of the first dwelling. To pay the remaining 75% prior to the occupation of the 50th house.	DfE figure x Additional Child Product = See WSCC response for full text	WSCC	Contributions generated by this proposal shall be spent on additional facilities at the Angmering School Sixth Form.	Ten (10) years of the date of receipt of final instalment of the Contribution
Libraries	Occupation of first dwelling.	L x AP = See WSCC response for full text	WSCC	Contribution towards the development and enhancement of existing services at Angmering Library.	Ten (10) years of the date of receipt of final instalment of the Contribution
Fire & Rescue	Occupation of first dwelling.	Y x (Z / M) = See WSCC response for full text	WSCC	To be used as a contribution towards the re-development of Littlehampton Fire Station.	Ten (10) years of the date of receipt of final instalment of the Contribution
Transport	50% at occupation of first dwelling; and	£576,000	WSCC	Developer contributions should go	Ten (10) years of the date of

	50% at occupation of the 80th dwelling	(based on £3,600 per dwelling)		towards the following junctions: - Improvements to the A280/A27/Long Furlong; and/or - A259 Junctions (A259/Station Road roundabout and A259/A280 roundabout).	receipt of final instalment of the Contribution
Transport	Occupation of the 40th dwelling.	£550,000	WSCC (It would be for WSCC to develop and deliver the scheme).	Contribution towards the implementation of a cycle route along Arundel Road from the Hammerpot Junction on the A27 in the north and running south all the way to Angmering village centre.	Ten (10) years of the date of receipt of final instalment of the Contribution
Transport	To be confirmed.		ADC to deliver	Footpath connection from Palmer Road Recreation Ground (the Sports Hub) to PRow (2176).	
NHS	Occupation of 20th dwelling.	£183,670 The contribution is based on a pro rata basis, so all housing developments have a proportionate contribution level. The method for this has been reviewed and approved by	ADC	Contribution towards developing Willow Green Surgery in Rustington (the additional clinic space at Willow Green Surgery would be an agreed solution between the GP practices) and / or Coppice Surgery and the integrated services site,	Ten (10) years of the date of receipt of final instalment of the Contribution

		the District Valuer.		which would serve the catchment population of this development. The integrated services site is the proposed Health Hub in Littlehampton, which will provide services for patients across the area (Littlehampton and Angmering). At present the preferred solution for estate growth for Angmering residents is the Coppice Surgery and/or Willow Green Surgery.	
Policing	Occupation of 80th dwelling	£2,110.59	ADC	Contribution towards start-up equipment cost in the Angmering Neighbourhood Policing Team.	Ten (10) years of the date of receipt of final instalment of the Contribution
Policing	Occupation of 80th dwelling	£2,675.40	ADC	Contribution towards officer start-up recruitment and training in the Angmering Neighbourhood Policing Team.	Ten (10) years of the date of receipt of final instalment of the Contribution
Policing	Occupation of 80th dwelling	£625.80	ADC	Contribution towards staff start-up equipment cost at Littlehampton Police Station.	Ten (10) years of the date of receipt of final instalment of the Contribution
Policing	Occupation of 80th dwelling	£318	ADC	Contribution towards staff start-up recruitment and training at Littlehampton Police Station.	Ten (10) years of the date of receipt of final instalment

					of the Contribution
Policing	Occupation of 80th dwelling	£18,560.91	ADC	Contribution towards the cost of accommodating a minimum of 2.5 additional officers/staff (which are required to police this development) at Littlehampton Police Station.	Ten (10) years of the date of receipt of final instalment of the Contribution
Policing	Occupation of 80th dwelling	£5,488.00	ADC	Contribution towards the vehicle fleet in the Angmering Neighbourhood Policing Team.	Ten (10) years of the date of receipt of final instalment of the Contribution
Playing Pitch Provision	Details provided in S106 Agreement		Applicant to gift the land to ADC to provide the land for pitches.	Gifting of land measuring 2.1 hectares to the District Council.	
Green Infrastructure	Occupation of 80 th dwelling.	Applicant to deliver	Management Company	Provision of a Local Area of Play (LAP) and a Local Equipped Area of Play (LEAP) within the site.	Ten (10) years of the date of receipt of final instalment of the Contribution
Flood Alleviation Measures	Occupation of first dwelling	£29,718 (£185 per home)	WSCC	Contribution towards the Angmering Flood Alleviation Scheme to	Ten (10) years of the date of receipt of final instalment

				deliver sustainable water management for the Black Ditch catchment through Angmering.	of the Contribution
Monitoring		£5,250	ADC	Contribution towards monitoring officer.	Ten (10) years of the date of receipt of final instalment of the Contribution

NON-FINANCIAL Obligation Summary	Trigger Point	Due To (ADC, WSCC, Other)	Department/Officer to Confirm Compliance
<p>Affordable Housing:</p> <p>48 affordable units (30% provision) are proposed: 75% as affordable rent and 25% intermediate housing.</p> <p>Rented: 20 x 2 bed house 14 x 3 bed house 2 x 4 bed house</p> <p>Intermediate: 8 x 2 bed house 4 x 3 bed house</p>	<p>Not to occupy or cause to allow to occupy, more than 50% of the market housing units in the development until the affordable housing is provided on the land.</p>	ADC	ADC Housing
<p>Employment Land</p> <p>Marketing Plan and evidence of marketing</p>	<p>No more than 80 occupations until a Marketing Plan has been submitted and approved in writing for the Employment Land.</p> <p>Not to occupy more than 100 dwellings until it has marketed the Employment Land in accordance with the approved Marketing Plan.</p>		

<p>Provision of Services to the Employment Land</p>	<p>The owner covenants to keep records.</p> <p>Prior to the occupation of the 120th housing unit to provide the Services to the Employment Land. Not to cause, allow or permit the occupation of the 120th housing unit until the Services, roads and footways have been provided to the Employment Land, in accordance with a scheme.</p>		
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PLANNING APPLICATION REPORT

REF NO: BN/66/19/PL

LOCATION: Land off Canal Mews
Barnham
PO22 0DP

PROPOSAL: Erection of 2 No dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	2 detached bungalows with parking spaces.
SITE AREA	0.11 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	18.18 dwellings/hectare
TOPOGRAPHY	Predominantly flat.
TREES	Semi-mature oak (TPO) of a high grow potential.
BOUNDARY TREATMENT	The north-western boundary is 1.8m high close boarded fence with a footpath beyond and the north-eastern boundary is marked with a mature hedge. Canal Mews forms the south-eastern boundary.
SITE CHARACTERISTICS	The site is square and grassed. The dominant feature is a semi-matured oak (TPO) in the southern corner. The site had been intended as a location of a private sewage treatment plant. This was never constructed as it was feasible to connect the houses to the existing foul water sewerage system.
CHARACTER OF LOCALITY	The site is a part of 'Good Acres'. To the south is a mix of single and two storey dwellings, to the east a large public green space and to the west bungalows along Nightingale Lane.

RELEVANT SITE HISTORY

BN/56/16/DOC	Application for approval of details reserved by condition imposed under planning application BN/13/14 relating to condition No.1 (Statement of architectural detail)	DOC Approved 07-11-16
BN/37/15/DOC	Application for approval of details reserved by conditions 5,6,12,16,& 17 imposed on planning permission of BN/15/11 relating to storm water, ditch works, bat mitigation, off site highway works & road safety	DOC Approved 21-10-15

BN/7/15/PL	Application for variation of condition No.2 imposed under planning reference no. BN/13/14 relating to approved plans	ApproveConditionally 10-06-15
BN/25/14/DOC	Application for the approval of details reserved by condition 4, 5, 6, 7, 8, 13, 14, 15, 16, 17, 18 & 19 of previously approved Appeal APP/C3810/A/11/2161133 (planning application BN/15/11)	DOC Part Approved 22-08-14
BN/18/14/DOC	Application for approval of details reserved by condition 11 (reptile mitigation plan) following a grant of planning permission BN/15/11/	DOC Part Approved 06-05-14
BN/13/14/	Approval of Reserved Matters following Outline Approval BN/15/11 for Appearance, Landscaping, Layout and Scale for 75 dwellings. Departure from the Development Plan and Affects a Public Right of Way.	ApproveConditionally 02-07-14
BN/15/11/	Outline application for residential development comprising 75 dwellings, access and associated landscaping and works - This is a Departure from the Development Plan & affects a Public Right of Way	NON DET APPEAL 20-09-11 Appeal: Allowed+Conditions 09-07-12

'Good Acres' was granted outline planning permission at appeal (BN/15/11). Surface and foul drainage formed a substantial part of the previous objection. Under reference BN/13/14 Reserved Matters were approved.

Issues in respect of foul and surface water drainage were address by the Inspector at appeal. An on-site private system of foul sewage disposal was proposed. The Inspector concluded there would be compliance with the Water Framework Directive and the peak flow of the plant, combined with surface water drainage flows, would be less than the existing greenfield runoff rate. In allowing the development with a private treatment plant the Inspector considered it a pragmatic approach. The Environment Agency stance on the private treatment plant was they are not sustainable in the long term. The agreement from Southern Water to a direct connection to the public sewer has been obtained and the treatment plant has not been built.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council
Barnham & Eastergate Parish Council
Objection.

- Loss of green space
- Lack of parking
- Impact on emergency access route to Halliford Drive.
- Concern over foul and surface water drainage.

26 Letters of objection:

- Development is on private property the maintenance of which is paid for by owners of existing properties.
- Insufficient parking on the site and the roads are very narrow.
- The green space is essential part of the community
- Existing residents pay for the upkeep of the footpaths and green spaces.
- Owners were informed that the site was crucial for the drainage of surface water.
- Regarding surface water drainage, the area has been highlighted as a risk area for flooding.
- Residents have already experienced blockages in Nightingale Lane in the past.
- Disruption over a lengthy time period.
- Site is bounded by private roads under Estate control. Residents believe no legal access to the site.
- Development does not cater for visitor parking.
- Land has been used as green amenity land for the last 3 years.
- Roads serving 'Arun Place' are suffering damage from a previous development.
- Additional usage of the 'Arun Place' development will only exacerbate a situation where the risk of injury is already unacceptably high.
- No consideration has been made and no impact assessment been done for the lorries, heavy plant machinery, and site workers vehicles that would be using this access road. Residents safety would be put at risk as there have already been several near misses at this point in the access road.
- Land is well used as a recreation area and presumably the original permission was granted on condition that this would not be developed.
- Pity to lose an open space - far too many developments in Barnham impacting on traffic and sewers.
- Noise, disruption, pollution, strain on utility supplies and residents loose of the grassed area -green space they enjoy and all for sake of 3 dwellings.
- No legal vehicle access; Land Transfer from Croudace to Seaward in Question (sold for £1) - questionable legality.
- Damage to infrastructure e.g. road as well as vibration damage to the dwellings from building works.
- Estate is private property and the common grounds are the legal property of Arun Place Management Company Limited, a company owned by residents (being Members of the Company) of the estate.
- Building on the green space will push more water onto the hard surfaces.
- Needs to be visitors parking in the plot as the Estate does not have enough allocated visitors parking.
- Existing surface water collection tanks situated under the development area.
- Entering and crossing private land to undertake building works.

COMMENTS ON REPRESENTATIONS RECEIVED:

With regard to the Parish Council comment there is no objection from ADC Engineers or Southern water on drainage. The ownership of the roads is a legal issue. Other issues are addressed above and below.

CONSULTATIONS

Engineering Services Manager
 Engineers (Drainage)
 Southern Water Planning
 Natural England

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

CONSULTATION RESPONSES RECEIVED:

ADC ENGINEERS - No objections subject to conditions and informatives.

ADC ARBORICULTURE OFFICER - No objection following revised plans (Further comments 18/2/20)

ADC GREENSPACE - Greenspace is valuable and loss of open space will reduce amenity provision in the development and impact on existing trees retained and planted as part of the original application. I would therefore not recommend this application for approval due to the loss of greenspace. Should the application be approved however a landscape plan would need to be provided detailing existing trees to be retained and removed and proposed landscape planting, showing densities and size when planted. I would expect to see existing trees protected and new native trees and shrub species included on the site to enhance biodiversity and the visual impact of the development.

SOUTHERN WATER - No objection subject to informative.

ADC ENVIRONMENTAL HEALTH - No objection subject to a condition regarding electric vehicle charging points.

ECOLOGY - No objection subject to informatives.

WSCC HIGHWAYS - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted - conditions/informatives will be added. With regard to the loss of open space; the Ecological Mitigation and Enhancement scheme (approved under reference BN/13/14) shows the proposal site as a Site for treatment plant and this site was not a part of the proposed Public Open Space of 0.43 hectares of land which exceeds the requirement for the number of dwellings proposed.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary
Lidsey Treatment Catchment

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

ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM4	ENV DM4 Protection of trees
HDM1	H DM1 Housing mix
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES13	Renewable energy schemes
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H7	Drainage for new housing

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

POLICY COMMENTARY

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

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

The Neighbourhood Development Plan

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

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

The policies ES5, ES6, ES8, ES10, ES11, ES13, GA4, H2, H4, H5, H6 and H7 of the Barnham & Eastergate Neighbourhood Plan 2014 are considered to be relevant to determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**PRINCIPLE**

The development in the built up area boundary in a sustainable location where the principle of development is acceptable subject to accordance with development plan policies. Key policies are SD SP2, D SP1, DDM1, D DM2, QE SP1, TSP1, ECC SP2, W DM1 and WM DM1 of the Arun Local Plan.

D SP1 requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrate and new development should have a minimal impact to users and occupiers of nearby properties and land. D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard. QE SP1 requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. Policy

ECC SP2 expects all development to be energy efficient.

Barnham & Eastergate has a 'made' Neighbourhood Plan with Policies ES5, ES6, ES8, ES10, ES11, ES13, GA4, H2, H4, H5, H6 and H7 of the Barnham & Eastergate Neighbouring Plan are relevant to the determination of the application. H2 states permission will be granted for small residential developments on infill and redevelopment sites in the parishes subject to the policies of this plan being met and policy ES10 stresses that development must be designed to retain ancient trees or trees or hedgerows of good arboricultural and amenity value. Proposals should be accompanied by a survey that establishes the health and longevity of any affected trees or hedgerows and a management plan to demonstrate how they will be so maintained.

DESIGN AND VISUAL AMENITY

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. Part P.O1 deals with infill development and requires development to respond positively to the character, appearance and layout of surrounding buildings to provide high quality development which enhances amenity for surrounding and new residents. The development is situated on the plot originally intended for the private treatment plant therefore the above requirement would apply for the development.

Plans show two detached properties of a similar height and footprint of those along Nightingale Lane. The proposal does not adversely affect the street scene since the features such as the shape of the roofs and the entrances of existing dwellings are replicated in the design. The proposal complies with policies D DM1 and D SP1 of the Local Plan and with the relevant requirements of Arun Design Guide .

RESIDENTIAL AMENITY

The dwellings due to their position and design have a minimal impact on occupiers of nearby properties resulting no unacceptably adverse harm on neighbouring amenity by way of overshadowing, overbearing or overlooking and as such accords with D DM1 and QE SP1 of the Arun Local Plan.

HIGHWAY ISSUES:

Local Plan policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes.

The Local Highway Authority do not consider that the proposal has an unacceptable impact on highway safety or result in 'severe' cumulative impact on the operation of the highway network, therefore it is not contrary to the NPPF para 109, and there are no transport grounds to resist the proposal subject to condition. As such the development would comply with policy TP1 and policy GA4 of the Barnham & Eastergate Neighbouring Plan.

Arun District Council's Parking Standards Supplementary Planning Document (January 2020) outlines the approach to parking at new developments. 4 parking spaces are shown on the site layout with an extra space for visitors which satisfies the requirement of the above document for two 3 bed dwellings situated in Parking Behaviour Zone 2.

SURFACE WATER DRAINAGE

Policy W DM1, part 3 affirms that although minor developments are unlikely to raise significant flood risk due to the cumulative impact all development within this area must also be accompanied by a Drainage Impact Assessment that must take into account of both the individual and cumulative impact upon foul

water disposal; floor storage capacity and surface water drainage or flood flows within the Lidsey Wastewater treatment Works Catchment Area. The site is in the Lidsey catchment and in an area of known high groundwater. Engineers haven't raised an objection, subject to a conditions.

COMPLIANCE WITH SPACE STANDARDS

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use. The proposal relates to gross internal floor spaces of approx. 98 sqm for the 3 bed units, which exceeds the minimum gross internal floor areas requirement for a single storey dwelling (86 sqm for 3 bed, 5 persons).

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This replaces policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. The Arun Design Guide stresses the design of new homes should provide clear delineation of public and private spaces; incorporating a 'public front' and private 'back' to the rear of the site, providing private gardens. Regard should be had to para 127 of the NPPF which requires development has a high standard of amenity for existing and future users. The dwellings provide amenity space for occupiers providing rear gardens of approximately 95 sqm (plot 1) and 130sqm (plot 2). Given the location of the development with an existing public open space to the east from the site it is considered acceptable.

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

The proposal complies with above Arun Local Plan policies, Barnham & Eastergate Neighbourhood Plan Policies ES5, ES6, ES8,H2,H4,H5, H6 and H7 relevant to the determination of the application, and the guidance on amenity within the NPPF.

PROTECTION OF TREES

Policy ENV DM4 of the Local Plan emphasises that development will be permitted where it can be demonstrated that trees protected by the Tree Preservation Order (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity will not be damaged or destroyed now and as they reach maturity. Amended plans for two bungalows show an improved layout with two bungalows followed by a new Arboricultural Impact Assessment & Method Statement along with a Tree Retention Protection Plan for this project which satisfy the requirements of Council's Arboriculturist. The development as amended complies with policy ENV DM4 of the Arun Local Plan, policy ES10 of the Barnham & Eastergate Neighbouring Plan and relevant NPPF's paragraphs.

SUMMARY

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

Given the additional time for public comment on the 2 dwelling scheme it is recommended the decision be deferred to the Chairman of Committee and the Group Head of Planning to make after the end of the consultation process (19 March 2020).

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Dwg 1705 - 12H, Site Layout

Dwg 1705 - 13B, Plot 1; Floor Plan & Elevations

Dwg 1705 - 14, Plot 2; Floor Plan & Elevations

Dwg 1705 - 10C, Construction Management Plan

Ref 1705 -11A, Preliminary Construction Management Plan dated 05-01-20

LLD 1345 -ARB - DWG - 002 Rev 02, Tree Retention and Protection Plan

LLD1345 - ARB - REF - 001, Arboricultural Impact Assessment & Method Statement

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

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

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

- 4 No development above damp proof course (DPC) level shall take place until details of screen

walls and fences have been submitted to and approved by the Local Planning Authority and no dwelling shall be occupied until such screen walls and fences associated with them have been erected.

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

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

Reason: To provide car-parking space for the use and in accordance with policy T DM1 of the Arun Local Plan.

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

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

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

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with policy T SP1 of the Arun Local Plan.

- 8 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, diesel and hybrid cars/vans will not be sold beyond 2035, 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 Parking Standards SPD and the National Planning Policy Framework.

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with

policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

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

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

- 11 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing will be inspected to verify it is 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan, TPP.LR.517.V1, 11th November 2019.

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

- 12 When constructing the tree protection fencing, Heras panels must be double-clamped and sat in immovable block trays that are either staked or stabilized using an approved method such as described and illustrated in Figure 3, BS5837:2012, Examples of above-ground stabilizing systems.

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

- 13 Any tree pruning considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work:
-Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
-Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

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

- 14 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

- 15 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 NPPF) 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, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level 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, and in accordance with Policy ECC SP2 of the Arun Local Plan.

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

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

- 17 **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.

- 18 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.

- 19 No development including site access, demolition or associated construction activities shall commence unless and until all the existing trees/bushes/hedges to be retained on the site have been protected in accordance with a scheme submitted to the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy ENV DM4 of the Arun Local Plan.

- 20 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.

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

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

- 22 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.

- 23 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat

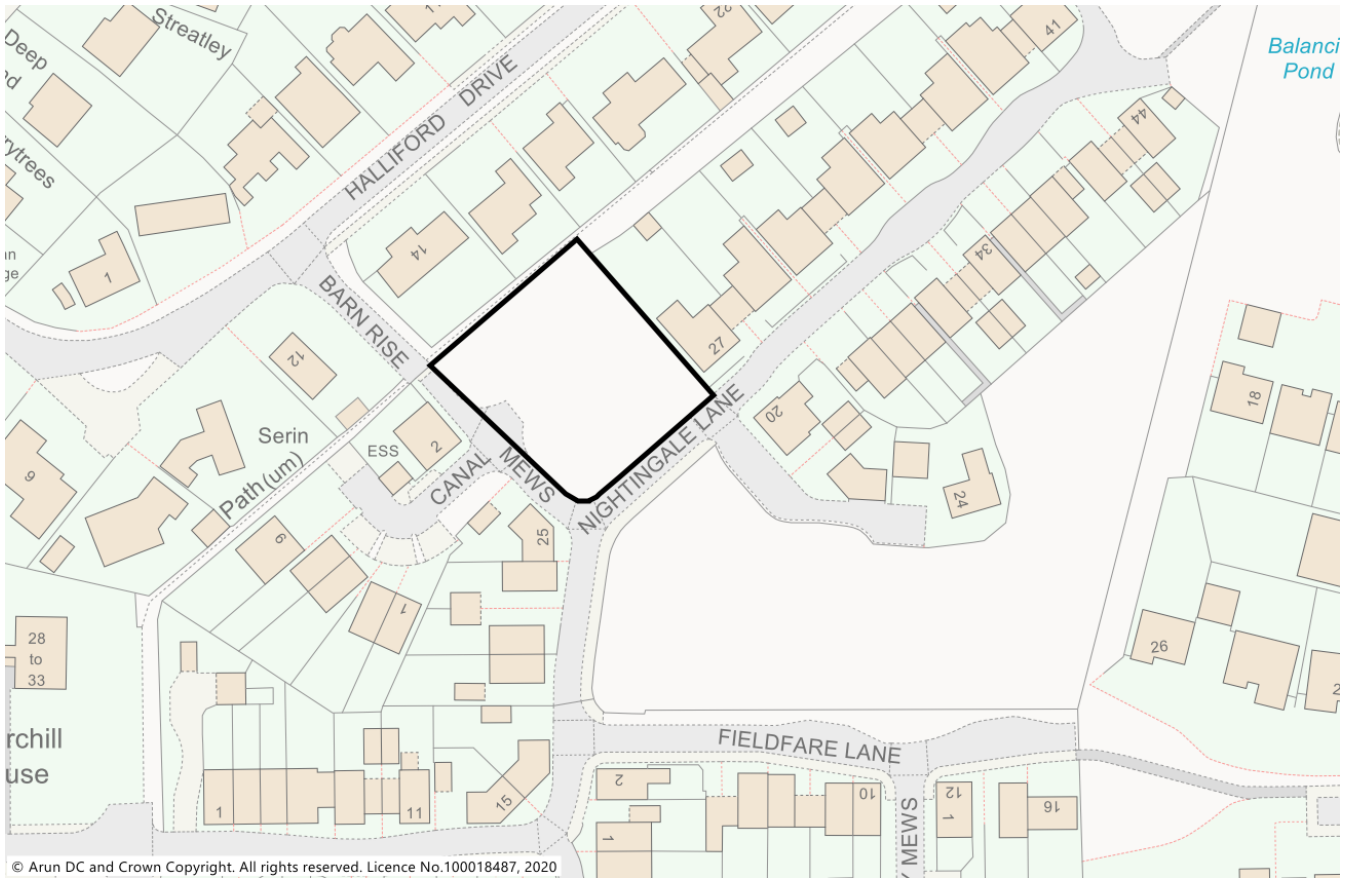
Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 24 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>.
- 25 **INFORMATIVE:** The applicant is advised to contact the proprietors of Canal Mews and Nightingale Lane to obtain necessary formal approval to carry out the site access works.

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)

BN/66/19/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: BN/121/19/PL

LOCATION: Swallowfield
Eastergate Lane
Eastergate
PO20 3SJ

PROPOSAL: Removal of redundant polytunnel & construction of 4 bedroom detached chalet bungalow with new vehicular entrance & relocation of Nursery parking area. This application is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Removal of a redundant polytunnel and construction of 4 bedroom detached chalet bungalow with new vehicular entrance and relocation of Nursery parking area.

SITE AREA 0.123 hecatres

RESIDENTIAL DEVELOPMENT 8 dph

DENSITY (NET)

TOPOGRAPHY Slightly sloping from south to north.

TREES Tree (appears to be a silver birch) to the side of Cedar Edge.

BOUNDARY TREATMENT Dense vegetation and planting along the southern boundary provides effective screening. Boundary vegetation and planting is approximately 3m high with some informally planted trees protruding beyond.

SITE CHARACTERISTICS Redundant polytunnels in its northern portion and an area of gravelled open parking area to the south. Vehicular access is to the east of the site off a shared access with the nursery.

The wider nursery site comprises glasshouses, polytunnels and a new research and development building. On this wider site there is a part office/dwelling building and private garden which sits to the eastern side of the application site.

CHARACTER OF LOCALITY Rural location with a mix of commercial and residential properties on either side of the road. The site borders a bungalow named Cedar End on the west. Cedar End has only ground floor windows facing the site which are concealed by close boarded timber fencing. To the east is the office and residential dwelling for the nursery. To the north are polytunnels which form part of the wider nursery site.

Eastergate Lane is a rural in nature and doesn't feature footpaths. The speed limit is 40 mp/h. Properties to the south of Eastergate Lane are more exposed than those to the north, owing to their two storey form with lower lying boundary

hedging. Properties to the north of Eastergate Lane are better screened owing to higher boundary hedging and their single storey chalet bungalow forms.

RELEVANT SITE HISTORY

EG/69/17/PL	4 No. live/work units, Research & Development propagation building & growing area, garden room, fuel store & greenhouse to main dwelling & formation of new access. This application is a Departure from the Development Plan.	ApproveConditionally 16-04-18
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EG/73/98/	Nursery storage building.	ApproveConditionally 04-12-98
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EG/69/17/PL granted permission for 4 no. live/work units, Research & Development propagation building & growing area, garden room, fuel store & greenhouse to main dwelling & formation of new access.

This application has been part-implemented through the provision of the R&D propagation units.

EG/69/17/PL provided justification as to why the polytunnels are considered to be redundant. These reasons were acceptable in the 2017 assessment. These continued business challenges comprise:

- Ongoing threats to business profitability from Brexit uncertainty, rising cost of inputs, particularly those imported against a weak pound, and the recent increases to the statutory minimum wage;
- General austerity and low rates of house building have led to increased competition between customers, big chain retailers and garden centres, within a shrinking market;
- Rules and regulations are ever increasing and applied variously by UK government, EU directives and retail customers. Large food chain retailers are taking an increasing share of garden plant sales and applying the same level of producer restrictions to plant suppliers as to their food producing supplies;
- Removal of pest and disease control options over recent years has made the production of first quality plants more challenging and accidentally imported new pests and diseases, such as fuchsia gall mite, are having an increasing impact, promoted by our warming climate;
- The profile of plant customers is rapidly changing, particularly with the entry of the big food retailers into the market place and competing heavily against traditional garden centres.

These circumstances were sufficient to justify the redundancy of the polytunnels under EG/69/17/PL. Given the part-implemented nature of this consent, the loss of the polytunnels has been accepted and their removal could be undertaken. This comprises the applicant's fall-back position.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

Barnham & Eastergate Parish Council

(13 January 2020) Objection:- This would be a significant change of use for agricultural land situated outside of the built-up area and would be an over-development of the site.

(04 February 2020) Objection: - Draw attention to the following Policies in the Barnham and Eastergate Neighbourhood Plan which this application goes against.

Policy EE1 Support for Business

Policy EE2 Retention of Employment Land

WALBERTON PARISH COUNCIL

Objects and supports the comments made by Barnham & Eastergate Council. This would be a significant change of use on agricultural land located outside the built up area and would be an over-development of the site.

COMMENTS ON REPRESENTATIONS RECEIVED:

The development would result in a lower density of development than the extant permission. It therefore follows that the development would not comprise an over-development of the site.

Additional concerns raised by the Parish Council, with regards to Policies EE1 and EE2 of the Neighbourhood Plan are noted. In the Local Planning Authority's current position of being unable to demonstrate a 5 year Housing Land Supply, the tilted balance applies under footnote 7 and paragraph 11(d) of the NPPF. This makes any policies relevant to the determination of the application out of date. Such policies relate to the delivery of housing, which in this case would include Policy EE2 of the Neighbourhood Plan.

The wider agricultural site retains its ability to operate commercially in the absence of the 4 live/work units on the site. This has been evidenced by the ability of the applicants to develop the propagation unit without the live/work units.

CONSULTATIONS

Southern Water Planning

Environmental Health

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

South Downs National Park

CONSULTATION RESPONSES RECEIVED:

WEST SUSSEX COUNTY COUNCIL HIGHWAYS

WSCC received a consultation under EG/69/17/PL and raised no objections. The planning authority approved the application.

Visibility at the access is comparable, if not better, than the existing access that serves the nursery. An inspection of collision data from a period of the last 5 years reveals no recorded injury accidents within the vicinity of the site. There is no evidence to suggest the existing access, which accommodates a number of vehicular movements, is operating unsafely or the proposal would exacerbate an existing safety concern.

In terms of nursery car parking, 11 parking spaces will be situated north of the proposed dwelling. The spaces meet the minimum MfS specifications of 2.4m x 4.8m. There is sufficient room for vehicles to maneuver in and out of the spaces and exit the site in a forward gear.

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 NPPF (para 109), and there are no transport grounds to resist the proposal. Detailed conditions should be applied.

SOUTHERN WATER

Due to surface water inundation issues in the Lidsey Catchment "The applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development". Developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

ARUN DISTRICT COUNCIL ENVIRONMENTAL HEALTH

Based on the requirements of the NPPF and NPPG conditions or informatives requested. (See consultation response for recommended conditions and informatives in full).

ARUN DISTRICT COUNCIL DRAINAGE ENGINEERS

If you are minded to approve the application please apply the following conditions to ensure that the development is adequately drained and does not increase flood risk elsewhere. (N.B. Please see full consultation response on file for full schedule of conditions).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and detailed further in the below assessment.

POLICY CONTEXT

Designations applicable to site:

- Lidsey Treatment Catchment
- Outside of Built up Area Boundary
- Horticultural Local Development Order
- WSCC Mineral Consultation Area (sharp sand and gravel)

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
HORDM1	HOR DM1 Horticulture
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality

WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Barnham & Eastergate Neighbourhood Plan 2014 POLICY EE2	Retention of employment land
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H7	Drainage for new housing

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 the Barnham and Eastergate Neighbourhood Development Plan August 2014.

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

Barnham and Eastergate has a made Neighbourhood Plan and the relevant policies are considered in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal does not comply with relevant Development Plan policies in regard to housing within the countryside. However, the proposal does accord with Development Plan policies in regard to delivering needed housing in accordance with the character of the area.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to warrant a decision other than in accordance with the legislative background. Owing to the Council's 5 year Housing Land Supply position, the settlement boundary policies are considered to hold reduced weight. The requirement to hold the contents of the National Planning Policy Framework as a material consideration, footnote 7 of the NPPF is considered to outweigh the lack of compliance with the policies contained within the Development Plan at this time.

The extant permission on the site (detailed in the planning histories above) which permitted the loss of the polytunnels from the site in favour of 4 no. live/work units is considered to be an overriding material consideration in respect of conflict regarding policies relating to the Built Up Area Boundary policies and retention of agricultural land.

CONCLUSIONS

PRINCIPLE

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

The application site is situated outside of the built up area boundary (BUAB) as specified by Policy SD SP2 which seeks to focus development within the built up area. Due to the site's location outside of the BUAB, development in this location would be in conflict with Policies C SP1 and SD SP2 of the Arun Local Plan and Policies EE1 and EE2 of the Made Neighbourhood Development Plan. The key considerations in the determination of this application are policies C SP1 and SD SP2 of the Local Plan. However, owing to the Council's 5 year Housing Land Supply position these policies are out of date and therefore hold reduced weight.

The NPPF is given weight as a material consideration which overrides the lack of conformity with the Development Plan policies. The Council is unable to demonstrate a 5 year Housing Land Supply at the time of this assessment which triggers the presumption in favour of sustainable development under footnote 7 and paragraph 11(d) of the NPPF (2019).

Paragraph 8 of the NPPF outlines the three overarching objectives to achieve sustainable development in the planning system; comprising economic, social and environmental objectives. The development provides small scale housing which would provide short-term employment benefits in the construction of

the dwellings (economic). The development would provide a range of homes that could meet the needs of present and future generations (social). The development would make an effective use of the land on a previously developed site (environmental).

Paragraph 11(d)(ii) makes clear that decisions should be taken in accordance with the policies in the Framework unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. A full assessment of all matters and their significance are outlined below.

Paragraph 79 of the NPPF states that planning decisions should avoid development of isolated homes in the countryside. However, the application site is surrounded by existing residential and built development which would not result in any future home being considered isolated.

Taking into account the above factors, the principle of development is considered to be in accordance with the NPPF provisions in principle, which are overriding material considerations in this instance. A full assessment of all other matters is provided in the following sections of this assessment.

DESIGN AND VISUAL AMENITY

Policy D SP1 of the Arun Local Plan requires all development proposals to reflect the characteristics of the site and local area. Policy D SP1 requires development proposals to derive from a thorough site analysis and context appraisal. Policy D DM1 of the Arun Local Plan sets out a 15 point criteria against which the design of new development should be assessed. The criteria includes character, appearance, impacts, public realm, layout and density.

Policy ES5 of the Neighbourhood Plan requires new development to be of a high quality design and to conform to the Parish's Design Guidance (once adopted). Neighbourhood Plan Policy ES6 seeks for new development to contribute positively to the character of the villages. Policy H4 of the Neighbourhood Plan requires proposals for residential development to be of a high quality, and designed so that new housing integrates into its surroundings and is well connected to the village.

Para 127 of the NPPF requires planning decisions to ensure developments will function well and add to the overall quality of the area and should be sympathetic to local character and history, including the surrounding built environment and landscaping setting and maintain a strong sense of place. Paragraph 130 of the NPPF makes clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

The dwelling would sit forward of the adjacent Cedar End, but behind the existing horticultural office to the east. The resulting layout would be one of a stepped layout along Eastergate Lane which is characteristic of the evolution of the area. The property features parking forward of the primary elevation in an off-street manner. This is consistent with the prevailing character of the area.

The building comprises the chalet bungalow form with a low eaves and tall ridge line, allowing accommodation within the roof space. The northern side of Eastergate Lane is characterised by similar buildings of a similar height and form and therefore the development would appear consistent within the wider streetscape.

The site features private amenity space to the rear which is consistent with the prevailing layout and character of the area. This space would provide a sufficient level of private residential amenity for future occupants of the dwelling.

Taking into account the characteristic nature of the dwelling in its submitted form, any future development by way of extensions may have the possibility of harming the established character of the area.

The development accords with paragraphs 127 and 130 of the NPPF, Policies D SP1 and D DM1 of the Arun Local Plan and Policies ES5, ES6, ES8, H4 and H5 of the Barnham and Eastergate Neighbourhood Plan.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards provide current guidance.

The dwelling comprises a 4 bed 8 person household (4b8p). The Nationally Described Space Standards require a minimum GIA of 124 square metres. The dwelling would comprise 124 square metres and would meet these standards.

Taking the above into account, the development accord with the contents of Policy D DM2 of the Arun Local Plan.

RESIDENTIAL AMENITY

Policy QE SP1 of the Arun Local Plan requires development to ensure it does not have a significantly negative impact upon residential amenity. Policy D DM1 of the Arun Local Plan requires development to have a minimal impact to users and occupiers of nearby property and land.

Paragraph 127(f) of the NPPF requires planning decisions to create places with a high standard of amenity for existing and future users.

There are ground floor windows along the eastern elevation of Cedar End and the orientation and layout of the dwelling would not affect access to light and would not have any overbearing or overmassing impacts upon Cedar End.

The dwelling does not feature any first floor windows (only rooflights which face upwards) on the northwest first floor elevation and therefore the dwelling would not result any overlooking/privacy issues. The ground floor windows along the east elevation of Cedar End would be safeguarded by the existing boundary treatments which prevents any issues relating to privacy/intervisibility from resulting.

The Environmental Health Officer's consultation response made a number of recommendations to conditions relating to noise. Having considered their contents the Local Planning Authority are satisfied that sufficient control exists outside of the planning system under separate legislation to adequately control such measures. Such conditions would therefore not meet with the tests outlined in paragraph 56 of the NPPF.

Taking the above factors into account, the development achieves a sufficient level of residential amenity for both the neighbouring and future occupants of the dwelling and would therefore accord with the contents of paragraph 127(f) of the NPPF and Policies QE SP1 and D DM1 of the Arun Local Plan.

HIGHWAYS, TRANSPORT AND PARKING

Policy T SP1 of the Arun Local Plan requires development to provide safe access on to the highway network. Policy T SP1 requires development to incorporate appropriate levels of parking in line with WSCC guidance on parking provision and incorporate facilities for charging electric and plug-in hybrid vehicles. A condition securing EV charging has been requested by the Council's Environmental Health Officer within their consultation response. Such a condition meets with the tests outlined in paragraph 56

of the 2019 Framework.

Para 108 of the NPPF states that in assessing specific applications it should be ensured that safe and suitable access to the site can be achieved for all users. Para 109 of the NPPF 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 development provides for 2 car parking spaces and 1 car port. The car port meets the dimensions of a similarly sized garage space. This accords with the Arun District Council Parking Standards.

A condition will be imposed requiring the provision of these spaces and carport to be made available prior to the occupation of the dwelling. These spaces shall be retained for these purposes at all times thereafter. The plans detail a bay of parking spaces to the north to serve the nursery area. The consultation response from WSCC deems the layout, tracking and access of these spaces as being acceptable.

Subject to the above conditions, the development accords with paras 108 and 109 of the NPPF and Policy T SP1 of the Arun Local Plan.

BIN AND CYCLE STORAGE

Policy WM DM1 of the Local Plan requires safe bin storage areas which is designed to ensure that kerbside collection is possible for municipal waste vehicles. Further, Policy H6 of the Neighbourhood Plan requires the design of new housing to give full consideration of bin stores.

The proposed site plan denotes an area labelled as 'bins' which appears to show a sufficient area to provide a secure bin storage area. To ensure provision of this area a condition will be imposed requiring the applicant to provide the safe and secure bin storage prior to the occupation of the dwelling hereby permitted.

Subject to the above condition, the development would accord with Policy WM DM1 of the Arun Local Plan and Policy H6 of the Neighbourhood Plan.

LANDSCAPING

Policy HOR DM1 of the Arun Local Plan requires development that redevelops existing sites occupied by polytunnels to include full details of new landscaping. Policy D SP1 of the Arun Local Plan requires development proposals to reflect the characteristics of the site in terms of landscaping. Policy D DM1 of the Arun Local Plan requires hard and soft landscaping to reflect the local area.

Indicative landscaping has been shown on the submitted Site Plan which appears to denote the retention of the existing hedgerows and protruding trees along the southern and eastern boundary of the site which is characteristic of the area. Such retention is fundamental to ensuring the character of the area is maintained and preserved. The retention of such features are necessary to ensure the development accords with the character of the area.

A condition will be imposed requiring a full landscaping scheme to be submitted to for approval prior to occupation of the development. Once agreed the landscaping shall be undertaken in accordance with these details and maintained for a period of 5 years thereafter. Such a condition conforms with the tests for conditions outlined in paragraph 56 of the NPPF.

Taking into account the above factors, the development would accord with policies HOR DM1, D SP1 and D DM1 of the Arun Local Plan and Policy H4 of the Neighbourhood Plan.

WATER SUPPLY AND QUALITY

The site falls within the Lidsey Wastewater Treatment Works Catchment Area. Policy W DM1 of the Local Plan states that although minor developments are unlikely to raise significant flood risk, due to the cumulative impact all development within this area, applications must be accompanied by a Drainage Impact Assessment.

Material weight is given to the response received from Southern Water in EG/69/17/PL which provided no objection to the proposals which resulted in 4 no. additional residential units. The reduction of 3 no. units on the capacity of mains water and foul sewerage networks would provide a betterment to Southern Water's existing position which was deemed acceptable in EG/69/17/PL.

Arun District Council's Drainage Engineers have requested that conditions be imposed upon any planning consent to ensure that the development can be adequately drained and does not increase flood risk elsewhere. Conditions requiring a Surface Water Drainage scheme prior to commencement of development (notwithstanding site survey and investigation) meets with the tests outlined in paragraph 56 of the 2019 Framework.

On this basis, the development would not give rise to significant flood risk or cumulative impacts upon foul water disposal and would therefore accord with Policy W DM1 of the Arun Local Plan.

SUMMARY

This application has been assessed against the policies contained within the development plan having regard to the principle of development, design and visual amenity, internal space standards, residential amenity, highways, transport and parking, landscaping, water supply and quality and the Council's current 5 year Housing Land Supply position.

It has been found that the development accords with the provisions contained within the 2019 Framework and any lack of accordance is of such minimal weight that it would not outweigh the benefits. Therefore, applying paragraph 11(d) of the 2019 Framework, planning permission should be approved subject to the conditions outlined below.

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

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 2018.257.03a - Proposed Layouts and Elevations and 2018.257.04a Rev A - Proposed Street Scene and Site Plan.

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

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

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

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

- a. An indicative programme for carrying out of the works
- b. Details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
- d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- e. The parking of vehicles of site operatives and visitors
- f. Loading and unloading of plant and materials, including permitted times for deliveries
- g. Storage of plant and materials used in constructing the development

- h. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- i. The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders)
- j. Measures to control the emission of dust and dirt during construction
- k. A scheme for recycling/disposing of waste resulting from demolition and construction works i.e. no burning permitted

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

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

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 policies D SP1, D DM1, D DM4 of the Arun Local Plan.

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

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

- 7 Prior to the occupation of the dwelling hereby permitted, full details of the proposed drainage scheme for surface water (including details of their routing, design and subsequent management and maintenance) have been submitted to and approved by the Local Planning Authority in writing. No building shall be occupied until the drainage scheme has been implemented in accordance with the approved details.

Reason: To ensure satisfactory surface and foul water drainage is available for the site in accordance with policy W DM1 of the Arun Local Plan.

- 8 Details for the storage of waste on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby permitted. The details so approved shall be installed prior to occupation and retained in perpetuity.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policy WM DM1.

- 9 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. Once provided the secure cycle parking spaces shall be retained in perpetuity unless otherwise agreed with the Local Planning Authority in writing.

Reason: To provide alternative travel options to the use of the car in accordance with policy T SP1 of the Arun Local Plan and WSCC Parking Standards Guidance SPG.

- 10 The parking spaces hereby approved for the nursery, detailed in the approved plans, shall be used solely for the purposes of the adjacent nursery referred to in the application and retained as such in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure development tackles climate change and promotes sustainable transport in accordance with Policy T SP1 of the Arun Local Plan.

- 11 Prior to the occupation of the development, the car parking spaces detailed in the approved plans shall be provided on site and retained as such for the purposes of parking a private motor vehicle in association with the dwelling hereby approved and not used for any other purposes unless agreed in writing with the Local Planning Authority. Provision shall be made, prior to the occupation of the development hereby approved, for the incorporation of facilities for charging electric and plug-in hybrid vehicles and retained as such in working order in perpetuity; unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure development tackles climate change and promotes sustainable transport in accordance with Policy T SP1 of the Arun Local Plan.

- 12 The roof lights hereby permitted at first floor level in the southern elevation shall be located 1.7m above finished floor level or higher.

Reason: In the interests of neighbouring amenity and privacy in accordance with policies D SP1, D DM1, D DM4 and QE SP1 of the Arun Local Plan.

- 13 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, and in accordance with Policy ECC SP2 of the Arun Local Plan.

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

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

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

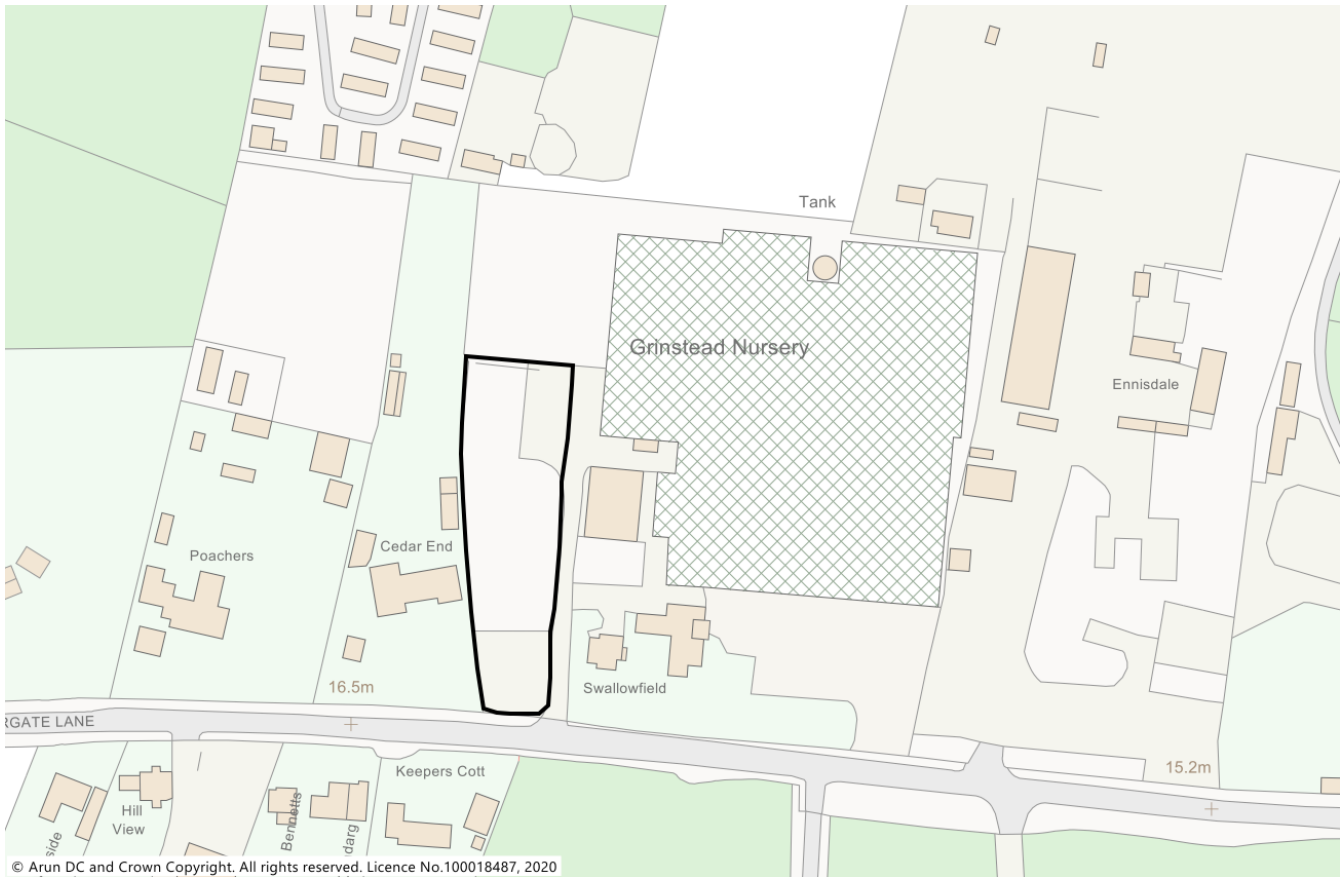
may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 16 INFORMATIVE: This permission conveys consent under planning legislation only and contravention with other legislation e.g. protection of wildlife etc. should be considered.
- 17 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.
- 18 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Water's New Connections Services Charging Arrangements documents which has now been published and is available to read on Southern Water's website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>
- 19 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).

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)

BN/121/19/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/243/19/PL

LOCATION: 130 Longford Road
Bognor Regis
PO21 1AF

PROPOSAL: Change of use of house in multiple occupation to form 2 no. self-contained flats with a rear extension to form bathrooms at ground and first floors, and a single storey pitch roof and side extension to form a studio flat.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Change of use of house in multiple occupation to 2 no. self-contained flats with a rear extension to form bathrooms at ground and first floors, and a single storey side extension to form a studio flat.

This description of development was amended on 04 February 2020 following a reduction in the number of dwellings from 5 to 3 following Officer feedback in relation to insufficient internal space standards.

SITE AREA 338 sq/m

RESIDENTIAL DEVELOPMENT DENSITY 74 dph.

BOUNDARY TREATMENT 1m walling to the road with wire fencing above. To the side and rear 1.8m high fencing.

SITE CHARACTERISTICS 2 storey detached house in with triangular parcel of open land to the side. The site runs adjacent to the railway line at the rear which is demarcated with a chain link fence.

CHARACTER OF LOCALITY Mixture of housing close to the town centre with some industrial uses. These industrial uses are anomalous along Longford Road and are clustered towards the southern (Bognor Regis) end.

To the south east is the railway line serving Bognor Regis Railway Station. To the west on the opposite side of Longford Road are a mix of 2 - 4 storey Victorian houses, a modern 1960s 2 storey house and a bungalow.

The site is in walking distance of the Chichester University Bognor Regis Campus and on the boundary of the Bognor Regis Growth Area.

RELEVANT SITE HISTORY

BR/54/10/	Demolition of existing dwelling in multiple occupation and construction of 1no detached 2 bed & 3no attached 2 bed dwellings with ancillary cycle and bin storage	Refused 24-06-10 Appeal: Dismissed 10-02-11
BR/376/07/	Demolition of existing dwelling in multiple occupation & construction of six key worker apartments with ancillary cycle and bin storage.	Refused 19-03-08 Appeal: Dismissed 22-10-08
BR/129/94	Alterations to form 2 self contained dwellings from a single dwelling	Refused 29-06-94 Appeal: Dismissed 16-03-95

BR/54/10 was refused on 03 March 2010 on the following grounds:

1. The proposal would result in a cramped and overcrowded form of development, excessive in density at odds with the character of the area contrary to PPS3 (2010) and the ministerial statement of the 9th June 2010.
2. The proposal would result in an insufficient amenity area for future occupiers resulting in an unacceptable living environment contrary to PPS1 and policy GEN7 of the Arun District Local Plan.

This decision was appealed (APP/C3810/A/10/2135827) and dismissed. The Inspector assessed the design merit of the proposed development and concluded:

- The appeal scheme proposes a large mass of building very close to it which the staggered frontage would do little to relieve (paragraph 5).
- The proportion of building area to plot size and the negligible amount of open space associated with the dwellings suggest the density of proposed development would be higher than that of the surrounding properties' (paragraph 6).
- It is normal to provide some amenity space for residents of this type of property (para 7).
- The only outdoor space associated with the dwellings would be a narrow strip at the back of the pavement. Such restricted living conditions would not provide an acceptable level of amenity for future residents of the terraced houses' (paragraph 8).

The applicant has sought to overcome these concerns raised by:

- Restricting the form of development to flatted accommodation;
- Reducing the quantum of development;
- Reducing the overall proposed footprint;
- Increasing the amount of amenity space;
- Providing an onsite self-contained bin and cycle store; and
- Confining new development to namely a single storey extension.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

(5 UNIT SCHEME) OBJECTION:- the extension, to form five residential units would create a cramped

form of development with insufficient garden amenity area resulting in detrimental living conditions of future occupiers and out of character with the locality. Given the shape of the site, Members felt the amount of building proposed, and its proximity to the highway the proposal, would appear cramped on site.

Serious concern that the scale of the extensions and alterations to form 5 No. self-contained flats, with no parking provision, will contribute to the generation of excessive parking demands on traffic in the area.

BRTC have been consulted on the amended scheme and their comments are awaited.

(5 UNIT SCHEME) 2 objections were received which raised the following matters:

- Longford Road is a nightmare for parking, more flats would add to problem as there is no off road parking
- Evidence of subsidence and extending so close to the railway would potentially destabilize the bank - no other property along the road are this close to the line
- Side elevation would be built on the land which further reduces green space in the area - cannot locate any leisure area for the property for the occupants
- Ongoing issues with refuse and dumping of rubbish by occupants of this property
- Existing issues of HGV vehicle deliveries from 4.30am, noise and maintenance noise from the railway, lack of parking, speeding vehicles, overflow of refuse from properties operating as HMOs
- Addition of extra bathrooms and kitchens will potentially impact the drainage area

COMMENTS ON REPRESENTATIONS RECEIVED:

The effect of permission on the value of land is not a planning matter. Matters of structural stability would be covered under the Building Control process. All other comments are addressed in below.

CONSULTATIONS

- Natural England
- Environmental Health
- Engineering Services Manager
- Engineers (Drainage)
- Network Rail

CONSULTATION RESPONSES RECEIVED:

(5 UNIT SCHEME) ARUN DISTRICT COUNCIL SURFACE WATER DRAINAGE - Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

(5 UNIT SCHEME) NATURAL ENGLAND - Since the application results in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

(5 UNIT SCHEME) NETWORK RAIL - Due to the proximity of the development (1m from Network Rail land), strongly recommends the developer contacts Network Rail via email prior to any works commencing on site, and to agree an Asset Protection Agreement to enable approval of detailed works.

(5 UNIT SCHEME) ENVIRONMENTAL HEALTH - Awaited.

(3 UNIT SCHEME) ARUN DISTRICT COUNCIL PRIVATE SECTOR HOUSING

Fire Safety - Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document - "Housing - Fire Safety, Guidance on fire safety precautions for certain types of existing housing".

Room Sizes - Room sizes should meet the minimum standards for houses in multiple occupation if the flats are intended to be rented.

Ventilation - Any bathrooms and kitchens without windows for natural ventilation should have adequate mechanical ventilation.

General - If the flats and studio/bedsit are to be rented then they must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 Hazards.

COMMENTS ON CONSULTATION RESPONSES:

The consultation response from Natural England does not take into account the reduction in bedspaces and the implications of these on recreational pressures on the Pagham Harbour SPA. All other comments have been addressed in the following sections of this assessment.

POLICY CONTEXT

Designations applicable to site:

- 2km Buffer for Bognor Reef Site of Special Scientific Interest
- 2km Buffer for Felpham Site of Special Scientific Interest
- Pagham Harbour Access Management Zone B
- Built up Area Boundary
- WSCC Mineral Consultation Area

DEVELOPMENT PLAN POLICIES

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

HDM1	H DM1 Housing mix
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM2	ENV DM2 Pagham Harbour
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and the Bognor Regis (2015-2030) Neighbourhood Development Plan August 2015.

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

Bognor Regis has a made Neighbourhood Plan and the relevant policies are considered in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the development by reason of its size and scale would not cause demonstrable harm to nearby residential amenity, the character of the area or the highway network.

OTHER MATERIAL CONSIDERATIONS

In applying the planning balance under Section 38(6), the following matters comprise material considerations:

EXISTING HMO (C3) USE OF APPLICATION BUILDING

The use of the building as a HMO (C3 use class) is a material consideration. 130 Longford Road features 6 bedrooms (2 persons each - 12 bedspaces) with parking, noise and refuse impacts. This level and nature of usage is a material consideration in assessing the acceptability of the development.

CONCLUSIONS**PRINCIPLE**

Arun District Council are unable to demonstrate a 5 Year Housing Land Supply (currently 3.7) and in such circumstances paragraph 11(d) of the National Planning Policy Framework applies. Paragraph 11(d) states that planning decisions should apply a presumption in favour of sustainable development which for decision taking means where the policies which are most important for determining the planning application are out-of-date, granting permission unless:

- i. The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when

assessed against the policies in this Framework taken as a whole.

The development utilises a previously developed site which would deliver 3 dwellings towards the Council's housing targets. The development would deliver these additional dwellings on a previously developed site which is sustainably located in close proximity to employment opportunities. The development would therefore fulfil the three objectives of sustainable development in principle.

Paragraph 11(d)(ii) requires a balanced judgement to be made which assesses whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole. These matters are assessed below.

DESIGN AND VISUAL AMENITY

Paragraph 118 of the NPPF states that planning decisions should (b) recognise that some undeveloped land can perform many functions; (c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs; (d) promote and support the development of under-utilised land, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example, building on or above railway infrastructure).

Paragraph 121 of the NPPF states that Local Planning Authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.

Paragraph 122 of the NPPF states that planning decisions should support development that makes efficient use of land, taking into account (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.

Policies D SP1, D DM1 and D DM4 of the Arun Local Plan are consistent with the above sections of the NPPF in that they require extensions to sympathetically relate to the existing buildings in terms of siting, massing, design, form, scale and materials. Policy D DM4 of the Arun Local Plan requires that extensions are visually subservient to the main building and do not compromise the established spatial character and pattern of the place.

The extension features a dual pitched single storey which would utilise a triangular parcel of open land in the built up area. The extension appears visually subservient to the main building and there would be a clear hierarchy of development on the site. Subject to a landscaping condition the extension would not result in any impacts upon wider public amenity or the character of the area.

The two storey extension relates to the north east portion of the building which fronts the railway line; namely comprising the insertion of a dormer window and infill extension within an existing dog leg of the building. The extension would not materially alter the overall appearance of the building and would be read as one whole. An indicative materials schedule has been provided. A condition will be imposed requiring details of all materials and windows used to be submitted to and approved.

The development would accord with paragraphs 118, 121, 122, 123, 127 and 130 of the NPPF and policies D SP1, D DM1 and DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

Paragraph 127(f) of the NPPF states that planning decisions should ensure that development create places with a high standard of amenity for existing and future users.

Policy QE SP1 of the Arun Local Plan is consistent with paragraph 127 of the NPPF in that it requires development to not have a significantly negative impact on residential amenity. Policy D DM4 of the Local Plan requires extensions to existing buildings to provide a high standard of amenity. Policy D DM1 of the Local Plan requires development to 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.

The development would be located in close proximity to the railway line; however, the building is already in residential use as a HMO. The first floor bedroom on the south eastern elevation is as existing and the retention of this relationship is not problematic. The ground floor accommodation would be screened by the proposed 1.8m boundary fencing and landscaping to be secured by way of condition. Such fencing should comprise acoustic fencing to mitigate noise impacts from the adjacent railway line. These measures would be secured by way of the hard and soft landscaping condition.

Concern has been raised by residents regarding associated impacts with residential properties being proposed. The nature and intensity of usage is likely to decrease on the basis of the reduction in bedspaces. With this reduction in usage, it is envisaged that a reduction in impacts will follow. The development is likely to result in an improvement to neighbouring residential amenity.

On the basis of the above, and balancing this against the Government's requirement to build homes at higher densities on sustainably located previously developed sites, the development would accord with paragraph 127 of the NPPF and policies QE SP1, D DM1 and D DM4 of the Arun Local Plan.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. The applicant has provided apartment sizes which have been set against the Nationally Described Space Standards (NDSS) below:

GF STUDIO APARTMENT: 37.14 sqm / 37sqm NDSS (minimum)

GF 1 BED APARTMENT: 75.30 sqm / 58 sqm NDSS (minimum)

FF 1 BED APARTMENT: 72.23 sqm / 58 sqm NDSS (minimum)

On the basis of the above, the development accords with Policy D DM2 of the Arun Local Plan.

PARKING, HIGHWAYS AND TRANSPORT

Paragraph 105 of the NPPF states that if setting local parking standards for residential development, policies should take into account the accessibility of the development, the type, mix and use of development and the availability of and opportunities for public transport.

The key to delivering sustainable development through the three roles in para 8 of the NPPF is locating residential development in sustainable locations where reliance upon the private car is reduced.

The development results in a net increase in 2 residential units; however, the number of bed spaces would reduce from 12 to 10. Arun District Council Parking Standards SPG (January 2020) advises 1 parking space per apartment. This is consistent with WSCC Parking guidance which advises 0.9 spaces per apartment. These guidelines do not comprise a minimum standard and are solely guidance.

The site is in a sustainable location, within walking distance of Bognor Regis Railway Station, bus routes and services required for day-to-day living.

WSCC conclude that they do not consider the proposal, which results in a reduction of bedspaces, would have a 'severe' impact on the operation of the highway network and is consistent with NPPF paragraph

109. WSCC conclude there are no transport grounds to resist the proposal.

Concerns have been raised by neighbours regarding existing pressures for on-street parking on Longford Road (5 unit scheme). The reduction in bed spaces from the HMO is likely to result in an improvement on existing pressures through a reduction in vehicles. The development has no objection from WSCC and does not result in a severe impact on the operations of the public highway.

The development reflects the Government's presumption towards delivering housing in sustainable locations which reduces the reliance upon private motor vehicle. Therefore, the development accords with paragraphs 102 and 109 of the NPPF and Policy T DM1 of the Arun Local Plan.

BIN AND CYCLE STORAGE

The plans detail bin and cycle storage; though no definitive capacities are provided. Bin storage per household should comprise a 240 litre bin for household waste and a 240 litre bin for recycling waste. Communal storage can be used for flats. The arrangement would be for bins to be taken to the kerbside through an access to Longford Road. This retains the existing kerbside collection arrangement which has not been problematic and is typical of other properties on the road. A condition allows agreement of details in respect of capacities and provision, prior to the occupation.

Cycle storage is shown in a purpose built self-enclosed outbuilding. Such provision needs to accord with WSCC and ADC guidelines. A condition allows agreement of details and provision, prior to occupation of the development.

Taking the above into account the development accords with WM DM1 of the Arun Local Plan and WSCC Parking Guidance SPG.

INTERNATIONALLY DESIGNATED SITE OF IMPORTANCE

The site falls in the 5km buffer of the Pagham Harbour Special Protection Area. Policy ENV DM2 of the Local Plan requires development likely to have an impact on Pagham Harbour to make a contribution towards the agreed strategic approach to access management at Pagham Harbour.

Taking into account the existing HMO (12 bedspaces), and proposed use (10 bed spaces), the development would not result in increased recreational pressures due to reduced population on site.

Whilst the consultation response from Natural England details a financial contribution should be sought, this advice has been given on the basis of an assumed increase in residential units; which fails to take into account the decrease in bedspaces. The advice from the Group Head of Planning and Council's Legal Team is that no increased recreational pressures result and no mitigation is required.

The development would accord with Policy ENV DM2 of the Arun Local Plan.

SUMMARY

The development accords with policies in the NPPF as a whole having had regard to the principle of development, design and visual amenity, internal space standards, residential amenity, heritage assets, highways and parking provision, bin and cycle storage, landscaping and water; and recreational impacts on the Pagham Harbour SPA.

The Council's current position of being unable to demonstrate a 5 year Housing Land Supply provides significant support for the development. In such circumstances paragraph 11(d) of the NPPF requires permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. There are no significant or demonstrable impacts of sufficient weight to outweigh compliance with the Framework as a whole. On this basis, the supporting Framework requires that

permission should be approved.

Please note the amended plans have been subject to an additional re-consultation period, owing to the change in description of development. The public consultation period lapses on 05 March 2020. Should this application be approved authority would need to be delegated to the Group Head of Planning and Chair of Committee to issue the decision after 05 March 2020.

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.

Considerations 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

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:

1917 P 01 - Block and Location Plans
 1917 P 04 Rev A - Plans as Proposed Three Flats
 1917 P 05 Rev A - Elevations Three Flats
 1917 P 06 Rev A - Elevations Three Flats

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

- 3 The materials to be used for the extension hereby permitted shall match the existing building.

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

- 4 No part of the development shall be first occupied until the windows serving bathrooms and toilets on the ground and first floors on the south eastern elevations shall at all times comprise obscure glazing unless otherwise agreed with the Local Planning Authority in writing.

Reason: In the interests of the amenities of the occupants of the dwellings hereby permitted in accordance with policies D DM1, D DM4 and QE SP1 of the Arun Local Plan.

- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces and bin storage have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The approved cycle and bin storage shall be retained on site in perpetuity at all times thereafter.

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

- 6 No part of the development shall be first occupied until the provision of acoustic fencing along the southern boundary have been submitted to, and approved by, the Local Planning Authority in writing. Once agreed, the acoustic fencing shall be retained at all times thereafter in perpetuity.

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

- 7 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 NPPF) 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, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level 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, and in accordance with Policy ECC SP2 of the Arun Local Plan.

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

- 9 INFORMATIVE: Surface water drainage should be designed and constructed to comply with building regulation requirements. Infiltration should be fully investigated, if however it is found that infiltration does not work controlled discharge to ordinary watercourse will be required. The applicant should be aware that any proposals to discharge flows to a watercourse require Ordinary Watercourse Land Drainage Consent prior to works.

Arun District Council requires 3m clearance between any structure and the bank of an ordinary watercourse and 3m clearance between any structure and a culverted ordinary

watercourse. This is to ensure that no construction will occur that will limit the current or future landowners ability to conduct maintenance to the watercourse in line with their responsibilities under the Land Drainage Act 1991.

10 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>.

11 INFORMATIVE: Due to the proximity of the approved development being 1m from Network Rail land, Network Rail strongly recommends the developer contacts AssetProtectionLondonSouthEast@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with Network Rail to enable approval of detailed works. More information can also be obtained from Network Rail at <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>

As well as contacting the Asset Protection Team the developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

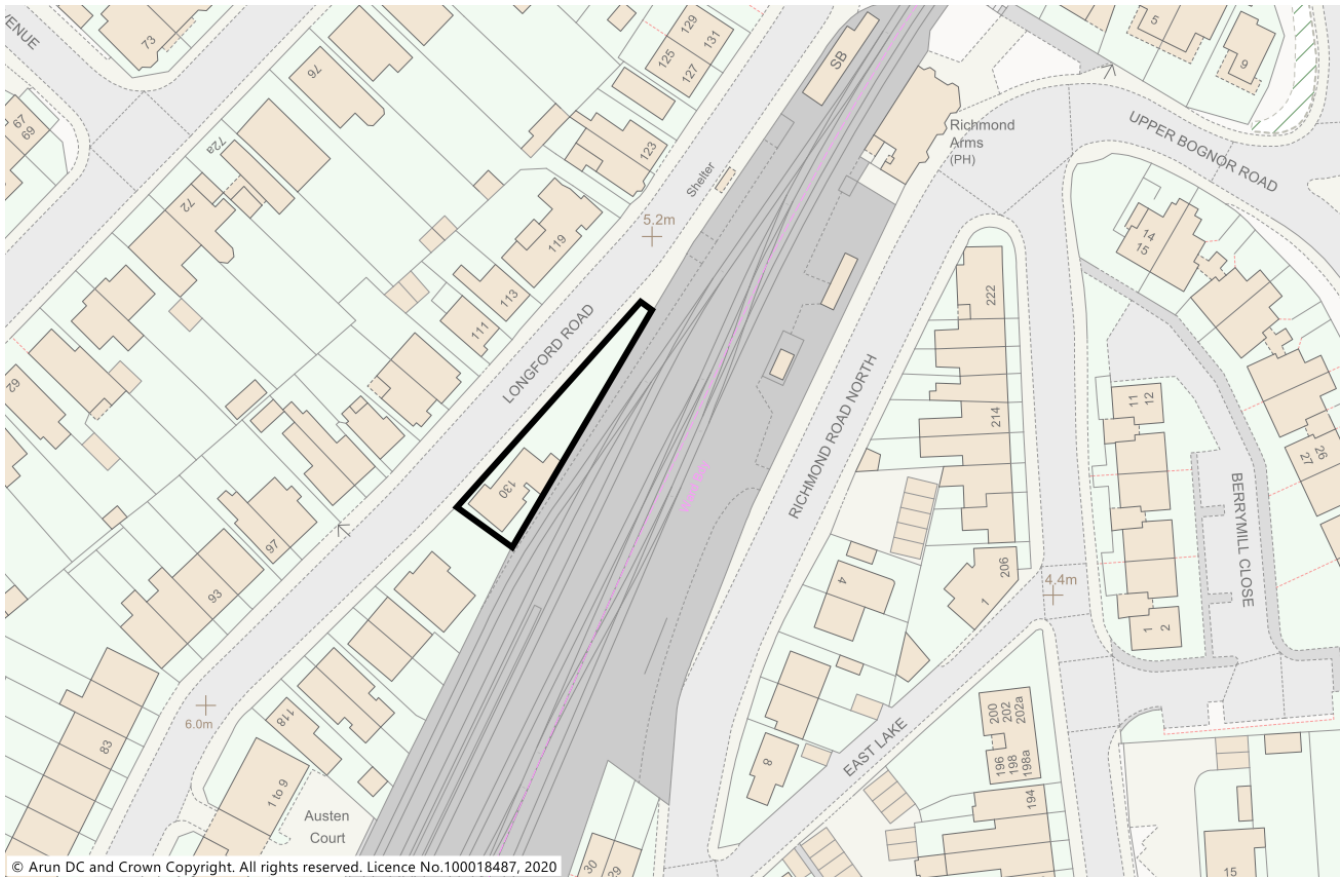
The above processes are separate processes outside of the Planning system and the Council accepts no liability for any compliance or lack thereof between the applicant/developer and any external body.

12 INFORMATIVE: This permission conveys consent under planning legislation only and contravention with other legislation e.g. protection of wildlife etc. should be considered.

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/243/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: CM/64/19/PL

LOCATION: Langford
Horsemere Green Lane
Climping
BN17 5QZ

PROPOSAL: Residential development comprising 2x3-bedroom bungalow, 2x3-bedroom houses, 2x2-bedroom houses 3x4-bedroom houses along with access and parking following demolition of existing dwelling - Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application proposes a residential development comprising 1 x 3-bedroom bungalows, 2 x 3-bedroom houses, 2 x 2-bedroom houses and 4 x 4-bedroom houses along with access and parking following demolition of existing dwellings.

SITE AREA 0.43 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 21 dph.

TOPOGRAPHY Predominantly flat.

TREES Following preparatory site clearance few well established trees remain. There are a number of trees along the northern boundary of the site which are characteristic of the wider area and contribute to the character of Horsemere Green Lane.

BOUNDARY TREATMENT The application site is well screened to its northern boundary by existing vegetation/tree planting. The site is set back by a grass verge along the northern boundary of Horsemere Lane, which comprises part of the primary character of this area. Boundary treatments to the east of the site comprise a mixture of close timber boarded fencing and vegetation planting. To the west of the site boundaries historically comprise significant tree planting; however, following the preparatory removal of these unprotected trees, the western boundary comprises a mixture of close boarded timber fencing and hedgerow planting. This is comparable to the southern aspect of the site also.

SITE CHARACTERISTICS The application site comprises a single storey residential dwelling. The dwelling sits close to the eastern boundary of the application site and abuts Haven to the east. The site is long, deep and linear in nature. The built development is situated forward on the site, but with a substantial set back from the road. Whilst this layout is characteristic of nearby plots, these plots are undergoing substantial change due to extant planning consents.

CHARACTER OF LOCALITY

To the north of Horsemere Green Lane is the Rudford Industrial Estate and Ford Aerodrome Strategic Development Site (SD8). To the south of the site are some residential dwellings off Appletree Way. The wider southern locality is characterised by Strategic Development Site SD10. By virtue of the site's surrounding area and allocated developments, the application site comprises an infill plot.

The application site comprises 1 out of 3 parcels of land promoted under the Council's HELAA process (Site CLY2). The remaining two parcels now benefit from planning permission for approximately 9 units each under their own individual permissions.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Climping Parish Council

Objects to this application for the following reasons:

1. Countryside - The site is outside the built-up boundary area on land designated as Countryside and the application is therefore contrary to Arun Policy C SP1.
2. Over Development - It is an over intensive high-density development which is against the character of the area and will be detrimental to the street scene. This is contrary to Clymping Neighbourhood Plan Policy CPN 11 Quality Design. The proposed Arun Design Guide recommends up to 15 per Ha.
3. Loss of Privacy - There will be overlooking of neighbouring properties which will be detrimental to their privacy. The proposed dwellings are in too close a proximity to existing properties.
4. Highways Impact - The creation of a further new access on to Horsemere Green Lane is not acceptable (this will be the third new access - all in close proximity to each other). With 22 parking spaces for 9 houses it seems likely that parking will spill out onto Horsemere Green Lane given those living in the dwellings, their visitors plus delivery and tradesmen vehicles.
5. Transport Assessment - Council is concerned that the Transport Assessment accompanying the application is flawed. The number of in and out trips for vehicles appears very low for 9 houses as the residents will be highly dependent on their cars as per the established local experience.

16 letters of objection:

1. Loss of privacy to neighbouring properties
2. Development will add to the over used roads which brings pollution
3. Further erosion of the wildlife and flora
4. Massive tree loss and environmental damage on the site
5. Three "native trees" proposed at the southern end of the property too close to existing brick built walls which will undermine and damage neighbouring property
6. Cumulative impacts upon highways safety
7. Insufficient visibility splays in the absence of any speed surveys
8. Breach of covenants on the site
9. Bats living in the trees on the site
10. Suggested pump system will not be sufficient and blockages will occur
11. Development appears to be contrary to Clymping Neighbourhood Plan
12. Over development of the site
13. Insufficient parking will lead to overspill parking on nearby roads
14. Development conflicts with local planning policy

COMMENTS ON REPRESENTATIONS RECEIVED:

PARISH COUNCIL

- 1 Countryside - The site is located outside the Built up Area Boundary (BUAB). Neighbouring sites of a similar character have benefited from permissions under the same circumstances.
- 2 - Over Development - The LPA consider that the site sits comfortably within the densities of nearby sites which comprise c. 20-25 dph.
- 3 - Loss of Privacy - The LPA identified loss of privacy relating to the relationship of Plot 8. The applicant has revised the design of Plot 8 after receiving feedback from Officers. All other back to back separation distances achieve c. 20m which are accordant with local design and established standards.
- 4 - Highways Impact - The consultation response received from WSCC consider the upgraded access on to Horsemere Green Lane to be acceptable subject to acceptable visibility splays. WSCC consider that the proposals meet with the relevant parking standards for the District.
- 5- Transport Assessment - The Highways Officers have raised no concern regarding trip generation from the site.

THIRD PARTY COMMENTS

1. Neighbouring amenity and privacy is addressed in detail below.
2. The cumulative impact on highways safety has been assessed by West Sussex County Council acting in their capacity as the Local Highway Authority.
3. Impacts upon habitats and biodiversity has been assessed by the Council's Ecology/Biodiversity Officer.
4. Tree loss and replacement planting has been assessed in full by the Council's Tree/Arboricultural Officer.
5. The Council's Tree Officer has not considered this to be problematic. Landscape planting could be reserved for further consideration by way of discharge of condition.
6. The cumulative impact on highways safety has been assessed by West Sussex County Council acting in their capacity as the Local Highways Authority.
7. As per (2) and (6) above.
8. Covenants are a separate matter outside of the Planning system.
9. Bats are protected under separate legislation. The Council's Ecology Officer is satisfied that species will be afforded adequate protection and additional separate legislation exists to address this matter.
10. Discharge of surface water and foul sewerage is assessed in full in this report by both Southern Water and the Council's Drainage Officer.
11. Regard has been given to the Neighbourhood Plan in the following sections of this report.
12. Density and overdevelopment of the site has been addressed in the following sections of this report.
13. Proposed parking provision meets both WSCC and Arun District Council standards.
14. An assessment against local planning policy has been addressed in the following sections.

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

WEST SUSSEX COUNTY COUNCIL HIGHWAYS

- An amended plan has been received detailing the proposed length of footway to extend from the existing footway at Appletree Walk into the site access. The footway and access works would require technical approval from WSCC Implementation team. It is considered that the footway demonstrated will improve pedestrian accessibility to the site from the wider area and could tie in with additional footway that will be provided in the future from a contribution sought under application CM/1/17.
- The amended parking plan shows that two additional visitor parking spaces and an additional allocated space for plot 9 have been provided and indicates electric vehicle charging points within the car ports.
- The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.
- If the Local Planning Authority is minded to grant planning consent the following condition(s) and informative note(s) would be advised.
- Swept path tracking diagrams within the TS demonstrate that a refuse collection vehicle and fire appliance can manoeuvre into, turn within the site and exit to the public highway in a forward gear.
- Vehicular visibility splays of 2.4m by 43m have been demonstrated at the site access, onto Horsemere Green Lane. The LHA does not raise any concerns to the achievable visibility at the site access on to Horsemere Green Lane.
- Trip Generation - The development could see an additional 5 x two-way vehicle movements in the AM peak and 4 x two-way in PM peak. Such an increase in vehicular movements to the nearby road network is not considered to result in a highway capacity issue.
- Parking - Is inline with parking provision requirements set out in the Arun District Council Supplementary Planning Document (SPD), due to the rural location.
- Bicycle parking should be provided at 1 space per 1 & 2 bedroom unit and 2 space per 3+ bedroom unit. It is expected that this would be provided with separate secure facility per plot (garden shed) and details could be secured via condition.

ARUN DISTRICT COUNCIL TREE OFFICER (please see full comments online)

- The principle of development as described is achievable without undue detriment to retained on-site trees, provided there is adequate site supervision at key stages by the project arboriculturist
- The preparatory clearance of established vegetation from across the site appears to have been significant but ultimately can be adequately compensated for by the replacement tree planting proposed in the detailed planting plan.

ARUN DISTRICT COUNCIL ENVIRONMENT OFFICER

Bats - Hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. The lighting scheme for the site will need to take into consideration the presence of bats in the local area. Bat boxes should be installed on to the buildings onsite facing south/south westerly positioned 3-5m above ground.

Nesting Birds - Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 01 March - 01 October. Would like a bird box to be installed on the extension and/or tree within the garden of the property.

Biodiversity Net Gain - We are pleased to see that enhancements have been provided within the Preliminary Ecological Appraisal (Dec 2019) further enhancements we would like to see are set out in the full comments found within the application file.

ARUN DISTRICT COUNCIL ENVIRONMENTAL HEALTH

No objection subject to conditions set out in full on the planning application file.

ARUN DISTRICT COUNCIL SURFACE WATER DRAINAGE

The proposed drainage strategy is reasonable given the absence of infiltration testing and groundwater monitoring. It is noted that infiltration has been found to be viable on neighbouring sites so we are optimistic that an infiltrating solution can be found.

COMMENTS ON CONSULTATION RESPONSES:

WSCC - The applicant has submitted a revised site plan that details the provision of 2 no. visitor spaces. The applicant has also confirmed they are willing to provide electric vehicle charging and have submitted amended plans to this effect. This EV charging can be secured by way of imposition of condition. The lawfulness of providing an extended footpath are discussed in further detail below. In summary, it is considered that the extended footpath is desirable but not necessary.

POLICY CONTEXT

Designation applicable to site:

- Outside Built up Area Boundary
- Area of Special Advertisement Control
- WSCC Mineral Consultation Areas

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

[Clymping Neighbourhood Plan 2015 Policy CPN11](#) Quality of Design

Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment
Clymping Neighbourhood Plan 2015 Policy CPN8	Protection of Trees and Hedgerows
Clymping Neighbourhood Plan 2015 Policy CPN9	Protection of Natural Habitats

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 the Made Climping Neighbourhood Development Plans (2015-2030).

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

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 fails to accord with policies contained within the Development Plan in respect of settlement boundaries.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to warrant a decision otherwise than in accordance with the legislative background. Owing to the Council's 5 year Housing Land Supply position, the settlement boundary policies are considered to hold reduced weight. The requirement to hold the contents of the National Planning Policy Framework as a material consideration, footnote 7 of the NPPF is considered to outweigh the lack of compliance with the policies contained within the Development Plan at this time.

CONCLUSIONS**PRINCIPLE**

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

The application site, along with the entirety of the Climping Parish, is situated outside of the built up area boundary (BUAB) as specified by Policy SD SP2 which seeks to focus development within the built up area. Due to the site's location outside of the BUAB, development in this location would be in conflict with Policies C SP1 and SD SP2 of the Arun Local Plan. The key considerations in the determination of this application are policies C SP1 and SD SP2 of the Local Plan. However, owing to the Council's 5 year Housing Land Supply position these policies are out of date and therefore hold reduced weight.

Arun District Council are unable to demonstrate a 5 year Housing Land Supply at the time of this assessment which therefore triggers the presumption in favour of sustainable development under footnote 7 and paragraph 11(d). Applying the presumption in favour of sustainable development for decision taking means granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

The development would provide housing in a sustainable location that would provide access to jobs and services required for day-to-day living, which would support the local economy (economic). The development would provide a range of homes that could meet the needs of present and future generations (social). The development would make an effective use of the land on a previously developed on an infill plot surrounded by similar development (environmental).

Paragraph 11(d)(ii) requires decisions to be taken in accordance with the policies in the Framework unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The provisions contained within the 2019 Framework are given significant weight in the application of paragraph 11(d) in the absence of the Council being able to demonstrate a sufficient 5 year Housing Land Supply. A full assessment of all matters and their significance are outlined below.

DESIGN AND VISUAL AMENITY

Policy CPN 11 of the Climping Neighbourhood Plan is in accordance with the NPPF provisions and states new development must be of a high quality design and protect and enhance local character as assessed by the Climping Character Assessment. Policy CPN 11 sets out an 8 point criteria against which development should be assessed. Policy CPN 11 reiterates the contents of the NPPF in that development proposals of poor design that fail to take the opportunities available for improving local character and quality of an area and the way it functions will not be permitted.

Policies D SP1 and D DM1 of the Arun Local Plan are consistent with the NPPF provisions in that they require development proposals to make efficient use of land but reflect the characteristics of the site and local area in their layout, density, mix, scale, massing, character, materials, finish and architectural details. Policy D SP1 requires development proposals to have derived from a thorough site analysis and context appraisal. Policy D DM1 of the Arun Local Plan requires development proposals to have regard to character, appearance/attractiveness, density and scale.

Paragraph 127 of the National Planning Policy Framework requires decisions to ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Paragraph 130 of the National Planning Policy Framework makes clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The layout of the site would feature a characteristic set back from Horsemere Green Lane which is a consistent feature across the approved layout of the adjacent Scyld site and Haven dwelling. The retention of this set back, coupled with the landscaping features detailed below, would reinforce the character of the local area.

The development features off-street car parking in the form of a combination of single storey garage buildings and driveways. Such features are consistent across the former Scyld site to the west and with

adjacent dwellings along Appletree Road to the east.

The density of development comprises c. 21 dph which is consistent with both the HELAA indicative density and densities approved within the Scyld site to the west and adjacent Appletree Road development to the east. The retention of this comparable density ensures that the layout accords with the character of the area.

The proposed dwellings feature a mixture of bungalows and two storey dwellings. This mix is consistent with the Arun Local Plan requirement to provide a mix of housing across new residential development sites. The development provides 2b4p dwellings at the lower end, up to 4b8p dwellings at the upper end. This housing mix on such a small site also reflects the mix across the other two sites that make up the CLY7 HELAA allocation.

The design of the proposed dwellings feature dual pitched roofs with a number of hips. The effect of these design features is that the roof pitches and features allow for sunlight to bath the development; without the built form dominating the skyline. This is consistent with the nearby developments found within the locality and reiterates the wider character of the area.

The development will make an efficient use of land but reflect the characteristics of the site and local area, in accordance with paragraphs 127 and 130 of the National Planning Policy Framework and Policies D SP1 and D DM1 of the Arun Local Plan and Policy CPN 11 of the Climping Neighbourhood Development Plan.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal space standards to be an appropriate size to meet the requirements of all occupants and their changing needs.

The internal spaces of the proposed dwellings have been assessed against the Nationally Described Space Standards which are used to assess acceptable spaces under Policy D DM2. The proposed spaces either meet or exceed the minimum thresholds. The development therefore accords with Policy D DM2 of the Arun Local Plan.

NEIGHBOURING AMENITY

Policy QE SP1 of the Arun Local Plan is consistent with NPPF provisions and requires all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity.

Paragraph 127(f) of the National Planning Policy Framework (2019) requires planning decisions to create places with a high standard of amenity for existing and future users.

The proposed site layout bears a close relationship between Plot 6 and no. 47 Apple Tree Road. Separation distances comprise c. 20m and proposed tree planting which could be protected by way of condition provides long term screening. This would ensure that no unacceptable level of inter visibility would result. On this basis, and subject to the conditions set out below, the relationship between Plot 6 and No. 47 would be acceptable.

Plot 1 is situated close to the neighbouring dwelling of Haven to the east; however, plot 1 comprises a single storey bungalow form. Whilst its relationship is close, the existing footprint of Langford sat closer to Haven than plot 1. Landscaping is provided along this boundary which would be secured by way of condition and this relationship would comprise an improvement over the existing relationship.

Following discussions with the applicant over concerns regarding overmassing and privacy, Plot 8 has

been revised to comprise a chalet bungalow form; omitting the first floor south facing windows which were considered harmful. Plot 8 now has its two storey mass clustered to its northern elevation. The setting forward of the 2 storey mass would provide greater separation to the existing dwelling to the SE and the pitch of the rear element ensures access to light would not be infringed. The above amendments to Plot 8 ensure no issues of overmassing would result.

Most buildings comprise a mixture of dual pitched and hipped roof forms with sufficient separation distances between neighbouring dwellings within the site. This allows for light to transverse between the buildings which ensures the siting of dwellings would not have an unacceptable impact upon access to light for existing dwellings. The layout, orientation and siting of dwellings ensures no overshadowing or overmassing impacts would result. Whilst it is acknowledged that the outlook of a number of nearby adjacent residential properties would change, such a change would not be demonstrably harmful for the purposes of residential amenity.

On the basis of the above assessment, the development would accord with paragraph 127 of the National Planning Policy Framework and Policies QE SP1 and D DM1 of the Arun Local Plan.

HIGHWAYS, TRANSPORT AND PARKING

Policy T SP1 of the Arun Local Plan does not relate to housing supply and is therefore considered to be given sufficient weight. Policy T SP1 requires development to incorporate appropriate levels of parking in line with West Sussex County Council Parking Guidance. Policy CPN 14 of the Climping Neighbourhood Plan reiterates paragraph 109 of the NPPF in that development which will have a detrimental impact on highway safety and the living conditions of residents will be resisted.

Paragraph 108 of the National Planning Policy Framework states that it should be ensured safe and suitable access to the site can be achieved for all users. Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Arun District Council Parking Standards the development requires 22 parking spaces. The applicant's total provision comprises 22 spaces across a mixture of open air and garaged spaces which are considered acceptable.

Most parking spaces are located nearby to residential properties. As per ADC guidance these spaces should be served by electric vehicle charging which the applicant has indicatively shown. A condition will be imposed requiring EV charging provision and maintenance of this provision in working order in perpetuity.

The applicant has provided a visibility splay diagram demonstrating sufficient splays can be achieved. WSCC have confirmed that the verge is kept clear for pedestrian refuge. WSCC have not raised any objection to the proposed splays on the basis of actual speeds and therefore safe and sufficient access would be achieved.

The Parish Council has requested works to create a new footpath along Horsemere Green Lane to link into the wider infrastructure network. However, for such a requirement to be lawful they would need to comply with the tests for Planning Obligations set out in paragraph 56 of the NPPF. In this instance, any works secured by way of obligation would need to be (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

The response received from WSCC Highways noted that 'it would be beneficial... for the footway to

continue along southern side of Horsemere Green Lane to link in with existing footway on junction of Appletree Walk/Haven'. However, the response does not consider it necessary to address an overriding issue that would otherwise necessitate the refusal of planning permission.

The consultation response from WSCC states that the 'provision of a small section of footway to tie in to existing pedestrian infrastructure network would be a suitable contribution from the developer to improve pedestrian accessibility of the site'. Therefore, the desire to tie in to existing pedestrian infrastructure is sought as an improvement the wider area and not to mitigate an impact of the development. It would not be directly related to the development, fairly and reasonably related in scale and kind and, thus, unnecessary.

It is clear that the contribution/works sought are desirable. However, the Local Planning Authority would therefore be in contravention of both paragraphs 56 of the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010 if footpath improvements were sought.

Taking into account the above, the development would provide for the transport demands created in accordance with paragraphs 108 and 109 of the National Planning Policy Framework, Policy T SP1 of the Arun Local Plan and Policy CPN 14 of the Climping Neighbourhood Plan and according West Sussex County Council: Guidance on Parking at New Developments SPG (March 2019) and Arun District Council Parking Standards.

CYCLE STORAGE

Policy T SP1 of the Arun Local Plan requires the Council to ensure that developments promote sustainable transport including the use of bicycles. Arun District Council Parking Standards generate a total of 9 cycle parking spaces across the development.

The proposed cycle parking provision would accord with the according guidelines set out to support Policy T SP1 of the Arun Local Plan. A condition will be imposed to secure their provision prior to the occupation of the dwellings permitted. Such a condition meets with the tests outlined in paragraph 55 of the NPPF.

BIN STORAGE AND COLLECTION

Policy WM DM1 of the Arun Local Plan requires new residential development to be designed to ensure kerbside collection is possible for municipal waste vehicles and, where appropriate, communal recycling bins and safe bin storage are available to residents of flats.

The proposed plans detail sufficient bin storage which West Sussex County Council have confirmed accords with stipulated guidance on capacities. Whilst criteria (a) of Policy WM DM1 would not allow for kerbside collection, sufficient tracking has been provided to allow for municipal waste vehicles to enter and exit the site.

A condition will be imposed requiring provision of bin storage prior to the occupation of the dwellings hereby permitted. Such a condition accords with paragraph 55 of the National Planning Policy Framework. Taking the above factors into account, the development accords with Policy WM DM1 of the Arun Local Plan.

TREES

Policy ENV DM4 of the Arun Local Plan states where there are existing trees on or adjacent to a development site, developers shall be required to provide landscape and tree surveys, a tree constraints plan and an arboricultural impact assessment, incorporating a method statement.

The consultation responses received noted the demonstrable loss of trees and vegetation from the site

but none of these trees benefitted from any formal protection. Whilst regrettable, their removal has not breached any legislation or policy.

The Tree Officer's consultation response noted the benefit that the replacement planting would provide across the site. This is consistent with the approach advocated by Policy ENV DM4 of the Local Plan which seeks to ensure development is planned to take a comprehensive view of tree issues at an early stage in the design process.

Subject to the conditions set out in the Tree Officer's consultation response, the development would ensure the health and longevity of the replacement planting. On this basis, the development would accord with Policy ENV DM4 of the Arun Local Plan.

LANDSCAPING

Policy CPN 8 of the Climping Neighbourhood Plan is consistent with NPPF provisions and requires development proposals be designed to retain trees or hedgerows of good arboricultural and amenity value. Policy CPN 8 states development proposals should be accompanied by a survey that establishes the health and longevity of any affected trees or hedgerows and a management plan to demonstrate how they will be so maintained.

Policy D SP1 of the Arun Local Plan is accordant with NPPF provisions and states all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout. Policy ENV DM3 of the Arun Local Plan states that development proposals that do not reasonably address opportunities for enhancing landscaping shall not be permitted.

Paragraph 127(b) of the National Planning Policy Framework requires planning decisions to ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Further, paragraph 153(b) of the National Planning Policy Framework requires that in determining planning applications, local planning authorities should expect new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

The applicant has provided a full landscaping scheme which has been assessed by both the Council's Landscape and Tree Officers. The submitted landscape plan would provide net gains for landscape which would in turn allow for subsequent net gains in terms of biodiversity. Taking these factors into account, combined with the favourable comments received from the Council's Landscape and Tree Officer, combined with their recommended conditions, the development will accord with paragraphs 127 and 153 of the National Planning Policy Framework, Policy CPN 8 of the Climping Neighbourhood Plan and Policy D SP1 of the Arun Local Plan.

SUSTAINABLE CONSTRUCTION

Policy ECC SP2 of the Arun Local Plan requires all new residential development (including conversions to be energy efficient. To achieve conformity with Policy ECC SP2 a condition will be imposed requiring the applicant to detail how the dwellings will accord with the above proposals.

SURFACE WATER AND DRAINAGE

Policy W SP1 of the Arun Local Plan states that development will be encouraged to make active use of surface water as a design feature and permitted where it identifies measures to improve and enhance waterbodies and provides additional flood relief. Criteria (a) of Policy W SP1 states that the Council will also support development that is appropriately located, taking account of flood risk and promotes the incorporation of appropriate mitigation measures into new development, particularly Sustainable Drainage Systems that reduces the creation and flow of surface water and improves water quality.

The applicant has indicated that existing infiltration is their preferred method of disposing of surface water, subject to infiltration testing. The Council's Drainage Engineer's accord with this preference and a condition will be imposed to require infiltration testing to assess the suitability of this method.

Should infiltration testing show that run off is unable to be achieved, the applicant has indicated that surface water flows can be addressed via drainage channels along the western boundary of the site. This will drain towards the attenuation pond which will act as a design feature in the development. This attenuation pond will be served by a hydrobrake which will control discharge flows out to the drainage ditch running along the northern boundary of the site. The Council's Drainage Engineers have assessed these measures as being suitable, should infiltration testing prove that surface water flows cannot be accommodated within the existing groundwater table.

On this basis, the development accords with Policy W SP1 of the Arun Local Plan.

HABITATS AND BIODIVERSITY

Policy ENV DM5 of the Arun Local Plan is accordant with NPPF provisions and requires developments, in the first instance, to seek to achieve a net gain in biodiversity and protect existing habitats on site. It requires developments to 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).

Paragraph 170(d) of the National Planning Policy Framework states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 174(b) of the National Planning Policy Framework requires plans to identify and pursue opportunities for securing measurable net gains for biodiversity. Further, paragraph 175(d) requires local planning authorities to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

The applicant has provided information on landscape and ecology which has received positive comments from the Council's Landscape Officer within the consultation period. The measures detailed within the corresponding reports and plans will be secured by imposition of conditions relating to landscaping which will improve the biodiversity value across the site.

Taking the above factors into account the development accords with paragraphs 170(d), 174(b) and 175(d) of the National Planning Policy Framework and Policy ENV DM5 of the Arun Local Plan.

SUMMARY

Arun District Council are unable to demonstrate a 5 year housing land supply on the date of this assessment and therefore the presumption in favour of sustainable development follows. Paragraph 11(d)(ii) requires permissions be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the 2019 Framework taken as a whole.

This report has assessed the application against the aforementioned matters in the contents of the National Planning Policy Framework which takes precedence. It has considered that the proposed development accords with the 2019 Framework. Under paragraph 11(d) it therefore follows that planning permission should be granted.

HUMAN RIGHTS ACT

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

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

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

DUTY UNDER THE EQUALITIES ACT 2010

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 :

190725-LP-01 - Location Plan
 190725-SL-01 Rev L - Site Layout
 190725-HT-A-EL Rev B - House Type A Elevations
 190725-HT-A-FR Rev B - House Type A Floor Plans
 190725-HT-B-EL Rev D - House Type B Elevations
 190725-HT-B-FP Rev C - House Type B Floor Plans
 190725-HT-C-EL Rev C - House Type C Elevations
 190725-HT-C-FP Rev B - House Type C Floor Plans
 190725-HT-D-EL Rev C - House Type D Elevations
 190725-HT-D-EL Rev C - House Type D Floor Plans
 190725-HT-E-EL Rev D - House Type E Elevations
 190725-HT-E-FP Rev D - House Type E Floor Plans
 190725-HT-F-EL - House Type F Elevations
 190725-HT-F-FP - House Type F Floor Plans
 190725-SS-01 Rev B - Street Scenes/Sections
 190725-SL-03 Rev D - Site Layout Refuse Strategy
 190725-SL-02 Rev E - Site Layout Parking Strategy
 LLD1762-ARB-DWG-002 Rev 07 - Tree Retention and Protection Plan
 KNC1933 602-01 Rev D - Drainage Strategy
 602-01 Rev D - Drainage Strategy

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

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy DDM1 of the Arun Local Plan.

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

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

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

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

maintained in good working order in perpetuity.

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

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

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

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

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

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

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

- 9 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plans, dwg. nos. LLD1762-ARB-DWG-002, Rev 07. The approved fencing shall be retained in the approved positions throughout the development of the site.

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

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

- 10 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details and splays shown on KNC1933 605-01 Rev A and retained as such at all times thereafter. The visibility splays hereby approved and provided on site shall be kept clear above 600mm from AOD at all times thereafter.

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

- 11 No part of the development shall be first occupied until the vehicle parking, garages and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use and the garages shall be retained for the purposes of parking of a private motor vehicle, unless otherwise agreed with the Local Planning Authority, in writing.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy D DM1 of Arun Local Plan.

- 12 No part of the development shall be first occupied until the bin stores and secure covered cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The bin storage agreed under the approved scheme shall be retained in perpetuity.

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

- 13 Prior to the occupation of any dwellings hereby permitted, 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. Details submitted shall accord with the provisions contained within the Arun District Council Supplementary Planning Guidance on Parking. The development shall thereafter be implemented in accordance with the approved details and the charge points shall thereafter be 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 (NPPF).

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

good working order thereafter.

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

- 15 The development shall proceed in accordance with the Ecological Impact Assessment and prior to occupation ecological enhancements detailed on page 18 shall be made to the scheme and retained in perpetuity in accordance with details to be submitted to and approved by the Local Planning Authority.

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

- 16 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact and Method Statement, Lizard Landscape Design Ltd., LLD1762-ARB-REP-001, Rev 04.

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

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

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

- 18 The approved details of the landscaping contained within Detailed Planting Plan LLD1762-LAN-DWG-200 Rev 01 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.

- 19 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.

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

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

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

- 22 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.

- 23 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.

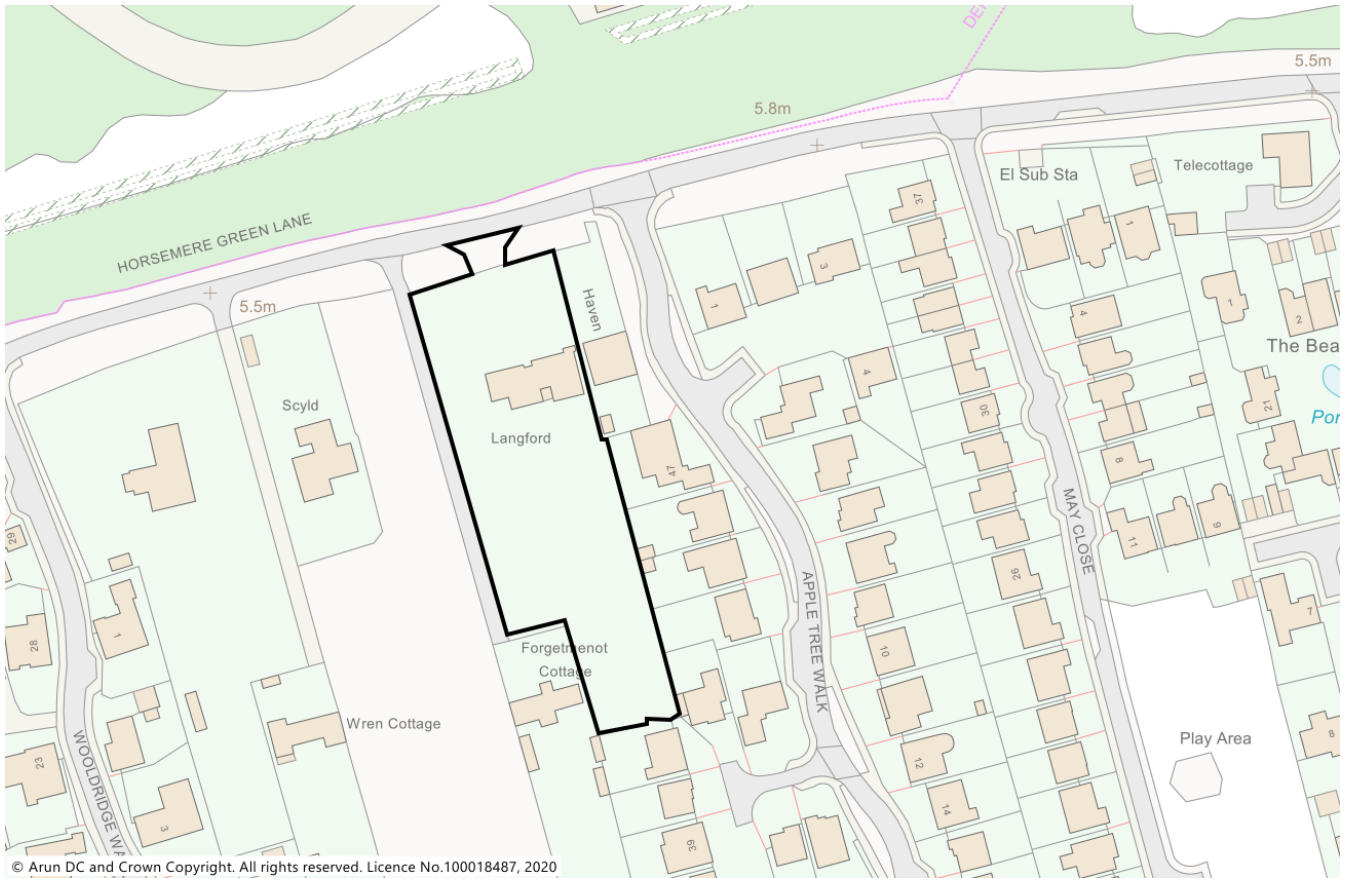
- 24 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally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

- 25 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement between the applicants and West Sussex County Council requiring the provision off the footpath upgrading to be undertaken and provided prior to the occupations of the dwellings permitted by this planning permission.

BACKGROUND PAPERS

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

CM/64/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: CM/65/19/PL

LOCATION: Atherington Lodge
Climping Street
Climping
BN17 5RN

PROPOSAL: Demolition of existing dwelling & construction of new dwelling on existing footprint of original & retaining the same vernacular style - (Resubmission of CM/33/19/PL)
Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is for a replacement dwelling and the works on site are progressing. The existing dwelling had inadequate foundations which could not take the additional weight of the first floor alterations and accordingly the original dwelling was demolished. The new dwelling has a ridge height of 5.7m and an eaves height of 3.4m. There is no increase in either the height or footprint of the building. The precise materials are indicated on the submitted plans and comprise quoins, banding and brickwork dressings around window and door openings with knapped flint infill panels and Marley or similar sand faced concrete plain tiles to match existing.

The proposed development effectively involves a demolition and redesign of the original property by creating a full first floor and more accommodation in the roof area. The proposal alters an existing 5 bedroom property, with 2 bedrooms at first floor to a 3 bedroom dwelling with all bedrooms at first floor level.

SITE AREA

2268 sq metres.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

A 2 metre flint and lime wall with a 3 metre hedge to the rear of the garden.

SITE CHARACTERISTICS

Formerly a detached bungalow on a large plot with a plain tile roof and rendered elevations that had been incrementally extended with dormers in the rear roof slope. Works have begun on site.

CHARACTER OF LOCALITY

A hamlet of dwelling houses and a bed and breakfast within 100 metres of Climping Beach front.

RELEVANT SITE HISTORY

CM/33/19/PL	Demolition of 1 No. existing dwelling & erection of 1 No. new dwelling.	Withdrawn 03-09-19
CM/3/18/HH	Raising of first floor to utilise attic space.	ApproveConditionally 23-04-18
CM/11/17/HH	Detached home office	ApproveConditionally 07-06-17

Planning permission CM/3/18/HH granted planning permission for first floor accommodation with first floor windows in the front and rear elevations.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Objection:

- Loss of Privacy. The design adds new upstairs windows that now overlook the neighbouring property.
- Flood Risk Assessment Inadequate. The points of concern raised by the Environment Agency should be fully resolved before the application can be approved.
- The footprint and roof height of the new dwelling should match or be less than the demolished dwelling (roof height maximum 5.9 metres) and materials to be used should match those of the demolished dwelling.

One Objection:

- Demolition was unlawfully commenced.
- Pool house and garage is now an unlawful independent residential building.
- Barn is now an unlawful independent residential building.
- New build dwelling does not fit in with the street vernacular.
- House is almost finished.
- This area of Climping Street will be the first to flood.

COMMENTS ON REPRESENTATIONS RECEIVED:

- The proposal does not result in a material loss of privacy. There is a distance from first floor windows and the eastern boundary of 28m and to the western boundary of 30m.
- The Environment Agency have not objected to the proposal on flood risk.
- The height and footprint of the replacement dwelling is no greater than the original dwelling.
- The proposal is acceptable in terms of its external appearance and impact on the street scene.
- The elevations now include brick detailing and quoin work and result in development which is in keeping with the street scene.

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

Environment Agency - No Objection. As this is a replacement dwelling and some betterments over the existing are proposed there are no objections to the proposal as submitted, provided an appropriate condition is imposed.

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).

Southern Water - No Objection

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Requested condition has been included in the recommendation.

POLICY CONTEXT

Designation applicable to site:
 Outside Built Up Area Boundary
 Within Gaps Between Settlements
 Biodiversity Opportunity Area
 No Public Sewer
 Flood Zone 3

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
CSP1	C SP1 Countryside
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
SDSP3	SD SP3 Gaps Between Settlements
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ECCDM1	ECC DM1 Renewable Energy

<u>Clymping Neighbourhood Plan 2015 Policy CPN11</u>	Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN12	Reducing the risk of flooding
Clymping Neighbourhood Plan 2015 Policy CPN7	Protection of open views

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 relevant policies in the Climping Neighbourhood Plan have been taken into account.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that although it is located in the countryside the development complies with other policies in the Plan in accordance with CSP1(f) of Arun Local Plan in that it represents a one for one replacement dwelling and it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**PRINCIPLE**

The application site is situated outside the built up area within a rural location close to Climping Beach. However, it is also within an established residential area where the principle of development can be acceptable subject to compliance with relevant development plan policy.

VISUAL AMENITY AND CHARACTER OF THE AREA

The proposed roof alterations alter the shape of the building, but the ridge height of the property remains the same as the original property although due to the change in shape to provide a crown roof together with 6 large dormer additions the bulk of the building is increased.

The proposed dormers alter the original dormer windows on the rear elevation to provide 4 windows in total and two new dormers are created on the front elevation. The dormers are of similar size and shape except one to the rear which is larger to accommodate glazed doors. The dormers are well positioned in the proposed roof slope and do not appear as unduly dominant additions on the roof slope. The proposed changes would be visible from the lane and also surrounding properties.

The replacement dwelling alters the design, scale and bulk of the original property. However, the nearby properties are of varying design and size and include first floor accommodation, therefore an increase in bulk is not considered inappropriate in its streetscene context, particularly given the spacious plots and separation distances between properties. Further, although the site lies within a Gap between Settlements and the proposed replacement dwelling alters the visual prominence of the building from outside the site, it would not undermine the physical and/or visual separation of settlements, compromise the integrity of the gap and it cannot be located elsewhere. Given the comparable footprint with the existing dwelling it also maintains the character of the undeveloped coastline and therefore fully complies with the requirements of policy SD SP3 of Arun Local Plan.

Whilst the style of the resultant property is different to the original house it is not considered that its scale, bulk and detail is out of character or harmful with the wider area which has a mix of styles and sizes. The roof materials would match the existing property. The dwelling would have a similar, slightly reduced footprint and the same height as the original dwelling and does not impact on the visual amenities of the locality. The proposal does not impact on the protection of open views given that the footprint and height of the replacement dwelling are comparable with the existing. The design includes brick banding and quoin details which add visual interest to the elevations and the property includes mitigation for flood risk in accordance with policy DSP1 of Arun Local Plan and paragraph 124 of the National Planning Policy Framework which seeks to ensure good design which is a key aspect of sustainable development.

Arun's Design Guide SPD refers specifically to development in rural areas. It recognises that the Arun countryside contains a significantly higher proportion of detached, semi-detached and a lower proportion of terraced homes than the national average. Many of these have modern infilling, and it must be ensured that any future extensions or alterations are in keeping with the existing building and immediate environment. The proposal meets these criteria.

Therefore, whilst there are changes to the original property the proposed replacement dwelling is not harmful to the character and appearance of the street scene or wider area in accordance with policies D DM1 of Arun Local Plan and Policy CPN11 of Climping Neighbourhood Plan.

RESIDENTIAL AMENITY

With regard to amenity of adjoining properties the nearest properties would be those at Atherington Farm 15m to the south. There are no windows in the first floor side elevation facing these buildings. In addition, given the separation distance the proposal will not be unduly dominant upon them. Therefore, there is no adverse impact upon the amenity of the occupiers of these properties.

To the east and north the rear and side elevations of the proposed development overlook farmland. To the west there is 1 & 2 Atherington Cottages. It is noted that concerns have been raised regarding overlooking from the development. The proposed scheme does introduce two first floor dormer windows in the elevation facing these properties. Both serve landings and will provide new views towards the properties at Atherington Cottages. However, these would be acceptable given the separation distance: the application property is approximately 30m to the boundary of the site at its nearest point and the proposed dormer windows would be approximately 31m and 35m from the boundary. Given this separation distance, even in such a spacious rural location, a refusal on the basis of loss of privacy or loss of outlook could not be justified and sustained. In such circumstances it is also not considered reasonable to impose a condition requiring obscure glazing and that the windows be fixed shut.

Therefore, the proposed development will not lead to an unacceptable impact upon the amenity of adjoining occupiers.

FLOOD RISK

The site lies in an area at high risk of flooding, Flood Zone 3 and the application includes a Flood Risk

Assessment. The dwelling is a replacement of an existing and improves on the current flood risk. A sequential test has not been undertaken in this case. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. However, in this case the dwelling is being rebuilt and therefore the applicant could not reasonably be expected to re-locate on an alternative site hence a sequential test has not been undertaken. Climping beach is now in poor condition following recent storms. The Environment Agency have been unable to restore the beach to its previous condition and the frontage remains increasingly vulnerable to further damage and overtopping. The beach has a limited remaining life as a flood defence. However, as this is a replacement dwelling which represents an improvement on the original dwelling layout by removing downstairs bedrooms it represents a reduction in flood risk, provided the condition requested by the Environment Agency is imposed, which provides for mitigation in the form of finished floor levels being set no lower than 300mm above ground level and no sleeping accommodation being placed on the ground floor. The proposal therefore accords with policies CPN 12 of Climping Neighbourhood Plan and policies ECC SP1 and W DM2 of Arun Local Plan.

BIODIVERSITY

Development should seek to achieve a net gain in biodiversity in accordance with policy ENV DM5 of Arun Local Plan. No biodiversity gain is included within the proposal. This proposal does not increase the building footprint, works are nearing completion and it would be difficult to reasonably justify the inclusion of bat/bird boxes within the dwelling itself. However in accordance with policy ENV DM5 a condition is imposed to ensure 2 bird boxes and a hedgehog house and highway are provided in the garden.

CAR PARKING

There is ample parking space within the curtilage of the dwelling. Arun Parking Standards require 2 spaces and this demand can be met within the site. Policy TSP1 of Arun Local Plan requires new development to make provision for electric vehicle charging points. Although the dwelling represents a one for one replacement and reduces the number of bedrooms it is policy requirement that electric vehicle charging points are provided for all new dwellings. A condition requiring the installation of an electric vehicle charging point is therefore suggested.

CONCLUSIONS

In summary, the proposed development is not visually obtrusive or prominent to merit refusal of planning permission. The proposed development complies with adopted planning policy in the Arun Local Plan and the Climping Neighbourhood Plan. As such the proposed development 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 approved shall be carried out in accordance with the following approved plans:

Site Location : 518/19-sl01 revA
 Existing Location Plan, Block Plan& Photos 518/19-01 revA
 Existing Block Plan 518/19-10
 Existing Floor Plans &Section 518/19-04
 Existing Elevations 518/19-05
 Existing Site Sections 518/19-03
 Proposed Site Plan 518/19-06
 Proposed Block Plan 518/19-11
 Proposed Floor Plans &Section 518/19-08A
 Proposed Elevations 518/19-09
 Proposed Site Sections 518/19-07
 Topographical Survey 1.01

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

- 2 The development permitted by this planning permission shall only be carried out in accordance with the submitted flood risk assessment (submitted by STM environmental, dated 06/12/2019) and the following mitigation measure it details:

- Finished floor levels shall be set no lower than 300mm above ground level
- No sleeping accommodation shall be placed on the ground floor

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

Reason: To reduce the risk of flooding to the proposed development and future occupants. In accordance with policies W SP1 and W DM2 of Arun Local Plan.

- 3 Within 3 months of completion of the development the following wildlife habitats and enhancements shall take place in accordance with details to be submitted to and approved by the Local Planning Authority:

- A bird box on the building/ and or a tree
- One hedgehog nesting box

- Incorporation of gaps at the bottom of the fences/gaps in walls to allow movement of small mammals across the site.

The boxes/gaps so approved shall be retained in perpetuity.

Reason: To safeguard the ecology of the area, and in the interests of birds/wildlife in accordance with policy ENV DM5 of Arun Local Plan.

- 4 Within 3 months of the completion of the development, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c), TSP1 and ECCSP2 of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

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

- 6 INFORMATIVE: The use of flood resistance and resilience measures is recommended. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. The following documents may also be useful:
 Department for Communities and Local Government: Preparing for floods <http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>
 Department for Communities and Local Government: Improving the flood performance of new buildings: <https://www.gov.uk/government/publications/flood-resilientconstruction-of-new-buildings>.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, it is recommended you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

- 7 INFORMATIVE: It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an

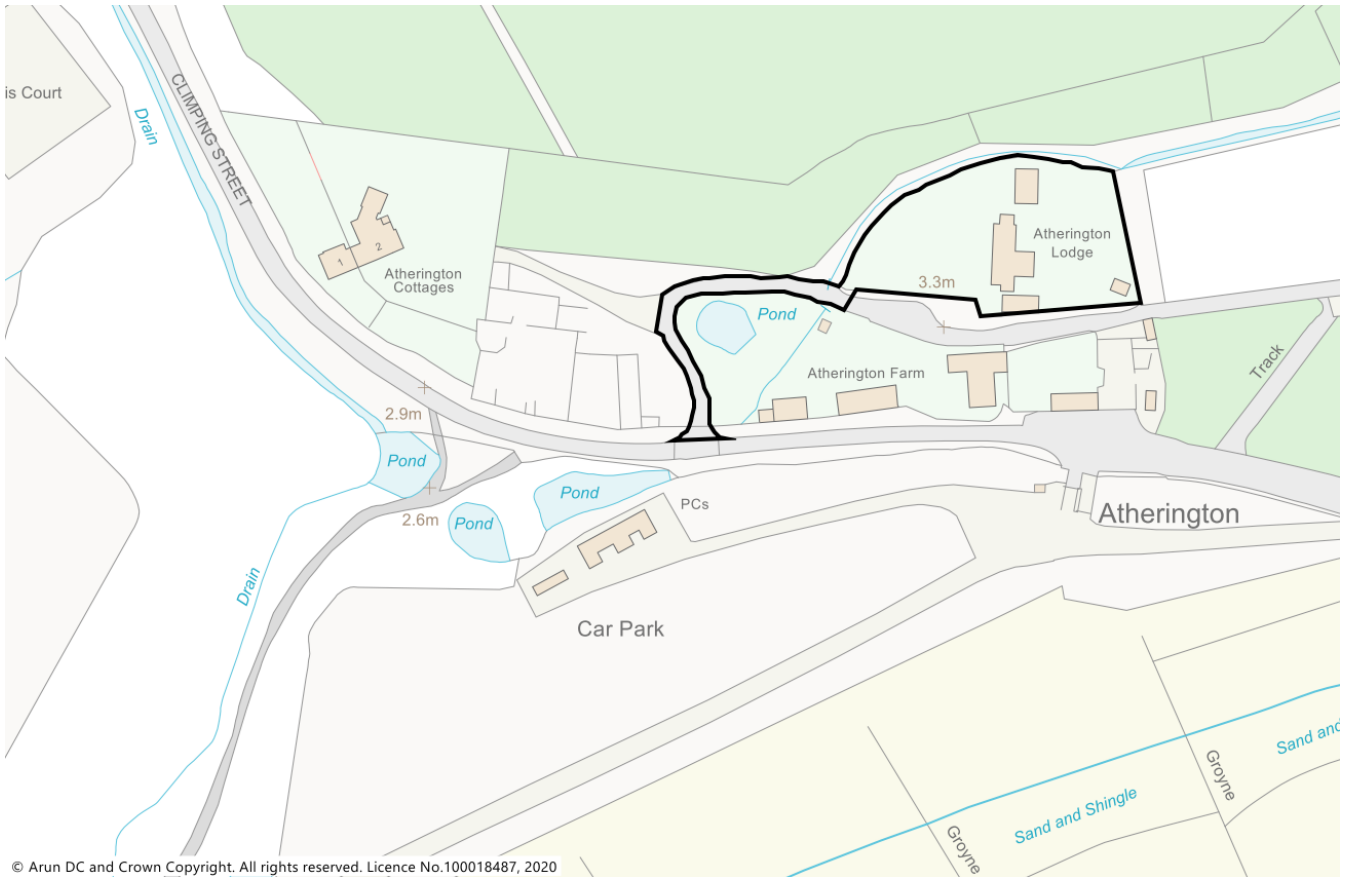
investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk or by email at: developerservices@southernwater.co.uk

BACKGROUND PAPERS

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

CM/65/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: EP/168/19/PL

LOCATION: 4 Beechlands Cottages and land adjacent
Beechlands Close
East Preston
BN16 1JT

PROPOSAL: 1 no. dwelling & alterations to roof of existing dwelling (4 Beechlands Cottages) including the provision of new dormer to front elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal is to construct a new end of terrace 2 storey dwelling to an existing terrace of 4 dwellings and add a new front dormer and rear velux windows to number 4 Beechlands Cottages.

SITE AREA 0.03 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 50 houses per hectare.

BOUNDARY TREATMENT 1.8 metre close boarded fence enclosing existing rear garden, Open plan side elevation and front.

SITE CHARACTERISTICS The site is a block of 4 terraced 2/3 bedroomed properties. There is an unmade private access road 10 metres wide to the east side serving a block of land to the rear of a nearby parade of shops including a garage block, unmade hard standing parking areas and a small dilapidated commercial building.

CHARACTER OF LOCALITY A residential area with a commercial shopping parade to the west. Beechlands Close is accessed from the main road, Sea Road and intersects a parade of local shops. The applicant's terraced block is just behind the parade of shops faces onto a residential street with a similar terrace block opposite and a cul de sac of bungalows to the east.

RELEVANT SITE HISTORY

EP/41/17/PL	1 No. dwelling & dormer to front elevation & velux roof windows to rear roof slope to 4 Beechlands Cottages.	ApproveConditionally 25-05-17
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EP/41/17/PL - Planning permission was granted for an identical development as proposed by this application in 2017.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

Objection:

- New house would not be visually integrated with existing terrace of cottages.
- Materials out of keeping with existing dwellinghouses.
- Loft conversion will upset symmetry of 4 dwellings
- Forward projection of new house from existing terrace and lack of a front door on the front elevation will be out of keeping.
- Difficulties for lorries servicing the rear of the shops via access road.
- Contrary to policies D SP1 and D DM1 of the Arun Local Plan as would not reflect the existing characteristics of the site.
- Contrary to policy 1 of the East Preston Neighbourhood Plan as it would not reflect and enhance the character of the surrounding buildings nor would it look like part of the original symmetrical design of the terrace.

COMMENTS ON REPRESENTATIONS RECEIVED:

The issues raised by the Parish Council with regards to the design of the new dwelling are agreed with and addressed within the Conclusions section of the report below.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No objection subject to conditions.

ADC Drainage - No comments received

COMMENTS ON CONSULTATION RESPONSES:

Noted. No drainage issues were raised in the previously approved application EP/41/17/PL.

POLICY CONTEXT

Designation applicable to site:

CLASS C ROAD

ADOPTED LOC PLN

NO PUBLIC SEWER

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards

DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development

East Preston Neighbourhood Plan 2014 Policy 1	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 3	Design in Character Area Two

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.

Policies NEEP 1 - Housing General Principles and Policy 3 - Design in Character Area Two of the East Preston Neighbourhood Plan are considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

On balance, the proposal will comply with Development Plan policies. Whilst there are impacts upon the character of the area, the proposals are the same as previously granted permission and those impacts are not so substantial as to justify a refusal of permission.

OTHER MATERIAL CONSIDERATIONS

Relevant material considerations include that permission was granted for the same proposal as in this application when the applicable development policies were very similar to the ones applicable in this case. However, at the time of the earlier permission neither the National Design Guide or the emerging Arun Design guide were in force.

CONCLUSIONS**PRINCIPLE**

The site falls within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations are Policy D DM1, D DM2 and D DM4 of the Arun Local Plan; Policy 1 of the East Preston Neighbourhood Plan (EPNP); and the NPPG and NPPF.

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

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

Policy D DM4 when considering extensions to existing buildings requires the extension sympathetically relates to and is visually integrated with, the existing building, that it is visually subservient to the main building and that it should not have an adverse overshadowing , overlooking or overbearing effect on neighbouring properties.

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

Policy 1 of the East Preston Neighbourhood Development plan seeks to ensure that development reflects and enhance the architectural and historic character and scale of the surrounding buildings and that development meets adopted car parking standards.

Section 12 of the National Planning Policy Framework (NPPF) refers to high quality buildings and places being fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and creates better places in which to work and live.

DESIGN AND VISUAL AMENITY

The proposal will alter the appearance of the existing terrace. At present both ends of the terrace are symmetrical with fully hipped roofs without front dormers. The proposal will end this symmetry by adding to the eastern end of the terrace a half hipped roof dwelling with a prominently sized front dormer window. This will not only end the existing uniform design of this terrace but also not replicate, as is the case at the moment, the design of the opposite side of terraced dwellings. The proposals will clearly not result in a form of development that fully respects the character of the existing terrace. However, such a subjective judgement has to consider the variety in the area, public prominence and the planning history.

Since the previous approval, the 2019 National Design Guide and the 2020 emerging Arun District Design Guide have been published. This design advice was not available when application reference EP/41/17/PL was granted permission.

In this context, whilst the proposals are not a form of development that would clearly reflect the character of the area officers consider that they are in no way sufficiently poor to justify a refusal of planning permission in conflict with policies D DM1 and D DM4 of the Arun Local Plan and policy 1 of the East Preston Neighbourhood Plan.

Policy 3 of the East Preston Neighbourhood Plan relates to bungalow development which does not apply to this particular development which is two stories within a terrace of two storey dwellings.

RESIDENTIAL AMENITY

The proposed roof extension and new dwelling would be located approximately in line with the existing terraces rear and front building lines (except the 90 cm projection of the front element of the new dwellinghouse). The development would therefore not negatively impact the existing terraced dwellings in terms of a loss of light, overbearing impact or loss of privacy.

There are no dwellings within 23 metres of the front or rear elevations of the proposed dwelling or new roof dormer extension and the bungalow to the east side beyond the side access road has no primary habitable facing windows in its side elevation 13 metres away from the new side elevation of the dwelling proposed. A first floor bathroom window in the side elevation of the proposed dwelling at first floor level would be conditioned to be obscure glazed and non opening below 1.7 metres in height to protect the privacy of the neighbouring bungalow at 1 Beechlands Close.

The development is considered to accord with policy D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL SPACE STANDARDS

The new dwelling will have a gross internal floor area of approximately 109 sq.m. above the requirements of the Nationally Described Space standards contained within the National Planning Policy Guidance therefore complying with policy D DM2 of the Arun Local Plan.

The external amenity space would be 8.8 metres in length and approx. 67 metres in area and is considered to be of an acceptable size reflecting the garden size of the neighbouring terraced properties.

PARKING AND ACCESS

WSCC Highways Authority have made no objection to the proposed provision of 1 parking space for the proposed new dwelling and the location of the property is considered to be sustainable with good access to shops, facilities and public transport on nearby Sea Road.

In addition, WSCC Highways consider that use of the side access road to the east of the new dwelling would not be heavily used. According to County Highways the side access to the dwelling would be reduced in width to 3 metres in width at its narrowest point but would allow for single file vehicle access, which given the low level of traffic anticipated would be acceptable.

The Arun Parking Standards Supplementary Planning Document indicates that there would be a parking requirement for 2 car parking spaces. However, it is noted that the existing 4 dwellings in the block all have only 1 off street car parking space at the front. To refuse this application on the fact that there is a shortfall of 1 car parking space would not succeed at appeal.

WSCC have made no objection and the site is considered to be a sustainable location being within 50 metres of a parade of local shops and other services upon which it could be expected to rely on. In addition there are bus stops within 50 metres of the site and Angmering railway station is within 1 km of the site.

The proposal is therefore considered to be compliant with policy TSP1 of the Arun Local Plan and policy 1 of the East Preston Neighbourhood 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, Block and Location Plans dwg.no. 2.03 B dated Sept 2016

Proposed Plans and Elevations dwg.no. 2.02 B dated Sept 2016

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 materials and finishes of the external walls, rainwater goods, windows and roof of the new dwellinghouse and roof extension hereby permitted shall match in colour and texture those of the existing terrace of dwellinghouses at both the front and rear.

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

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

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

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

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

- 6 The window at first floor level in the east facing side elevation of the proposed new end terraced dwelling shall, at all times, be obscure glazed and fixed shut up to 1.7 metres in height from ground floor level.

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

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

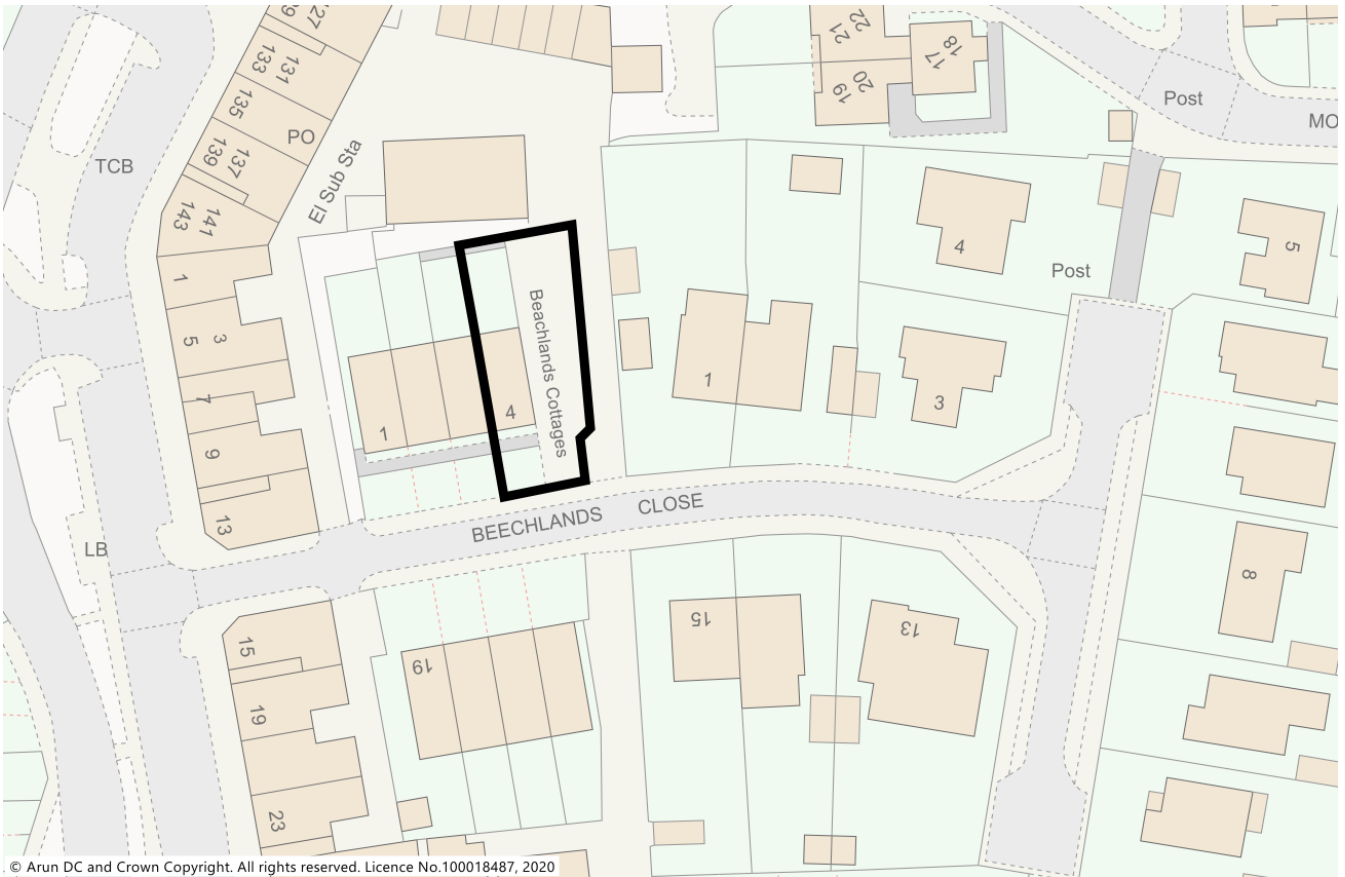
against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 8 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>.

BACKGROUND PAPERS

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

EP/168/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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FG/56/18/PL Change of use & conversion of existing grain silo (Sui Generis) to office space (B1(a) Business) with associated parking. Approve Conditionally 15-11-18

Permission FG/56/18/PL is noted in that it approved the conversion to the existing silo to office space.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection:

- The previous permission is now invalid, and the permission should be rescinded.
- The current proposal reflects the design of the silo.
- The current proposal has a greater footprint than the original silo, and would stand out as a dominant feature within the area.
- The rural, agricultural landscape of this area should be protected.

4 letters of objection (including Ferring Conservation Group):

- The proposal would appear out of place in this location.
- The proposal is not in keeping with the area.
- The application site is near to the National Park, and has become an ever busier commercial area.
- The proposal is larger in scale than previously approved.
- The bulk and design are gross intrusions into the local landscape.
- The additional traffic will create more conflict with pedestrians and horse riders.

10 letters of support:

- This application will be a big improvement to the lane.
- The replacement of the poly tunnel has started to rejuvenate this area, with this addition of office space being a positive move.
- The existing structure is dilapidated and needs to be replaced.
- There is a shortage of office space in the area, and this would support small businesses.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the Conclusions section.

CONSULTATIONS

WSCC Strategic Planning
 Engineers (Drainage)
 Engineering Services Manager
 South Downs National Park
 Environmental Health

CONSULTATION RESPONSES RECEIVED:

The Council's Drainage Engineers - No objection. No conditions to request as any changes to surface

water drainage will be designed and constructed in accordance with building regulations.

South Downs National Parks Authority - No objection.

West Sussex Highways - No objection.

Environmental Health - No objection. Not all conditions are considered to apply as they are not necessary or relevant to the proposal in hand.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Outside the built up area boundary
 Angmering to Worthing Gap

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
SDSP1	SD SP1 Sustainable Development
ECCSP2	ECC SP2 Energy and climate change mitigation
QEDM4	QE DM4 Contaminated Land
TSP1	T SP1 Transport and Development
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
LANDM1	LAN DM1 Protection of landscape character
HERDM3	HER DM3 Conservation Areas
SDSP3	SD SP3 Gaps Between Settlements

[Ferring Neighbourhood Plan 2014 Policy 7](#) Land north of Littlehampton Road, encouraging of existing rural businesses

Ferring Neighbourhood Plan 2014 Policy 1A A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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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 relevant policies in the Ferring Neighbourhood Development Plan have been taken into account.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is not considered to comply with relevant Development Plan policies in that it would be development outside of the defined built up area boundary, and within a defined Strategic Gap.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site the subject of this application is located outside the built-up area (policy C SP1) where the countryside protection policies of the Local Plan seek to control development to that justified under particular circumstances. Criteria (f) of this policy states that development in such locations will be acceptable where it is in accordance with other policies in the Plan that refer to specific types of development. One such policy is EMP DM1.

Policy EMP DM1 sets out the development management criteria applicable to new economic development outside the built-up area. This includes that it is an appropriate sized extension of an existing employment site, it would not result in an unacceptable intensification of use of the public access and considers of landscape context and neighbouring residential properties. It also refers to being accessible by public transport and a satisfactory relationship with neighbouring uses and the surrounding area. In this case the proposal is not in conflict with this policy as the proposal is considered to have an acceptable impact on the landscape context, neighbouring residential properties and its relationship with other neighbouring uses is also found to be acceptable.

Ferring Neighbourhood Plan in policy 1A states that 'Proposals for development located outside of the built up area boundary that do not accord with development plan policies in respect of the control of development in the countryside will be resisted.' This is consistent with Arun Local plan Policy C SP1.

The Ferring Neighbourhood Plan in policy 7 'will resist any proposals for a change of use from an established agricultural, horticultural or equine use or any other unrelated uses.' The building has been in agricultural use as a grain silo but is currently vacant. There is currently no established agricultural use. The remainder of policy 7 requires that:

- Any development shall minimise visual impacts on the surrounding countryside.
- All new buildings are located as part of the existing clusters of buildings to ensure existing patterns of

development are maintained and to avoid significant incursions into open countryside, wherever possible unless details show an improved siting.

- Suitable measures are proposed to improve the setting and/or screening of the development within its wider setting of the National Park.

Whilst the proposal does not comply with policy C SP1 or policy 1A for it to be concluded that the proposals are contrary to the development plan as a whole, there has to be demonstrable harm to the aims of the policies. It is also necessary to consider the planning history of the site and compare the difference between that proposed and what currently exists.

The existing site is populated by a vacant grain silo, deteriorating in its appearance due to its age and long standing abandoned condition. The works involve demolition of this depilating silo and the construction of a new contemporary building of a not significant greater footprint, to be used as a business unit.

As such refusal of this application on the grounds of conflict with policy C SP1 and policy 7 would be very difficult to sustain for the reasons set out in the following sections.

The site is within the 'Angmering to Worthing' Gap between Settlements, as defined by policy SD SP3. As a result, development would only be permitted if it satisfies the relevant criteria for this location; would not undermine the physical and/or visual separation of settlements, would not compromise the integrity of the gap, whether individually or cumulatively with other existing or proposed development or cannot be located elsewhere. The aim of this policy is to designate certain land in the District that prevents the amalgamation of settlements, promotes individual identities and retains the general open and undeveloped nature of these gaps. It also seeks to protect the character of the undeveloped coast.

Given the proposals close proximity to the South Downs National Park (15m to the east and 280m to the north) policy LAN DM1 is relevant. Development within the setting of the South Downs National Park must have special regard to the conservation of that setting, including views into and out of the Park, and will not be permitted where there would be harmful effects on these considerations.

Further, it is noted that the application site is approximately 122m south of the Highdown Conservation Area. As such policy HER DM3 applies in terms of the proposals impact on the setting of this Conservation Area. The aim of the policy is to grant planning permission provided that new buildings and structures acknowledge the character of their special environment and it does not harm important views into, out of or within the Conservation Area.

Paragraph 83 of the NPPF states that sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings will be supported and that the development and diversification of agricultural and other land-based rural businesses will be promoted.

Paragraphs 124- 132 of the NPPF relate to the creation of well-designed places, stating that the creation of high quality buildings and places is fundamental to what planning should achieve.

Paragraphs 189-192 of the NPPF seek to ensure that proposals should consider their impacts upon the heritage impacts within the locality of the proposal, identify the significance of these assets and then sets out the criteria Local Planning Authorities should take into account in these instances.

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building or its setting must have regard to the desirability of preserving the building or its setting.

Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas.

DESIGN AND VISUAL AMENITY

The proposed development seeks to demolish the existing grain silo, which is in a poor state of repair, and erect an office building. The existing silo is sited approximately 240m from the A249, on a road which slopes up towards the South Downs. Whilst it is not considered that the silo is a prominent feature of the area when viewed from the A259, its visual presence grows as you progress further North along the footpath/lane.

The walls, and the roof of the existing silo are constructed of corrugated metal. The existing silo is dilapidated in its appearance with the walls and, to a larger extent, the roof having oxidised.

The proposed structure takes design cues from the design of the existing silo, in order to create a proposal that is sensitively designed to take into account its landscape setting. The proposed office building is predominantly grey, with darker features towards the top of the proposal, taking this feature from the existing structure.

The Arun Design Guide gives guidance on the design of rural development schemes. This proposal is considered to be in accordance with the relevant details proposed in this guidance document. These predominantly relate to ensuring that new development respects and enhances the rural character of the area. A large proportion of the proposed building will be screened from the South Downs National Park by a line of Poplar trees to the North of the application site.

The grain silo is situated 122m South of Highdown Conservation Area. Views from and towards the Highdown Conservation Area are largely mitigated due to the dense tree/vegetation screening that is present along the whole side of the footpath/lane that is accessed off the A259. Furthermore, the proposal is not considered to have an unacceptable harmful impact upon the character of the coastline, due to the application site being a significant distance from it.

It is therefore considered that the proposal complies with policies LAN DM1 of the Arun Local Plan.

The proposed development is significantly different in its design to other buildings present in the area. However, the area is not considered to have a uniform character, or design.

The site is located in an area of mixed commercial use with a large building in storage use by the horticultural pack house company PHS All Clear immediately south of the application site. Further south is a B1 office building known as Highdown House. Towards the entrance to the service road are three residential dwellings known as The Chalet (a former horticultural nursery with a large expanse of greenhouses), Millwood House and Whiteways Cottage. In character terms, therefore, the immediate site surroundings cannot be considered to be entirely rural in nature where the proposed construction of the office building would not be out of character.

The existing silo populates a site coverage of approximately 44 square meters, with the proposed development increasing that site area by approximately 14 sq.m to a site coverage of 58 square meters. Furthermore, due to this increase, the proposed building is sited 0.6m closer to the edge of the footpath/lane. This is not considered to harmfully affect the street scene, in that there are a number of existing commercial units which affront the footpath/lane. The proposal will not impact significantly on the character of the area and is in accordance with policy D DM1 of the Arun Local Plan.

The proposed development, despite an increase in site coverage, is not considered to result in a

coalescence of the Angmering to Worthing settlements, or compromise the integrity of this designated gap as required by policy SD SP3 of the Arun Local Plan.

HERITAGE IMPACT ASSESSMENT

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building or its setting must have regard to the desirability of preserving the building or its setting. Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas.

Paragraph 189 of the National Planning Policy Framework (NPPF) requires such information to be provided in order to assess the impact of the proposal upon these assets. In this instance, it is considered that the proposed development does not cause harm to the conservation area or the Listed Building to its North West, and as such, the proposal should be determined in accordance with the relevant sections of the Development Plan.

The siting of the proposed office building, and associated proposed works is such that it will not harm important views into and out of the Conservation Area and Listed Building. Largely due to the design of the proposal, and the significant screening present around the site. In doing so, the proposal acknowledges the character of their special environment from its layout, form, scale, detailing and use of materials. The weathervane is an addition which gives the building an agricultural reference.##

The proposed development is considered to be in accordance with HER DM1 and HER DM3 of the Arun Local Plan, and the relevant sections of the NPPF, in that it can be demonstrated that the proposal has no significant harm upon the Listed Building, or the conservation area.

SETTLEMENT GAP

The proposed development is considered to be in accordance with SD SP3 of the Arun Local Plan, in that it meets with the criteria within this policy. The proposal is not considered to undermine the separation of Worthing and Angmering, nor compromise the integrity of this gap. These are predominantly due to visual reasons, involving the siting of the proposed development, and its design. There is significantly weighted justification for accordance with SD SP3(c) of this policy, in that the development seeks to replace and enlarge the existing silo, with a similarly designed proposal. The proposed development is considered to maintain the character of the undeveloped coastline, given its significant separation distance from this. Part (e) of this Policy is not relevant to the proposal.

The proposed development is in accordance with SD SP3(a), (b), (c) and (d) of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposed development is over 120m from the nearest residential property so there is no material harm from any possible overlooking from the proposed new window openings. Whilst there is going to be a slight increase in vehicular movements as a result of the construction of an office building which is currently not in use, it is not considered to significantly add to that which already exists for the area from all the other uses in the area. Further, the change of use to B1 has already been granted under FG/56/18/PL.

ACCESS, HIGHWAY SAFETY & PARKING

The Local Highway Authority area of the view that when compared to the previous proposed (to convert the existing silo), this change is not considered to give rise to an intensification of the use of the existing access to Littlehampton Road.

The proposed development includes the provision for four car parking spaces within the application site.

This meets the demand as set out in Arun District Council's Parking Standards, as a B1 unit. Whilst it is noted that the plans show two other spaces, these are outside of the application site boundary, and therefore have not been included.

LIGHTING

It is noted that no details regarding the lighting of the development are included with this application. If lighting was to be introduced at a later date were this application to be approved, consent would be required.

SUMMARY

The proposed works conflict with policy C SP1 of the Arun Local Plan. However, for the reasons outlined above the proposals are considered to be acceptable and approval is recommended 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

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:

- Block Plan - Silo, HIGHDOWN NURSERY, LITTLEHAMPTON ROAD, FERRING, BN12 6PG

- Proposed Plans & Elevations - WLD/0063/19/02 - SILO - 14/05/2019 - Rev. C

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

3 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with QE DM4 of the Arun Local Plan.

4 Prior to occupation, a scheme for the provision of facilities to enable the charging of electric vehicles 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, diesel and hybrid cars/vans will not be sold beyond 2035, 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 Parking Standards SPD and the National Planning Policy Framework.

5 The car parking layout specified in approved plan ref: 'Proposed Plans & Elevations - WLD/0063/19/02 - SILO - 14/05/19 - Rev. C' must be constructed prior to occupation of the Unit. The car parking area must remain in this layout and retained for its designated parking

use in perpetuity.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan, and the Arun District Council Parking Standards SPD (January 2020).

- 6 INFORMATIVE: It is noted that the application makes no proposals for the lighting of the building. You are reminded that if lighting was to be applied then consent would be required given the building close proximity to the National Park and its dark skies.
- 7 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.
- 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)

FG/135/19/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: F/11/19/PL

LOCATION: Wicks Farm
Ford Lane
Ford
BN18 0DF

PROPOSAL: Construction of agricultural barn with flexible storage use (B8 Use Class) with ancillary office space

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Mixed use building for shared agricultural purposes and light industrial use including ancillary offices and storage. The new building would be 60m in length by 12m in depth with an eaves height of 4.2m and a ridge height of 6.1m.

The building would have two roller shutter doors in the west elevation to allow for the storage of large vehicles in a secure building. The building would have the appearance of an agricultural barn.

SITE AREA 0.63 hectares.

TOPOGRAPHY Predominantly flat.

TREES A row of trees would be removed to allow improved access to the site.

BOUNDARY TREATMENT The site has a bund to the north and west with a soft landscaped border to the east. It opens to the main industrial and farm yard to the south.

SITE CHARACTERISTICS An open storage area just to the north of a group of agricultural buildings in use for a variety of commercial and agricultural uses.

CHARACTER OF LOCALITY The area is outside the built up area boundary in a countryside location. However the character is of mixed uses including a variety of commercial uses in existing farmyards and farm buildings alongside industrial estates on Ford Lane.

RELEVANT SITE HISTORY

F/30/18/PL 2 multispans, 2 ancillary outbuildings, drainage pond, associated drainage works, external hardstanding for vehicle parking, access and turning. Approve Conditionally 27-09-19

F/24/18/AG	Prior notification for agriculture-steel portal framed agricultural building to be used for the storage of fresh produce.	No Objection 11-12-18
F/4/18/PL	Salt storage building, office building, parking & turning area & open storage areas for highways maintenance depot - This is a Departure from the Development Plan	ApproveConditionally 26-06-18
F/20/16/PL	Conversion of outhouse (B1 Business / B8 Storage & distribution) to form Cafe, Office, toilets & include small extension (B1 Business / A3 Restaurant & Cafe)	ApproveConditionally 07-04-17
F/4/16/PL	Change of use from office/storage to mixed business use (B1 Business).	ApproveConditionally 09-06-16

A variety of uses have been permitted at Wicks Farm including Edgcumbes Coffee Roasters, Cafe and retail shop, mixed industrial uses and the original agricultural uses.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ford Parish Council

Objection due to non compliance with the Ford Parish Council Neighbourhood Development Plan.
Contrary to:

- 1) Core Objective of ensuring new commercial activity does not increase heavy vehicle movements.
- 2) Policy BUA1 as outside built up area boundary.
- 3) Policy EH2 removing agricultural land use.
- 4) Policy EH5 loss of high grade agricultural land.
- 5) Policy EH7 as it would be development in the Local Gap
- 6) Policy EE4 support for new commercial uses within the built up area boundary (BUAB) and on allocated sites but not B2 general industrial or B8 storage and distribution uses

COMMENTS ON REPRESENTATIONS RECEIVED:

The development would be on an existing site with a variety of employment uses and has been described as an upgrading of facilities rather than providing additional capacity. No new vehicle movements would be caused as the proposal is not an extension or a new commercial activity. It is not considered that agricultural land would be lost as the land is currently used for open storage. The site is not within the local gap as set out in the Ford Neighbourhood Parish Plan Proposals map.

CONSULTATIONS

Environmental Health

Economic Regeneration
 Southern Water Planning
 Engineering Services Manager
 Engineers (Drainage)
 Environment Agency
 WSCC Strategic Planning
 Arboriculturist
 Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

Southern Water - No objection subject to informatives relating to the provision of a connection to the public sewer.

Environment Agency - No objection.

ADC Drainage - No objection subject to pre-commencement conditions.

ADC Environmental Health - No objection subject to a condition restricting hours of loading/unloading and vehicle movements.

ADC Economic Regeneration - Support due to shortage of this type of business premises.

WSCC Highways - No objection.

CDC Ecology - No objection subject to conditions relating to ecological enhancements on site.

ADC Arboriculture - No objection subject to a pre-commencement condition relating to trees on site.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN
 CLASS C ROAD
 OUTS BUILT AREA

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
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity

TSP1 T SP1 Transport and Development

QEDM2 QE DM2 Light pollution

[Ford Neighbourhood Plan 2019 Policy EE1](#)

Support for business

Ford Neighbourhood Plan 2019 Policy EE10

Quality of Design of commercial buildings

Ford Neighbourhood Plan 2019 Policy BUA1

Built Up Area (BUA) boundary

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.

Policies EE1 and EE10 of the Ford Neighbourhood Plan are considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the development is of an existing commercial premises on an existing commercial site which would accord with policy EMP DM1 (1) & (6) Employment Land: Development Management which state that the Council will seek to protect and foster economic growth in existing employment sites and as a result would not be contrary to policy C SP1 countryside of the Arun Local Plan.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**PRINCIPLE**

The key policy considerations in the determination of this application are C SP1 of the Arun Local Plan (ALP) 2011 - 2031.

Commercial development is resisted outside of built up area boundaries (BUAB) under policy C SP1 countryside of the Arun Local Plan and policy BUA 1 of the Ford Neighbourhood Plan unless the proposal accords with other policies within the plans which refer to specific types of use or development.

The development accords with parts 1 & 6 of policy EMP DM1 in that it would protect and enhance this employment site by providing a good quality extension (part 1) and part 6:

- Be an appropriate sized and designed extension (a. & c).
- Does not intensify employment levels at the site so as to have no impact on existing access, local highway and parking levels or need to be serviced by acceptable levels of public transport (b., d. & e.).
- Have a sympathetic relationship and secures improvements local habitat (f.).
- Have a sympathetic relationship to surrounding areas and protect the amenity of nearby residents (g.).
- Encloses outside equipment and thereby provides crime prevention measures (h.).

Ford Neighbourhood Plan Policies EE1 seeks to support the extension of existing employment buildings unless they would cause an unacceptable harm to the amenities of surrounding properties, landscape, wildlife and cultural heritage. The development is already in use as an open storage site and is not considered to cause an unacceptable harm to amenities.

The National Planning Policy Framework at para. 83 supports the development of rural business and agricultural business stating that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

The proposed development meets this principle.

DESIGN

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

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

Arun Local Plan Policy D SP1 - Design states 'all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details....' The policy requires that development proposals should reflect the characteristics of the local area by amongst other things, its character and design.

Policy EE 10 of the Ford Neighbourhood Plan seeks extensions to achieve a high quality, energy efficient design in harmony with the surrounding landscape setting.

It is also necessary to consider the guidance within the National Planning Policy Framework (NPPF).

Section 12 paragraph 127 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)'. Paragraph 130 goes on to say 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions,...'

The additional building is intended to improve the quality of buildings on the site, providing secure storage for plant vehicles, agricultural vehicles and some office space, rather than expanding the level of

employment or level of uses of the site. The same vehicles and staff members that use the site now, are intended to use the new building. The intention is to modernise the facilities on site where converted agricultural buildings and open storage are currently in use for B1/B8 commercial purposes.

The scale of the new building as a whole would be comparable in size with existing buildings on the frontage of and within the Wicks Farm site on Ford Lane at 6.1m in height. The building would be located behind existing buildings and an industrial estate, Ford Lane Business Park, is located immediately to the east abutting the site where many of the industrial units are two stories in height.

The site is well screened from the east by a thick tree belt which would be retained as part of the development. The strong landscaped border and bunding to the rear would ensure a relatively limited impact of the proposed new building on the wider landscape when compared with the existing development on and neighbouring the site. The profiled green steel cladding would further blend the proposed building into the landscape set against a landscaping strip to the east as proposed.

The proposal is an acceptable design in accordance with policy D DM1 and D SP1 of the Arun Local Plan, Policy EE10 of the Ford Neighbourhood Plan and the NPPF.

AMENITY

The site is located in excess of 120m from the nearest residential property and would have a strong landscaped boundary such that it would not impact upon the surrounding landscape. No additional land other than open storage land would be developed as a result of the scheme and the current industrial use would not be intensified so as to cause additional loss of residential or other amenity. In this respect the proposal would accord with policies QE DM2 & D DM1 of the Arun Local Plan and policy EE1 of the Ford Neighbourhood Plan.

HIGHWAYS AND TRANSPORT

The proposed development would not result in additional journeys on and off site. No objections have been received from West Sussex County Council Highways and the access, turning and parking areas on site are considered acceptable. The proposal is considered to comply with policy T SP1 of the Arun Local Plan.

ECOLOGY

The Council's Ecologist has not raised any objections to the development subject to conditions relating to external lighting and buffer strips around hedgerows and a ditch on the border of the site therefore the proposal is considered to comply with policy ENV DM5 of the Arun Local Plan.

ARBORICULTURE

The trees on site are not considered to be worthy of a tree preservation order but are of local landscape value. The Council's arboricultural officer has accepted a pre-commencement condition to satisfactorily address the tree issues on site. The development complies with policy ENV DM4 of the Arun Local Plan.

No other significant issues are considered to be relevant to the consideration of this application

CONCLUSION

The development complies with the Development Plan and is recommended for approval subject to the following conditions:

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may

arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Site Plans Dwg.no. 16935/05 Rev B
Plans and elevation proposed dwg.no. 16935/03 Rev A

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

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

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

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

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

- 5 Prior to the commencement of development the applicants will need to employ the services of an Arboricultural Consultant to carry out a tree survey exercise and then prepare an Arboricultural Implications Assessment (AIA) which must be inclusive of; a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan' - with the trees accurately plotted on same.

In the event that a RPA of any tree which is proposed for retention overlaps the development then BS5837:2012 requires that an Arboricultural Method Statement (AMS) is submitted and also most importantly a Tree Protection Plan - to describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground.

Reason: To ensure that the proposed development does not harm the trees contributing to local amenity are to be retained on site in accordance with policy ENV DM4 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the trees concerned are to be protected from the outset of development.

- 6 Prior to first occupation of the building ecological enhancements shall be made to the scheme in accordance with details to be submitted to and approved by the Local Planning Authority, which shall include the following :

- Wildflower meadow planting used.
- Filling any gaps in tree lines or hedgerows with native species.
- Bat and bird boxes installed on the site.
- Grassland areas managed to benefit reptiles and great crested newts.
- Log piles onsite.
- Gaps must be included at the bottom of the fences to allow movement of small mammals across the site.
- Two hedgehog nesting boxes included on the site.

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

- 7 In accordance with the recommendations of the submitted Ecological Appraisal a minimum 3m buffer strip shall be retained from the ditch bank on the eastern border of the site.

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

- 8 Prior to first occupation of the building details of any external lighting for the site shall be submitted to and approved by the Local Planning Authority and should 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. The development shall proceed in accordance with the approved details and any further external lighting shall be subject to the prior permission of the Local Planning Authority.

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

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

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

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

A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

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

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

- 12 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging

Arrangements documents which has now been published and is available to read on our website via the following link:

<https://beta.southernwater.co.uk/infrastructure-charges>.

- 13 INFORMATIVE: Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.
For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), www.southernwater.co.uk or by email at developerservices@southernwater.co.uk.
- 14 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 15 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

BACKGROUND PAPERS

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

F/11/19/PL - Indicative Location Plan (Do not Scale or Copy)
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PLANNING APPLICATION REPORT

REF NO: F/18/19/PL

LOCATION: Land adjacent to 3 Wicks Farm Cottages
Ford Lane
Ford
BN18 0DQ

PROPOSAL: 1 No new dwelling. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to construct a new dwelling adding a fourth dwelling to an existing terrace of three dwellings. The house would be served by two parking spaces to the rear of the dwelling off an access road.
	The terraced dwelling would match the existing terraced dwellings in roof ridge and eaves height and reflect the design of the existing properties.
SITE AREA	0.0336 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	A Hawthorn tree to the side of the property effectively forms part of the hedging to the side of the property.
BOUNDARY TREATMENT	A 1 metre high retaining wall to the front of the dwelling with 2.5 metre hedging to the side and rear of the garden.
SITE CHARACTERISTICS	The site is formed from a side garden of a terraced dwelling.
CHARACTER OF LOCALITY	The site is located in a hamlet of dwellings located within the open countryside.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ford Parish Council

Objection on the following grounds:

Development outside built up area boundary.

Development would fail to maintain the gap between Ford and Yapton.

Development does not comply with windfall sites policy of Ford Neighbourhood Plan.

4 letters of objection including the following points:

- Sewerage system would struggle to cope.
- Loss of light to bedroom at 4 Wicks Farm Cottages.
- Appearance of dwelling would be out of character with the existing development.
- Traffic and parking will cause obstruction in lane to rear and insufficient parking.

- Water pressure inconsistent would be adversely impacted by additional development.
- Contrary to local plan.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and addressed in report below.

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

ADC Greenspace - No landscape objections to the proposals.

WSCC Highways - No objection subject to conditions.

ADC Environmental Health - No objection subject to conditions.

ADC Drainage - No objection to the proposed development subject to compliance with Building Regulations.

ADC Arboriculture - No comments received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN
 CLASS C ROAD
 OUTS BUILT AREA

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
CSP1	C SP1 Countryside
TSP1	T SP1 Transport and Development

[Ford Neighbourhood Plan 2019 Policy BUA1](#) Built Up Area (BUA) boundary

Ford Neighbourhood Plan 2019 Policy EH2 Renewable Energy

Ford Neighbourhood Plan 2019 Policy GA2	Parking and new development
Ford Neighbourhood Plan 2019 Policy H1	Quality of Design
Ford Neighbourhood Plan 2019 Policy H6	Integration of New Housing
Ford Neighbourhood Plan 2019 Policy H3	Windfall Sites

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.

Policies BUA1, SP1, H1, H3 and GA2 of the Ford Neighbourhood Plan are considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is not considered to comply with relevant Development Plan policies as it would be contrary to policy C SP1 Countryside.

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. The lack of a 5 year housing land supply and design principles make the proposal acceptable.

CONCLUSIONS

PRINCIPLE

The site is outside of the built up area as defined in the Local Plan and the Ford Neighbourhood Plan. The development plan in the determination of this application will consist of the Arun Local Plan and the Ford Neighbourhood Plan.

Arun Local Plan

The key policy considerations in the determination of this application are C SP1 of the Arun Local Plan (ALP) and policy BUA1 of the Ford Neighbourhood Plan. Policy C SP1 states that 'Outside the Built-Up Area Boundaries (as identified on the Policies Maps) land will be defined as countryside and will be recognised for its intrinsic character and beauty.'

The application site is situated outside of the built up area boundary (BUAB) as specified by policy SD SP2 which seeks to focus development within the built up area. Due to the sites location outside of the

BUAB development in this location the development would be in conflict with policy C SP1 of the Arun Local Plan and policy BUA1 of the Ford Neighbourhood Plan.

The principle of residential development on this site is contrary to the development plan (Arun District Local Plan policy C SP1) and policy BUA1 of the Ford Neighbourhood Plan to protect the intrinsic beauty of the countryside from unrelated development.

MATERIAL CONSIDERATIONS

The proposed development would provide an additional house which is required in the District at the present time due to the less than 5 year housing land supply. The Annual Monitoring report identifies the current five year housing land supply situation. The current housing land supply is 3.7 years. The development would have a positive effect upon the supply of housing and there are other relevant material considerations which need to be taken into account.

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

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

The application site is adjoined to the east and west by existing dwellings. To the north and north-east there is horticultural development and further housing. The site is bordered by a road to the south. Therefore none of the sites boundaries adjoin directly to the open countryside. The impact on the character of the countryside, from the erection of a further houses in this location is therefore acceptable. This is a material consideration that would weigh in favour of granting planning permission, contrary to the principles of the development plan.

It is therefore concluded that development of the site to provide an additional house is acceptable in principle because the conflict with the development plan would be outweighed by the shortfall in Housing Land Supply and the proposal would therefore accord with the requirements of the NPPF subject to other policy considerations within the Local Development Plan.

KEY POLICY CONSIDERATIONS

The key policy considerations in the determination of this application are policies D DM1, D DM2 and D SP1 of the Local Plan; Policies H1 Housing Design: H3 Windfall Sites: GA2 Parking and new development of the Ford Neighbourhood Plan and the NPPF.

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

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

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

Policy H1 of the Ford Neighbourhood Development plan seeks to ensure that development is sympathetic to the local design style and contributes positively to the environment requiring planning permission which, by virtue of their materials, are inharmonious with the area, are refused.

Policy H3 of the Ford Neighbourhood Development Plan states that proposals should conserve the landscape character, be in scale with the character of the settlement and comply with other relevant policies of the development plan .

Policy GA2 of the Ford Neighbourhood Development Plan supports development where parking is accommodated within the curtilage of the dwelling house and meets local parking standards.

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

DESIGN AND VISUAL AMENITY

The proposed dwelling would be situated within a line of semi detached and terraced properties and would be of a design which would fit in with the existing style of those houses.

The proposed materials and design features match the terraced dwelling to which it would be attached. This includes the roof slope and materials, roof height, fenestration style, rendered walls and front porch style such that the development would be in character with the surrounding houses and could be considered to be of a good quality design incorporating the local vernacular.

The scale of the proposed dwellings is similar in design & appearance to nearby dwellings within Wicks Farm Cottages. The spatial pattern and character of the locality would therefore be retained.

Given that the proposal is located within an existing area of housing and is of a design to fit in with the character of the area it is considered that, as a windfall site, the proposal conserves the landscape character and is in scale with the character of the settlement and is therefore acceptable with respect to H3 the windfall policy of Ford Neighbourhood Plan.

The proposal is considered to accord with the National Design Guide and the emerging Arun District Design Guide in that the use of matching materials, form and scale of building responds to local character and identity. In addition the development would be appropriate as infill development as it retains a similar gap between existing dwellings as exists between other properties in the line of housing which constitutes Wick Farm Cottages.

The proposal accords with policies DDM1 and DSP1 of Arun Local Plan and H1 & H3 of the Ford Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed dwellings would have an impact on the bedroom window at first floor level of the property 4 Wicks Farm Cottages. These windows would be 6 metres away from the proposed gable end which is similar to the relationship of similar bedroom windows in neighbouring properties in Wicks Farm cottages and does not represent an unneighbourly impact on 4 Wick Farm Cottages. Furthermore there are no first floor windows proposed on this gable end elevation that would otherwise result in overlooking of windows in 4 Wick Farm Cottages.

There would be no other impacts of the proposal on residential amenity. The proposal therefore accords with policy D DM1(3) of Arun Local Plan.

SPACE STANDARDS

The proposed terraced property would accord with the Nationally described space standards. It would have a gross internal floor area of approximately 110 sq.m. which comfortably exceeds the guideline for a 5 person 3 bedroom house (93 sqm) and the proposal is therefore considered acceptable. The rear garden would be in excess of 10 metres in length which would be sufficient and comparable with other properties nearby in Wicks Farm cottages.

HIGHWAY SAFETY AND PARKING

West Sussex County Highways have raised no objection to the scheme subject to setting out of car parking spaces and cycle storage spaces. Prior to the occupation of the dwellings the applicants would need to provide details of cycle storage facilities.

The Arun Parking Standards Supplementary Planning Document in table 3.1 - Expected level of provision for new residential developments indicates that there would be a parking requirement for 2 car parking spaces which are provided at the rear of the dwelling.

The proposal is therefore considered to be compliant with policy TSP1 of the Arun Local Plan and policy GA2 of the Angmering Neighbourhood Plan.

FLOODING

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

The Council's Surface Water Drainage Engineers have considered that the proposed development would have an acceptable impact on surface water drainage subject to compliance with Building Regulations which would address the issue of surface water drainage to prevent any adverse impacts from the development itself.

TREES

There is a hedgerow with a Hawthorn tree in it to the side of the dwelling between the proposed dwelling and no.4 Wicks Farm Cottages. While the trees and hedgerow are not of a quality to deserve the designation of a Tree Preservation Order the comments of the Council's Tree Officer are awaited and will be reported to Committee as a report update.

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 Dwelling dwg.no. 6518:10 dated Feb/Apr 2019.

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

3 Prior to occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c), TSP1 and ECCSP2 of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

4 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

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

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

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

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

BACKGROUND PAPERS

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

F/18/19/PL - Indicative Location Plan (Do not Scale or Copy)
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PLANNING APPLICATION REPORT

REF NO: K/32/19/PL

LOCATION: Little Deerswood
Gorse Avenue
Kingston Gorse
BN16 1SF

PROPOSAL: Demolition of existing dwelling and erection of 1 x three storey dwelling with swimming pool and associated amenity space and parking

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal refers to demolition of the existing traditional style 2 storey dwelling and its replacement with a 6 bedroom 3 storey house of modern design. The footprint of the existing dwelling is being extended to the south and north.
SITE AREA	1180 sq m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging and fencing to rear and side boundaries to approx. 2m height. To front 1m high walling.
SITE CHARACTERISTICS	Little Deerswood is a 2-storey house with painted brickwork and clay tiled pitched roofs with Sussex hips. It is set back from the road frontage with off road parking in front of the garage and dwelling. The existing property is attached to its neighbour to the east at ground floor level by their mutual garages. Greensward and beach to south.
CHARACTER OF LOCALITY	The character of the locality is residential in nature and consists primarily of large properties, in large plots set back from the road. The properties along Gorse Avenue are of various designs and styles.

RELEVANT SITE HISTORY

K/7/19/PL	Demolition of existing dwelling and erection of one new dwelling - Resubmission of K/23/18/PL	Refused 09-08-19
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The previous application K/7/19/PL was refused for the following reason:

'The proposal would have an unneighbourly and overbearing impact on the enjoyment of the private amenity space of Spring Tide in conflict with policies D DM1 of the Arun Local Plan and policy

KPNP 7 of Kingston Neighbourhood Plan. This is due to the section of the proposal sited significantly forward of the front elevation of Spring Tide being of excessive height and length in close proximity to the boundary with that property.'

This application differs from that refused under reference K/7/19/PL as set out below:

- The first-floor element is reduced to correspond with the wall forming the south elevation of existing dwelling and is located 2.2 - 3m from the eastern boundary with Spring Tide.
- The footprint of the second floor is reduced so that it sits within the footprint of the existing house and 6m from the eastern boundary.
- The east elevation will vertically step away from the boundary minimising the impact on the neighbouring garden, particularly when assessed against the form and location of the existing dwelling.
- The windows on the side elevations at first floor will be obscure glazed and deeply recessed to avoid perceived overlooking.
- The balconies on the south elevation will be recessed with screen walls to one side precluding direct overlooking.
- The west wing has been reduced in height in proportion to the east wing.
- The building extends to the south at ground floor only.
- The overall footprint of the house is reduced to 315m² on a plot of 1180m², which represents 26% of the site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Kingston Parish Council

Objection:

- Out of scale with the existing dwelling.
- By reason of its increase in scale, width, height, bulk and design the proposal will constitute overdevelopment of the site.
- The proposed development will overly dominate the street scene of Gorse Avenue and adversely affect the character and visual amenity of the area.
- The proposed development will overlook and be overbearing on the neighbouring property.
- Car parking is inadequate.

One No Objection:

- On the West elevation only the study is marked as opaque glass.
- The 3 Lounge windows should also be opaque given that it directly over looks the neighbouring property White Lodge.
- Request the pool house directly adjacent to White Lodge is noise insulated as it will be operating 24 hours a day.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments made by the Parish Council are addressed in the conclusions section of this report.

The windows at first floor level in the west side elevation are indicated to be opaque and will be conditioned to be obscure glazed and fixed shut.

Environmental Health have been consulted regarding noise from any pool plant equipment and as a precautionary measure a condition is suggested, in line with other cases, to ensure the noise emitted

from plant equipment is acceptable in terms of its impact on residential amenity.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Environmental Health

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
ENVDM5	ENV DM5 Development and biodiversity
ECCSP2	ECC SP2 Energy and climate change mitigation
QEDM3	QE DM3 Air Pollution
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

[Kingston Neighbourhood Plan 2014 Policy KPNP7](#) DESIGN & 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 relevant policies in the Kingston Neighbourhood Plan have been taken into account.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

"If regard is to be had to the development plan for the purpose of any determination to be made under

the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have a no materially adverse impact upon the residential amenities of the neighbouring properties or visual amenity and the character of the area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The key policy considerations in the determination of this application are policies D DM1, D DM2, D DM3 and D SP1 of the Local Plan, Policy 7 of Kingston Neighbourhood Plan and the NPPF. The application seeks a replacement dwelling of increased footprint and height and of a significantly different design to the existing dwelling.

DESIGN AND VISUAL AMENITY

The existing dwelling is located within an area characterised by a mix of large detached properties, many of which overlook the foreshore to the south. The area lacks any one predominant architectural style or design. Indeed the Kingston Parish Design Statement refers to Gorse Avenue at paragraph 4.8 as an eclectic mix of old and new properties set in spacious plots that line the road. Recent approved applications for redevelopment on the foreshore side of Gorse Avenue have resulted in permission for a replacement dwelling of contemporary design at Spring Tide, to the east (K/11/16/PL & K/40/18/PL) and a new dwelling (K/4/14) at Dolphins (now Beach House) to the west.

The proposal is comparable to its immediate neighbours in terms of height. The proposed dwelling will have a maximum height of 9.1m similar to White Lodge to the west which has a ridge height of 8.8m and the existing dwelling at Spring Tide which has a ridge height of 8.4m and the replacement approved dwelling at Spring Tide which has a ridge height of 9m.

The proposed dwelling will extend further to the rear of the site than the existing dwelling by approx 6.3m on the eastern side of the dwelling and 2m on the western side of the rear elevation. However, in terms of footprint and massing the proposed dwelling is considered to reflect that of other properties in the locality and would not be out of keeping with the general appearance of the area.

Further, the site coverage has been reduced. The overall footprint of the house is reduced to approximately 25% of the site. The amount of development across the site is no longer considered excessive. The pool house and pool are detached structures of a size and position that means they are visually separate and do not contribute to the visual impression of built form within the site. The replacement dwelling is 26m from the southern boundary and 3m from the northern boundary.

The design results in a dwelling that is located an acceptable distance from both front and rear boundaries in keeping with the general pattern of development in the locality and the replacement dwelling would not appear overly dominant or prominent within the street scene from either the road or beach frontage.

Policy 7 of Kingston Neighbourhood Plan states that planning permission will normally be approved for development within the built-up area provided 1 (i) 'The design and location of the development should

be appropriate and sympathetic to the Parish's character and appearance in terms of scale, massing, aspect, siting, layout, density..' and 1 (iii) 'It is in-scale with adjacent buildings, takes account of the ridgeline of existing structures and is of a size that does not dominate its surroundings or the wider Parish.' This proposal is appropriate and in keeping with the scale or massing of the adjoining properties and the area generally and the second floor is not overly bulky or obtrusive structure in the street scene and accords with Policy 7.

The Kingston Design Statement at para 7.10 states 'New development must be in scale with adjacent buildings, take account of the ridgeline of existing structures and be of a size that does not dominate the surroundings, or the wider Parish.' The proposal would not significantly increase the height of the ridge line which is not appreciably higher than that existing nor approved at Spring Tide or than that at White Lodge. The flat roof at second floor level would project across approximately half of the width of the site. Some second floor accommodation exists in the roof areas of adjacent dwellings. The second floor accommodation is 8m deep and 11m wide. It would not appear as a dominant roof form in the locality. The proposal is not out of scale with the plot or neighbouring dwellings.

The position of the dwelling on the plot in relation to the road frontage would not be significantly altered and would be in keeping with neighbouring properties. The existing gaps of 4m to the eastern side is reduced to 3m and to the west the building is currently located on the boundary and this is increased to 1.4m to the building. The position in relation to the distance to the rear boundary would also be similar to the dwelling White Lodge to the west. All of this will assist to maintain the spatial pattern and character of the locality.

The external walls are proposed to be constructed in reconstituted limestone. Further colour and texture will be added in sections of wall between glazing sections in pre-patinated zinc. The roof/fascia will be finished in natural zinc. The recessed 3rd floor is to be pre-patinated zinc creating a contrasting band. These proposed materials are comparable to those approved at Spring Tide and its modern flat roof design has been approved elsewhere adjacent to the greensward in Kingston. It is therefore not considered to result in development that is out of keeping with the immediate locality.

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 40 of the National Design Guide states 'Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones.' The proposed design and form of the proposal would reflect the design of other replacement dwellings on the estate and improves on that currently the case at Little Deerswood.

Arun's supplementary Design Guide refers specifically to development in coastal areas. It recognises that built form and massing varies considerably throughout the coastal areas and that there are also high numbers of detached and semi-detached housing, of one to two storeys, and more recent developments of high density flats of more than two storeys. It suggests that new development must respect the existing built environment of the coastal towns, providing a variety of housing types to meet local needs. The proposal meets these criteria.

The proposal is considered to be of an appropriate design and would be sympathetic to the scale of housing within the locality in compliance with policies D SP1 and D DM1 (1 & 2) of Arun Local Plan and Policy 7 (i) and (iii) of the Kingston Neighbourhood Plan which require development to reflect the characteristics of the site and local area in terms of scale, massing and appearance.

RESIDENTIAL AMENITY

The existing dwelling is located roughly in line with the adjacent dwelling to the west in relation to the distance from the site frontage. A gap of 16m is currently provided. The dwelling to the east, Spring Tide,

is uncharacteristically located approximately 44m from the site frontage. There is an extant permission to redevelop the adjacent site and re position the dwelling closer to the site frontage. However this application has not been implemented and the current application therefore needs to be considered in relation to the position of the dwelling as it presently exists.

At ground floor level the proposed dwelling would be approximately 3m from the eastern boundary and would extend for a length of 18.6m at a height of 3m. At first floor level again on the east boundary a 16m length is proposed at a height of 6.3m. On the second floor along this boundary, set away by 5.4m from the boundary, a length of 7m is proposed at a height of 9m.

The amount of combined first and second floor height at this proximity to the east boundary is acceptable in terms of residential amenity given the 13m distance gap between the rear elevation of the proposal and the front elevation of Spring Tide. This distance has increased following the previous refusal and is no longer considered to be materially adverse overbearing on the main private amenity areas serving Spring Tide.

The proposed dwelling does not feature any windows on the eastern or western elevation which would give rise to additional unacceptable overlooking of the adjoining properties. The windows in the east elevation are high level and opaque glazed. However the opaque glazing could be conditioned to be obscure glazed and fixed shut. Those in the west elevation are also indicated to be opaque glazed and could also be conditioned to be obscure glazed and fixed shut to prevent a material loss of privacy to the adjacent dwellings.

The dwelling features first and second floor balconies on the rear elevation of the property. Based on the siting of existing dwellings, the sides of the balconies could have the potential to result in direct overlooking of adjacent gardens, but they are full height and solid. The balconies are effectively recessed where they are adjacent to adjoining properties. The eastern side of the second floor balcony is 22m from the eastern boundary which is an adequate distance to prevent any materially adverse overlooking resulting to the adjacent dwelling.

In respect of White Lodge there is a greater separation than currently exists. It is considered this relationship is acceptable and is sufficient to ensure that the proposal does not give rise to any unacceptably adverse overbearing or overshadowing impacts upon the neighbours.

The dwelling has a gross internal floor area of approximately 440 cubic m which exceeds that specified within the Nationally Described Space Standards for a 3 storey 6 bed house by almost 300 sq.m.

The pool is located 2.8m from the western side boundary and 12m from the property to the east. Boundary screening is indicated to the western site boundary. The adjoining property to the west has a rear garden depth exceeding 25m. Noise would be generated from the use of the pool, but this would be comparable with the noise generated from recreational use of the garden.

Noise from the swimming pool is controlled by condition which would limit any noise levels from machinery used to be kept to daytime hours only. This element of the proposal would therefore accord with policy D DM1 of Arun Local Plan.

Given the unacceptable impact on residential amenity the proposal would not comply with Arun Local Plan policy D DM1 (3) or Policy 7 1 (iv) of the Kingston Neighbourhood Plan.

CAR PARKING

According to Arun's recently adopted car parking standards the proposal generates a car parking demand of 3 spaces and a cycle parking demand of 2 spaces. Bicycles could be stored within the

garages provided and the 6 spaces within the scheme exceed the parking requirements. In accordance with policy TSP1 it is suggested that a condition requiring provision of a car charging point is imposed.

BIODIVERSITY

Development should seek to achieve a net gain in biodiversity in accordance with policy ENV DM5 of Arun Local Plan. No biodiversity gain is included within the proposal. This proposal replaces an existing dwelling and it would be difficult to reasonably justify the inclusion of bat/bird boxes within the dwelling itself. However in accordance with policy ENV DM5 a condition is imposed to ensure 2 bird boxes and a hedgehog house and highway are provided in the garden .

SUMMARY

The proposed new dwelling is considered to conflict with policy D M1 of Arun Local Plan and Policy 7 of the Kingston Neighbourhood 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:

Location Plan SK 02
Block Plan SK25
Basement Plan SK128
Ground Floor Plan SK121
First Floor Plan SK122
Second Floor Plan SK123
North Elevation SK124A
East Elevation SK125
South Elevation SK126
West Elevation SK127
Street Elevation SK129
Site Analysis SK03A
Site and Block Plan as Proposed SK120

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

- 3 The first floor windows on the east and west elevations of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m internal floor level.

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

- 4 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor or above in the east or west elevations of the dwelling hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

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

- 5 Prior to occupation of the development the following wildlife habitats and enhancements shall take place in accordance with details to be submitted to and approved by the Local Planning Authority:

- A bird box on the building/ and or a tree
- One hedgehog nesting box
- Incorporation of gaps at the bottom of the fences to allow movement of small mammals across the site.

The boxes/gaps so approved shall be retained in perpetuity.

Reason: To safeguard the ecology of the area, and in the interests of birds/wildlife in accordance with policy ENV DM5 of Arun Local Plan.

- 6 Hours of operation of the machinery associated with the use of the pool shall be limited to between 08:00 and 20:00 hours daily.

Reason: In order to protect the residential amenities of adjoining properties in accordance with policies D DM1 and QE DM1 of Arun Local Plan.

- 7 Prior to occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good

working condition.

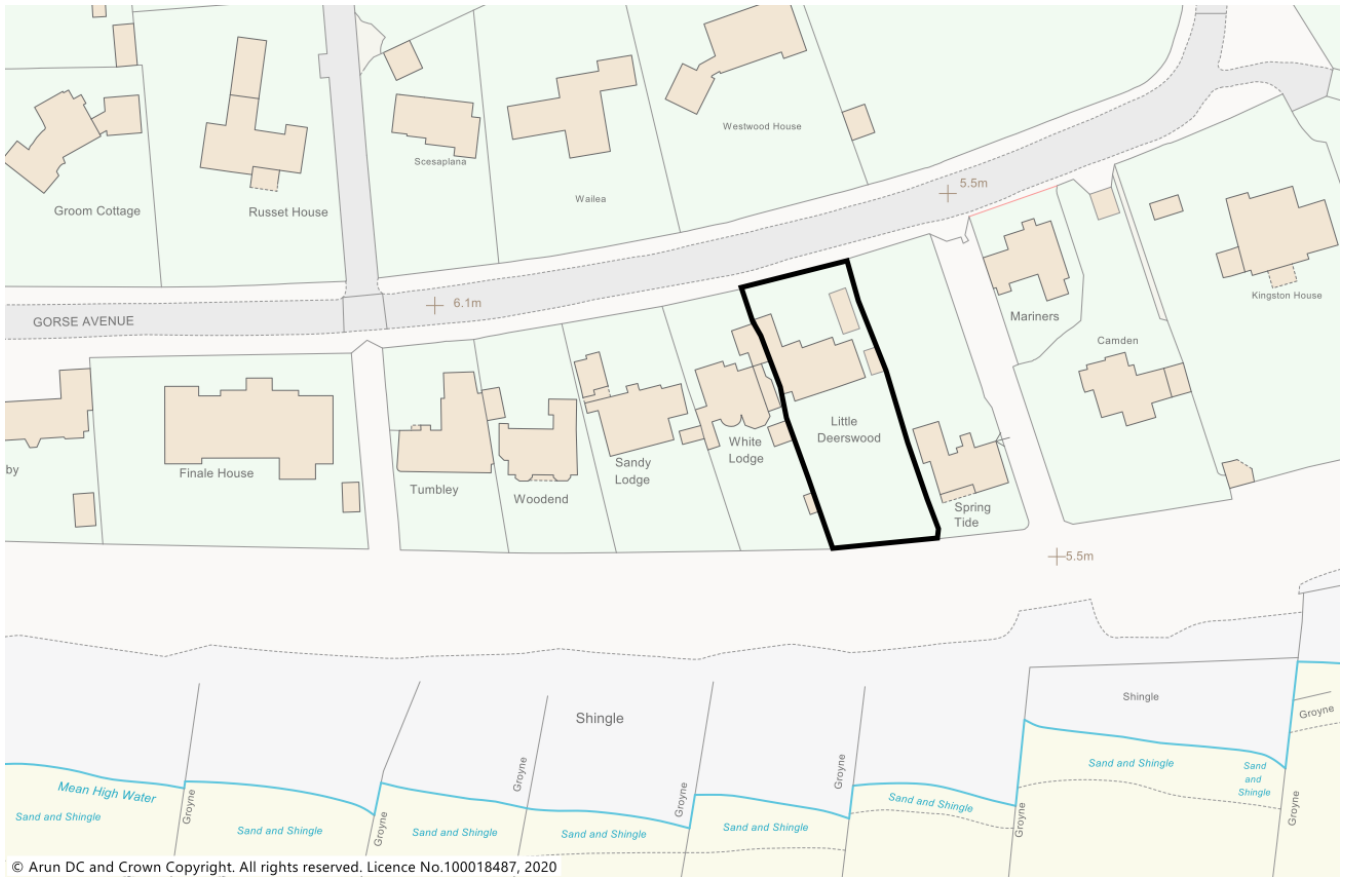
Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c), TSP1 and ECCSP2 of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 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)

K/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: R/268/19/PL

LOCATION: 6 Manor Road
Rustington
BN16 3QT

PROPOSAL: Demolition of existing garage & store on existing dwelling & erection of 1 no. four-bed chalet style dwelling (re-submission of planning ref: R/72/19/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application is for a detached 4 bedroom chalet style bungalow located within the rear garden of 6 Grafton Close. The proposed dwelling has been designed as chalet bungalow with first floor residential accommodation contained within the roof space.

The proposal includes a double garage measuring 8.2m by 6.2m with a pitched roof with a ridge height of 4.22m and access to the side of the existing dwelling.

The proposed dwelling has a width of 13m, depth of 11m and ridge height of 6m. The garage and dwelling would be constructed of white rendered elevations with a grey plinth and grey slate roofs.

SITE AREA 1323 sq. m.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 76 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES None affected by the proposed development.

BOUNDARY TREATMENT Fencing to approx. 1.8m height. Hedging to rear to approx. 5m.

SITE CHARACTERISTICS The application site comprises private amenity space associated with an existing single storey of accommodation bungalow and would involve the removal of the existing garden shed in the corner of the rear garden and the demolition of an attached garage to create a vehicular access to the side of the host property.

CHARACTER OF LOCALITY The character of the locality is predominantly residential and is characterised by detached and semi-detached single storey of accommodation bungalows and two storey houses. At the entrance to Grafton Close the bungalows have limited curtilages.

RELEVANT SITE HISTORY

R/72/19/PL	Demolition of existing garage & store on existing dwelling & construction of 2 new dwellings in rear garden.	Refused 06-09-19
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This application follows refusal of R/72/19/PL for two chalet style bungalows on the site, which is currently at appeal. The application was refused for the following reason:

"The site by virtue of its size and shape, is considered unsuitable to accommodate 2 dwellings and private amenity space satisfactorily without damaging residential amenity. The proposal is contrived in design and would result in a form of development which would be detrimental to the residential amenities of future occupiers, contrary to policy D DM1(3) and D SP1 of the Arun Local Plan."

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Objection:

- The proposal would have an adverse effect on the visual amenities and quiet enjoyment of the neighbouring properties.
- This type of back-land development would make it increasingly more difficult for the Local Planning Authority to resist similar proposals in the vicinity, the cumulative effect of which would be to alter the character of the locality to the serious detriment of the amenities of the area.

Eight Objections:

- Proposal will have an unneighbourly impact.
- Overdevelopment of the site.
- Increased traffic will harm amenity and safety.
- Slow worms, dormice and field mice have been noted in adjoining garden. Proper surveys should be undertaken.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposal does not represent an overdevelopment of the site. The plot sizes are readily comparable with adjoining properties in Grafton Close.

The proposed dwelling is a sufficient distance from neighbouring properties to have no adverse impact on residential amenity. The rear of the properties to the south (namely 5 and 6 Laburnum Walk) are 20m away and those to the west in Old Manor Road are at least 30m away.

The garage is 1m from the side boundaries of 1 and 2 Grafton Close. The height of the garage roof has been reduced by 0.9m to 4.22m. A distance of 9m is provided between the garage and the rear of 1 Grafton Close at its closest point.

Given the distance to boundaries no materially adverse overlooking would result.

The access driveway is wide enough to accommodate provision of acoustic fencing at the entrance.

A Preliminary Ecology Report has been submitted.

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

County Highway - 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 in conflict with paragraph 90 of the National Planning Policy Framework.

Southern Water - No Objection.

Drainage Engineer - No Objection.

Ecology Officer - No Objection. Enhancements requested by way of condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
ECCSP2	ECC SP2 Energy and climate change mitigation
QESP1	QE SP1 Quality of the Environment
QEDM3	QE DM3 Air Pollution
SDSP2	SD SP2 Built-up Area Boundary
ENVDM5	ENV DM5 Development and biodiversity

[Rustington Neighbourhood Plan 2014 Policy 2](#) Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY 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 Rustington Neighbourhood Plan has been made and Policy 2 'Housing Design' is considered to be relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would not result in development which is out of character with the established pattern and character of the area and would provide adequate standard of residential amenity for future occupiers of the site and 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

The development plan in the determination of this application consists of the Arun Local Plan and the Rustington Neighbourhood Development Plan.

Policy D DM1 of the Arun Local Plan 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 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.

Policy 2 of the Rustington Neighbourhood Development Plan states that development proposals will be supported providing that their scale, density, massing, height, landscape design, layout and materials reflect and enhance the established character of the area.

DESIGN AND VISUAL AMENITY

The proposed dwelling will have an adequate rear garden depth of 10.5 m and measures approximately 133 sqm. Garden areas are also identified to the front and sides of the proposed dwelling. 165 sqm is retained as rear garden for the existing property which would be adequate to serve the bungalow.

The plot is considered to be of a reasonable size being readily comparable with other properties along Manor Road. Adjacent properties in Grafton Close and Campbell Road, to the rear, are considerably smaller in size with some properties having only approximately 38.25 sqm for rear garden space (5 Grafton Close). The proposed dwelling is situated off an access driveway, which is located to the side of the existing residential development, and as such would not have a significant presence within the street scene of Manor Road.

The type of dwelling reflects the height and footprint of adjacent properties which comprise bungalows in Grafton Close and 2 storey dwellings to the rear. The siting, design and materials are considered to have an acceptable impact upon the established character and pattern of development within the locality of the site in compliance with policies D SP1 and D DM1 (1) of the Arun Local Plan and Policy 2 of Rustington Neighbourhood Plan.

The dwelling would be located in line with 2, 3 and 4 Grafton Close with materials on the elevations which comprise white render on both the garage and house and as such would reflect those on number 9 Manor Road. The proposed materials for the roof are grey colour which would be acceptable in a residential area such as this.

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 40 of the National Design Guide states 'Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones.' Paragraph 41 advises that well-designed development proposals are shaped by an understanding of the context that identifies opportunities for design as well as constraints upon it. This is proportionate to the nature, size and sensitivity of the site and proposal. The proposed design, layout, plot size and form of the proposal would reflect the design and plot size of other dwellings in the area. The adjacent Close is dominated by single storey built form but other properties in Manor Road are 2 storey. This chalet style development reflects this grain of development. The proposal meets the above criteria.

RESIDENTIAL AMENITY

The front elevation of the proposed dwelling has one large first floor window, serving a bedroom, facing the rear of the existing property on the site where there are a number of windows. The separating distances between the two properties is acceptable to prevent any adverse overlooking being in excess of 20m. In so far as overlooking of the retained garden to number 6 this is also acceptable due to the distance involved 12.5 metres and the fact that the window is positioned to the side of the first floor of the proposed dwelling thereby not providing direct overlooking to the whole of the significantly wide rear garden of number 6. This also applies to the rear gardens of 4 Manor Road and Old Manor Road where the overlooking will be oblique and acceptable. The distance to properties to the rear in Laburnum Walk is 20m which is also acceptable.

Whilst there is only 4.37m between the side elevation of the new dwelling and 2 Grafton Close the proposal is not considered to have any materially adverse overshadowing or overbearing effects as the property has a pitch that runs approximately in line with the proposal at a height of 6m. The proposed is to have a ridge height of 6m which is 0.85m above that of the existing dwelling at 2 Grafton Close thus not resulting in any materially adverse overbearing impacts.

The proposal allows provision for private amenity space, the garden depths for the existing and proposed dwellings are at least 10 metres and given the overall garden sizes the proposed spaces of 133 square metres and 165 square metres are considered acceptable.

The Council is applying Nationally Described Space Standards (NDSS). The proposed property provides approximately 160m² Gross Internal Area each over two floors which exceeds the minimum required space standards for an 8-person 4 bed 2 storey property and would therefore accord with Policy D DM1 (1).

The proposal includes the addition of a detached garage to the front of the new dwellinghouse. This garage measures 6.2m in depth with a proposed width of 8.2m. The garage is to accommodate two cars and be used as a bicycle store. The proposed height of the garage is 4.22m at pitch height with an eaves height of 2.1m. The garage is set 9m from the closest point of 1 Grafton Close. This is considered an acceptable distance that would not cause overbearing and the garage itself will reduce the impact the general noise from cars on the neighbouring properties. Due to the scale, location and design the garage is not considered to cause any unacceptable levels of over shadowing, overbearing or overlooking as such the garage complies with the relevant policies in D DM1 and DSP1 of the Arun Local Plan.

The use of the access to serve the new dwelling, which would be adjacent to the boundary with Manor Road, would result in noise and disturbance from vehicle movements associated with the development which would have an effect on the residential amenities of the occupiers of the adjacent dwelling. This access is 4.4m wide and the applicant is proposing to provide acoustic fencing on the boundary. The amount of traffic and activity proposed would reflect that associated with a single dwelling. Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering new development including: (3) Impact - which seeks to prevent unacceptable noise and disturbance." and policy QE SP1 requires all development to contribute positively to the quality of the environment and ensure it does not have a significantly negative impact upon residential amenity,

It is necessary to consider whether the intensification and extension of the access driveway would be harmful to the amenity of 4 Manor Road to the west and the host dwelling. It is accepted that there is already access down part of the side of no 6 to the garage and that no 6 also has a driveway and garage on the side. The proposal will extend the driveway past the two existing houses and result in new vehicle movements to and from the new house including by delivery vehicles. The driveway is proposed to be 4.4m wide where it passes between no 6 and the fence to no 4.

This would give 1m space to either side of the access for new acoustic fencing to be erected on both sides of the driveway which would reduce any disturbance by way of noise to an acceptable level. This will be secured by way of proposed condition 5.

A recent appeal decision in Bersted BE/102/18/PL for a single dwelling to the rear of the host property with access to the rear similarly located to that proposed was dismissed on 20-09-2019 on the basis that in the absence of precise details to control noise and disturbance impacts alongside the new dwelling access drive, it had not been satisfactorily demonstrated that material harm would not be caused to the living conditions of the occupiers of adjoining properties and the proposal would not accord with policies D DM1 and QE SP1.

The access width in the appeal case was 2.7m. In addition, the side elevations of both the host dwelling and the neighbouring dwelling included windows. That would not be the case with the proposals for No.6 where the garage would be removed the doorway to the kitchen would be bricked up, and the kitchen and lounge would be served by front and rear facing existing windows respectively. The Bersted case provided a driveway width of just 2.74m between the side boundaries (in this case it is 4.4m). The Inspector noted that this would allow "around 0.5m space for landscape planting. I am not satisfied that there is room to provide planting and/or acoustic fencing would adequately mitigate the harmful impact of engine noise and car lights on that property".

HIGHWAY AND PARKING CONSIDERATIONS

The addition of a single 4 bedroom dwelling would not result in a significant increase in the amount of traffic created in the area and would not have a 'severe' impact upon the operation of the highway network. The proposal incorporates a detached garage with two parking spaces. The proposal would generate a parking demand of 2 spaces and such provision meets the recently adopted Arun parking standards for a 4 bedroom dwelling in this location. One cycle parking space would also be required which could take place within the garage. It is suggested that a condition requiring provision of a car charging point is imposed in accordance with the requirements of policy TSP1 of Arun Local Plan.

IMPACT ON WILDLIFE

The site does not fall within or is adjacent to any designated sites of biodiversity or geological importance. The application includes a Preliminary Ecology Report which identified that no Protected Species were present on the site and the garden area has been cleared of most vegetation.

On this basis the development will not lead to any significant impacts on these protected sites or surrounding habitats. The submitted ecology report includes mitigation for wildlife in the form of provision of bat and bird boxes and additional mitigation will also be requested by way of a condition.

Policy ENV DM5 (Development and biodiversity) requires developments to seek to achieve a net gain in biodiversity and incorporate a range of ecological enhancements. The following recommendations within the submitted report aim to enhance the biodiversity on site post development:

- New roosting opportunities created by integrating bat boxes/tubes in the new dwelling
- New tree, shrub and herb planting including native species of value to wildlife.
- Green walls created using trellis on new and existing fences and on the side of new buildings
- Where possible, fencing adapted to be made hedgehog-friendly on site by creating a hole at the base.

This range of ecological enhancements is conditioned to provide a net gain in biodiversity post-development in line with local plan policy ENV DM5.

SUMMARY

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

A revised layout plan has been submitted indicating acoustic fencing and landscaping along the site access. The plans have been subject to notification of the Parish Council and the advertising for this expires on 10-03-2020. Delegated authority is sought for the Group Head of Planning in conjunction with the Committee Chairperson and Vice chairperson to issue the decision following expiring of the advertising period.

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:

- DS/6MANOR/07rev1
- DS/6MANOR/05 Rev 1
- DS/MANOR6/03
- DS/6MANOR/08
- DS/6MANORNEW/04/REV1
- DS/6MANOR/09

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

- 3 The use of the car parking spaces shall not commence until such time as the vehicular access has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority and no part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan DS/6MANOR/07rev1. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space In the interests of road safety for the use in compliance with policy TSP1 of Arun Local Plan.

- 4 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level in the west or east elevation of the dwelling without the prior permission of the Local Planning Authority.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1, D DM4 of Arun Local Plan.

- 5 No development above damp proof course (DPC) level shall take place until details of acoustic fencing to the side boundaries of the access have been submitted to and approved

by the Local Planning Authority and the new dwelling shall not be occupied until the approved acoustic fencing has been erected. The fencing shall be retained in perpetuity.

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

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

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

- 7 No part of the development shall be occupied until the ecological enhancements identified in the Preliminary Ecology Report together with additional enhancements have been provided on site in accordance with details to be submitted to and approved by the Local Planning Authority. The additional enhancements comprise:

- Filling any gaps in tree lines or hedgerows with native species.
- Log piles onsite.
- Two hedgehog nesting boxes included on the site.

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

- 8 Prior to occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c), TSP1 and ECCSP2 of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 9 INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

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

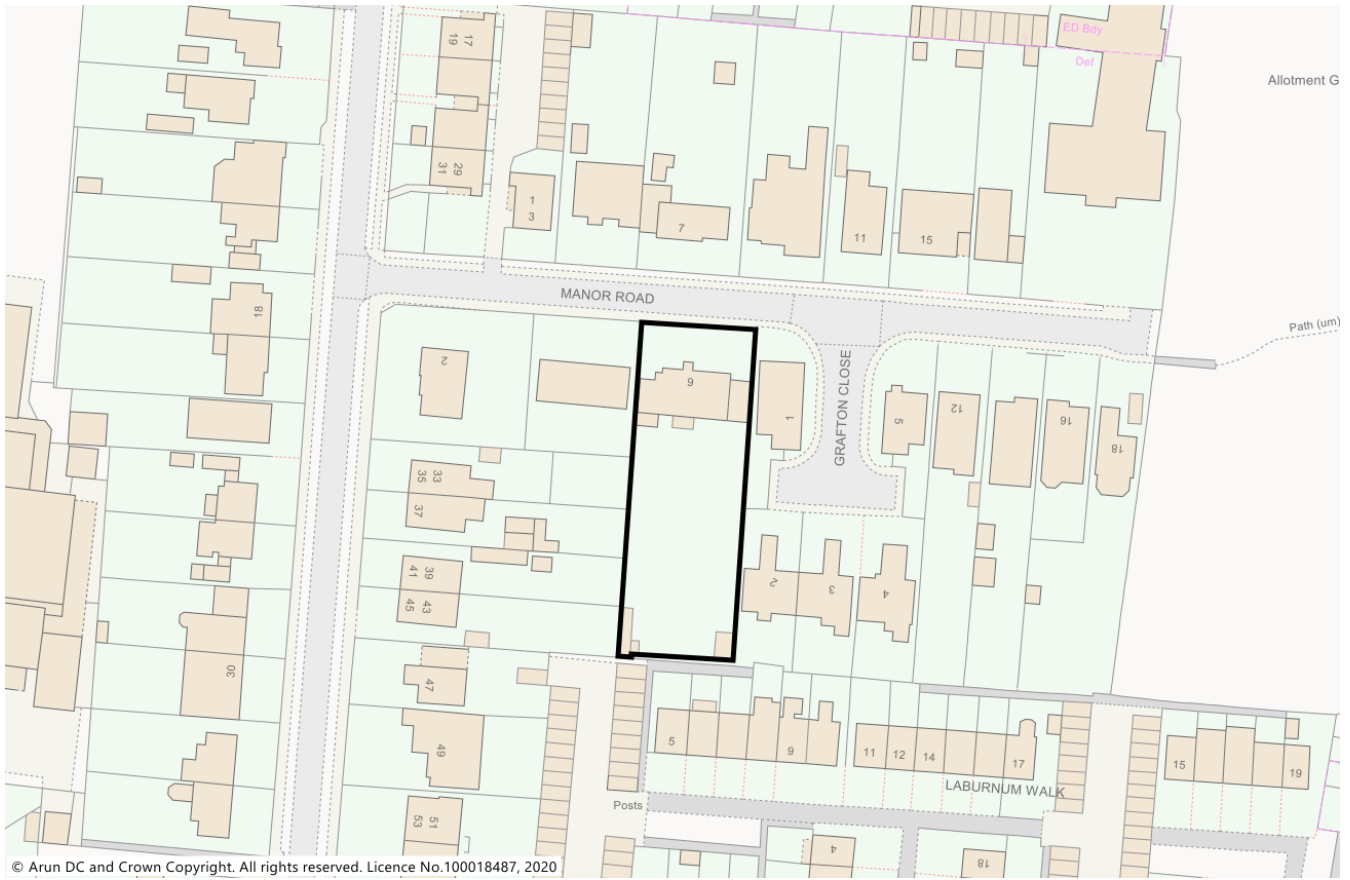
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

- 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.

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)

R/268/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Appeals Awaiting a Decision

AL/42/19/PL

Received: 03-02-20

Nyton House Nyton Road Westergate

Construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House Care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas. This application affects the setting of a listed building.

Written Representations

PINS Ref: APP/C3810/W/19/3242332

AL/43/19/L

Received: 03-02-20

Nyton House Nyton Road Westergate

Listed building consent for the construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House Care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas.

Written Representations

PINS Ref: APP/C3810/Y/19/3242340

AL/62/19/PL

Received: 04-02-20

Land Rear of Sundown Littleheath Road Aldingbourne

1 No. new dwelling. This application is a Departure from the Development Plan.

Written Representations

PINS Ref: APP/C3810/W/19/3241407

AL/72/19/PL

Received: 24-01-20

Ryefields Farmhouse Oak Tree Lane Woodgate

Demolition of existing buildings & erection of 10 No. houses, comprising 1x three bedroom detached, 6x three bedroom semi detached & 3x four bedroom detached houses with associated access & parking (resubmission following AL/118/18/OUT).

Written Representations

PINS Ref: APP/C3810/W/19/3243619

AW/131/19/T

Received: 12-07-19

12 Hunters Close Aldwick Bay Estate Aldwick

Reduce height by 8m to 1 No. Lombardy Poplar tree.

Written Representations

PINS Ref: APP/TPO/C3810/7494

BE/69/19/OUT

Received: 06-01-20

The Cottage Shripney Road Bognor Regis

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

Development Plan

Written Representations

PINS Ref: W/4000456

BE/79/19/PL

Received: 14-02-20

Land Adjacent to Walnut Tree Cottage Shripney Lane Shripney

Single-storey bungalow on land adjacent to Walnut Tree Cottage & reinstatement of double garage to Walnut Tree Cottage from annexe/holiday let - This application may affect the character and appearance of the Shripney Conservation Area

Written Representations

PINS Ref: APP/C3810/W/20/3244778

BR/281/18/PL

Received: 12-08-19

99 Victoria Drive Bognor Regis

Demolition of existing dwelling & erection of a three story building to provide 9 No. flats, 6 No. 1 bed & 3 No. 2 bed units with associated amenity areas, access & car parking.

Written Representations

PINS Ref: APP/C3810/W/19/3229025

EP/74/19/HH

Received: 05-02-20

2 Hillview Crescent East Preston

Hip to barn hip extension & single storey rear extension.

Written Representations

PINS Ref: APP/C3810/D/20/3244501

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

FP/139/19/OUT

Received: 18-02-20

Land south of garage compound & East of 12 Alfriston Close Felpham

Outline application with all matters reserved for the erection of 1 No. dwelling.

Written Representations

PINS Ref: W/4000422

K/16/19/PL

Received: 23-01-20

The New Stables Kingston

Proposed single four bed dwelling.

Written Representations

PINS Ref: APP/W/18/3242255

<p>K/5/17/HH Received: 17-08-17</p>	<p>Kingston Manor Kingston Lane Kingston Construction of a Detached 6 Bay Barn with Log Store Written Representations PINS Ref: APP/C3810/W/17/3175616</p>
<p>LU/125/19/PL Received: 23-01-20</p>	<p>54 Arundel Road Littlehampton Demolition of 3 no. garages & erection of 7 room HMO with shared facilities & parking for 3 cars. Written Representations PINS Ref: APP/C3810/W/19/3243339</p>
<p>LU/210/19/PL Received: 19-11-19</p>	<p>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</p>
<p>LU/3/19/PL Received: 11-11-19</p>	<p>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</p>
<p>M/17/19/PL Received: 01-08-19</p>	<p>14 Baldwin Close Middleton-On-Sea 1 No. 1-bedroom dwelling & rear extension on existing dwelling (resubmission following M/99/18/PL). Written Representations PINS Ref: APP/C3810/W/19/3232982</p>
<p>R/72/19/PL Received: 13-12-19</p>	<p>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</p>
<p>Y/62/18/OUT Received: 19-11-19</p>	<p>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</p>

ENF/505/12/

Hales Barn Farm Arundel Road Norton West Sussex

Received:

Written Representations

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