

PLANNING APPLICATION REPORT

REF NO: AL/106/23/PL

LOCATION: The Coach House
Arundel Road
Fontwell
BN18 0SX

PROPOSAL: Detached single storey teaching building clad in timber. This site is a Departure from the Development Plan and is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to construct a detached, single storey building that is to be clad in timber boarding and used for teaching.
SITE AREA	3870sqm.
TOPOGRAPHY	Predominantly flat.
TREES	2 No. early mature Cypress Leyland to the west of the proposal and 1 No. Wild Cherry tree to the south of the proposal are of particular note. There are other trees on site but these are general early and low amenity or not within proximity to the development.
BOUNDARY TREATMENT	Approx. 2m tall wooden boundary fencing and mature planting.
SITE CHARACTERISTICS	The site serves as an independent therapeutic community that provides residential care and teaching. The site currently features 2 No. buildings; one 1.5 storey brick and clay tile building with numerous small pitched roof dormers, and one single storey timber clad (teal blue) building with a gable ended clay tile roof. The site also boasts a central play area and parking within the site.
CHARACTER OF LOCALITY	The site is just north of the A27 and Fontwell Park. The surrounding properties are of residential use but demonstrate an irregular layout and distribution with substantial grounds and mature planting. The area is semi-rural in character.

RELEVANT SITE HISTORY

AL/60/14/PL	Change of use from residential (C3 Dwellinghouse) to children's therapeutic community centre (D1 Non residential Institution)	ApproveConditionally 10-10-14
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al/50/22/pl	Change of use of part of C3 residential dwellinghouse to Class E ancillary office space, change of use of former garage building to Use Class F1 and the alterations to the buildings including roof extension of the main building in order to allow increase in capacity for children of up to 10 and staff up to 6 of the specialist children's school at the Coach House (resubmission following AL/62/21/PL). This site is in CIL Zone 3 (Zero Rated) as other development.	ApproveConditionally 16-06-22
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The current application seeks to construct a detached, single storey teaching building that is under use class F1 and connected to the existing F1 use on site.

AL/50/22/PL - This application granted permission for a part change of use of the site from C3 (Dwellinghouse) to E (Offices) and part change of use of C3 (Dwellinghouse) to F1 (Non-residential institution (formerly D1)).

REPRESENTATIONS

Aldingbourne Parish Council - Objection:

- Under ANP Policy EH1(iii), proposals must be sensitively designed, located, and respect the character and built heritage of neighbouring settlements. We do not feel it meets this criteria.

1 No. Support from nearby occupier:

- No objections to any single storey building.
- The school and children they teach and support will benefit from this.
- It has no impact on us as the only direct neighbour.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The third paragraph of Policy EH1 (Built-up Area Boundary) of the Aldingbourne Neighbourhood Development Plan refers to residential/housing developments, not uses such as this. All other relevant planning matters are discussed in the report below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

National Highways - No objection.

South Downs National Park - No objection.

WSCC Highways - No objection.

Southern Water - Informative requested.

Ecologist - No objection:

- The submitted Ecological Appraisal (PEA) is acceptable.
- The measures identified Biodiversity Net Gain Statement would achieve a net gain.

- The site is within the 12km wider conservation area of the Singleton & Cocking SAC. The PEA does not address this however, the development is quite small and has negligible impacts on the SAC.
- The development is not removing any trees and a bat friendly lighting scheme should be conditioned.
- The biodiversity enhancements should also be conditioned in line with the ecological enhancement recommendations identified in the PEA.

Drainage Engineers:

- The site is within the Lidsey Treatment Catchment area and an inner Groundwater Protection Zone (Environment Agency & Portsmouth Water should be consulted).
- Requesting pre-commencement drainage condition to be attached alongside associated informative.

Environment Agency - Awaiting response.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Informatives and conditions applied where appropriate.

Natural England were formally consulted on this application but have not responded. A Habitats Regulations Assessment has been undertaken and has been uploaded to this application. It is not necessary to send this to Natural England for a further response request as an Appropriate Assessment was not required.

Following the site visit, it was found that the concrete subbase of the proposal had been laid. Works have since halted and Engineers have been made aware of the situation. An additional drainage details document has been provided by the applicant to attempt to remedy surface water drainage concerns however, as works have commenced, pre-commencement conditions are not suitable. A re-consultation request has been sent to drainage to assess the new drainage details and provide a further response.

The Environment Agency were consulted on this application on 24/10/23. We are awaiting a response.

POLICY CONTEXT

Designation applicable to site:

Lidsey Treatment Catchment.
HR Buffers (SD10) 12 000 Singleton and Cocking Tunnel SAC;
Mineral Safeguarding Area;
Source Protection Zone 2.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
ENVDM5	ENV DM5 Development and biodiversity
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality

[Aldingbourne Neighbourhood Plan 2019-31 Policy EH5](#) Surface water management

Aldingbourne Neighbourhood Plan 2019-31 Policy Protection of trees and hedgerows

EH6

Aldingbourne Neighbourhood Plan 2019-31 Policy Attention to detail
H9

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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, The South Inshore & South Offshore Marine Plan 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.

All relevant policies from the Aldingbourne Neighbourhood Development Plan have been considered.

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 complies with relevant Development Plan policies in that it remains in character with the existing site and results in no harm to the visual amenity of the area or residential amenity. It also achieves a Biodiversity Net Gain and protects existing habitats on site.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The key Development Plan policies relevant to this proposal are D SP1 (Design), D DM1 (Aspects of Form and Design Quality), QE SP1 (Quality of the environment), ENV SP1 (Natural Environment), ENV

DM5 (Development and Biodiversity), T SP1 (Transport and Development), W DM1 (Water supply and quality), W DM3 (Sustainable Urban Drainage Systems) of the Arun Local Plan (ALP), and policies EH5 (Surface Water Management), EH6 (Protection of trees and hedgerows) & H9 (Attention to detail) of the Aldingbourne Neighbourhood Development Plan (ANP).

The site is located outside of the Built-up Area Boundary. Policy C SP1 of the Arun Local Plan states that land outside of the Built-up Area Boundaries is defined as 'countryside' and recognised for its intrinsic character of beauty. There are then six caveats which allow development to be permitted. The proposal is not in accordance with any of these caveats and is thus, contrary to policy C SP1. However, this proposal is to provide an ancillary building to an existing use within the site and it does not result in any material planning harm.

Policy EH1 of the Aldingbourne Neighbourhood Development Plan (ANP) seeks to resist residential development outside the Built-up Area Boundary and West of Westergate Street, and sets criteria proposals need to address when outside of the Built-up Area Boundary and there is a demonstrable shortfall of housing land supply. As this is not residential development this policy is not relevant.

The Arun Design Guide (ADG) also provides additional guidance relevant to this proposal.

DESIGN AND VISUAL AMENITY

Policies D SP1 & D DM1 of the ALP require proposals 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 proposed building would be single storey, feature a flat roof design and timber cladding to the external walls. The timber cladding would be blue in coloration to match the existing single storey building adjacent to the proposed within the site. It would also feature anthracite uPVC window frames and an integrated front canopy of the front (east) elevation. The structure would be modest in scale relative to other built form within the site and would not be visible from the public realm. The use of a flat roof design does not reflect the use of clay tile pitched roofs within the site and so this would be a clear visual distinction between the proposed and existing buildings however, the remainder of the proposed building would be in keeping with the style and materials demonstrated by the existing single storey building adjacent to the north within the site. The lack of a pitched roof does not give rise to any significant harm of the visual amenity of the site and the scale and design remain acceptable for the character of the site.

The proposal is in accordance with policies D SP1 & D DM1 of the ALP.

NEIGHBOURING RESIDENTIAL AMENITY

Policy D DM1 requires that there be minimal impact to neighbours in terms of loss of privacy or outlook, or unacceptable disturbance.

Owing to the scale and siting of the proposal, the surrounding boundary treatment and lack of windows above ground floor, the proposal will have no adverse impacts by way of overbearing, overshadowing, or overlooking on neighbouring properties.

In terms of nuisance, the additional 10 No. students is unlikely to give rise to significantly adverse impacts of neighbouring amenity. Neighbouring properties feature substantial grounds separating the site from the dwellings and there is mature planting and boundary fencing surrounding the host site.

The proposal is in accordance with policy D DM1 of the ALP.

DRAINAGE

The site is located within the Lidsey Treatment Catchment Area and a Source Protection Zone. Arun District Drainage Engineers have requested a pre-commencement condition requiring the applicant to provide details of an adequate Surface Water Drainage Scheme to be approved by the Local Planning Authority. Subject to this condition, surface water drainage will be adequately addressed.

In relation to the Source Protection Zone, the Environment Agency have been consulted and we await a response. In the absence of a response to suggest otherwise, it is considered that, given the limited scale of the works, it is unlikely to have any significant impact of the Source Protection Zone.

Following the site visit, it was evident that works had commenced. The applicants have since halted works and drainage details have been supplied by the applicant to address drainage concerns before carrying on. The Council's Drainage Engineers have been re-consulted and their comments will be considered prior to the determination of this application.

Compliance with policies W DM1 & W DM3 of the ALP and EH5 of the ANP will be included within an update report with the benefit of consultation responses.

TREES

The proposal is within proximity to multiple trees and an Arboricultural Impact Assessment (AIA) has been provided. There are no trees subject to a TPO nor within a Conservation Area affected by the proposal. Trees within a reasonable vicinity of the proposal also do not contribute significantly to local amenity as they are not visible from the public realm.

The submitted AIA does not propose the removal of any trees but does recommend that two 'low-quality' Leyland Cypress trees that are on a neighbouring site are cut back to the boundary. These works are identified as a low and acceptable impact with minimal amenity impact on the wider area. The AIA also identifies that some root damage to the same two Leyland Cypress trees and another Wild Cherry Tree may have occurred following the commencement of the works, but that the likelihood is that these low-quality trees will not suffer unacceptable root damage. It goes on to recommend replacement planting should their condition decline to an unacceptable extent hereafter.

This AIA also includes mitigation measures to be implemented during the construction process to limit any adverse impacts to nearby trees.

The submitted arboricultural information is acceptable and the remainder of the works have been conditioned to be undertaken in accordance with this information. The proposal is in accordance with Policy D DM1 of the ALP and EH6 of the ANP.

ECOLOGY AND BIODIVERSITY

Policy ENV SP1 of the ALP states that Arun District Council encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites.

Policy ENV DM5 of the ALP requires development to achieve a Biodiversity Net Gain and protect existing habitats on site.

Policy H9 of the ANP requires development proposals to consider lighting early in the design process to avoid lighting schemes that promote light spill and glare, face inwards, and not toward open landscapes. Whilst not considered early in the process, no external lighting is proposed. A condition has been recommended to avoid external lighting that adversely impacts wildlife.

The site is located within the Habitats Regulations Assessment Buffer zone of 12km from the Singleton and Cocking SSSI and SAC and as such, Natural England have been consulted. Natural England have not responded, and a Habitats Regulation Assessment has been undertaken and uploaded to this application. No Appropriate Assessment was required. The Council's ecologist has also been consulted and noted that the development is quite small and has negligible impacts on the Singleton & Cocking Tunnels SAC. They have also identified the submitted Preliminary Ecological Appraisal (PEA) to be acceptable, although it does not acknowledge the 12km Singleton and Cocking SAC buffer.

The Biodiversity Net Gain statement would ensure a net gain is achieved. Conditions are to be attached to require the development to be built in accordance with the submitted PEA and Biodiversity Net Gain statement, and another to be attached requiring any outdoor lighting, if required, to be designed in accordance with a 'bat-friendly' lighting scheme.

Subject to the conditions and in the absence of a response from Natural England to contradict the advice of the council's ecologist, the proposal is concluded to be in accordance with policies ENV SP1 & ENV DM5 of the ALP, and policy H9 of the ANP.

TRANSPORT AND PARKING

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies.

There is no proposed alteration to the existing site access and National Highways have raised no objections. There are also no alterations to the existing parking arrangements proposed however, some parking improvements resulting in 12 No. parking spaces and a taxi drop off point serving the site. The additional 10 No. movements caused by 5 No. new day students will not result in any severe impact on the operation of the highway network.

The proposal is in accordance with policy T SP1 of the ALP, and the relevant paragraphs of the NPPF.

SUMMARY

Subject to the consideration of comments from the council's Drainage Engineers and the Environment Agency, the proposal is compliant with relevant Development Plan policies and as such, it is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is not CIL liable.

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 P001 P2.
- Proposed Block Plan P002 P2.
- Proposed Elevations P006 P1.
- Proposed Roof Plan P005 P1.
- Proposed Floor Plan P004 P1.

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 development hereby approved shall be constructed in accordance with the all recommendations identified within the submitted Preliminary Ecological Appraisal Dated: 21/08/23.

Reason: To ensure the adequate protection of biodiversity in accordance with Policies ENV SP1 & ENV DM5 of the Arun Local Plan.

- 4 All biodiversity enhancement measures identified within the recommendations from either calculation 1 or calculation 2 of the submitted Biodiversity Net Gain Assessment Dated: 29/08/23 must be implemented on site within one year of the first use of the building hereby approved.

Reasons: To ensure a net gain of biodiversity is achieved in accordance with Policy ENV DM5

of the Arun Local Plan.

- 5 The development hereby approved shall be constructed in accordance with the submitted Arboricultural Impact Assessment & Method Statement (Dated: 09/08/23).

Reason: To ensure existing trees are retained and incorporated as part of the development in accordance with Policy D DM1 of the Arun Local Plan.

- 6 If any external lighting is required to facilitate the use of the development hereby approved, prior to the buildings first use, a lighting design scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with policies ENV SP1 & ENV DM5 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.

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/106/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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