APPENDIX 2
BE/142/15/OUT DECISION NOTICE AND COMMITTEE REPORT

ARUN DISTRICT COUNCIL

Town & Country Planning Act 1990 (as amended)
Town & country Planning (Development Management Procedure) (England) Order 2015 - Article 5
Application for Outline Consent
DECISION NOTICE

Application Ref: BE/142/15/OUT

1 **To Addressee**

Barton Willmore LLP
7 Soho Square
London

W1D 3QB

2 **Site Address**

Land West of New Barn Lane
North Bersted
PO21 5DL

3 **Description of Development**

Outline application with some matters reserved for a mix of up to 90 No. residential units, associated open space, landscaping, access & car parking. This application is a Departure from the Development Plan.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to compliance with the following conditions and Section 106 Agreement.

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

(a) Layout;
(b) Scale;
(c) Appearance;
(d) Landscaping.

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

2 The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before expiration of 1 year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

3 The development hereby approved shall be carried out in accordance with the following approved plans:
01084_S_01_Rev P1 Site Location Plan
01084_S_02_Rev P1 Block Plan
01084_PP_01_Rev P1 Parameter Plan: Land Use and Access
01084_PP_02_Rev P1 Parameter Plan: Building Heights
01084_PP_03_Rev P1 Parameter Plan: Green Infrastructure
P401/101 Rev C Site Access
P401/200 Rev B Site access refuse truck tracking - site access

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

4 No development shall take place within the area indicated 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 Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7.

5 Development shall not commence 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

6 Development shall not commence until full details of the maintenance and management of the SUDs 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 manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and on going operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The SuDs Manual' CIRIA publication ref: C753 Chapter 32.

7 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

8 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

9 No development 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 GEN7 of the Arun District Local Plan.

10 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by 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 however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. 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 GEN7 of the Arun District Local Plan.

11 No development shall be carried out 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 development.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with policy GEN7 of the Arun District Local Plan.

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

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

Reason: In the interests of highway safety and the amenities of the area.

13 Prior to the commencement of development, a plan shall be submitted to the Local Planning Authority to show how the development shall be divided into phases and a phasing programme for the entire site shall be submitted in writing to the Local Planning Authority.

Reason: For the avoidance of doubt.

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Local Plan.

15 Prior to the commencement of construction works on each phase of the development of any preparatory works a detailed ecological enhancement scheme (which shall include the installation of bat boxes throughout the site) shall be submitted to the LPA for approval and will be based on the recommendations within the supporting ecological statement and as appropriate. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

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 GEN23 and GEN29 of the Arun District Local Plan (2003).

16 No operational or construction vehicles shall be operated on the site except between the hours of:

7.00 and 19.00 on Mondays to Fridays inclusive
7.00 and 13.00 on Saturday
Not at any time on Sundays or Public Holidays

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.

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

Reason: In the interest of amenity and the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

18 No development shall take place until details of laying out, timetable for provision and future maintenance of Public Open Spaces has been submitted to and approved by the local planning authority. The layout details submitted in compliance with Condition 1 shall define the boundaries of such areas, their proposed use, the items of equipment, means of enclosure and all other structures to be installed. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the informal open space, which is considered a necessary part of the development, is provided to an acceptable standard within an agreed timescale in accordance with policies GEN7 and GEN8 of the Arun District Local Plan.

19 No demolition, ground clearance or vegetation clearance works shall take place within the bird nesting season (between 1 March and 31 August inclusive in any year). If such works cannot be undertaken outside of the nesting season, a nesting bird check shall be required, which should be undertaken by a suitably qualified ecologist immediately prior to the works taking place. Subsequently if any active nest sites are identified, these nests should remain undisturbed until all the young have fledged naturally.

REASON: To minimise disturbance to nesting birds.

20 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. 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 [as a part of the reserved matters submissions required by condition 2]. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the NPPF.

21 No development shall take place until a street lighting scheme has been submitted and approved in writing by the Local Planning Authority. This must comply with the Institute of Lighting Engineers Guidance Notes for the reduction of obtrusive light.

Reason: To enable the LPA to control the development in detail in the interests of residential amenity and in accordance with GEN7 of the Arun District Local Plan and also to ensure there is no impact on Bats within the vicinity of the site.

22 Prior to the commencement of the development details showing the proposed location of one fire hydrant (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. These approvals shall not be unreasonably withheld or delayed.

Prior to the first occupation of any dwelling unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of fire fighting. The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004).

Reason: In the interests of amenity and in accordance with policy GEN7 of the Arun District Local Plan 2003

23 No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of road safety.

24 The use of the new access shall not commence until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto New Barn Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.
Reason: In the interests of road safety.

25 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details 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.

26 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

27 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.

28 No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.
Reason: To encourage and promote sustainable transport.

29 INFORMATIVE

Please note that related to this permission there is an agreement under Section 106 of the Town & Country Planning Act 1990.

INFORMATIVE:

The reserved matters application will provide full details of all roads and footpaths associated with the development. In the event that neighbouring land is approved for development at some point in the future this layout must include footpath and pedestrian links right up to the boundary to ensure access.

INFORMATIVE:

If there is a requirement for security lighting during construction or proposed at any dwelling prior to installation the lighting details must be provided to and approved by the Local Planning Authority.

INFORMATIVE:

Section 59 of the 1980 Highways Act - Extra-ordinary Traffic
The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

INFORMATIVE:

Section 278 Agreement of the 1980 Highways Act - Works within the Highway
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

INFORMATIVE:

Section 38 Agreement of the 1980 Highways Act - Provision of Adoptable Highway
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

INFORMATIVE:

The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Case Officer: David Innes

Date of Decision: **12 February 2016**



Karl Roberts
Director Planning & Economic Regeneration

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at http://acp.planninginspectorate.gov.uk

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).

ARUN
DISTRICT COUNCIL

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Committee Manager : Carrie O'Connor (Ext 37614)

14 January 2016

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton, on **Wednesday 27 January 2016 at 2.30 p.m.** and you are requested to attend.

Members : Councillors Haymes (Chairman), Mrs Hall (Vice-Chairman), Mrs Bower, Bower, Brooks, Charles, Dillon, Gammon, Mrs Maconachie, Maconachie, Mrs Oakley, Mrs Pendleton, Miss Rhodes, Mrs Stainton and Wells

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

A G E N D A

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating :

a) the application you have the interest in
b) whether it is a personal interest and the nature of the interest
c) whether it is also a prejudicial/pecuniary interest
d) if it is a prejudicial/pecuniary interest, whether you will be exercising your right to speak at the application

You then need to re-declare your prejudicial/pecuniary interest and the nature of the interest at the commencement of the application or when the interest becomes apparent.

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process Procedure as laid down in the Council's adopted Local Code of Conduct for Members/Officers dealing with planning matters. A copy of the Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

To approve as a correct record the Minutes of the meeting held on 16 December 2015 (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

6. K/32/15/HH – DEMOLITION OF ROOFTOP WATER TANK HOUSING AND ADDITION OF EN-SUITE BEDROOM AND AT SECOND STOREY LEVEL, BROADBEACH, 39 COASTAL ROAD, KINGSTON

This application had been deferred from the meeting held on 16 December 2016 and is now brought back for the Committee's consideration.

7. TREE APPLICATIONS

There are no applications to consider.

8. *PLANNING APPLICATIONS

To consider the attached reports.

NB : The applications will be heard in **REVERSE ALPHABETICAL** order.

9. *PLANNING APPEALS

To consider the attached report.

Background Papers

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

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

Contact Officers :	Nikolas Antoniou	(Ext 37799)
	Neil Crowther	(Ext 37839)
	Daniel Vick	(Ext 37771)
	Juan Baeza	(Ext 37765)

Note: *Indicates report is attached for Members of the Development Control Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or accessed via the website at www.arun.gov.uk.

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Note: Members are reminded that if they have any detailed questions would they please inform the Chairman and/or the Head of Development Control, in advance of the meeting. This is to ensure that officers can provide the best possible advice to Members during the meeting.

DEVELOPMENT CONTROL COMMITTEE

16 December 2015 at 2.30 p.m.

Present: Councillors Haymes (Chairman), Mrs Hall (Vice-Chairman), Mrs Bower, Bower, Brooks, Charles, Dillon, Gammon, Mrs Maconachie, Maconachie, Mrs Oakley, Mrs Pendleton, Miss Rhodes, Mrs Stainton and Wells.

[Councillor Mrs Pendleton was absent from the meeting during consideration of the matters referred to in Minutes 391 to 393.]

391. WITHDRAWN APPLICATION

The Chairman advised the meeting that Planning Application A/129/15/PL had been withdrawn from the Agenda and would not be considered at this meeting.

392. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a "Prejudicial Interest" this will, in the interests of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

Councillor Dillon declared a personal interest in Agenda Item 7, Planning Application BR/140/15/PL, as Chairman of the Planning & Licensing Committee at Bognor Regis Town Council.

393. MINUTES

The Minutes of the meeting held on 25 November 2015 were agreed by the Committee as a correct record and signed by the Chairman.

394. WA/22/15/OUT – OUTLINE APPLICATION WITH SOME MATTERS RESERVED TO PROVIDE UP TO 400 NO. NEW DWELLINGS, UP TO 500 SQM OF LIGHT INDUSTRIAL FLOORSPACE (B1(b)(c)) & ASSOCIATED WORKS INCLUDING ACCESS, INTERNAL ROAD NETWORK, HIGHWAY WORKS, LANDSCAPING, SELECTED TREE REMOVAL, INFORMAL & FORMAL OPEN SPACE & PLAY AREAS, PEDESTRIAN & CYCLIST INFRASTRUCTURE UTILITIES, DRAINAGE INFRASTRUCTURE, CAR & CYCLE PARKING & WASTE STORAGE. THIS APPLICATION IS A DEPARTURE FROM THE DEVELOPMENT PLAN & ALSO LIES WITHIN THE PARISH OF EASTERGATE, LANE TO THE EAST OF FONTWELL AVENUE, FONTWELL

At the meeting on 25 November 2015, The Head of Planning Policy & Strategic Development had presented a comprehensive report on this planning application which was duly approved by the Committee, subject to the Heads of Terms being brought back for approval to the next meeting. However, to give the consultees time to respond to the matters raised by the Committee and due to timing issues with the publication of the agenda, the matter had been omitted from the agenda in error and the Chairman agreed that it could be considered as a matter of urgency as a decision was required of the Committee to approve (or not) the Heads of Terms following additional information received and further negotiation undertaken.

The Head of Planning Policy & Strategic Development directed Members to the officer's written report update that had been circulated prior to and at the meeting which set out the outcomes of the matters that had been raised by the Committee at the meeting on 25 November 2015 with regard to the Heads of Terms.

As the Parish Councils were not able to forward their comments to the Council until the end of January/early February 2016, the Chairman advised that it was felt prudent to approve the Heads of Terms but with the following proviso:-

"That the swimming pools, sports halls and artificial turf contribution be paid to the parish councils (divided 50/50 between Eastergate and Walberton), to be spent on an identified sport or leisure project within both/either parish. Within 6 months of the date of the planning permission, the Parish Councils must confirm on what project this money would be spent and, upon receipt of the money, they would have 5 years in which to spend the contributions on that project. If a scheme/project is not identified within the 6 month period, the contribution would revert to that within the Heads of Terms."

He also highlighted that the application was subject to a holding direction by the Secretary of State and, as such, the 6 month period would commence from the date of any planning permission, which might be dependent upon the Secretary of State and completion of the S106 Agreement.

The Committee then

RESOLVED

That the Heads of Terms be approved subject to the proviso relating to the leisure contributions to Eastergate and Walberton Parish Councils, as set out in the Minute.

395. Y/36/15/PL – ERECTION OF NEW GLASSHOUSE, RESERVOIR AND ASSOCIATED BUILDINGS. THIS APPLICATION AFFECTS A PUBLIC RIGHT OF WAY, LAND AT LONG ACRE FIELD, MAYPOLE LANE, YAPTON

This application had been deferred from the meeting held on 23 September 2015 to enable an independent highway study to be undertaken – that study had now been received and the Consultant's recommendations were set out in the report update circulated at the meeting. As the applicant had submitted a non-determination appeal, the Committee could no longer formally determine the application but instead must resolve how it would have decided the application had it had the opportunity to do so.

Due to the change in circumstances, the Chairman agreed that this matter could be dealt with as a matter of urgency as a decision was required of the Committee.

In considering the matter, the Committee was of the view that its concerns regarding highways issues had been addressed by the additional conditions suggested by the Consultant and therefore

RESOLVED

That approval would have been given if the Committee had been able to determine the application.

396. PLANNING APPLICATIONS

AW/267/15/HH - Minor amendments to previously approved application AW/344/14/HH for extensions & alterations. This application affects the character and appearance of the Criagweil House Conservation Area, 68 The Drive, Aldwick
Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

A/129/15/PL – Replacement of glass roof to existing covered courtyard, removal of valley to rear, removal of chimney stack to rear, insertion of first floor window to rear, reroofing of main roof and repair of existing boundary wall. This application affects the character and appearance of the Angmering Conservation Area, Blaber House, The Square, Angmering Having received a report on the matter, the meeting had been advised that this application had been withdrawn from the agenda.

AB/111/15/HH – Two storey rear extension and single storey side extension including porch. Garage to be constructed to the west side of the house, 10 Torton Hill Road, Arundel Having received a report on the matter, together with the officer's written report update detailing an additional representation received, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Dillon had declared a personal interest and remained in the meeting but abstained from voting.)

BR/140/15/PL – Demolition of existing building and construction of 2 No. buildings providing 9 No. 2 bedroom apartments with hardstanding parking for 9 cars, The Manor House, 12 Chichester Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing additional conditions relating to trees, the Committee was divided in its opinion as to the suitability of the proposal in this location due to lack of car parking provision and having an unneighbourly impact on nearby residences. A counter view was expressed that, as the County Council had no objection, any refusal would be difficult to sustain at appeal, together with the fact that there was already an extant permission on the site.

The Committee

RESOLVED

That the application be approved as detailed in the report.

(The Chairman used his casting vote to approve the foregoing application.)

EG/50/15/OUT – Outline application with some matters reserved for the demolition of Hunters Chase and erection of 2 No. 4 bed link-detached dwellings. This application is a Departure from the Development Plan, Hunters Chase, Fontwell Avenue, Eastergate Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

K/32/15/HH – Demolition of rooftop water tank housing and addition of an en-suite bedroom at second storey level, Broadbeach, 39 Coastal Road, Kingston Having received a report on the matter, together with the officer's written report update rectifying typographical errors, Members expressed concern with regard to the exact height of the proposal in relation to neighbouring properties. On being duly proposed and seconded, the Committee

RESOLVED

That the application be deferred for clarity to be provided with regard to the height of the proposal.

397. PLANNING APPEALS

The Committee received and noted the planning appeals that had been received and 4 appeals that had been heard.

398. COMPLIMENTS OF THE SEASON

The Chairman wished Members and officers the compliments of the season.

(The meeting concluded at 3.40 p.m.)

AGENDA ITEM 6

DEVELOPMENT CONTROL COMMITTEE

27TH JANUARY 2016

REPORTS ON APPLICATIONS DEFERRED FROM PREVIOUS MEETING

REPORTS ON APPLICATIONS DEFERRED FROM PREVIOUS MEETING

K/32/15/HH	Demolition of rooftop water tank housing & addition of an en-suite bedroom at second storey level. **(Deferred For Further Information)**	Broadbeach 39 Coastal Road Kingston

Report following a request for further information, negotiations or consultation

REF NO: **K/32/15/HH**

LOCATION: Broadbeach
39 Coastal Road
Kingston

PROPOSAL: Demolition of rooftop water tank housing & addition of an en-suite bedroom at second storey level.

This application was deferred at the meeting on 16 December 2015 as Members expressed concern with regard to the exact height of the proposal in relation to neighbouring properties. It was requested that clarity be provided with regard to the height of the proposal.

The applicant's agent has now submitted street scenes as existing and as proposed indicating roof levels. The proposed extension will be slightly higher than the roof levels of dwellings in the street and those adjoining on each side. It will be 0.36m and 1.2m higher than the ridges of adjoining dwellings. It will not be higher than no.43 nearby however and will be 0.25m lower. The extension wqill also be 0.05m lower than no.31.

It is not considered that the proposed extension will be unduly intrusive or incongruous in the street scene, nor is it considered that it would be unduly dominant in terms of the amenity of adjoining dwellings.

The recommendation that planning permission be granted subject to the same planning conditions therefore remains and no additional or revised planning conditions are recommended.

REPORT UPDATE

Application No: K/32/15/HH

Reason for the Update / Changes

Reason for Update/Changes: Typographical Errors

Officers Comment:

Under Representations on page 66 of the agenda, the last paragraph on that page should read:

In addition to the objections above from 3 residents, an adjoining resident has amplified their objection. The applicant has made a detailed response to this objection.

Under Conclusions on page 72 the word not has been omitted from the 4th paragraph and this paragraph should read:

It is therefore considered that the proposed development would not be harmful to the appearanc of the existing dwelling or to the street scene and therefore the development proposed is in accord with policies GEN7 and DEV19 and also D DM1, D DM4, Q SP1.

Note: There are no changes to the recommendation or conditions.

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

K/32/15/HH

PLANNING APPLICATION REPORT

REF NO: **K/32/15/HH**

LOCATION: Broadbeach
39 Coastal Road
Kingston

PROPOSAL: Demolition of rooftop water tank housing & addition of an en-suite bedroom at second storey level.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to replace the existing roof top tank which is approximately 3.6m wide and 2.4m deep and is 1.5m in height. This is located towards the west side of the roof and towards the north front

The proposal is to erect a flat roofed extension on a part of the roof area which would form a new bedroom with rear facing balcony. Stairs up internally through the existing dwelling would also be provided and these would be on the

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road facing side of the proposed extension. The main element of the extension would be 6.3m wide and 7m deep. The stair element would be 3m wide and 2m deep set on the east side of the main extension facing towards the road. The extension would be 2.7m in overall height.

No side windows are proposed and the rear balcony is to have an obscure glazed screen to each side. This balcony side glazing would be up to the under side of the slightly overhanging roof over the balcony and approximately 2.2m in height. The stair element would have a glazed stairwell wall on the south road facing side and the west facing side.

Materials are to be white weather boarding to match existing for the most part, but will also include zinc cladding to the east elevation and the fascia. The applicant advises that construction is to be of high quality and that fine detailing will be an important part of the scheme.

SITE AREA	Approximately 0.09 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site is open at the front for the most part, to allow for vehicular and pedestrian access. There is a low dwarf white painted wall in the east part of the front boundary. To both east and west front/sides there is a white painted brick wall of approximately 2m in height. The rear and side boundaries of the site are for the most part a mixture of unpainted brick walls or varies height but generally approximately 1.8m-2m in height. The rear boundary wall is lower at approximately 1.5m in height.
SITE CHARACTERISTICS	The site is occupied by a detached dwelling of relatively modern design. The dwelling has a flat roof to the main building and also to a single storey rear element. At the front, there is a single storey canopy area above the garage door and front entrance. Materials are buff brick with white cladding to the front and first floor. Sides are of buff brick. The main dwelling has a horizontal band of cladding just below roof level and this runs around all elevations. The rear conservatory is mainly glazed on the rear elevation and similarly clad at the sides, it also has s similar horizontal band of cladding just below roof level. There is a white clad water storage tank located on the roof of the dwelling. Overall, the dwelling has a single unified appearance in terms of design and materials.

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CHARACTER OF LOCALITY	The locality is characterised by large dwellings located on substantial plots and of varied design and materials. The are a number of instances in the locality of dwellings of relatively modern design with second floor elements, albeit that for the most part dwellings are two storey.

RELEVANT SITE HISTORY

K/22/15/CLP	Application for a Lawful Development Certificate for proposed extensions to ground floor & alterations	PP Not Required 28-08-2015
K/33/97	Extension of existing tank/ store room located on roof	ApproveConditionally 19-12-1997
K/26/73	Alterations to entrance porch & cloakroom - Formation of additional bathroom on F F	ApproveConditionally 17-12-1973
K/4/68	Approval for two storey private dwelling	ApproveConditionally 21-03-1968
K/5/64	Outline application for detached house	ApproveConditionally 05-03-1964

REPRESENTATIONS

Representations received:

Kingston Parish Council

Kingston Parish Council objects to this application for the following reasons:

1. It is contrary to the Kingston Neighbourhood Plan (POLICY KPNP 7 - DESIGN & DEVELOPMENT: Section 1 paras i, iii iv and vi and Section 2 para iii)
2. There is an excessive increase in scale from the existing third storey structure (which is a rooftop water tank housing).
3. The height of the new structure appears higher than the ridge heights of adjacent properties
4. It will be overbearing on neighbouring properties
5. It will overly dominate the street scene and be detrimental to the visual amenity of the neighbourhood.
6. It will be intrusive to the privacy of nearby properties. There are clear glass windows to the west and north side which may result in overlooking and it is also a concern that there may be access on to the roof space (other than for essential maintenance work).
7. Lighting of the third storey will add to light pollution particularly noticeable at that height and given the large glass clear windows to the west and north side.

4 letters have been received objecting to the proposed development on the following grounds

1. Negative impact on the street scene.
2. The small number of three storey properties on the estate are on significantly larger plots

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with proper separation so as to not appear overbearing and dominant in the immediate surrounds, including dwellings adjacent and opposite.
3. The house will have an overbearing presence and be out of scale, proportion and character with the original house and adjacent and opposite properties.
4. There will be significant expansion at ground floor due to works which do not require planning permission and these should also be considered.
5. That proposals must be consistent with the Kingston Design Statement and the Neighbourhood Plan
6. That the development is an unneighbourly overdevelopment of the plot which would be detrimental to the visual amenity of the immediate neighbourhood.
7. That there will be a detrimental affect on the street scene.

In addition to the objections above from 3 residents, an adjoining resident has amplified their objection. The applicant has made a detailed response to this objection.

Further representations have been received for the neighbour objecting to the application and from the applicant in support of the application. These are available on the Councils website.

All representations have been borne in mind and considered in the determination of this application.

Comments on Representations received:

The issues raised in the objections are ones which will be considered during the consideration of this planning application.

CONSULTATIONS

Consultations responses received:

No Consultees.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	DEV19	Extensions to existing residential buildings
	GEN7	The Form of New Development
	ESDSP2	SD SP2 Built -Up Area Boundary
	EDDM1	D DM1 Aspects of Form and Design Quality
	EDDM4	D DM4 Extensions & Alterations to Existing Buildings
	EDSP1	D SP1 Design
	NPPG	National Planning Practice Guidance
	NEKPNP1	Kingston Neigbourhood Plan 2014 Policy KPNP1
	NEKPNP7	Kingston Neigbourhood Plan 2014 Policy KPNP7

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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

Kingston has a Design Statement (KDS), the relevant part of KDS relating to Extensions and Alterations (7.13) has been incorporated into the Kingston Neighbourhood Plan within policy KPNP7.

Relevant policies in the Kingston Neighbourhood Plan are:

KPNP1: The Presumption in Favour of Sustainable Development

Planning applications which accord with the policies in this Neighbourhood Plan (and with policies

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elsewhere in the development plan), will be approved without delay, unless material considerations indicate otherwise. Planning permission will also be granted where relevant policies in the development plan are out of date or silent unless:

i. Any adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the National Planning Policy Framework taken as a whole; or

ii. Specific policies in the National Planning Policy Framework indicate that development should be restricted.

KPNP 7 - DESIGN & DEVELOPMENT

1. Planning Permission will normally be approved for development within the Built-up Area Boundary, subject to compliance with other policies of the plan, providing:

i. The design and location of the development is appropriate and sympathetic to the Parish's character and appearance in terms of scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, design features, and specifically does not encroach upon any roadway or twitten so as to alter the outstanding landscape, coastline, historic build and archaeological environment;

ii. It seeks to protect and enhance onsite habitats and associated networks thus protecting biodiversity.

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 the surroundings, or the wider Parish;

iv. It has a minimal impact on users and occupiers of nearby property and land and does not cause loss of sunlight, over-shadowing, over-looking issues, loss of privacy, anti-social noise/disturbance or have an over-bearing presence;

v. It has been demonstrated how the development will incorporate green technology where possible and be energy efficient;

vi. It does not add to air, light or noise pollution and in any way increase the flood risk to the Parish

vii. It provides sufficient off-road car parking for its intended use; and

viii. In the case of the installation of solar panels and/or wind turbines to residential properties that require planning permission, they sympathetically relate to and are visually integrated, and are compatible with the landscape in both scale and positioning to not intrude upon the skyline, or generate noise or vibration nuisance for neighbours.

2. Any new development proposals, including self-building, rebuilding or alterations, will be supported, unless:

i. Any change in nature of front gardens includes predominately impermeable surfaces;

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ii. Where it includes tree felling, with or without Preservation Orders, an Arboricultural Assessment concludes that the tree(s) has no environmental or amenity value, or is diseased or requires felling for safety reasons;

iii. It involves alterations and extensions which do not retain and enhance the condition and character of the existing building, then the proposals must:

- Not erode the spatial character and pattern of the area
- Not alter frontages to the detriment of the street scene
- Enhance the building and its surroundings, maintaining form and style
- Use materials which reflect the current character of the building
- Remain in-keeping with the original scale and proportion of the original building
- Ensure that important features of the original building are not lost;

iv. It proposes to increase the number of beach huts situated along the coastline of Kingston Parish; and

v. It proposes development of any commercial solar array or wind turbine farms for the purpose of electricity generation that will have adverse impacts to landscape, habitats, the historic environment and residential amenity including visual, noise and odour impacts.

The proposed development is considered to be consistent with the Development plan, including the Kinston Neighbourhood Plan and also with the Kingston Design Statement for reasons set out 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 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 site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this

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case is considered to be policies GEN7 and DEV19 which seeks to prevent development that would have an adverse impact upon visual and residential amenities. Policies D DM1, D DM4 and D SP1 in the Emerging Local Plan are also considerations, these also seek to ensure that development would not have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY
The development described in this report will result in a change to the appearance of this dwelling. The works presently underway are not a part of this application and their acceptability or otherwise does not fall to be taken into account. The permitted development works are only a consideration insofar as they contribute to the permitted mass and scale of the existing dwelling and the impact of the proposed development as an addition to the existing dwelling.

This proposal introduces an enlarged element to this dwelling at 2nd floor level. There will be an impact on the visual appearance of the dwelling and on the street scene. The issue is not that there will be an impact, but whether that impact would result in harm to amenity in the context of the appearance of the dwelling and the street scene.

Visual Appearance of the Existing Dwelling
The proposed would be 2.7m in height and will be visible from the surrounding area, although views from street level will be reduced from some directions due to the size and location on the roof of the extension. The extension will be more readily visible when closer to the dwelling, given that the front elevation of the extension will be higher and relatively close to the front and rear of the roof. From ground level, views of the side elevation from 45 degrees or from further away will be mitigated by the location of the extension and the roof of the existing property.

It therefore follows that since the extension will be visible, that the question is whether it will be harmful to the appearance of the existing dwelling. It does not occupy the whole of the roof area but a part of it and will be a secondary feature, the overall mass of the dwelling will be two-storey. The extension is considered to be sympathetically designed and reflects the characteristics of the design of the existing dwelling. There is therefore not considered to be harm to the appearance of the dwelling in this sense. The proportions of the extension are such that the existing character of the dwelling is preserved and that in terms of massing it will have a predominantly two storey appearance. The proposed extension is not therefore harmful to the appearance of the dwelling in this sense.

The overall appearance of the dwelling, with permitted development extensions also, will not be such that it appears as an overdevelopment. It will still have the appearance of a largely two-storey dwelling set within the plot, with a very much secondary roof element.

It is not therefore considered that the development proposed is harmful to the appearance of the existing dwelling.

Street Scene
Since the proposed extension is considered not to have a harmful impact on the appearance of the existing dwelling and its present general character and appearance, it follows that it is logical that harm to the street scene will not occur. In this sense, the massing and appearance of the extended dwelling will not be incongruous nor disproportionate to its setting. There will be a limited change to the street scene, but this will not be such that it would be harmful to the street scene. The height of the extension, taken with its limited size are not considered to have a detrimental impact on the

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street scene and the extended willing will remain largely two-storey.

Lighting
It has been suggested that the third storey will 'add to light pollution particularly noticeable at that height and given the large glass clear windows to the west and north side'.

The function of the space which the windows serve and the nature of the use of the room the stairs serve need to be taken into account in reaching any conclusion in relation to light impact. In addition, the nature of the area in which the site is located.

The windows proposed serve a stairwell leading to the proposed bedroom (with WC/shower). It therefore follows that the stairwell will be likely to be lit at times when access or egress are sought to or from the bedroom. There is therefore a likelihood that the stairwell will be lit, at times, during hours of darkness when aces to the bedroom is sought. It cannot be assumed that the stairwell will be permanently lit during hours of darkness. The stairwell is located at roof level and if and when lit would be seen from the street.

The issue is whether it being lit, whether for long periods or briefly/intermittently, would be harmful to amenity in terms of light impact and visual amenity generally. The front facing window to the street is 2.4m wide and the west side facing window is 1.8m wide. Both are 2.4m high. The windows proposed are therefore relatively limited in size. It can be reasonably expected that they would generally be lit at times when access is sought to the bedroom and that these would be times when other upper floor windows in nearby dwellings would be lit for similar periods of time. Whilst the windows are higher than those immediately nearby, they are of a size where the limited increase in lighting in a small area of the dwelling as extended would have a very limited impact, either on their own or in the context of other lit upper floor windows nearby. It is not considered that the limited additional lighting that might occur during limited periods of time when the stairwell would be in use would be intrusive or detrimental to general amenity (or to the amenity of nearby occupiers).

It is therefore considered that the proposed development would not be harmful to the appearance of
the existing dwelling or to the street scene and therefore the development proposed is in accord with policies GEN7 and DEV19 and also D DM1, D DM4, Q SP1.

RESIDENTIAL AMENITY
The proposed extension is in a location on the roof where it will not give rise to light loss to adjoining dwellings. Side elevations are 2m and 3m from the edge of the roof and the extension is limited to 2.7m in height.

In terms of privacy, no windows/openings are proposed in the side elevations and the proposed extension is not accessible other than internally, as such there is no general access to the wider roof area. The glazed side of the stairwell is 5.3m from the edge of the roof and would not give rise to overlooking, as it will be screened by the extension and the roof of the existing dwelling. The glazed front of the extension would be approximately 28m away from elements of dwellings likely to be considered to be affected and opposite to the north. Given this separation and the nature of the use of this part of the extension, as a stairwell, it is not considered that loss of privacy will result. The separation is well in excess of the nationally accepted 20m standard for back to back separation without the need for screening or obscure glazing.

It is therefore considered that there not be any significant amenity loss from the proposed development and that it would be accord with policies GEN7 and DEV19 and also DDM1 and DDM4 in this regard.

KINGSTON NEIGHBOURHOOD PLAN
The key local considerations are those in the Neighbourhood Plan and these reflect the Design Statement and require that development must not:

- Not erode the spatial character and pattern of the area
The development does not result in harm to the spatial character of the area or pattern of development for reasons set out above.

- Not alter frontages to the detriment of the street scene
The development does not alter the frontage of the site and the alteration to the appearance of the dwelling is not harmful to the appearance of the dwelling or to the street scene.

- Enhance the building and its surroundings, maintaining form and style
The impact on the appearance of the dwelling is not harmful and the existing form and mass of the dwelling is preserved in an acceptable manner. Overall, the refurbishment and renovation of this dwelling and the addition of architectural interest in the form of a limited second floor element are considered to enhance the appearance of the existing dwelling

- Use materials which reflect the current character of the building
It is proposed to utilise materials which reflect those of the existing dwelling and to introduce newer yet sympathetic elements which will enhance the appearance of the dwelling.

- Remain in-keeping with the original scale and proportion of the original building
The scale and proportion of the existing dwelling in an overall sense is preserved as described in this report and the development will be in keeping in terms of appearance.

- Ensure that important features of the original building are not lost;
The character and appearance of the existing dwelling will be preserved and enhanced.

The proposed development is therefore considered to be consistent with the Neighbourhood Plan and also, since this policy reflects the Design Statement, with the Design Statement.

It is therefore recommended that planning permission be granted subject to the following conditions:

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 drawings:

Planning Statement - Dated September 2015
Drawing Number 1419 SK55 - Proposed Location & Block Plan - Dated September 2015
Drawing Number - 1419/AL/(0-)01B - Site Survey as Existing - Dated February 2015
Drawing Number - 1419 SK56 - Proposed Ground Floor Plan - Dated September 2015
Drawing Number - 1419 SK57 - Proposed First Floor Plan - Dated September 2015
Drawing Number - 1419 SK58 - Proposed Second & Roof Plan - Dated September 2015
Drawing Number - 1419 SK59 - Proposed North & South Elevations - Dated September 2015
Drawing Number - 1419 SK60 - Proposed East & West Elevations - Dated September 2015

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN7 and DEV19 of the Arun District Local Plan, 2003 and policies D DM1, D DM4 and D SP1 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014).

3 No development shall be carried out 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 extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the 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 policies GEN7 and DEV19 of the Arun District Local Plan, 2003 and policies D DM1, D DM4 and D SP1 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014).

4 No windows, doors or other openings shall be constructed at in the east and west side elevations of the extension hereby permitted without the prior planning permission of the Local Planning Authority to an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining dwelling in accordance with policies GEN7, DEV19 of the Arun District Local Plan, 2003 and policies D DM1 and D DM4 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014).

5 Before the development hereby permitted is first commenced details of the type of permanent obscure gazing to be utilised for the privacy screens on each side (east and west elevations) of the rear balcony of the extension shall be first submitted to and approved in writing by the Local Planning Authority. The privacy screens to the balcony shall be erected before the new accommodation is first brought into use and shall at all times be glazed with obscured glass in accordance with the details so approved and shall remain in place in perpetuity.

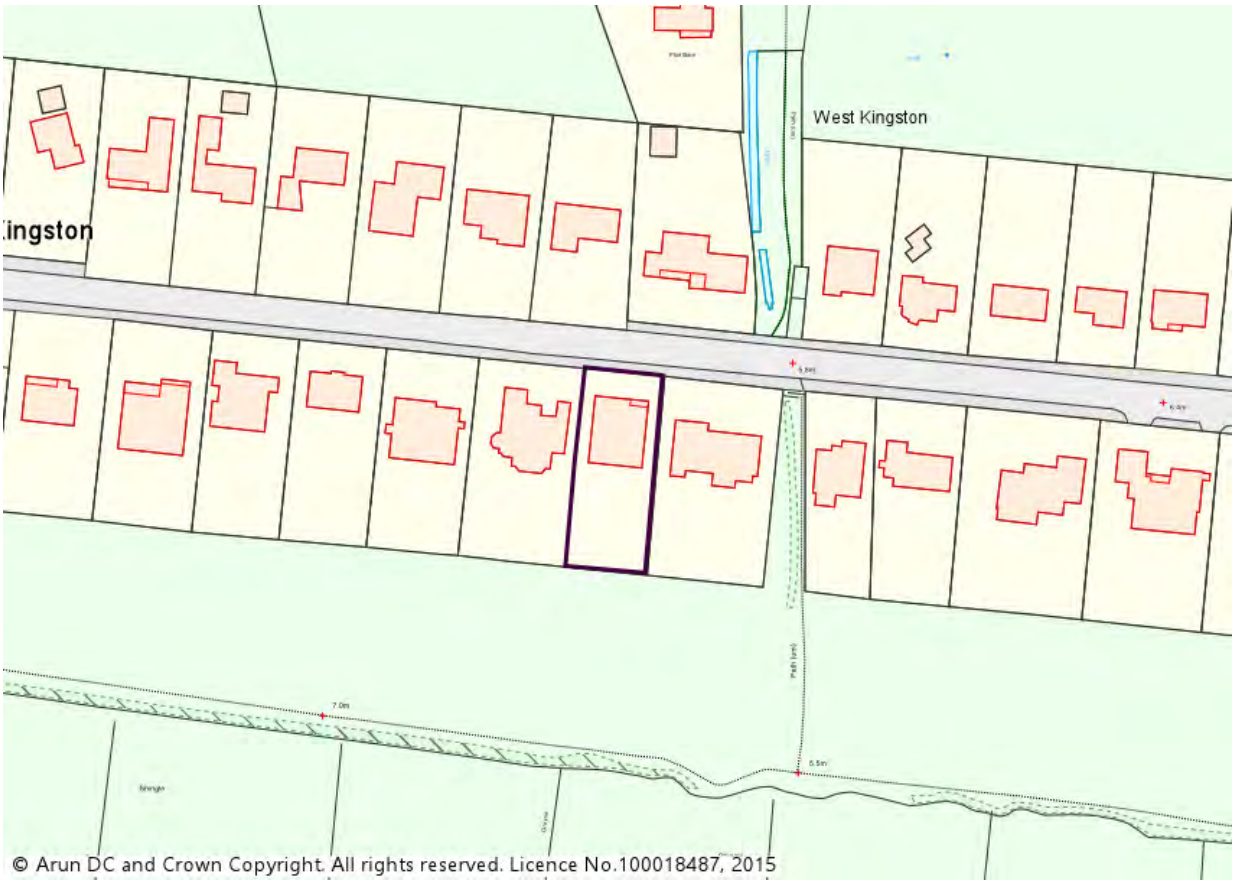
Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan, 2003 and policies D DM1 and D DM4 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014).

6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning

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(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.

K/32/15/HH - Location Plan as submitted with the application (Do not scale)



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AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

27 January 2016

PLANNING APPLICATIONS

LIST OF TREE APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION AT THE DEVELOPMENT CONTROL COMMITTEE

NONE FOR THIS COMMITTEE

LIST OF APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION AT THE DEVELOPMENT CONTROL COMMITTEE

YAPTON

Reference	Development Description	Location
Y/92/15/PL	Erection of glasshouse & reservoir & associated buildings (resubmission following Y/36/15/PL). This application affects a Public Right of Way.	Land at Long Acre Field Maypole Lane Yapton

Case Officer : Simon Davis

Recommendation: Approve Conditonally

LITTLEHAMPTON

Reference	Development Description	Location
LU/331/15/HH	Rear conservatory (resubmission following LU/188/15/HH).	15 Robin Close Littlehampton BN17 7GR

Case Officer : Mrs A Gardner

Recommendation: Approve Conditonally

KINGSTON

Reference	Development Description	Location
K/34/15/PL	Demolition of existing dwelling & erection of new dwelling house	5 Coastal Road Kingston BN16 1SJ

Case Officer : Mr D Easton

Recommendation: Approve Conditonally

K/35/15/PL	Demolition of existing double garage & erection of 1 No. dwelling with double garage.	Part garden to West of 9 Coastal Road Kingston BN16 1SJ

Case Officer : Mrs A Gardner

Recommendation: Approve Conditonally

FERRING

Reference	Development Description	Location

FG/171/15/PL	1No. chalet bungalow together with parking & landscaping. Resubmission of FG/24/15/PL	1 Green Park Ferring BN12 6QX
Case Officer :	Mr D Easton	
Recommendation:	Refuse	

EAST PRESTON

Reference	**Development Description**	**Location**
EP/120/15/HH	Remodelling & extensions	Hascombe 33 Tamarisk Way East Preston BN16 2TE
Case Officer :	Mrs A Gardner	
Recommendation:	Approve Conditonally	

EP/143/15/HH	Side extensions, rear extension, front porch extension & 10 No. roof lights.	17 Michel Grove East Preston BN16 2SX
Case Officer :	Mr D Easton	
Recommendation:	Approve Conditonally	

BOGNOR REGIS

Reference	**Development Description**	**Location**
BR/206/15/PL	Extension to existing service building forming Atlantic Bay Village Reception	Butlins Upper Bognor Road Bognor Regis PO21 1JJ
Case Officer :	Simon Davis	
Recommendation:	Approve Conditonally	

BR/235/15/PL	Change of use of existing chalet accommodation to form Oyster Bay Village Reception & accommodation office.	Butlins Upper Bognor Road Bognor Regis PO21 1JJ
Case Officer :	Simon Davis	
Recommendation:	Approve Conditonally	

BERSTED

Reference	**Development Description**	**Location**

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BE/142/15/OUT	Outline application with some matters reserved for a mix of up to 90 No. residential units, associated open space, landscaping, access & car parking. This application is a Departure from the Development Plan.	Land West of New Barn Lane North Bersted PO21 5DL

Case Officer : Mr D Innes

Recommendation: App Cond sub to S106

BARNHAM

Reference	Development Description	Location
BN/29/15/PL	Solar park including the erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks, ancillary equipment & ecological mitigation. This application is a Departure from the Development Plan.	Land at Barnhan Court Barnham

Case Officer : Mr R Temple

Recommendation: Approve Conditonally

ANGMERING

Reference	Development Description	Location
A/31/15/PL	Demolition of existing greenhouse & erection of 8 No. light industrial units (B1 use)	St Denys Nursery Dappers Lane Angmering BN16 4ED

Case Officer : Mr R Leal

Recommendation: Approve Conditonally

ALDINGBOURNE

Reference	Development Description	Location

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AL/58/15/OUT	Hybrid Application 1: Full planning application for earth works to facilitate flood compensation area 2: Outline application (all matters reserved) for up to 20,453 sq m of B2 General Industrial Floorspace together with B8 warehousing & distribution floorspace.	Oldlands Farm Steyning Way Bersted PO22 9NW

Case Officer : Mr N Crowther

Recommendation: App Cond sub to S106

AL/93/15/PL	Continuance of use without compliance with condition 6 imposed under planning reference AL/72/12/ relating to the premises being used for the purpose of holiday accommodation only & for no other purpose. This application affects the character & appearance of the Norton Lane Conservation Area. This application is a Departure from the Development plan	The Old Stables Old Dairy Lane Norton PO20 3AF

Case Officer : Simon Davis

Recommendation: Refuse

AL/108/15/PL	Erection of a single storey photographer's studio to accommodate a studio, storage & toilet facilities & construction of 2 No. off road car parking spaces. This application affects the setting of a listed building & the character & appearance of the Norton Lane, Norton Conservation Area. This application is a Departure from the Development Plan.	Farm buildings & land rear of New House Farm Old Dairy Lane Norton PO20 3AF

Case Officer : Simon Davis

Recommendation: Refuse

AGENDA DEVELOPMENT CONTROL-27/01/2016

PLANNING APPLICATION REPORT

REF NO: **Y/92/15/PL**

LOCATION: **Land at Long Acre Field**
Maypole Lane
Yapton

PROPOSAL: **Erection of glasshouse & reservoir & associated buildings (resubmission following Y/36/15/PL). This application affects a Public Right of Way.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application is an exact resubmission of Y/36/15/PL which is currently subject to a non-determination appeal. Members will recall that at the meeting on 16 December 2015, they resolved that they would have approved the application, in light of the submission of further information, subject to 2 additional planning conditions had they had the opportunity to do so.

The proposal is as follows:

* Glasshouses - occupying 34,880m2 (3.488 hectares) on west side of the site;
* Reservoir - volume of 41,000m3 (max depth of 9.5m), height above ground level of 2m and located on east side of the site;
* Associated buildings - 342m2 Energy Store; 216m2 Boiler/Irrigation Rooms; 90m2 Canteen/Toilet Building; together with a covered loading area;
* 2 no. 10m high irrigation tanks of 8m width;
* 2m high fence around reservoir with additional 1.2m high flood barrier on the east side;
* Gravity fed drainage channel running from west to east along the northern boundary; and
* Access tracks & 10 parking spaces;

Glasshouses & other buildings have a maximum eaves height of 7m & 8m to the ridge. No internal lighting of the glasshouses is proposed or required.

Two public footpath cross the site. There are no changes to these and both will be free of obstructions.

Produce will be grown in the glasshouse and transported by tractor and trailer to the pack house at the main site on Lake Lane. This will predominantly take place between May and September. 10 full time staff will transfer from the existing nursery to the new glasshouse during peak season (April to August).

SITE AREA	12.00 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	N/A.
TOPOGRAPHY	Predominantly flat with a slight fall from west to east.
TREES	The site is surrounded by trees and hedgerows but none are affected by the proposals.
BOUNDARY TREATMENT	Various - trees/hedges, agricultural style fencing, walls.
SITE CHARACTERISTICS	Existing large field used for growing lettuce accessed from Maypole Lane via existing agricultural track which serves nearby fields which are in active production.
CHARACTER OF LOCALITY	Within Yapton parish, on northwestern boundary with Barnham. The site is bound to the north by the east-west coast railway line. Maypole Lane lies to the east and provides access to a number of residential properties, a pub and Long Acre (residential) Caravan Park. To the south and west are agricultural fields, separated by tree belts and hedgerows. Many of the properties (including caravans) located on the west side of Maypole Lane have views across the site.

RELEVANT SITE HISTORY

Y/36/15/PL	Erection of new glasshouse, reservoir and associated buildings. This application affects a Public Right of Way.	NON DET APPEAL 21-12-2015 *Appealed*
BN/16/12/	Outline application with some matters reserved for a development of up to 107 no. residential units (this application is a Departure from the Development Plan)	Refused 22-11-2012 *Appealed* Appeal: Allowed+Conditions 17 10 2013
BN/17/10/	Development of a a glasshouse, water storage reservoir and boiler room.	ApproveConditionally 14-10-2010
BN/18/05/	Construction of reservoir (amendment to applications BN/14/03 & Y/14/03) Main File - Dual Parish with Y/41/05.	Approve 05-08-2005
BN/14/03/	Construction of new glasshouses on sites L1 and L2 including provision of toilets, installation of boiler and provision of chimney. Construction of 2 reservoirs. (This application affects a Public Right of Way) - Main File (Dual Parish with Y/14/03).	App Cond with S106 13-10-2004

Application Y/36/15/PL is currently subject to a non-determination appeal. The applicant has

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indicated that they will withdraw this appeal once the current application has been approved.

In October 2013 permission was granted via appeal for the residential development of up to 107 dwellings on land to the west of the Eric Wall Nursery site (Ref BN/16/12). There are presently 19,800m2 of glasshouses located on this part of the site. The proposal replaces these glasshouses which will be developed in due course.

It is noted that the Inspector who determined BN/16/12 stated that modern replacements for the glasshouses to be lost have already been constructed on adjoining land. These are understood to be located to the southeast of that site and were erected in 2010/11 under Ref BN/17/10 ("Development of a glasshouse, water storage reservoir and boiler room).

An earlier application (BN/14/03) for the Pollards site (understood to be the same site as BN/16/12) included a Section 106 Agreement requiring all HGV's exit east along Lake Lane.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham Parish Council

Yapton Parish Council

PARISH COUNCILS:

Yapton Parish Council - "Objection on the same grounds as submitted previously:

- Disregards Neighbourhood Plan;
- Contrary to Local Plan Policy;
- Traffic issues in Maypole Lane and impact on level crossing and access;
- Visual impact of the reservoir;
- Practical usage of footpath placed between glasshouses and boiler room;
- Conflict of commercial use with pedestrians; and
- Conflict with new developments."

Barnham Parish Council - "At the meeting of Barnham Parish Council on Monday 7th December, the Parish Council resolved to object to the application on the grounds that the application will be turning greenfield land into brownfield land and that if approved the possibility of it ever being returned to greenfield land is unlikely to occur. The Council also has concerns about the surface water drainage issues and the possibility of further lorry movements in the area. Should the Council be minded to approve the application then this Council would ask that a condition be included that should in future the greenhouses be considered unsustainable that the site be returned to agricultural land and that housing development of the land should not be allowed."

LOCAL RESIDENTS

1 letter of objection on the grounds of harm to wildlife. The writer considers that bats, badgers, lizards, harvest mice, partridges, skylarks and other species all frequent the site and to suggest otherwise is a lie. The site should be preserved as agricultural land and wildlife habitat.

COMMENTS ON REPRESENTATIONS RECEIVED:

The issues raised are largely discussed in the "Conclusions" section. Regard should also be had to the resolution made by members in respect of application Y/36/15/PL which is an important material consideration in the determination of this application.

With respect to the proposed planning condition by Barnham Parish Council, in light of this request not having been made to the previous application, it is not considered that, even if the condition was considered appropriate, it could be included within the recommendation on this application. It should also be noted that the use of the land will remain in agriculture and that any potential application for residential development will be subject to a separate planning application.

CONSULTATIONS

Environmental Health
Engineers (Fluvial Flooding)
Engineering Services Manager
Southern Water Planning
WSCC Strategic Planning
Economic Regeneration
Parks and Landscapes
Arboriculturist
Ecology Advisor
Network Rail
Surface Water Drainage Team
Environment Agency

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY:

No objections but make some comments in respect of the need for the applicant to obtain a permit with respect to the proposed foul water treatment plant. Full comments are available on the Councils website.

SOUTHERN WATER:

No objection subject to a condition requiring details of the foul water drainage scheme.

CDC ECOLOGY:

No objections subject to a condition requiring implementation of the stated mitigation measurements/site enhancements. Full comments are available on the Councils website.

NETWORK RAIL:

No objection subject to conditions. Full comments on the Councils website but in summary: "The developer/applicant 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; and
· cause to obstruct or interfere with any works or proposed works or Network Rail development

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both now and in the future."

Network Rail were contacted during the determination of application Y/36/15/PL to clarify their views with regards to the impact of the proposal on the North End Road/Lake Lane level crossing. Their response was as follows:

"If it is the case that the 'minimal projected number of journeys over the crossing' is as proposed, then Network Rail has no objection. However, I have to state that I am sceptical that this won't change in the future, and I would like it documented as such."

WSCC FLOOD RISK MANAGEMENT:

No comments received. Previous comments in respect of Y/36/15/PL were that historic Records indicate some flooding on Yapton Road and the site is considered to be at low risk from groundwater flooding. The development, if permitted, should be subject to a condition that detailed designs are submitted and approved by the LPA prior to development beginning. These should include details of the reservoir, flood defence bund and surface water drainage systems for the hard standing areas and roof water from the glasshouse. Also request a surface water drainage scheme condition. Full comments are available on the Councils website.

WSCC HIGHWAYS:

Comments are the same as for Y/36/15/PL - raise no objection subject to conditions requiring a Construction Management Plan, a scheme of impovements to Maypole Lane and a travel plan statement. Full comments are available on the Councils website.

WSCC PUBLIC RIGHTS OF WAY:

No comments received. Previous comments in respect of Y/36/15/PL were that: "The proposal appears to have an impact on two public footpaths, nos. 326 and 330, and so this could be contrary to Arun DC's Local Plan in relation to PROW's. Footpath 330 seems to be running through a very tight space between the new glasshouse and the proposed boiler room, storage, etc. and both paths are affected by the proposed new access road and possibly the parking. The applicant must be requested to make clear what impact, if any, will be made on both public footpaths so this can be considered further by PROW Team. Please note PROW Team will also be seeking for the applicant to create a link between the existing footpaths and Maypole Lane, thereby creating a safe and more direct off-road connection for local residents to and from the Maypole Inn and other points."

ADC DRAINAGE ENGINEERS:

Comments are the same as for Y/36/15/PL - raise no objection subject to the imposition of conditions ENGD2A, ENGD4A and ENGD6A. Full comments are available on the Councils website.

ADC GREENSPACE/LANDSCAPE:

Comments are the same as for Y/36/15/PL - raise no objection subject to the imposition of conditions requiring tree protection measures and a landscaping scheme. Full comments are available on the Councils website.

ADC ENVIRONMENTAL HEALTH:

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Comments are the same as for Y/36/15/PL - - raise no objection subject to a condition restricting deliveries to/from the site to be between 07.00 and 18.00. Full comments are available on the Councils website.

ADC ECONOMIC REGENERATION:

No comments received. Previous comments in respect of Y/36/15/PL were that: "Economic Development are pleased to see proposals where new jobs are created and are therefore happy to support this application."

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The only material difference between the above comments and those received in connection with application Y/36/15/PL is the addition of comments by Southern Water and as a result, an extra condition has been added to secure details of the means of foul sewage disposal.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Drainage Area;
No Public Sewer;
Flood Zone 1; and
Agricultural Land Grades 1 & 2.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	DEV3	Horticulture
	DEV6	Agricultural Buildings
	GEN3	Protection of the Countryside
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN23	The Water Environment
	GEN29	Nature and Conservation Across the District
	GEN32	Noise Pollution
	GEN33	Light Pollution

Publication Version of the Local Plan (October 2014):

C SP1 Countryside
D DM1 Aspects of Form and Design Quality
D SP1 Design
ECC SP2 Energy and climate change mitigation
ENV DM4 Protection of Trees
ENV DM5 Development and Biodiversity
ENV SP1 Natural Environment
HOR DM1 Horticulture
QE DM2 Light Pollution
QE DM1 Noise Pollution
T SP1 Transport and Development

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W DM1 Water Supply and Quality
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage Systems
W SP1 Water

Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E4	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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

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 Yapton Neighbourhood Plan Policies BB1 and E1 in that it would involve development outside the built up area and on high grade agricultural land.

OTHER MATERIAL CONSIDERATIONS

It is considered that regard should be had to the resolution made by members at the December 2015 Committee meeting in respect of application Y/36/15/PL. This resolution to approve the application is an important material consideration in the determination of this application.

CONCLUSIONS

BACKROUND:

This application is an exact resubmission of Y/36/15/PL which is currently subject to a non-determination appeal. Members will recall that at the meeting on 16 December 2015, they resolved that they would have approved the application subject to 2 additional planning conditions had they had the opportunity to do so.

Application Y/36/15/PL had earlier been deferred by members in order to enable an independent highway study to be sought in order to assess the application proposal in terms of the impact on Maypole Lane, the junction of Maypole Lane with North End Road and the Lake Lane/North End Road level crossing. The Council had then obtained a report which made a recommendation that no objection should be raised subject to the following additional mitigation measures:

(1) One or two extra passing bays on Maypole Lane, to enable cars to pass other cars as well as the tractor & trailer;
(2) Protection of the telegraph poles along Maypole Lane from vehicle strike particularly during the construction period;
(3) General cutting back of hedgerows and overhanging tree canopies alongside Maypole Lane the lane with future maintenance; and
(4) Travel Plan Statement to include provision of a staff mini-bus operating between the Eric Wall Nursery and the application site.

WSCC Highways were consulted on the content of the report and they agreed with the additional mitigation measures. These mitigation measures are to be secured through two planning conditions and thee conditions are included within the recommendation at the end of this report.

The following sections of the report have been copied from the Y/36/15/PL report. The section on "Highways Impacts" has however been amended.

PROPOSAL:

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It is proposed to redevelop the land for horticultural purposes with two key elements. Firstly, new glasshouses on the western side of the site; and secondly, a new reservoir located on the eastern side of the site. There will also be some new ancillary facilities contained with new buildings on the eastern side of the glasshouses. The land in the centre of the site will remain empty.

PRINCIPLE:

The site lies outside the Built-Up Area Boundary where development is not acceptable in principle, unless necessary for the needs of agriculture, forestry, the extraction of minerals, deposit of waste or the diversification of the rural economy. Horticulture is a form of agriculture. Adopted Local Plan Policy GEN3 also states that development in the countryside is acceptable where it is accordance with a policy within sections 2 & 3 of the Local Plan.

JUSTIFICATION/NEED:

The applicants have stated that:

"In October 2013, planning permission was granted via appeal for the residential development of up to 107 dwellings on land to the west of the Eric Wall Nursery site (planning reference BN16/12). There are presently 19,800m2 of glasshouses located on this part of the site. The sale of this part of the site allows for the reinvestment in the horticultural business.

This reinvestment in the business, together with the growing demands of the retail providers that Eric Wall supplies has led to a requirement for a more modern glasshouse facility. The proposal will replace the existing glasshouses, subject to residential consent (BN/16/12), which will be developed in due course.

The erection of the proposed glasshouse will allow for an increase in production at the site. The produce will be grown in the glasshouse and then transported to the pack house at the main site on Lake Lane."

The applicant has also confirmed that the applicant Eric Wall (Holdings) Ltd has an existing contract with Sainsbury's and has recently won a new contract with Waitrose for tomatoes. It is therefore considered that there is a clear need to expand/enhance the business.

HORTICULTURAL PLANNING POLICY:

Policy DEV3 "Horticulture" is within Section 3 of the Local Plan. It states that new glasshouses will be permitted provided that there is no adverse impact on the surrounding environment & landscape, that long distance views across substantially open land are retained, that adequate water resources are available and that there is adequate surface water drainage capacity. The equivalent policy in the emerging Local Plan (Policy HOR DM1) has additional requirements but the emerging local plan is also approximately 15 months away from adoption and it is therefore considered that the proposal should be determined in accordance with the adopted Local Plan policy. The policy will be assessed within the subheadings below.

YAPTON NEIGHBOURHOOD PLAN:

Yapton Neighbourhood Plan Policy BB1 states that development outside of the built up area boundary will not be supported unless they are compliant with 4 criteria. None of these criteria refer to agricultural or horticultural development. Therefore, the application is contrary to Policy BB1. However, Policy BB1 is not considered to be in accordance with countryside policy in either

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the adopted or emerging local plans which allows for agricultural/horticultural development in these areas. Furthermore, there is National Planning Policy Framework (NPPF) support for the proposals. Paragraph 28 of the NPPF states that local and neighbourhood plans should:

"* support the 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; and,
* promote the development and diversification of agricultural and other land-based rural businesses."

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

According to Figure 2 within Appendix 4 of the Yapton Neighbourhood Plan, the site is predominantly Grade 1 but with some grade 2 land at the western end. The proposal would be contrary to this policy. Paragraph 185 of the NPPF states that an adopted Neighbourhood Plan takes precedence over existing non-strategic policies in the Local Plan where they are in conflict. However, in the context of the support for horticultural development with the local plans and the fact that the land would remain in a predominantly agricultural use with crops being grown that take advantage of the soil quality, it is considered acceptable to override this policy.

LANDSCAPE & VISUAL IMPACT:

The proposal would introduce new 7-8m high glasshouses into the western part of the site. These will have a clear impact on the landscape and will affect long distance views across the western part of the site. At the eastern end, the reservoir will have banks of 2m in height. However, views from the north and northeast are largely masked by existing large glasshouse development whilst views from the south will be part screened by existing/proposed new planting. Regard is also had to the existing views of nearby glasshouses from within the site which are similarly part screened by existing planting.

It is also considered that this is an acceptable location for new glasshouses having regard to the existing glasshouse development to the north and southwest. This is therefore a much better location than say an open field in an area completely devoid of glasshouses.

In respect of views from the railway line, although the railway line is at site ground level at the eastern end of the site, the track then drops below the site's ground level and so where (at the western end) there is potential for a tunnel effect (taking account of the existing glasshouses to the north), the view from the train is of an embankment and not over the fields.

Although residential occupiers do not have an automatic right for there existing views to be maintained, it is considered necessary to have regard to the relationship of the proposed reservoir and those residential mobile homes which abut the eastern site boundary. Residential mobile homes typically have floor levels of around 0.6m above ground level and therefore have a higher view through their windows than a typical brick built house. This fact combined with the distance of the proposed 2m high reservoir boundary fence from the mobile homes (at between 12m and 18m) is considered to mitigate any loss of residential visual amenity.

Although the flood barrier is sited closer to the mobile homes, this will only be at a height of 1.2m and as such is comparable in height to the existing boundary fence. Furthermore, it should be

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noted that there are permitted development rights for the erection of fences/walls up to 2m in height. A condition is proposed to require details of all proposed fencing and as such, the local planning authority can negotiate to ensure that new fencing is not unattractive.

Conditions are recommended to ensure that the proposed landscape masterplan is implemented and to protect those trees to be retained.

FLOOD RISK & DRAINAGE:

Concerns have been raised over the potential for flooding and the exacerbation of existing drainage/flooding issue on Maypole Lane in the vicinity of Lake Dell. Whilst the anecdotal & pictorial evidence put forward by local residents is noted, the Council must have regard to the opinions of its statutory consultees. It is clear from the consultation objections received that no objections have been made by the Environment Agency, West Sussex Drainage Engineers or the Councils own drainage engineers.

In the absence of objections from these consultees, it would be unwise to raise an objection on these grounds and any objection would be very difficult to defend at appeal. Conditions are proposed as per the responses of West Sussex and Arun DC Drainage Engineers. A further condition is included to ensure the proposed flood mitigation scheme is carried out.

HIGHWAYS IMPACTS:

A common theme amongst local objections is that vehicle movements associated with the proposed development will be harmful to the convenience and safety of local roads. Residents are concerned as to the impact on Maypole Lane and on Lake Lane railway crossing.

The scheme has been subject to a Transport Statement submitted by the applicant, an independent Transport Study and also appraisal of both documents by West Sussex Highways. No objections are raised subject to mitigation measures to be secured by planning conditions.

West Sussex Highways note that the site is currently used for the growing of lettuce from April to October when there are approximately 6 vehicle movements per day. Anticipated vehicle movements are likely to be 14 per day of which around half will be tractor/trailer. These trailers will not be used to full capacity meaning that if yields increase, there will not necessarily need to be a greater number of movements.

West Sussex Highways state the net change in the average daily vehicle movements as a result of the glasshouse will be an increase of 8 movements at the site, and a reduction of 2 movements at the existing Lake Lane site. WSCC do not consider that the shift in movements will create any highway capacity or material impact.

West Sussex do not consider that there would be any safety risks associated with the use of the access and consider that given the low number of vehicles travelling across the crossing, that there is no requirement towards a financial contribution in respect of level crossing improvements. Network Rail has not raised any objection in respect of the use of the Lake Lane railway crossing.

BIODIVERSITY:

A local resident had commented that Slow Worms, Bats, Owls & Great Crested Newts had been seen locally. The submitted CIEEM compliant Preliminary Ecological Appraisal concluded that the site had a very low probability of providing habitat for protected species. The Council's ecologist

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has assessed this document and has agreed with the findings. No objection is raised subject a condition requiring the mitigation measures detailed in the ecology report along with additional mitigation items are provided and retained thereafter.

PUBLIC/RESIDENTIAL AMENITY:

The increased use of the access track will not result in any particularly harmful impacts to Longacre as the number of movements will be light and are likely to be spread out during the day. Tractors will be travelling at slow speeds and this will reduce any potential noise/disturbance. Nevertheless, a condition is proposed to control the hours of deliveries in order to protect Longacre from early morning/late night noise. This has been agreed with the applicant.

SUMMARY:

This scheme has already been through the Development Control Committee where it was resolved that approval should have been granted. There is no change to the scheme from that previous application and no new evidence exists to justify a change to the planning position. Accordingly, it is recommended that permission be granted in accordance with 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/land 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.

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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:

Landscape & Ecology Masterplan Ref Figure No. 2 Rev 03 (from the Landscape & Ecology Masterplan Strategy);
Landscape & Ecology Masterplan Ref LLD808 Rev 03 (from the Landscape & Ecology Masterplan Strategy);
Tree Retention & Protection Plan Ref LLD808/02 Rev 00 (from the Arboricultural Impact Assessment).
Tree Constraints Plan Ref LLD808/01 Rev 01 (from the Arboricultural Impact Assessment); and
A3 Site Layout Plan Ref 09-233-L8P1 Rev A;
Proposed Elevations (Working Drawing) Ref 09-233-002; and
Floor Plan, Roof Plan & Location Plan (Working Drawing) Ref 09-233-L8P2a.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 No development of the following buildings shall be carried out 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 energy store building & the building comprising irrigation/cold store/boiler room/staff facilities have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of these new buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and landscape character in accordance with policy GEN7 of the Arun District Local Plan.

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

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

Reason: In the interests of highway safety & the amenities of the area and in accordance with the National Planning Policy Framework.

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5 No development shall commence unless and until a scheme has been submitted to and approved by the Local Planning Authority which provides for a scheme of improvements for the section of Maypole Lane between the site access and the junction with North End Road to consist of additional passing places, protection of telegraph poles from vehicle strike & the pruning & future pruning of vegetation. The protection works shall then be implemented in accordance with the agreed details and retained thereafter.

Reason: In the interests of highway safety and convenience in accordance with the NPPF

6 No part of the development hereby permitted shall be occupied or the use commenced until a Travel Plan Statement comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan Statement shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets to the satisfaction of the council.

Reason: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling and in accordance with the NPPF.

7 The development permitted shall only be carried out in accordance with the mitigation measures detailed within section 8.0 of the approved Flood Risk Assessment dated 19/03/15. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with the National Planning Policy Framework.

8 Development shall not commence 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

9 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

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

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with policies GEN7 and GEN9 of the Arun District Council Local Plan.

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

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

11 Construction of the development shall not commence unless and until details of the proposed means of foul water sewerage disposal has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The scheme as approved shall be implemented prior to the first occupation of the dwellings and thereafter maintained in good working order.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policy GEN9 of the Arun District Council Local Plan.

12 No development shall commence unless and until detailed designs of the reservoir & the flood defence bund are submitted to and approved by the Local Planning Authority and the reservoir and flood defence bund shall then be implemented in accordance with the approved details and retained thereafter.

Reason: To prevent flooding by ensuring the satisfactory storage of surface water from the site in accordance with the National Planning Policy Framework.

13 No development 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 and including the filling in of any existing gaps with native species to improve connectivity. 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 GEN7 of the Arun District Local Plan.

14 No development including site access, demolition or associated construction activities, shall take place on the site unless and until the tree retention & protection scheme Ref LLD808/02 Rev 00 is in place for all retained trees including trees whose root protection areas fall within the construction zone from neighbouring land. All tree protection works shall be in accordance with BS 5837:20012 "Trees in relation to construction"

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

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15 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality.

16 No development shall take place until details of all new fences (including the flood defence barrier) to be erected on the site have been submitted to and approved by the Local Planning Authority and no part of the site shall be operated until such fences/barriers associated with the development have been erected.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

17 The development must be carried out in accordance with the mitigation and enhancement measures as set out in the submitted PJC Ecology Preliminary Ecological Appraisal dated March 2015 including on the Landscape & Ecology Masterplan Ref LLD808 Rev 03 and the Landscape & Ecological Mitigation Strategy Ref Figure No. 2 Rev 03, and also in accordance with the following additional measures as set out in the comments of the Council's Ecologist:

* Site clearance should be conducted during the season reptiles are active and vegetation should be cut down to 10cm prior to any works taking place and then carefully cleared; and
* Any dead wood, or rubble piles should be dismantled by hand and relocated.

The enhancements and mitigation measures shall be retained and thereafter maintained.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

18 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 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) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

19 At no time shall the approved glasshouses be internally illuminated unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of visual amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

20 No development including site clearance works shall take place until there has been submitted to, and approved by, the Local Planning Authority, a scheme detailing the protective fencing to be installed in order to provide a 5m buffer strip to all existing hedgerows to be retained.

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Reason: In the interests of protecting bats and reptiles in accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

21 Deliveries by tractors towing trailers and other commercial vehicles shall only be made to or from the site between 07:00 hours and 18:00 hours Monday to Sunday.

Reason: In the interests of the amenity of nearby residential properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

22 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.

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 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.

25 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.

26 INFORMATIVE: Network Rail have said that the proposal should not (both during construction and after the completion of the works):

* 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; and
* cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

Furthermore, as the site is adjacent to Network Rail's operational railway infrastructure,

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Network Rail strongly recommends the developer contacts AssetProtectionSussex@networkrail.co.uk prior to any works commencing on site. Network Rail strongly recommends the developer agrees an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at www.networkrail.co.uk/aspx/1538.aspx.

27 INFORMATIVE: The following tree species are not acceptable with regard to siting adjacent to the railway line:

Alder (Alnus Glutinosa); Aspen - Popular (Populus); Beech (Fagus Sylvatica); Wild Cherry (Prunus
Avium); Hornbeam (Carpinus Betulus); Small-leaved Lime (Tilia Cordata); Oak (Quercus); Willows (Salix Willow); Sycamore - Norway Maple (Acer); Horse Chestnut (Aesculus Hippocastanum); Sweet Chestnut (Castanea Sativa); and London Plane (Platanus Hispanica).

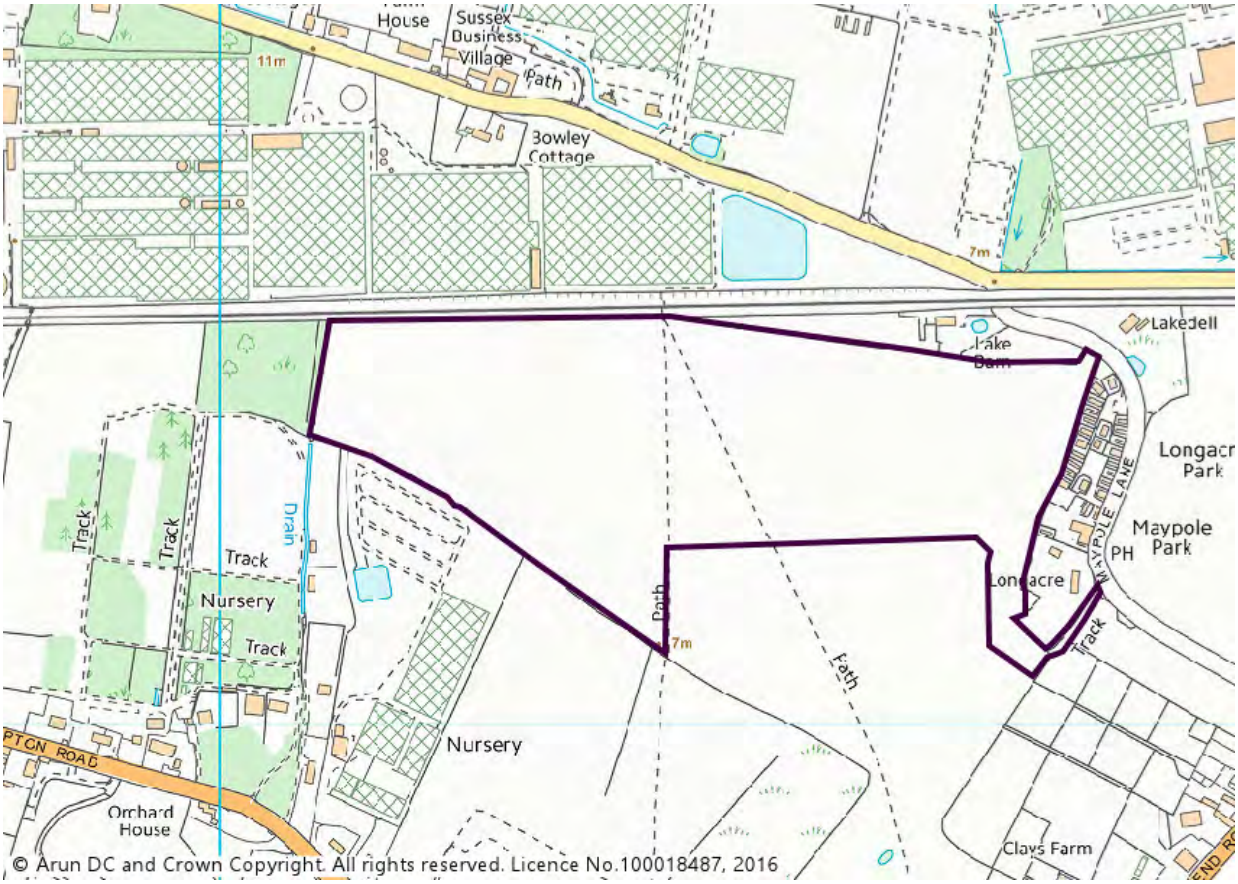
The following trees would be acceptable: Birch (Betula); Crab Apple (Malus Sylvestris); Field Maple (Acer Campestre); Bird Cherry (Prunus Padus); Wild Pear (Pyrs Communis); Fir Trees - Pines (Pinus); Hawthorne (Cretaegus); Mountain Ash - Whitebeams (Sorbus); False Acacia (Robinia); Willow Shrubs (Shrubby Salix); and Thuja Plicatat "Zebrina".

28 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

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Y/92/15/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: **LU/331/15/HH**

LOCATION: **15 Robin Close**
Littlehampton
BN17 7GR

PROPOSAL: **Rear conservatory (resubmission following LU/188/15/HH).**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The application relates to a PVCu conservatory to the rear of the existing dwelling measuring 4.27m wide with a maximum depth of 4m, an eaves height of 2.1m and a ridge height of 3.5m.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m close boarded fencing enclosing rear garden
SITE CHARACTERISTICS	End of terrace 2 storey dwelling set slightly behind the adjoining dwelling to the south west. Light brown brick elevations and pan tile roof
CHARACTER OF LOCALITY	Predominantly residential characterised by mainly 2 storey terraced dwellings

RELEVANT SITE HISTORY

LU/188/15/HH	Conservatory to the rear of the property. This application may be determined by Littlehampton Town Council under delegated powers	Refused 17-08-2015

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection - The proposed extension by reason of its height would be overbearing causing harm to the residential amenities of 14 Robin Close contrary to policies GEN7 and DEV19 of the Arun District Local Plan and policies DDM1 and DDM4 of the Emerging Local Plan

COMMENTS ON REPRESENTATIONS RECEIVED:

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It is accepted that the adjacent garden is narrow and that the conservatory would be adjacent to the boundary, but the eaves would only project 0.5m above the existing boundary fencing and is constructed of translucent material, the ridge of the conservatory roof would pitch away and the roof would be 0.3m from the boundary. In addition, whilst the conservatory is 4m in depth, from a depth of 2.9m the distance to the boundary would increase as the conservatory has a hexagonal shape. It is therefore considered that the proposal would have an acceptable impact on the neighbouring property.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design	

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on

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30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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

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 site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case are considered to be policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

PLANNING HISTORY
The application follows a previously refused application (LU/188/15) for a conservatory to the rear which was refused by the Town Council for the following reason:

'The proposed extension by reason of its height would be overbearing causing harm to the residential amenities of number 14 Robin Close contrary to policies GEN7 and DEV19 of the Arun District Local Plan and policies D DM1 and D DM4 of the Emerging Local Plan 2011-2031 Publication Version.'

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This application is very similar to the refused application. The only change is that the creasing tile wall adjacent to the boundary has been reduced in height by 0.3m.

DESIGN AND VISUAL AMENITY

The conservatory would be domestic in appearance and constructed of materials which reflect those of the existing fenestration. It would be located discreetly at the rear of the property and would be modest in size in relation to the size of the rear garden.

RESIDENTIAL AMENITY
The proposed extension is located adjacent to the boundary and will project approximately 0.5m above the boundary fencing and at its closet point the conservatory would be located 0.25m from the boundary. It would project 3m from the rear elevation and would then turn away from the boundary. The roof would be translucent. The side wall adjacent to the boundary would be no higher than the boundary fencing. The adjoining neighbour has a kitchen window and door on the rear elevation. The plot is narrow and the door is closest to the boundary. The proposal will encroach into the outlook from the door and the centre of the adjoining kitchen window, but this is not a habitable room and the degree of encroachment is not significant. It is not therefore considered that the rear conservatory results in significant harm due to light loss nor is it considered to be unduly dominant due to its height.

It is therefore considered that the proposed extension is acceptable in visual and residential amenity terms and complies with policies GEN7(ii) and DEV19(i),(ii) of the Arun District Local Plan.

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

HUMAN RIGHTS ACT

FOR APPROVAL
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 (the right to respect for 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 neutral impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil

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partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

2 The development hereby approved shall be carried out in accordance with the following approved plans location, block, Floor Plan Page 4 of 8, elevation Plans Pages 5, 6 and 7 of 8 and Proposed dormer plan Page 8 of 8.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

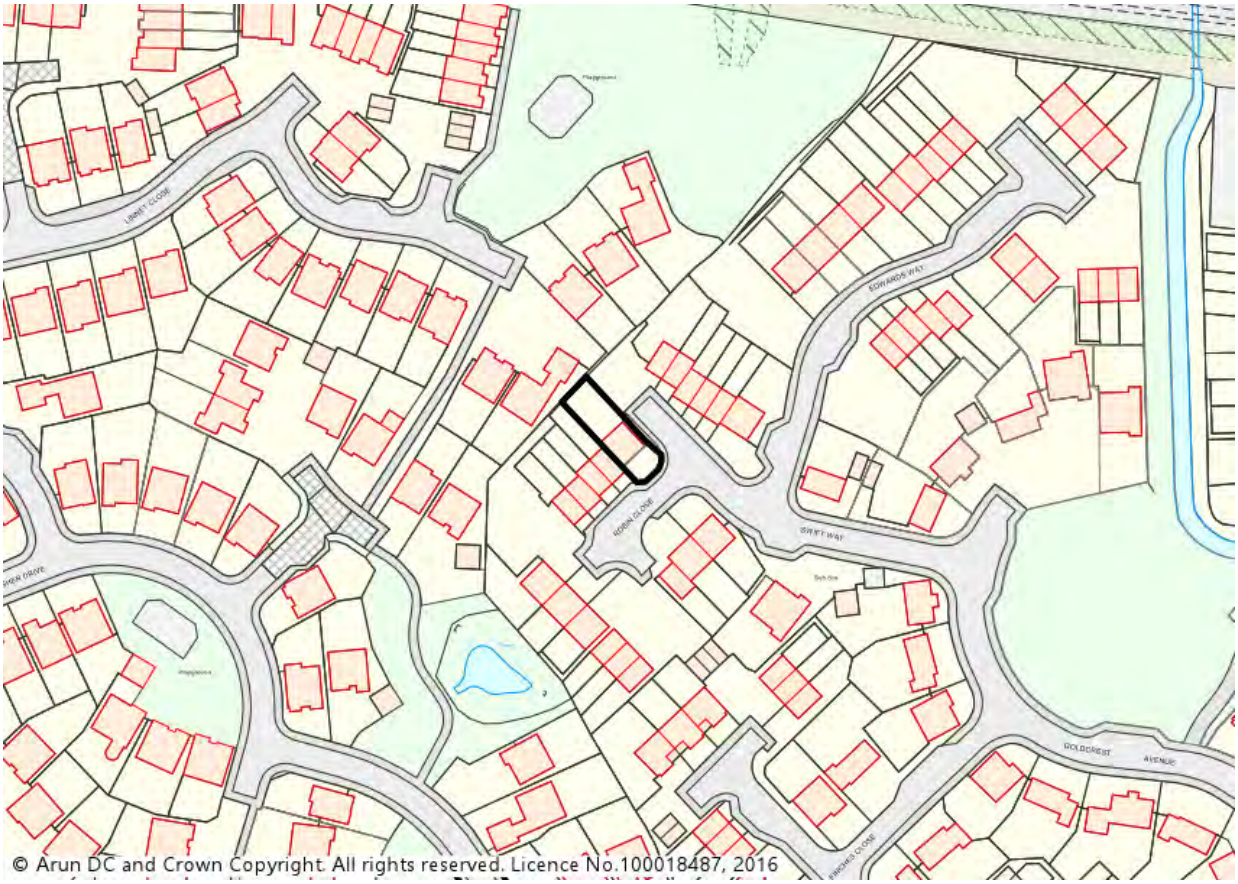
3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including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

4 INFORMATIVE: The applicant is advised that the building over a sewer may be allowed under certain circumstances. The conditions associated with the build over a sewer are contained in Southern Water guidance notes which are available at www.southernwater.co.uk. A formal application to build over the sewer will be required to be submitted by the applicant.
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.

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LU/331/15/HH Indicative Location Plan (Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: **K/34/15/PL**

LOCATION: **5 Coastal Road**
Kingston
BN16 1SJ

PROPOSAL: **Demolition of existing dwelling & erection of new dwelling house**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 967 m2.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary wall is a 0.4m high brick wall, with the side boundaries of the site consisting of 1.8m high brick/render wall. The rear boundary of the site consisting of a 1.8m high brick wall with mature planting.
SITE CHARACTERISTICS	The site is currently occupied by a detached two storey dwelling with rendered elevations and a brown tiled roof. A first floor balcony is present on the rear elevation with a rear dormer window.
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 Coastal Road are of various designs and styles.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Kingston Parish Council

OBJECTION: Kingston Parish Council objects to this application for the following reasons:

1. It is an overdevelopment of the site
2. It is visually out of scale to the existing property and overbearing to neighbouring properties
3. It is visually out character to the street scene.
4. It is detrimental to the visual amenity of the neighbourhood and due to its scale and design will overly dominate the street scene
5. It is intrusive to neighbouring properties (privacy)

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6. It will adversely affect the setting of a listed building (Runnymede, 3 Coastal Road)
7. It is contrary to the Kingston Neighbourhood Plan:
a) Policy KPNP 7 Design & Development sections 1 (i, iii, and iv) and 2(iii)

3 no. letters of objection from 2 individuals:
· Concerns that the plans are inaccurate and the house will be taller than shown.
· Neighbouring property is a Grade II Listed Building and its setting should be protected.
· The rectangular form of the building and the composite cladding create an alien appearance to that of its neighbours.
· The proposed house is contrary to policy 7 of the Kingston Neighbourhood Plan.
· Third storey balcony and the steps leading up to it create unacceptable overlooking.
· Part of the uniqueness of the West Kingston Estate is its diversity of building design with one, two and three storey buildings of differing architectural styles including representatives of most
decades since the 1920s with flat and/or sloping roofs using felt, tiles, slates or thatch. It is probably possible to find an example(s) to support any design style for any type of application that is submitted.
· Approval would set a precedent for three storey properties with third floor balconies.

COMMENTS ON REPRESENTATIONS RECEIVED:

In response to the comments of the Parish Council:

1. The proposal is not considered to constitute overdevelopment of the site. Given the size of the plot the proposal is considered acceptable, it should also be noted that the proposed dwelling will be 0.2m lower than the existing ridge height of the original dwellinghouse and 1.7m wider than the original dwelling house. The property will also be located 1.75m to the east and western boundaries, 5.8m from the forward most projection to the front boundary of the site and 22m to the rear.
2. The proposal is not considered to be visually out of scale with the existing dwelling or unacceptably overbearing upon neighbouring properties when compared to the existing dwellinghouse.
3. The proposed dwelling is not considered to be out of character with the street scene, Coastal Road features properties of various designs and styles with a number of similar examples having been identified by the applicant. The proposed dwelling is also considered to be more in keeping with the character and design of 3 Coastal Road than that of the existing dwelling.
4. The proposal is not considered to overly dominate the street scene, the single storey element of the proposal forward of the primary elevation is located 1.8m closer to the road than the existing dwelling.
5. It is acknowledged that the original proposal with the inclusion of the spiral staircase gave rise to harmful overlooking of the neighbouring property. However, the spiral staircase has been removed from the proposal and screening is proposed on the eastern elevation of the dwelling. It is intended for this to be conditioned and details to be submitted to ensure adequate screening is provided.
6. Paragraph 133 of the National Planning Policy Framework states that "where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refused consent...". The proposed development is not considered to result in 'substantial harm' to the heritage asset, with the proposed dwelling being considered more in keeping with the design of the Listed Building and set further away from the eastern boundary of the site.
7. Policy KPNP7 will be discussed further in the conclusion of this report. However, section 2 (iii) of Policy 7 relates to alterations and extensions and as such is not applicable to the determination of this application.

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In response to the letters of representation:
· The plans are subject to condition and as such if the house is not built in accordance with the approved plans then it would constitute a breach of conditions.
· Paragraph 133 of the National Planning Policy Framework states that "where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refused consent...". The proposed development is not considered to result in 'substantial harm' to the heritage asset, with the proposed dwelling being considered more in keeping with the design of the Listed Building and set further away from the eastern boundary of the site.
· Policy KPNP7 will be discussed further in the conclusion of this report.
· The proposal has been amended and the proposed spiral staircase has been removed and a condition recommended which requires details of the balcony screening to be provided to ensure that no unacceptably adverse overlooking is created.
· It is considered that Coastal Road features properties of various designs and styles with no single prominent style of dwelling. Therefore, the proposed development is not considered to be in conflict with policy GEN7(ii) of the Arun Local Plan.
· All applications are judged on their own merits and as such it is not considered that this proposal would set a precedent for three storey dwellings or balconies in this area.

CONSULTATIONS

Engineering Services Manager

Engineers (Fluvial Flooding)

CONSULTATION RESPONSES RECEIVED:

Engineers (Fluvial Flooding):

The application is for one property outside of the Lidsey WwTW catchment area. If surface water drainage conditions are required, please attach ENGD2A.

Soakaways should be investigated and the system should be designed for the 1 in 100 year storm event plus 30%.

Guidance notes attached.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within built area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	D DM2	Internal Space Standards
	D DM3	External Space Standards
	D SP1	Design
	SD SP2	Built-Up Area Boundary
Kingston Neigbourhood Plan 2014 Policy KPNP7	DESIGN & DEVELOPMENT	

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PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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

The Kingston Neighbourhood Plan has been made with policy 7, 1, (i), (iii) & (iv) being considered 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 have no materially adverse effect on the visual amenities of the locality or the residential amenities of the

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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 proposed dwelling is located within the built area boundary where the principle of development is acceptable. Therefore, the determination of this application will be based upon its compliance with relevant planning policy. The primary consideration in this case will be policy GEN7 of the Arun District Local Plan and Policy 7 of the Kingston Neighbourhood Plan.

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.

The proposed dwelling will have a maximum height of 9m, with the flat roof of the proposed dwelling measuring 8.6m in height, the 9m composite board cladded tower on the primary elevation will match in height that of the existing primary elevation feature, with the proposed flat roof being 0.2m lower than the existing ridge height. The proposed dwelling will have a width of 17.5m, 1.7m wider than the existing dwellinghouse. The scale of the proposed dwelling is considered to be in-keeping with the general layout of the area. Therefore, the proposal is considered to be appropriate in design and layout and would be sympathetic to the density and scale of housing within the locality.

The use of three storeys is considered acceptable in this location, with the design ensuring that the proposed dwelling is not overly dominant or prominent within the street scene. The proposed dwelling will be a similar height to its neighbour to the west. A single storey flat roofed garage at 3.1m in height will extend forward of the primary elevation. However, its position 5.8m from the front boundary of the site is not considered to be out of character with other properties in close proximity to the application site.

A Grade II Listed Building is located to the east of the application site. The setting of this art deco style white rendered property is not considered to be unacceptably impacted upon by the proposed dwellinghouse. The proposed dwelling will be located 1.75m away from the eastern boundary, an additional 0.9m away. The proposed replacement dwelling will not the Grade II Listed Building any less of a feature of the street scene. In addition the principle of residential development in this location is established and as such the proposal due to its scale and design is not considered to dominate or detrimentally impact upon the historic interest and value of this heritage asset.

The original proposal incorporate a spiral staircase at first floor level to the second floor balcony on the rear elevation, this in conjunction with the ground floor staircase was considered to unacceptably dominate the rear elevation of the dwelling. However, an amendment to the proposal secured the removal of this spiral staircase which has removed the concerns held by the Council in relation to this aspect of the scheme.

Given the above the proposal is considered to be in accordance with policy GEN7(ii) of the Arun

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District Local Plan and Policy 7, 1, (i) and (iii) of the Kingston Neighbourhood Plan.

RESIDENTIAL AMENITY
The proposed dwelling does not feature any windows on the eastern or western elevation which will give rise to additional unacceptable overlooking of the adjoining properties. However, concerns in relation to overlooking have been received from neighbours in relation to the second floor balcony and the originally proposed spiral staircase. The spiral staircase following negotiations has been deleted.

The existing dwelling features a first floor balcony on the rear elevation of the property and despite the proposed balcony at first floor level being located closer to the eastern boundary of the site, the screening at first floor level is considered sufficient to prevent any harm to the residential amenity of neighbouring properties. The second floor balcony is proposed to feature aluminium horizontal louvres screen to ensure that the privacy of 3 Coastal Road is preserved. A condition has been included in this recommendation report seeking details of this proposed screening to be submitted to the Council to ensure that adequate screening is provided and maintained in perpetuity.

The proposed windows on the rear elevation of the property are not considered to result in any additional unacceptable adverse overlooking of neighbours given the level of glazing and windows present on the rear elevation of the original dwellinghouse.

Spacing between the proposed dwelling and neighbours at first floor level will measure 5.4m to the east and 6m to the west, this is considered adequate to ensure that the proposal does not give rise to any unacceptably adverse overbearing or overshadowing impacts upon neighbours. The proposed dwelling will extend no further to the rear than the existing dwelling at first floor level.

Therefore, the proposal is deemed to be in accordance with policy GEN7(iv) of the Arun District Local Plan and Policy 7, 1, (iv) of the Kingston Neighbourhood Plan.

SUMMARY
The proposed new dwelling is considered to be in accordance with policy GEN7 of the Arun District Local Plan and Policy 7 of the Kingston Neighbourhood Plan. Therefore, it is recommended that planning permission is granted for the proposed development.

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 for 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

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Duty under the Equalities Act 2010

In assessing this proposal no impacts have been identified upon any 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: 1513 SK12C; 1513 SK26B; 1513 SK28A; 1513 SK11B; 1513 SK25A; 1513 SK27A; and 1513 SK10C.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 No development shall be carried out unless and until a schedule of all materials and finishes to be used for external construction of the proposed dwelling have been submitted to and approved by the Local Planning Authority. The materials so approved shall be used in the construction of the dwelling.

Reason: To enable the Local Planning Authority to control the development in detail to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

4 Prior to commencement of the development hereby approved details of the aluminium louvres screening have been submitted to and approved by the Local Authority. The screening hereby approved shall be constructed within 1 month of the completion of this development and thereafter permanently retained.

Reason: In order to protect the residential amenities of the occupiers of the neighbouring dwellings in accordance with policies GEN7 of the Arun District Local Plan.

5 The aluminium louvres screening on the first and second floor balconies to east of the property shall be maintained in perpetuity as approved.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District 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 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.

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K/34/15/PL Indicative Location Plan (Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: **K/35/15/PL**

LOCATION: **Part garden to West of**
9 Coastal Road
Kingston
BN16 1SJ

PROPOSAL: **Demolition of existing double garage & erection of 1 No. dwelling with double garage.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal involves the demolition of the existing double garage serving Foreshore House and its replacement with a 5 bed, three storey contemporary style dwelling with double garage. The property would have white rendered elevations.
SITE AREA	0.85 hectares
RESIDENTIAL DEVELOPMENT DENSITY	12 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Low brick wall following front and rear site boundaries. The western (side) boundary is marked by an approximately 2 metre high concrete wall and coniferous hedging of similar height. The eastern boundary is not defined as present as it is within the current garden of 9 Coastal Road
SITE CHARACTERISTICS	The site is occupied by a single-storey flat roof extension that has been made to 9 Coastal Road. The extension houses a double garage as well as additional habitable rooms and is externally finished in painted render. 9 Coastal Road is mock Georgian design.
CHARACTER OF LOCALITY	The site is located on a residential road which is bordered by a broadly linear arrangement of what are predominantly detached residential dwellings that are set back from the road. A number have low walls or hedging to the front. Dwellings generally occupy close to the full width of their respective plots. Properties on the southern side of the road back onto a swathe of grass which is designated as an area of Open Space and is traversed by a public footpath. This grass area in turn faces onto the beach.

RELEVANT SITE HISTORY

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K/20/13/	Application for outline planning permission with some matters reserved for the erection of 1 No detached dwelling house and garage	App Cond with S106 02-09-2013
K/11/10/	Renewal of unimplemented outline planning permission ref: K/7/07/ for a single detached dwelling house & garage	ApproveConditionally 30-06-2010
K/7/07/	Renewal of unimplemented outline planning permission K/2/04 for single detached dwelling house & garage	ApproveConditionally 24-05-2007
K/2/04/	Renewal of unimplemented outline planning permission K/37/00 for single detached dwelling & garage	ApproveConditionally 02-03-2004
K/37/00/	Renewal of unimplemented outline planning permission K/5/98 for single dwelling house and garage.	ApproveConditionally 09-02-2001
K/5/98	Renewal of unimplemented outline planning permission K/3/95 for single dwelling house and garage	ApproveConditionally 23-02-1998
K/3/95	Renewal of unimplemented outline planning permission K/9/92 for single dwelling house and garage	ApproveConditionally 03-03-1995
K/9/92	Renewal of unimplemented outline planning permission K/11/89 for a single dwelling house and garage	ApproveConditionally 21-04-1992
K/3/92	Garage extension	ApproveConditionally 10-02-1992
K/11/89	Outline application for single dwelling house and garage	ApproveConditionally 24-04-1989

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Kingston Parish Council

Objection -

1. It is an overdevelopment of the site
2. It is visually out of scale to the existing property and overbearing to neighbouring properties
3. It is visually out character to the street scene.
4. It is detrimental to the visual amenity of the neighbourhood and due to its scale and design will overly dominate the street scene
5. It is intrusive to neighbouring properties (privacy)
6. It is contrary to the Kingston Neighbourhood Plan:

a) Policy KPNP 7 Design & Development sections 1 (i, iii, and iv) and 2(iii) which states:

1. Planning Permission will normally be approved for development within the Built-up Area Boundary, subject to compliance with other policies of the plan, providing:

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i. The design and location of the development is appropriate and sympathetic to the Parish's character and appearance in terms of scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, design features, and specifically does not encroach upon any roadway or twitten so as to alter the outstanding landscape, coastline, historic build and archaeological environment;
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 the surroundings, or the wider Parish;
iv. It has a minimal impact on users and occupiers of nearby property and land and does not cause loss of sunlight, over-shadowing, over-looking issues, loss of privacy, anti-social noise/disturbance or have an over-bearing presence;
2. Any new development proposals, including self-building, rebuilding or alterations, will be supported, unless:
iii. It involves alterations and extensions which do not retain and enhance the condition and character of the existing building, then the proposals must:
o Not erode the spatial character and pattern of the area
o Not alter frontages to the detriment of the street scene
o Enhance the building and its surroundings, maintaining form and style
o Use materials which reflect the current character of the building
o Remain in-keeping with the original scale and proportion of the original building
o Ensure that important features of the original building are not lost;
b) Kingston Parish Design Statement (Appendix 4 to the Neighbourhood Plan) section 7.11 - extracted below:
7.11 Design
Design is a personal statement. What is seen as magnificent by one person may be an eyesore to another. In maintaining the character of Kingston, yet allowing it to develop, it is important
that we continue to embrace exciting new designs - but recognise and resist when they are patently out of keeping with the area. Kingston is a seaside Parish and as such sees a wide diversity of villas and bungalows of many different styles. However, we must consider how a design will sit in its environment and whether it enhances the rich designs that line our streets or whether it is potentially an unsightly or inappropriate addition.
When designing and planning a new building for Kingston it is sensible to meet with neighbours and discuss the design to ensure that they support the project when it goes before the planning authorities.
To ensure a new design is in keeping with the Parish you should
· perform a thorough site appraisal so that the design is appropriate in size, is sensitive to the location, and respects the context of adjacent buildings
· maintain the building line
· make provision for parking within the boundaries of the property
· maintain a good separation from the edges of the plot in order to retain the spacious feel of the Parish
· use materials that are appropriate and sensitive to the location
· demand high standards of design and workmanship
· avoid obtrusive lighting to minimize light pollution and nuisance, but recognise that exterior lighting can be a crime deterrent

2 letters of objection - This is a very large house for such a narrow plot, would compromise neighbour's privacy and light, east windows should be fitted with opaque glass and balconies. The submitted plans indicate the existing houses surrounding the proposed new house are all shown as having 3 floors which is incorrect. Numbers 9, 15 and 17 are 2 storey and numbers 7 and 17 have loft conversions with windows in the roof. Proposal should be limited to 2 floors. The area comprises a mix of building design this proposal would reflect other similar buildings resulting in a dominance of 3 storey built form. No objection if third floor balcony is withdrawn. Proposal is inconsistent with policy KPNP7 of the Neighbourhood Plan.

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Concerns regarding the impact on visual and residential amenity resulting from proposed future changes to Foreshore House.

COMMENTS ON REPRESENTATIONS RECEIVED:

Not Agreed. The proposal is considered to be in keeping with the area and the design would be similar to others in the locality. The character of the area is derived from the mix of dwelling type and appearance. The height of the proposed dwelling is no greater than those adjoining. The ridge height of the proposal is in-line with the minimum height across neighbouring properties. Obscure glazing is indicated to both windows and balconies on the side elevation to prevent adverse overlooking and loss of privacy.
The proposed changes to Foreshore House do not form part of this application

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Fluvial Flooding)
Engineers (Coastal Protection)
Environment Agency

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection. It is not considered that the proposal would have a severe impact on the operation of the highway network (para 32) and there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	GEN12	Parking in New Development
Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	D SP1	Design
Kingston Neigbourhood Plan 2014 Policy KPNP2		BUILT-UP AREA BOUNDARY
Kingston Neigbourhood 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 District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can

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carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. Policies KDNP 2 (Built Up Area Boundary) and KDNP 7 (Design) of Kingston Neighbourhood Plan are considered relevant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that 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

PLANNING HISTORY
Outline permission for a dwelling on this site was initially granted in 1989 under application K/11/89.

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The permission has subsequently been renewed on a number of occasions. The most recent approval was granted under K/20/13. The provision of a dwelling on the site and the plot size are therefore not at issue.

VISUAL AND AMENITY AND CHARACTER OF THE AREA
The proposal is considered to represent sustainable development in accordance with the National Planning Policy Framework. There is no dominant architectural form along Coastal Road. The building styles vary from 'Georgian' to 'Arts and Crafts' and 'Art Deco'. The proposed contemporary 1930's style dwelling would reflect other flat roofed properties in the locality and the dwelling would be no higher than its neighbours. The new build also incorporates design features which give the property a modern character through the use of aluminium, white render, natural stone and frameless glass balustrading. The footprint and massing would be comparable with adjoining properties and an acceptable gap to side boundaries would be retained. The appearance of the dwelling would be in keeping and it would not sit at odds with the general pattern of development or detract from the appearance of the street scene.

RESIDENTIAL AMENITY
The property has been designed to prevent overlooking and loss of light to neighbouring properties. The windows in the side elevations and the sides of the balconies will be obscure glazed and the agent has submitted a 'shade' plan illustrating the worse case scenario shading, to demonstrate that there would be a limited impact to adjoining dwellings.
Therefore, it is not considered that the proposed development would have a materially adverse impact on the residential amenities of adjoining properties.

With regard to the residential amenity of potential occupiers the proposal has a gross internal floor area exceeding 300 sq m and is compliant with policy DDM2 of the emerging Local Plan. The rear garden area has an area of 300 sq m and a depth of 20m and is also compliant with policy since it exceeds the thresholds set out in policy DDM3 of the emerging Local Plan.

CONCLUSION
It is therefore recommended that the application is approved, subject to the following conditions

HUMAN RIGHTS ACT

FOR APPROVAL
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 (the right to respect for 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

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Duty under the Equalities Act 2010

In assessing this proposal neutral 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).

SECTION 106 DETAILS

This application is subject to a signed legal agreement in respect of contributions towards affordable housing contributions totalling £12,171

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

2 The development hereby approved shall be carried out in accordance with the following approved plans: location, block plan CRNB/001/block, CRNB/001/STREET, CRNB.001.SHADE, CRNB/001/SITE(A) and CRNB/001/EL&PLAN(A).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

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

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

4 The side elevations of the balconies shall at all times be glazed with obscured glass to a height of 1.8m and fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

5 Landscaping (hard and soft) shall be carried out in accordance with the details shown on plan (CRNB/001/SITE(A). 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, 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 GEN7 of the Arun District Local Plan.

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6 INFORMATIVE: This decision has been granted in conjunction with the payment of contributions totalling £12,171 for affordable housing contributions in relation to a Section 106 legal agreement.

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 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.

ARUNDISTRICTCOUNCIL-DEVELOPMENTCONTROL-27/01/2016

K/35/15/PL Indicative Location Plan (Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: **FG/171/15/PL**

LOCATION: **1 Green Park**
Ferring
BN12 6QX

PROPOSAL: **1No. chalet bungalow together with parking & landscaping. Resubmission of FG/24/15/PL**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the demolition of the existing conservatory and the construction of a detached chalet bungalow in the garden of 1 Green Park.
SITE AREA	Approximately 253 m2.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The southern boundary of the site consists of a 1 metre high brick wall with a 2 metre high hedge behind. The northern, eastern and western boundaries of the site feature 1.8 metre high close boarded fencing with some mature planting, with a driveway and garage located to the east outside of the close boarded fencing.
SITE CHARACTERISTICS	The site is occupied by a detached two storey dwelling of brick construction at ground floor level with rendering at first floor level and a brown tiled roof.
CHARACTER OF LOCALITY	The locality of the site is predominantly residential in character and features dwellings of various designs and styles.

RELEVANT SITE HISTORY

Planning application FG/24/15/PL was refused due to conflict with policy GEN7(ii), D DM3 of the Emerging Local Plan and the National Planning Policy Framework.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:
No comments from Ferring Parish Council.

7 no. letters of No Objection with no additional comments raised.

2 no. letters of Support:
·Property is well designed and fits in well with the character of Ferring.
·Ferring needs more affordable housing.

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COMMENTS ON REPRESENTATIONS RECEIVED:

The 7 no. letters of no objection are noted.

The points raised by the 2 no. letters of support will be discussed further in the conclusion of this report.

CONSULTATIONS

WSCC Strategic Planning

Engineers (structural)

Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

WSCC Strategic Planning:

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

The application seeks approval for a 2 bedroom dwelling to the rear of an existing dwelling accessed via Green Park, a private road i.e. not maintained as highway by the Highway Authority

From inspection of the plans and information provided, it is proposed to utilise an existing driveway for the new dwelling to provide 2 parking spaces. The parking arrangements for the existing dwelling are assumed to remain which is currently accommodated on an area of gravel standing in front.

The access on to the highway, being Ferring Lane, would appear suitable to support a 1 dwelling increase.

No concerns wished to be raised to this application from a highway perspective.

Engineers (Structural):

No structural comments.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Class C Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	D DM3	External Space Standards

PLANNING POLICY GUIDANCE

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NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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

The Ferring Neighbourhood Plan has been made but there are considered to be no relevant policies 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 be in conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and the residential amenities

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of the adjoining properties and 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 site is situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policy GEN7 and D DM3 of the Arun Local Plan (2011 - 2031) Publication Version (October 2014).

DESIGN AND VISUAL AMENITY
The proposal has been amended since the original submission under reference FG/171/15/PL with the proposed dwelling being moved further to the east and the existing garage being demolished to facilitate this.

The primary elevation of the dwelling has also been amended with the proposed windows and front door being removed and replaced by patio doors and the main entrance being relocated to the eastern elevation. The proposed gable end roof has been amended as part of this proposal which will not feature a half hipped roof with an additional rear dormer.

The proposed plot for the new dwelling will measure approximately 13.5 metres in width - this will include the demolition of the existing conservatory. This proposed plot width is in keeping with other plot widths on Green Park which measure between 13 and 15 metres wide. This aspect of the proposal is considered in keeping with the character of the area. However, the plot depth is only 17.4 metres in depth in comparison with the other properties along Green Park whose rear gardens measure approximately 40 metres in depth.

In accordance with the Arun District Council affordable housing policy no legal agreement has been provided to the Council, this proposal would require a contribution of £8,154. As such, in the absence of this legal agreement the proposal is considered to conflict with policy DEV17 of the Arun District Local Plan.

Despite the alterations to the proposal it is considered that the proposed dwellinghouse continues to represent overdevelopment of the site out of character with the area in conflict with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY
Attempts have been made to resolve the residential amenity impacts identified under reference FG/24/15/PL with the ground and first floor windows on the eastern elevation of 1 Green Park having been in filled. This will prevent direct overlooking of the rear garden of the dwelling which will measure 3.5m in depth and approximately 15m in width. This rear garden depth continues to fall short of the 10m garden depth specified within policy D DM3 of the Emerging Local Plan. The 3.5m depth is an issue as permitted development rights would allow for the construction of a single storey rear extension up to 4m in depth (covering the entirety of the rear garden), therefore the limited space available to the rear of the dwelling prevents future extension of the property to

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facilitate the future needs of occupiers without losing all private amenity space.

The majority of the amenity space associated with the property is located forward of the primary elevation of the proposed dwelling, with patio doors being provided on the southern elevation suggesting this area is intended for use as the primary amenity area. Further highlighted through the absence of any direct means of access to the rear of the dwelling.

The amenity space forward of the primary elevation, despite the infill of the windows and doors on the eastern elevation of 1 Green Park, cannot be considered private due to its location forward of the primary elevation and the overlooking generated by the windows on the southern elevation of 1 Green Park which will overlook the majority of this amenity area.

Therefore, the proposal is considered to be in conflict with policy GEN7 (iv) and (v) of the Arun Local Plan, D DM3 of the Emerging Local Plan and Paragraph 17 of the National Planning Policy Framework.

SUMMARY
It is considered that the plot is too small to accommodate a new dwelling and as such it is recommended that permission is refused for the below reasons.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 a neutral impact has 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

REFUSE

1 The site by virtue of its size is considered unsuitable to accommodate an additional dwelling with private amenity space without damaging the character of this established

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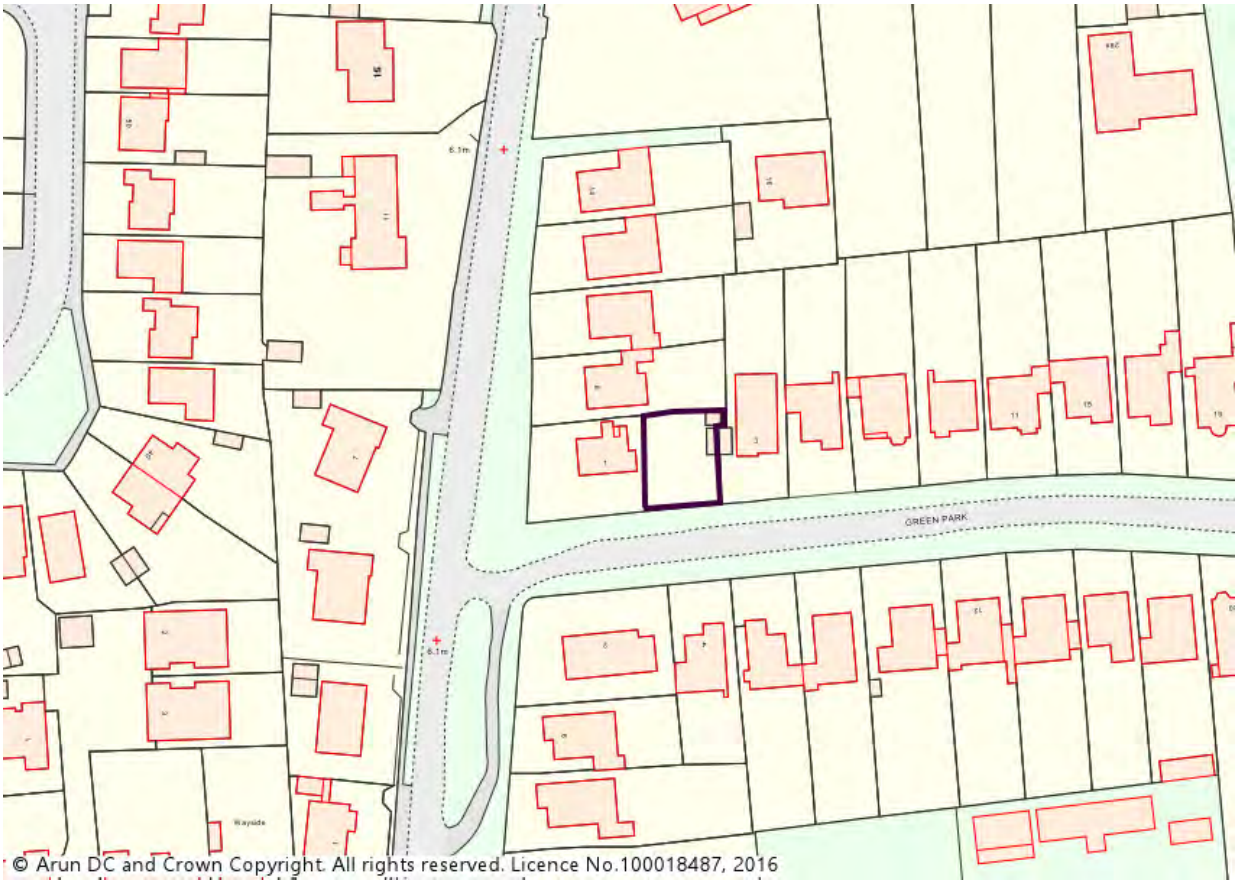
residential area. The proposal would therefore result in an unduly cramped form of development which would be detrimental to the character and amenities of the surrounding residential area and give rise to unacceptable harm to the residential amenity of existing and potential occupiers, contrary to policy GEN7 of the Arun District Local Plan; policies D DM1 and D DM3 of the Arun Local Plan (2011 - 2031) Publication Version (October 2014); and the National Planning Policy Framework.

2 The proposed development makes no contribution towards affordable housing provision and is thereby contrary to the aims and objectives of Policy HSP2 of the emerging Arun District Local Plan.

3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

FG/171/15/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/120/15/HH**

LOCATION: **Hascombe**
33 Tamarisk Way
East Preston
BN16 2TE

PROPOSAL: **Remodelling & extensions**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to the provision of a single storey detached pitched roof garage/pool building to the west side of the existing dwelling which has a plant room in the roof, a 2 storey extension to the rear to provide additional bedrooms and a 2 storey extension to the front of the property. The garage room is 28m long by 7.3m wide with an eaves height of 2.8m and a ridge height of 6.4m. The first floor would be increased in depth approx. 4m on the east side and 5.8m on the west side to the rear and 4.7m to the front to the east side. The width of the main dwelling remains unaltered.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development. Leylandi trees on site frontage are not of any merit
BOUNDARY TREATMENT	Fencing/walling and bushes enclosing rear garden to between 2-3m in height.
SITE CHARACTERISTICS	Detached 2 storey dwelling with third floor in roof. Painted rendered elevations with plain tile roof.
CHARACTER OF LOCALITY	Predominantly residential in character, there are generally two storey detached properties set within substantially sized plots. The property is located within a private residential estate.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

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East Preston Parish Council

First Consultation response - No Objection. The committee was unanimous in its praise for the clarity and quality of the plans.

Second Consultation response - No Objection.

East Preston and Kingston Preservation Society - The application is best judged as a new house, because it proposes the restyling of the existing building. The issue of subserviency is not therefore relevant. As a new house the proposal demonstrates a high standard of architectural design. The present house on the site is undistinguished in design. The proposal is a great improvement. The proposal would add another house of genuine architectural interest to a road that already contains some houses of interest in styles that vary from the Modern Movement to the Arts and Crafts

18 letters of support - Property is in need of a face lift. A more stylish property would be welcomed. Pools and gyms are a common feature in gardens in this location. The building would be positioned and designed to discretely fit in. The plans have been carefully thought through and will not only improve the street scene but create a family home. Should be welcomed since the estate will be more desirable and attractive.
The only change in scale and massing is the addition of a pitched roof over the side garage which replaces the poor quality gated parking enclosure. Some small alterations bring the building forward but only to parts that are set back from the existing front elevation. These alterations are all considerably away from the street scene building line and do not affect mass or scale in any way. No shading will occur to the adjoining neighbour. The east dormer is existing and the number of windows is reduced and those retained obscure glazed.

10 letters of objection - The proposed development due to its scale, form, height and design would not appear visually subservient to the host dwelling and would compete with it and dominate and detract from the character and appearance of the area in conflict with policy. Would be oversized for the site. Dwellings are set back in harmony from greensward. The length adjacent to the boundary with the footpath will be an eyesore and should be reduced. Adjoining neighbour would be overlooked. The side extension looks like a municipal style swimming pool/leisure complex. Loss of garden will have a detrimental impact on the ecology. Mature trees on eastern boundary should be retained.

No existing elevation plans have been submitted.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments made in support of the application are agreed.
The extension towards the greensward would have no adverse impact on the character of the area. It would still retain a gap to the seafront that is in keeping with the visual amenities of the locality. The length of the extension adjacent to the boundary with the footpath should be off set against the fact that it would be screened by existing hedging and fencing and at its closest point would be 0.8m from the boundary. The single storey extension would pitch away from the western boundary and would not dominate the accessway. Given the distance to the neighbouring property the outlook will not be compromised.
Existing elevation plans have now been submitted.
The plans have been amended to reduce the rearward extent of the extensions and increase the projection to the front to reduce the impact on the neighbouring property top the east.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

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COMMENTS ON CONSULTATION RESPONSES:
None.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design	

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being

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made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. The East Preston Neighbourhood Plan was made on the 11th March 2015 and Policies 1 and 2 are deemed 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 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 site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within relevant policies of the Arun District Local Plan which in this case are GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY
This application seeks planning permission for a front, rear and west side extension. The front extension will be visible in the street scene as indeed will the existing dwelling once the trees on the site frontage are removed. The submitted street scenes and elevations indicate that the proposed development will not be overly prominent and that the ridge height level and dimensions will not be significantly increased. The design and appearance of the dwelling will be improved. The existing dwelling contains front dormers and the overall size of the dwelling would not appear out of character in this residential estate. The dwelling would be altered in shape to have a symmetrical appearance to the front elevation and it would be located no closer to the site frontage than the forward most part of the existing dwelling.

The garage/pool extension will be located on the west elevation of the property adjacent to a pedestrian access to the seafront. The additional width will be set back from the front elevation at approximately 7m and will retain a gap of 0.8m at its closest point to the side boundary. The dwelling would be no closer to the dwelling to the east and would retain the existing 3.8m gap to this side boundary. 3 balconies are proposed, but there are other balconies on nearby properties and one balcony on the existing dwelling. The principle has therefore already been established and is considered acceptable for this residential property in a coastal position. The development would

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not extend to both side boundaries and the first floor development would not extend across the site. The dwelling would therefore retain the spacious characteristics of the surrounding development.

The extensions in terms of their siting, size and height are considered subservient to the existing dwelling. The footprint would not be significantly increased at first floor and the ground floor extensions are focused on the rear and side of the dwelling.

It is therefore considered to comply with relevant policies GEN7(ii) and DEV19(i),(ii) and (iv) of the Arun District Local Plan.

RESIDENTIAL AMENITY
The only adjoining residential property is that to the east. The proposed windows on the East side elevation and the balcony could cause adverse overlooking and loss of privacy to this neighbouring property and a condition has therefore been imposed to ensure no additional windows are provided and that all new glazing is obscured to protect residential amenity. There is currently an existing dormer window in the roof area on this elevation and it is not therefore considered appropriate to condition that its replacement is obscure glazed.

The dwelling would be no closer to this boundary, but it would extend for a greater distance adjacent to the boundary. The plans have been amended to reduce the rearward projection by 3m and increase the front extension by a depth of 3m. Given the position of the dwelling and the size of the garden of the adjoining property it is not considered that there would be a materially adverse overbearing impact on the garden area of this dwelling.

The proposal is therefore considered to comply with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

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

HUMAN RIGHTS ACT

FOR APPROVAL
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 (the right to respect for private and family life number and description) 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 no 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).

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 1043.12, 1043.03, 1043.05, 1043.02a, 1043.04, 1043.01, 1043.45, 1043.38b, 1043.39a, 1043.42b, 1043.41b, 1043.44a, 1043.10b, 1043.40a and LLD816/01 rev00.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 The windows on the east elevation of the building at first floor level shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

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

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

5 Prior to commencement of development details of a 2m high balcony screen to the east side of the balcony serving the master bedroom shall be submitted to and approved by the Local Planning Authority and the screening shall be provided prior to use of the balcony and shall be retained in perpetuity.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

6 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme along the site frontage. The approved details of the landscaping shall be carried out in the first planting and seeding season, following 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.

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Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

7 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed extensions have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extensions.

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 GEN7 of the Arun District Local Plan.

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

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

EP/120/15/HH 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/143/15/HH**

LOCATION: **17 Michel Grove**
East Preston
BN16 2SX

PROPOSAL: **Side extensions, rear extension, front porch extension & 10 No. roof lights.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the construction of a single storey side extension to the west of the existing dwelling; single storey rear extension; porch forward of primary elevation; 1 1/2 storey side extension to the east of the existing dwelling; and addition of 11 number roof lights.
SITE AREA	Approximately 1504 m2.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site is open, with the side western boundary of the site featuring mature planting and 1.8m high close boarded fencing, the northern boundary of the site consists of a 1.8m high fence.
SITE CHARACTERISTICS	The site is occupied by a single storey bungalow. The property is set to the back of the site with an open and spacious character.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential and features larger properties of various designs and styles on larger plots with predominantly open front boundaries.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

The Planning & Licensing Committee of this council considered this Application at its meeting on 23rd November. The committee AGREED it would object to this Application as it felt the number of proposed roof lights on the southern elevations to be excessive and likely to have a negative affect on the street scene contrary to Policy 2.i of the East Preston Neighbourhood Plan which seeks to "preserve the street scene". Section 4.26 of the East Preston

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Neighbourhood Plan expands that to say "the existing street scene should be protected".

The property is on a prominent corner site of Michel Grove and Myrtle Grove. In Michel Grove there is only one property with a rooflight facing on to the road, that is no 2 which is some distance from no 17 and not even visible from no 17. This council does not believe there are any rooflights facing on to Myrtle Grove.

For this reason, this committee wishes Arun District Council to consider refusing Planning Permission for this Application.

COMMENTS ON REPRESENTATIONS RECEIVED:

The above comments from the Parish Council are noted. However, it must be considered that the proposed roof lights shown on this application could be installed under permitted development rights granted under Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 2015. Therefore, in this case the Council is unable to take permitted development rights away and refuse the application.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:
Within built area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) SD SP2 Built-Up Area Boundary	
East Preston Neighbourhood Plan 2014 Policy 1		Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 2		Design in Character Area One

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can

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carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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

The East Preston Neighbourhood Plan has been made and policies 1 and 2 are considered 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 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

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PRINCIPLE:
The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed are policies GEN7 and DEV19 of the Arun District Local Plan.

DESIGN AND VISUAL AMENITY
The proposed single storey conservatory will extend 3.9m to the west of the original dwellinghouse with an eaves height of approximately 2.3m and a ridge height of 3.5m. Due to boundary screening the proposed conservatory will not be prominent within the street scene, and its size and the materials used in its construction will ensure that it will appear subservient and well integrated with the host dwelling.

The proposed single storey side extension to the east of the original dwellinghouse will provide a garage and will measure 6.1m in width, with a ridge height of 4.9m and an eaves height which matches that of the original dwellinghouse. The proposed side extension is 0.5m lower than the original dwellinghouse and has been set back 1.4m from the primary elevation of the original dwellinghouse. This ensures that the proposal appears well integrated and subservient to the host dwelling. Whilst the proposed single storey extension will be clearly visible within the street scene due to its location, its acceptable design will ensure that it does not adversely impact upon the street scene.

The proposed porch forward of the primary elevation will measure 3.3m2 when measured externally with a ridge height of 4m and an eaves height of 2.3m. It will be fully glazed and with an open front boundary it will be a prominent feature within the street scene. However, given its considerable set back from the highway and maximum projection of 1.2m from the primary elevation of the dwelling the proposal is considered to appear subservient to the host dwelling and will not adversely impact upon the established character and appearance of the original dwellinghouse and that of the area.

The proposed single storey rear extension will extend 2.4m from the rear wall of the original dwellinghouse extending the width of the existing flat roofed rear element of the dwelling by approximately 5.1m. The flat roofed extension will measure 2.9m in height with the lantern roof light reaching a maximum height of 3.2m. This rear extension is considered to appear well integrated given the use of appropriate materials and the subservient nature of the proposal to the existing dwelling. It must also be noted that the proposed single storey rear extension would benefit from permitted development rights under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015.

The application also seeks permission for the addition of 11 No. roof lights to the dwelling with 8 on the primary elevation and 3 on the rear elevation of the property. An objection has been received from the East Preston Parish Council noting the negative impact of the roof lights upon the street scene. Whilst, it is acknowledged that the proposed roof lights will be visible within the street scene and will conflict with the existing character and appearance of the area which is largely devoid of roof lights on primary elevations - these on their own would not need express permission to be granted as they benefit from permitted development rights under Schedule 2, Part 1, Class C of the Town and Country (General Permitted Development) Order 2015.

The proposal is therefore considered to be in accordance with policies GEN7(ii) and DEV19 (i), (ii) & (v) of the Arun District Local Plan.

RESIDENTIAL AMENITY

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The proposed porch, conservatory and single storey rear extension are not considered to give rise to any unacceptably adverse overlooking, overshadowing or overbearing impacts upon neighbouring properties despite their relatively close proximity to the northern boundary of the site, due to their size, position and design.

The proposed single storey rear extension located to the east of the original dwellinghouse features 2 No. roof lights on the north elevation which have the potential to give rise to unacceptable adverse overlooking of the rear garden of 33 Myrtle Grove, therefore it has been considered that the use of a condition can ensure that no unacceptable adverse overlooking is generated by these windows.

Therefore, subject to the proposed condition it is considered that the proposed development will not result in any unacceptable adverse overlooking, overshadowing or overbearing impacts and as such will be in compliance with policies GEN7 (iv) and DEV19 (iii) of the Arun District Local Plan.

SUMMARY
It is recommended that planning permission is granted for the proposed development subject to the below 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 for 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 no impacts have been identified upon any protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

2 The development hereby approved shall be carried out in accordance with the following approved plans: Location & Block Plan - 15/4256/5; Proposed - 15/4256/3; and Proposed -

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15/4256/4

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 The materials and finishes of the external walls and roof of the extensions hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

4 The roof lights proposed in the northern elevation of the dwelling shall at all times be obscurely-glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

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.

EP/143/15/HH 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/206/15/PL**

LOCATION: **Butlins**
Upper Bognor Road
Bognor Regis
PO21 1JJ

PROPOSAL: **Extension to existing service building forming Atlantic Bay Village Reception.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Single storey extension to northern gable of existing linen/laundry service building to create a new reception building. The extension is broadly circular in shape and has a maximum depth of 6.4m and a maximum width of 8m. It will be approximately 0.5m lower in height than the existing. Materials include framed glazed aluminium sides and a lead grey roof. The extension represents a net increase of 41 square metres.
SITE AREA	N/A.
RESIDENTIAL DEVELOPMENT DENSITY	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The building is open to the surrounding Butlins site.
SITE CHARACTERISTICS	The existing building is single storey and has a pitched roof. It is clad in cream and blue with a tiled roof. The site of the extension is currently part grassed and part hardstanding with some landscaping and a phone box.
CHARACTER OF LOCALITY	Part of the Butlins site and adjacent to car parking, internal access road and chalet buildings.

RELEVANT SITE HISTORY

BR/297/14/PL	Provision of french doors, patio & balconies to 62 chalets within blocks B,C,D,H,J,K,L,P,R,T & W, together with change of external colours & cladding configurations.	ApproveConditionally 28-01-2015
BR/252/14/PL	Provision of french doors, balconies & terraces	ApproveConditionally 17-12-2014

The Butlins site has an extensive planning history and those listed above represent only a small

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BR/305/13/	Provision of french doors, balconies and terraces to blocks A, F and M Atlantic Village	ApproveConditionally 18-03-2014

sample of this. It is intended to determine the accompanying advertisement consent application ref BR/207/15/A under delegated powers.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Estates Manager

Economic Regeneration

Environment Agency

Engineers (Fluvial Flooding)

Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

Environment Agency - "The application falls within the scope of our Flood Risk Standing Advice (FRSA). Please refer to our FRSA at the following link: https://www.gov.uk/flood-risk-assessment-local-planning-authorities".

ADC Economic Development - "Economic Development support this application which will provide improved facilities for visitors".

ADC Drainage Engineers - No response received yet. Any comments will be reported as a written update.

COMMENTS ON CONSULTATION RESPONSES:

The Environment Agency's standing advice for minor extensions requires that finished floor levels are set no lower than existing floor levels or 300mm above the estimated flood level. The proposed floor level will be the same as the existing and therefore there is no objection.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area Boundary;
PD Restriction;
Public Sewer on Site; and
Class A Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	DEV34	Tourist Accommodation and Attractions
	DEV35	Tourism Development Requiring a Coastal Location
	GEN2	Built-up Area Boundary
	GEN7	

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	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN10	Tidal Flooding and Coastal Defence
GEN11	Inland Flooding

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
SD SP1 Sustainable Development
SD SP2 Built-Up Area Boundary
TOU DM1 Tourism Related Development
TOU SP1 Sustainable tourism and the visitor economy
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage Systems

Bognor Regis Neighbourhood Plan 2015 Policy 7 Promotion of tourism and beach service points

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being

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made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. Policy 7 of the Bognor Regis Neighbourhood Plan applies.

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 proposed extension is to an existing building within the Butlins site which lies within the built-up area as defined in the Arun District Local Plan and the principle of development is considered to be acceptable subject to other policies in the Local Plan.

In addition, Adopted Local Plan Policy DEV34 states that permission will be granted for the extension of existing tourist attractions provided that proposals are appropriate to the character of their location. Emerging Local Plan Policy TOU DM1 allows for the expansion of existing attractions where they are sustainably located, address visitor management issues and achieve good design.

The site is located in a highly accessible location with visitors able to walk and cycle to and from the site. The proposal represents an improvement to the Butlins business model and will improve the customer experience.

Bognor Regis Neighbourhood Plan Policy 7 states that the development of new and existing tourist facilities will be supported, as a crucial part of improving Bognor Regis as a visitor destination. This therefore supports the improvement of the Butlins resort.

DESIGN & VISUAL APPEARANCE:

The proposed extension is considered to be relatively small scale and will be clearly subservient both in height and size to the existing building. Furthermore, the design and choice of materials will be such that the extension will sympathetically relate to and be visually integrated with the existing building. Given its position on the north side of the building, it is not considered that the extension

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will be visible from outside of the site. Finally, the resulting new use of the host building will also fit into the character of the surrounding Butlins site.

PARKING:

The Butlins site already has excellent existing parking facilities and it is noted that the building is sited immediately adjacent to one of Butlins own car parks.

FLOOD RISK:

The site lies in Flood Zone 3a but the proposal is considered to be a minor extension and the Environment Agency's advice is that there is no objection as long as finished floor levels are set no lower than the existing. The application proposes the same floor levels as the existing.

SUMMARY

On the basis of the above, it is recommended that permission is granted 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 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 a neutral impact has 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.

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).

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

Atlantic Bay - Bognor General Arrangement Plan Ref IPL_2015_172_604;
Atlantic Bay - Bognor Aerial Site Layout Plan Ref IPL_2015_172_603;
Block & Location Plan Ref IPL_2015_172_605 Rev 01-WIP;
Existing and Proposed Floor Plans and Photos Ref IPL_2015_172_602 Rev 01-WIP; and
Existing and Proposed Elevations & Locations Ref IPL_2015_172_601 Rev 01-WIP.

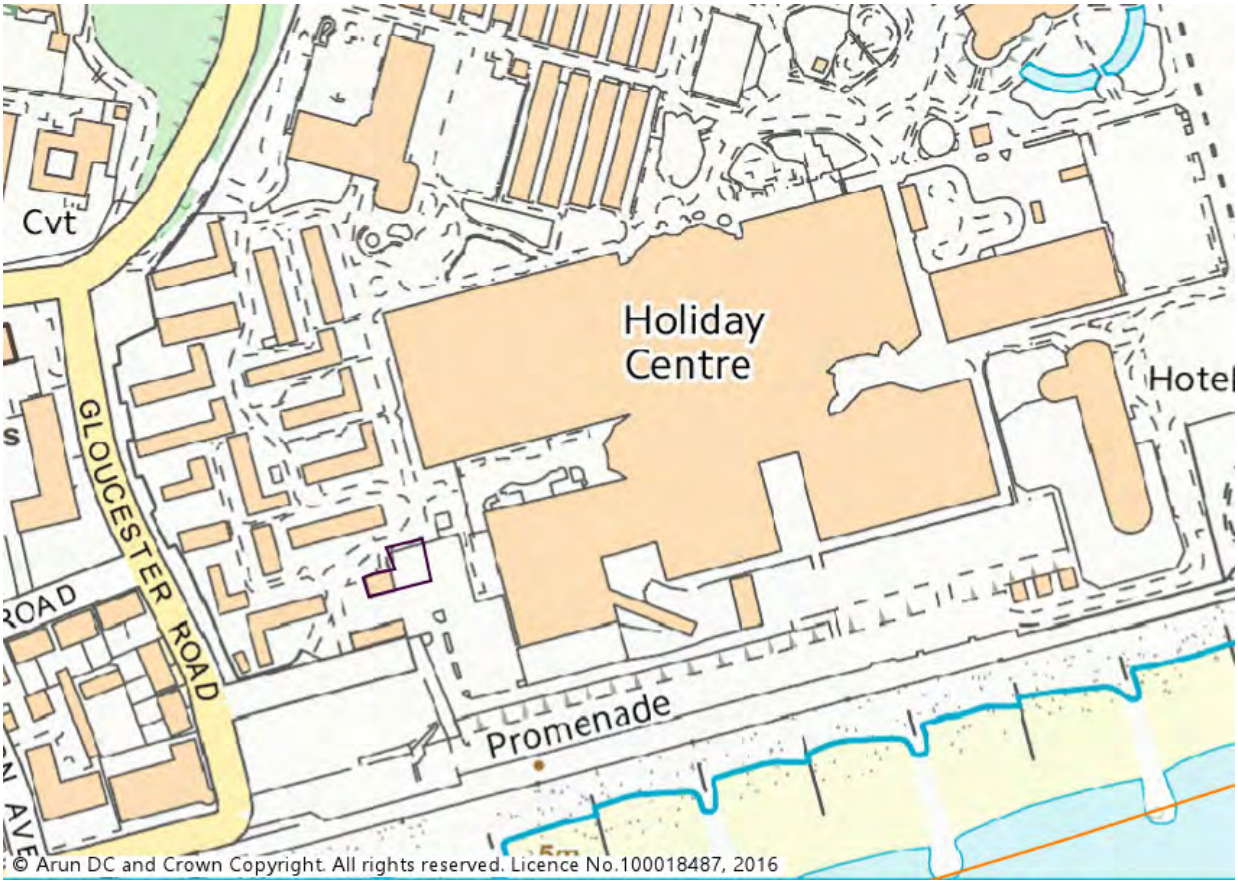
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

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

ARUN DISTRICT COUNCIL DEVELOPMENT CONTROL-27/01/2016

BR/206/15/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/235/15/PL**

LOCATION: **Butlins**
Upper Bognor Road
Bognor Regis
PO21 1JJ

PROPOSAL: **Change of use of existing chalet accommodation to form Oyster Bay Village Reception & accommodation office.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The change of use concerns both floors and results in the loss of 3 units of accommodation to be replaced by a ground floor reception and a first floor office with ancillary toilet. Externally, changes are proposed to the cladding (from UPVc to natural timber); to the fenestration including windows to replace doors on the eastern/western ground floor elevations & two new doors on the southern elevation; and in respect of a new Glass-Reinforced Plastic (GRP) goal post structure on the southern elevation to support the proposed sign above. The plans also show some ancillary items such as new bollards and planters. The signage shown on the plans is subject of a separate application (ref BR/236/15/A).
SITE AREA	N/A.
RESIDENTIAL DEVELOPMENT DENSITY	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	None. Open to the Butlins site.
SITE CHARACTERISTICS	Existing end of terrace two storey chalet accommodation in cream coloured UPVc cladding and with a tiled pitched roof. Black painted timber balustrade enclosing a small external balcony on the eastern elevation. Unpainted metal balustrade to walkway/balcony on the western side. This walkway is then connected to the other chalets to the north and west. Some small areas of landscaping & hardstanding on western and eastern sides.
CHARACTER OF LOCALITY	Part of the Butlins resort and forming part of a large area of chalet accommodation. To the east beyond a hedge is a more open area of the resort.

AGENDA ITEM 7 DEVELOPMENT CONTROL-27/01/2016

RELEVANT SITE HISTORY

The Butlins site has an extensive planning history and those listed above are not representative of this. It is intended to determine the accompanying advertisement consent application ref BR/207/15/A under delegated powers.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

Felpham Parish Council - no objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Environment Agency

Economic Regeneration

Estates Manager

CONSULTATION RESPONSES RECEIVED:

Environment Agency - "The Environment Agency has no comments to make on the above proposal".

ADC Economic Development - "Economic Development support this application".

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area Boundary;
PD Restriction;
Public Sewer on Site; and
Class A Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	DEV34	Tourist Accommodation and Attractions
	DEV35	Tourism Development Requiring a Coastal Location
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN10	Tidal Flooding and Coastal Defence
	GEN11	Inland Flooding
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality SD SP1 Sustainable Development SD SP2 Built-Up Area Boundary TOU DM1 Tourism Related Development TOU SP1 Sustainable tourism and the visitor economy	

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W DM2 Flood Risk
W DM3 Sustainable Urban Drainage Systems

Bognor Regis Neighbourhood Plan 2015 Policy 7 Promotion of tourism and beach service points

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. Policy 7 of the Bognor Regis Neighbourhood Plan applies.

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

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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 proposal concerns an existing building within the Butlins site which lies within the built-up area as defined in the Arun District Local Plan and the principle of development is considered to be acceptable subject to other policies in the Local Plan.

In addition, Adopted Local Plan Policy DEV34 states that permission will be granted for the extension of existing tourist attractions provided that proposals are appropriate to the character of their location. Emerging Local Plan Policy TOU DM1 allows for the expansion of existing attractions where they are sustainably located, address visitor management issues and achieve good design.

The site is located in a highly accessible location with visitors able to walk and cycle to and from the site. The proposal represents an improvement to the Butlins business model and will improve the customer experience.

Bognor Regis Neighbourhood Plan Policy 7 states that the development of new and existing tourist facilities will be supported, as a crucial part of improving Bognor Regis as a visitor destination. This therefore supports the improvement of the Butlins resort.

Although it is noted that the proposal results in the loss of 3 existing units of accommodation, this is to make way for a facility that will improve the operation of the business and therefore, it can be supported. It is also noted that the Councils Economic Regeneration officers support the application.

DESIGN & VISUAL APPEARANCE:

The proposed change of use includes some external alterations as described above. However, none of these are considered to be such that they will detract from the host building or the character of its surroundings. Given the position of the building within a central part of the site, it is not possible to view it from outside of the Butlins site.

PARKING:

It is not considered that there is any material difference between the parking needs of the 3 chalets and the parking needs of the reception & office. The Butlins resort already has excellent parking facilities and it is noted that the building is sited within walking distance of existing on-site car parks

ARUN DISTRICT COUNCIL DEVELOPMENT CONTROL-27/01/2016

FLOOD RISK:

The site lies in Flood Zone 3a but the proposal is not considered to materially worsen the existing flood risk situation. Furthermore, the change will result in the use of the building being downgraded from a more vulnerable to a less vulnerable flood risk classification.

SUMMARY

On the basis of the above, it is recommended that permission is granted 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 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 a neutral impact has 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.

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:

1:500 Scale Site Location Plan Ref IPL_2015_176_206 Rev 01-WIP;
Survey Elevations & Floor Plans Ref IPL_2015_176_201 Rev 01-WIP;
Proposed Elevations & Floor Plans Ref IPL_2015_176_202 Rev 01-WIP; and
First Floor Plan & Signage & Goal Post Elevations Ref IPL_2015_176_203 Rev 01-WIP.

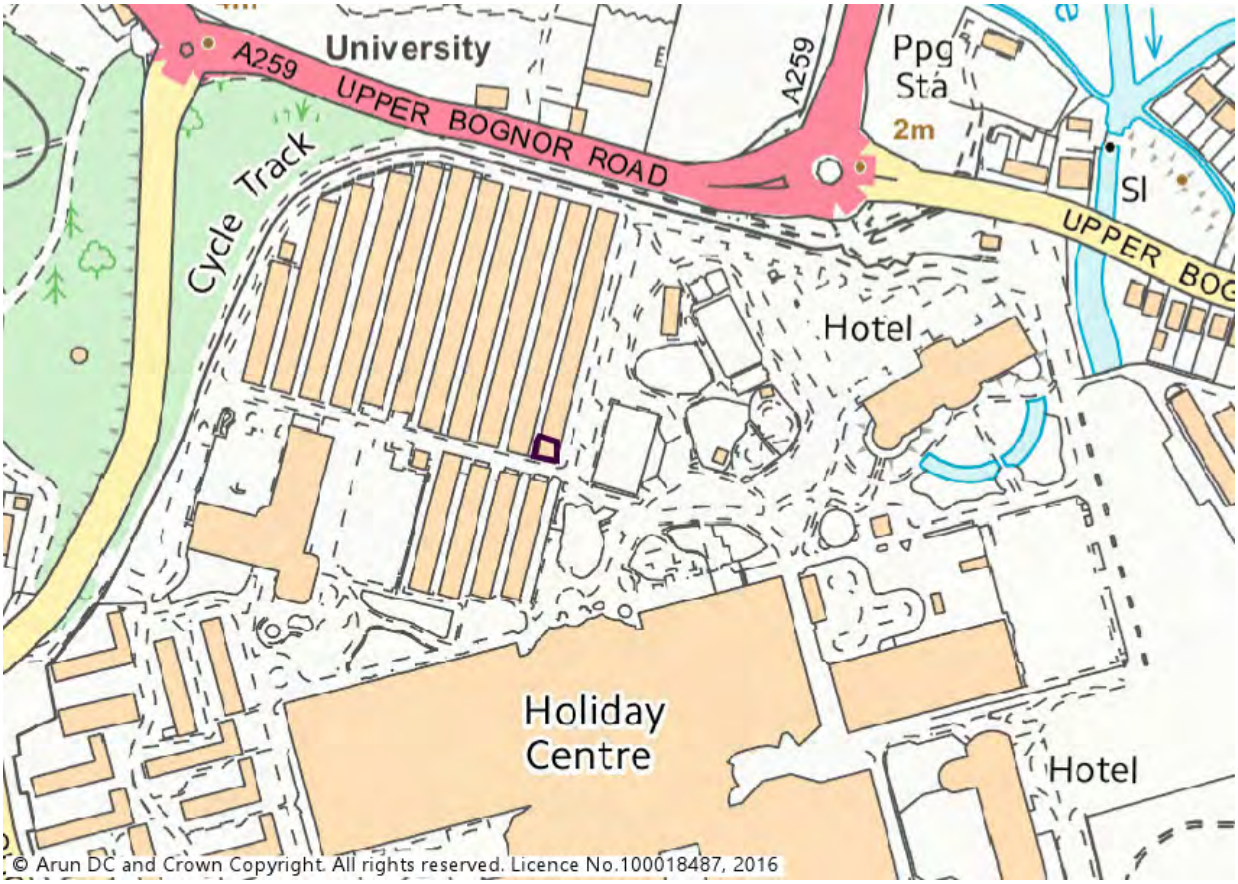
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Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

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

BR/235/15/PL Indicative Location Plan (Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: **BE/142/15/OUT**

LOCATION: **Land West of New Barn Lane**
North Bersted
PO21 5DL

PROPOSAL: **Outline application with some matters reserved for a mix of up to 90 No. residential units, associated open space, landscaping, access & car parking. This application is a Departure from the Development Plan.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is for an Outline application for up to 90 residential units, associated open space, access and car parking.

The included Masterplan indicates a layout of 90 units comprising:

· 7 x 1bed flats, 4 x 2bed flats, 4 x 2bed semi-detached bungalows;, 12 x 2 bed terraced, 3 x 3bed detached bungalows, 12 x 3bed terraced, 12 x 3 bed semi-detached, 21 x 3bed detached and 15 x 4bed detached houses.

· 27 of the 90 units will be affordable with a mix and tenure agreed by the Housing and Enabling Manager. These include 7 x 1bed flats, 4 x 2bed flats, 2 x 2bed semi-detached bungalows, 8 x 2bed terraced, 4 x 3bed terraced, 1 x3 bed detached and 1 x 4bed detached.

· Public Open Space is provided as a 0.5 ha formal area and a further 0.52 ha informal area. The illustrative master plan indicates that the formal open space will be located on the New Barn Lane frontage with informal open space to complete the road frontage and along the boundary of the site.

· A new access point for the proposal is located in the SE corner at the corner of New Barn Lane and the Public Footpath.

· The illustrative master plan indicates 157 allocated parking spaces and 30 unallocated spaces within the red line site boundary.

The site is generally rectangular in shape and has been used for grazing. It is bounded by post and wire fencing along the field boundaries with some trees and hedgerows beyond the fence line, forming the edge of the red line

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	boundary of the site. Public Footpath (PROW134) runs along the southern boundary of the site. It leads to the fields beyond the site linking to Lower Bognor Road to the west and Chalcraft Lane.
SITE AREA	3.72ha
RESIDENTIAL DEVELOPMENT DENSITY	Gross density of 24dph and net density of 34dph not including open space.
TOPOGRAPHY	Predominantly flat.
TREES	There are trees and hedging along the four site boundaries. However no Tree Retentions and Removals Plan has been submitted with the outline application. The applicant has indicated the desire for the removal of three category C trees.
BOUNDARY TREATMENT	The site has a post and wire fence around the rectangular enclosed field. The red line application site includes hedgerows and trees around the site.
SITE CHARACTERISTICS	This is an open site to the West of Bersted located within a medium/small scale agricultural landscape. The site and surrounding undeveloped land to the west is flat with fields separated by hedgerows, some boundary trees and drainage ditches.
CHARACTER OF LOCALITY	The nearby housing in Bersted to the west of Chichester Road is suburban in character, mainly 1950s and 60s single and two storey houses, often with open plan front gardens and low planting. The properties fronting the proposed development site on New Barn Lane are single storey. To the North West beyond the trees and hedgerows is Orchard Caravan Park which forms a finger of development into the countryside with numerous mobile homes.

RELEVANT SITE HISTORY

PAA/79/15 - Pre Application Advice sought for the site proposal issued on 1 September 2015.

No recent planning applications on the site but historic applications in 1972 and again in 1982 were refused .

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted PC - Object

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Outline application does not comply with Bersted Neighbourhood Development Plan (BNDP) namely:
· BNDP ES3 - Protecting the strategic gap - as the proposal is located within the gap.
· ES7 - The proposal is outside the built up area.

Arun DC Policies GEN 2 and GEN 3
The proposal is located outside the built up area and within the strategic gap outlined in the BNDP and Arun DC Local Plan. The proposal is unrelated to any of the uses listed as exceptions and conflicts with policies that seek to protect the countryside.

Bersted PC has concerns about traffic and highway safety. The proposal significantly increases traffic on nearby roads, which are narrow and constrained by on street parked vehicles.

Bersted PC requests a further independent ecology study is carried out.

If granted - The PC requests a contribution towards allotments as per BNDP policy CLN4 - which applies to proposals for over 20 residential units. The proposals should encourage renewable energy within the scheme and have a sympathetic housing mix.

The layout:
· should reflect the GL Hearn OAN March 2015 report;
· provide for private outdoor garden space; and
· car parking policy of 2 car spaces per dwelling.

PUBLIC REPRESENTATIONS
56 separate representations have been received objecting to the proposal. The following is a summary of the points made.

· No more housing is required, 700+ houses being built nearby, not all are occupied.
· Bognor and Bersted have had their share of housing;
· Urban sprawl;
· Development not in line with the Arun DC Local Plan or the Bersted Neighbourhood Development Plan;
· The development will not fit in with the existing area;
· Loss of strategic gap - policy ES3 and CLW6;
· This will lead to the loss of other green field sites;
· The application is in conflict with the objectives of Bersted Neighbourhood Development Plan;
· Use of farmland for building;
· Should protect green fields and local wildlife;
· Impact on wildlife, including bats which are protected species;
· Traffic congestion, potentially a further 180 cars plus visitors to the area;
· Poor access from New Barn Lane, narrow with parked cars in the street;
· Will add further traffic delays onto Chichester Road;
· Construction traffic impact on New Barn Lane would be dangerous;
· Cycle route would be affected;
· Pollution, noise and disturbance;
· Surface water drainage impact;
· Flood risk - combined impacts - the trial pits were dug in summer, winter conditions would be greater. Need for trial pits to be dug in winter and then assessed.
· Regular flooding on New Barn Lane and the public footpath;
· No jobs nearby;
· Schools oversubscribed;

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· Doctors oversubscribed, 2 weeks to get an appointment;
· The location of the playground near to existing properties;
· The public consultation by the developer was not properly advertised, not everyone knew about it.

COMMENTS ON REPRESENTATIONS RECEIVED:

Many of the points raised by the Parish Council and public representations are covered in the application assessment. Specifically the current planning policy position relating to housing and the loss of a greenfield site; encroachment into the gap between settlements; and, the BNDP.

Traffic, highways, and parking concerns are addressed by the comments from the Local Highway Authority.

Comments have been received regarding the oversubscription of services. As with all major residential applications there is a requirement for the developer to enter into a legal agreement to make contributions towards infrastructure.

The comments relating to flooding and drainage are addressed by consultee responses from Southern Water, and WSCC flooding and ADC Flooding.

Concerns are also raised regarding the form of the development and the site layout - This is an application for Outline planning permission. An illustrative master plan has been submitted which provides a layout but if the development principle is accepted by members the detailed design would be submitted with the Reserved matters application.

A number of representations refer to the recently adopted Bersted Neighbourhood Plan and the loss of a greenfield site within the strategic gap. This is assessed later in the report.

CONSULTATIONS

Environmental Health
Highways England
WSCC Strategic Planning
Environment Agency
Surface Water Drainage Team
Parks and Landscapes
Arboriculturist
Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)
Economic Regeneration
Planning and Housing Strategy
Sussex Police-Community Safety
Archaeology Advisor
Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

Housing Strategy and Enabling Manager - No Objection
A revised affordable housing dwelling mix and tenure split has been agreed with the applicants.

WSCC Strategic Planning and Infrastructure

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WSCC do not provide any additional view on the merits of the application but provide the planning obligations required in line with WSCC standards. These cover education contributions; library contributions and Fire & Rescue contributions. Primary Education contributions would be allocated to Southway primary. Secondary and Sixth Form Education would be allocated to The Regis School.

WSCC Highways (LHA)
The general layout appears to accord with the principles set out in Manual for Streets. It is noted that Public Footpath 134 runs across the southern site boundary. As this is an outline application WSCC cannot comment on the internal site layout as this would be a Reserved Matter.

Access
The proposed development intends to provide a new access onto New Barn Lane, in the location of the current pedestrian and occasional agricultural vehicular access to the Public Right of Way (PROW) 134. Whilst construction and refuse vehicle tracking is demonstrated at the site access, observations made on site have demonstrated on-street parking directly opposite the proposed access. This would create an overrun / conflict with on-street parking and this is not considered acceptable and will need to be addressed by the applicant.

The LHA had requested that consideration be given to relocating the access to the north, where it can be straightened and designed to 6m radii on either side. This will provide sufficient space for a refuse vehicle to enter/exit the site without encroaching on the existing on-street parking.

A 7 day ATC survey on new Barn Road was recommended and this has been completed for the proposed access.

Alternatively moving the access to the north would greatly improve the access and an ATC will not be required.

A stage 1 Road Safety Audit is required to assess the proposed access and if required a designer's response. This has been completed and the majority of problems received relate more to detailed design. The LHA states that there are matters that would warrant further attention during the detailed design. The LHA state that although the location of the access is not ideal, providing the outstanding issues are resolved there would be no highway safety objection to this proposal.

It is unclear from the Transport Assessment whether the footpath link connection to the PROW 134 is to also allow for the movement of cyclists. This must be made clear at Reserved Matters stage.

The TRICS assessment indicates traffic impact of 51 cars in the AM Peak hour and 49 cars in the PM Peak hour, with 464 vehicles expected over a 12 hour period. Three junctions were assessed:
1. New Barn Lane/A259 Chichester Road
2. Brazwick Ave/A259 Chichester Road
3. New Barn Lane/ Site Access.
All three junctions demonstrated no noticeable impact occurring as a result of the development proposals.

Summary

The LHA initially requested more information as follows.

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· Consideration given to relocating site access to the north and refuse/ construction vehicle tracking to be re-evaluated
· Footways into the site to be re-assessed
· Stage 1 Road Safety Audit to be completed on the site access
· Re-assessment of the North Bersted Bypass/ A259 Chichester Road/ Elbridge Avenue Roundabout using turning count data provided by WSCC
· Footway to connect to the PROW 134, and clarity on the provision of a cycle route
The Reserved Matters will need to address the following matters.
· Details of internal road layout to be provided, including geometries and extent of adoption (if applicable)
· Parking to be provided in line with the WSCC Parking Demand Calculator
· Cycle parking to be provided in line with local standards

Further details have been submitted by the applicant to address each of the highways points and as there is no highway safety objection negotiations have continued to resolve the remaining highway matters. a detailed update will be provided at Planning Committee.

Greenspace
The submitted LVIA concludes that the impact of the proposal would be low, upon the surrounding landscape character of the site, due to the limited localised changes within large scale national and regional landscape character areas.

Southern Water
The is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public system and existing properties and land may be subject to a greater risk of flooding as a result. Additional off site sewers, or improvements to existing sewers will be required. If approved the Developer would enter into a formal agreement with Southern Water to provide the necessary infrastructure.

ADC Parks & Greenspace - No Objection

Initial comments received identified that the applicant has failed to submit Tree Retentions and Removals Plan. This is a required part of the criteria of the BS 5837 Trees in relation to design, demolition and construction. The applicant has indicated the desire for the removal of three category C trees.

A revised Tree and Retentions plan was prepared and submitted by the applicant. The applicant has outlined the desire to have access roads/paths that protrude into the RPA's of the retained trees. The applicant has cited the use of No-dig method. This technique does meet the BS 5837:2012 Trees in relation to design, demolition and construction.

· The applicant has requested to remove T1, T9, T19, T24, T42, and G4 as part of the development process. From the site inspection it is evident that these trees did not have the attributes to warrant TPO orders.

· The applicant has also stated the desire to coppice T22, T33, and G6. For T34 the applicant has also applied to reduce a single limb by 3 meters. For T40, the applicant has stated the desire to remove a single limb over the main pathway. From the site inspection it is evident that the proposed pruning works are unlikely to have a negative impact to T22, T33, G6, T34, and, T40. Therefore have no objection to the proposed pruning works.

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· Concerns with the proposed location of some of the units at the northern side of the site, as one unit/garage has been proposed to be placed close to the RPA of the offsite group G2. This does mean any future development of said group is likely to equate to a possible conflict with the proposed unit/garage. It would be my suggestion that the unit/garage is moved to a location where future conflict is avoided.

No Objections subject to conditions.

ADC Fluvial Flooding

There are issues with the ditches adjacent to the site. Clearance and desilting of the ditches would be required. Ditch connectivity should be ascertained, especially at the south western corner of the site. If infiltration isn't feasible for the SuDS system, a suitable outlet should be provided. Some ditches drain to Southern Water surface water sewers, and Southern Water may not want extra land drainage being connected to the system. Some work has been done by adjacent landowners on the other side of the proposed access route in. Any ditch crossings will require land drainage consent.

Any SUDS or soakaway design will need to include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. Ditches will require easements for access and maintenance. Maintenance details for the surface water drainage system should also be provided. If granted conditions ENGD2A, ENGD4A, ENGD5A and ENGD6A

WSCC - Flooding - No Objection

The proposed site is at low risk from surface water flooding. A small amount of higher level risk is shown associated with the exiting watercourses/drains along the perimeter of the site. The area of the proposed development is shown to be at 'low risk' from ground water flooding based on the current mapping. This risk and appropriate mitigation should be considered in any future designs especially with regard to underground structures and utilities.

This means the general geology in the area may be suitable for infiltration / soakaways. Where the intention is to dispose of surface water via infiltration/soakaway.
Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

WSCC has no records of historic flooding within the site boundary or nearby. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

No development should take place within 5m of any watercourse to form an easement next to the watercourse.

Environment Agency mapping shows that the site is not within flood zone 2 or 3. Conditions relating to surface water drainage to be included.

Archaeology

The Desk Based-Assessment supplied with the application has demonstrated that the site is likely to have a moderate to good potential to contain deposits of archaeological interest but that

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they are unlikely to be of more than local significance. This should be investigated by trial trenching prior to development, the aim being to identify significant archaeological deposits that might be present and to enable the implementation of appropriate measures for their preservation, i.e. through preservation in-situ and/or by further recording.

Environmental Health

A desk based contamination and geotechnical assessment was submitted with the application stating that the site is low risk.

Highways England
No Objection

Sussex Police
The Design and Access Statement (DAS) fails to mention any crime prevention measures incorporated into the layout as required by NPPF. Detailed guidance on secured by design has been sent to the applicant and further guidance is available on their website.

WSCC Environment officer - Ecology

Bats
The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed at detailed within the survey, new hedgerow should be planted. Conditions should be used to ensure this.
The lighting scheme for the site will need to take into consideration the presence of bats.

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

Enhancements
We would like to see a number of enhancements onsite including:
· Enhancement of the water bodies onsite for wildlife including Great Crested Newts
· Wildflower meadow
· Bat and bird boxes installed on the site
· Grassland areas managed to benefit reptiles.
· Log piles onsite

Economic Development
No Objections and would ask that the developer signs up to the skills plan and charter.

Environment Agency
No objections.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.
Additional comments and conditions from WSCC Highways have been sought. The proposed

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site access has been through a Stage 1 Road Safety Audit and designer's Response and there is no safety objection to the design, however the opportunity has been taken to address at this outline stage the improvements that could be made to resolve the potential conflict there could be between the weekly refuse vehicles and parked cars on New Barn Lane. Further tracking details have been requested to indicate the frequency and size of agricultural vehicles likely to use the farm track and public right of way access.

The application site access is suitable for cars and vans entering the application site.

An update on these matters will be provided to planning Committee Members.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	DEV17	Affordable Housing
	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	AREA11	Local Gaps
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN20	Provision of Public Open Space within Nev Development
	GEN12	Parking in New Development
	GEN11	Inland Flooding
	GEN14	Public Transport
	GEN15	Cycling and Walking
	GEN25	Water Resources
	GEN18	Crime Prevention
	GEN26	Water Quality
	GEN9	Foul and Surface Water Drainage
	GEN28	Trees and Woodlands
	GEN29	Nature and Conservation Across the District
	GEN32	Noise Pollution
	GEN33	Light Pollution
	DEV37	Existing Caravan Sites

Publication Version of the Local Plan (October 2014):

C SP1 Countryside
D SP1 Design
ENV DM4 Protection of Trees
H DM1 Housing Mix
H SP1 Strategic housing, parish and town council allocations
H SP2 Affordable Housing
SD SP2 Built-Up Area Boundary
SD SP3 Gaps Between Settlements
W DM1 Water Supply and Quality

W DM3 Sustainable Urban Drainage Systems

Bersted Neighbourhood Plan 2014 Policy CLW3	Sport and Leisure Provision
Bersted Neighbourhood Plan 2014 Policy CLW4	Provision of Allotments
Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES3	Protecting the Strategic Gap/Green Infrastructure Corridor
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy HDQ1	Housing Site Allocations
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ4	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel;

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Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

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 the Development Plan in that it proposes residential development outside the village development boundary, however there are material considerations that justify the officer recommendation.

OTHER MATERIAL CONSIDERATIONS

A very recent decision by the Secretary of State - Department for Communities and Local Government (SoS), made on 29 October 2015 in relation to a site in Northamptonshire has direct relevance to this application and the circumstances at Arun District Council.

An important material consideration had been the status of the Neighbourhood Development Plan (NDP) and the future housing needs set out within the NDP. The appellants response challenged whether the council could demonstrate a 5 year housing land supply. As Wellingborough Council could not demonstrate a 5 year supply the SoS allowed the appeal subject to a s106 that would require developer contributions to be made to strengthen provision of services.

The decision has been highlighted as it makes specific reference to a NDP that was adopted following a referendum that approved the NDP on the same date as the SoS made his decision. In this case the NDP, as the council could not demonstrate the 5 year supply of deliverable housing sites the relevant policies for the supply of housing in the NDP, including the village development boundary , should not be considered up to date.

The appeal site did not accord with the Development Plan; it was located in the open countryside outside the village policy line. The lack of 5 year housing land supply renders these policies out of date and the SoS therefore gave them limited weight.

CONCLUSIONS

PROPOSAL

The application site is currently an agricultural field which sits to the west of New Barn Lane. The outline proposal is for 90 dwellings (of which 30% = 27 units are affordable). The site is 3.72ha with 1.02ha of Public Open Space including a play area . 187 car parking spaces are being provided as shown on the illustrative masterplan that accompanied the application.

The site is located within walking distance of local services within Bersted and the site is also near to Southway Primary School and The Regis Secondary School - should the proposal be approved WSCC have confirmed that the developer contributions for education would be allocated to these two schools.

PRINCIPLE:

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The site lies in a countryside location outside the built-up area boundary where the principle of development is considered to be unacceptable. Development Plan policies seek to exert strict control over development in the countryside to protect it for its own sake. Development will only be permitted where there is a strong justification for a countryside location. The Government's advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected and where possible enhanced.

Arun District Local Plan policies GEN2 and GEN3 seek to focus development within built up areas however these boundaries have reduced weight as they are time expired since they do not relate to housing provision beyond 2011. The Arun Local Plan 2011-2031 Publication Version reflects the need to provide housing on land outside of the defined built up areas. It sets out allocations for future housing for Parish and Town Councils that they should bring forward over the plan period. Policy H SP1 of the Emerging Plan requires Neighbourhood Plans to bring forward proposals for housing delivery.

The Bersted Neighbourhood Development Plan (BNDP) now forms part of the development plan, having been adopted on 4 November 2014. As set out in the introduction to the BNDP all Neighbourhood Plans must be in line with the NPPF and local policy (ADC Local Plan). There is a housing allocation for the Bersted Parish of 50 dwellings. The BNDP has a defined settlement boundary for Bersted and designates the area to the west of New Barn Lane as "Gap Between Settlements". This is in general conformity with the emerging Arun Local Plan.

However, as the Council is currently unable to demonstrate a 5 year National Planning Policy Framework compliant supply of housing and with the current objectively assessed housing need for the District at 758 dwellings per year and completions below the required rates, it is clear that housing supply needs to be increased. This means that the Council should not be refusing applications for development outside of the built up area boundary solely on the grounds of principle.

This position has been further endorsed by the Secretary of State in a very recent decision as set out in the Material Considerations section which confirms that where there is a lack of 5 year housing land supply this renders the policies relating to housing allocations within a Neighbourhood Plan out of date.

The NPPF states "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites". NPPF Para 49.

The site is in a sustainable location and has a positive relationship to the built up area to the east. It is near to shops, services, existing major routes for good public transport links and would be physically and visually connected to the existing built up area. This outline planning application demonstrates that this site is available and deliverable. It can assist with the delivery of new housing of new housing in the short term at a time when new housing is required to address a significant supply shortfall.

DESIGN

Planning Policies and Central Government Advice support the efficient and effective use of land. Policy GEN7(i) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always appropriate and that design

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which is inappropriate in its context should not be accepted. Furthermore new development should be well integrated with and complement the local area in terms of, for example, layout.

Policy GEN7 also sets out a requirement for schemes to display high quality design and layout. The NPPF also attaches great weight to the design of the built environment and states that good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 7 of the NPPF states that one part of the sustainable development principle is a high quality built environment and para 9 expands by confirming that this is through seeking improvements to the quality of the built environment and widening choice of high quality homes. One of the 'core planning principles' at para 17 is securing high quality design and a good standard of amenity.

Section 7 of the NPPF relates to 'requiring good design'. The section states good design is a key aspect of sustainable development (para 56), that developments should establish a strong sense of place and be visually attractive as a result of good architecture (58). Para 64 confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

The indicative layout of the development with access from the south-east corner of the site would be acceptable and the location of the public open space on the frontage to New Barn Lane would be prominently located to benefit the existing and new residents and retains a soft frontage to New Barn Lane.

NEIGHBOUR AMENITY

Arun District Local Plan Policy GEN7 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. The NPPF states that new development should contribute positively to making places better for people. These guiding principles are also contained in the Bersted NDP.

The proposed layout for the site would likely ensure that there would be no undue harm to the residents of the proposed dwellings; however the development of this open area would result in some residents on New Barn Lane no longer having the benefit of views of open countryside. While a view is not a planning consideration the development proposed has carefully considered the New Barn Lane frontage. The masterplan indicates that the intention is to provide for a strong and well designed 'frontage' to New Barn Lane, it also seeks to retain trees and provide further planting on the boundary which would reduce the impact on the amenities of these properties.

AFFORDABLE HOUSING

The applicant has discussed the proposals with the Housing Strategy and Enabling Manager and an agreed residential mix and tenure have been proposed. The development proposes 30% affordable housing which amounts to 27 units.

HIGHWAYS, TRANSPORT AND PARKING

Highways England had no Objections to the proposal. WSCC as Local Highway Authority has provided detailed comments. The LHA has no objections to the proposal subject to detailed design. As this is an outline application WSCC cannot comment on the internal site layout as this would be

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a Reserved Matter.

Access

The proposed development intends to provide a new access onto New Barn Lane, in the location of the current pedestrian and occasional agricultural vehicular access to the Public Right of Way (PROW) 134. Whilst construction and refuse vehicle tracking is demonstrated at the site access, observations made on site have demonstrated on-street parking directly opposite the proposed access. This would create an overrun /conflict with on-street parking and this was not considered acceptable. A revised access plan showing amendments to the site access has been prepared to address this potential conflict.

A 7 day ATC survey on new Barn Road was recommended and has been completed by the applicant.

It is unclear from the Transport Assessment whether the footpath link connection to the PROW 134 is to also allow for the movement of cyclists. This must be made clear at Reserved Matters stage.
The TRICS assessment indicates traffic impact of 51 cars in the AM Peak hour and 49 cars in the PM Peak hour, with 464 vehicles expected over a 12 hour period. Three junctions were assessed:
1. New Barn Lane/A259 Chichester Road
2. Brazwick Ave/A259 Chichester Road
3. New Barn Lane/ Site Access.

A number of objection letters referred to the potential congestion that this development would create. All three junctions demonstrated no noticeable impact occurring as a result of the development proposals.

The Local Highway Authority had general comments to make but should the principle of residential development be accepted conditions can be added that require the submission of additional details which would be considered as part of the detailed design of the layout.

The LHA has confirmed that the application site access is not ideal but providing the outstanding issues are resolved there would be no highway safety reason to object to this proposal. Officers have taken the opportunity to address the matter at the outline planning stage to resolve the access, in order that it is compatible with the largest type of refuse vehicles. The applicant has demonstrated that a 9m vehicle can be tracked but would wish to see an 11m refuse vehicle tracked through the proposed access.

The infrequent use of New Barn Lane and via the proposed site access by agricultural vehicle should be tracked to demonstrate the suitability of the access.

FLOOD RISK AND DRAINAGE

The proposed site is at low risk from surface water flooding. A small amount of higher level risk is shown associated with the exiting watercourses/drains along the perimeter of the site.

The area of the proposed development is shown to be at 'low risk' from ground water flooding based on the current mapping. This risk and appropriate mitigation should be considered in any future design especially with regard to underground structures and utilities. This means the general geology in the area may be suitable for infiltration/soakaways. Where the intention is to dispose of surface water via infiltration/soakaway.

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The Environment Agency has no objections to the proposal. Environment Agency mapping shows that the site is not within flood zone 2 or 3.

Some of the objection letters referred to the site's potential to flood, WSCC has no records of historic flooding within the site boundary or nearby. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

There are issues with the ditches adjacent to the site. Clearance and desilting of the ditches would be required. Ditch connectivity should be ascertained, especially at the south western corner of the site. If infiltration isn't feasible for the SUDS system, a suitable outlet should be provided. Some ditches drain to Southern Water surface water sewers, and Southern Water may not want extra land drainage being connected to the system. Some work has been done by adjacent landowners on the other side of the proposed access route in. Any ditch crossings will require land drainage consent.

Any SUDS or soakaway design will need to include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. An objector was concerned that the trial pits had been dug during the summer months and there would be a need to carry these out during the winter period. This is a requirement and would be added as a condition.

Ditches will require easements for access and maintenance. No development should take place within 5m of any watercourse. Maintenance details for the surface water drainage system should also be provided.

FOUL DRAINAGE

There is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public system and existing properties and land may be subject to a greater risk of flooding as a result.

If approved the Developer would enter into a formal agreement with Southern Water to provide the necessary infrastructure. Additional off site sewers or improvements to existing sewers will be required.

NOISE/LIGHT POLLUTION

Residents have raised concerns as to the potential for noise/disturbance from the new houses/cars, and for light pollution from street lighting and air pollution from exhaust fumes. If this site is developed, there will be increased noise/disturbance/light pollution to existing residents. It is not considered that these impacts will result in significant harm. Street lighting will be controlled by condition. There has also been a request from the ecologist that lighting is considered in relation to the location of street lights and security lights due to the existence of bats near the site.

IMPACT ON TREES

There are no Tree Preservation Orders on the trees around the periphery of the site and a detailed tree survey showing the location of trees to be retained and any to be felled. This updated document has been accepted by the Council's Tree Officer. A condition has also been included that requires a full landscape scheme to be submitted for the site as a reserved matter. A condition is also proposed that protects existing trees during the construction phase.

ECOLOGY

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The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed as detailed within the survey, a new hedgerow should be planted. Conditions are included to ensure this.

The lighting scheme for the site will need to take into consideration the presence of bats.

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 notice of any work).

SUMMARY

It is considered that the this application is acceptable on the basis that it creates a residential development in a sustainable location near to services, main routes which offer public transport opportunities. The addition of this residential on local infrastructure can be accommodated as demonstrated in this report. There will be a requirement to upgrade foul drainage as there is currently no capacity. The developer would also be required to make significant contributions for education, library and fire and rescue.

The developer has also agreed to a housing mix and tenure as set by the Housing and Enabling Manager which delivers 27 affordable housing units to the area.

The undersupply of housing within the area means that there is an urgent need to find sustainable housing sites that can be delivered in the short/medium term to assist Arun DC meet its housing target.

It is considered that the application should be approved subject to conditions and a s106.

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 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 neutral 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).

SECTION 106 DETAILS

The s106 will need to include:
· Open Space and Structural Landscaping;
· Amenity Spaces;
· Management and Maintenance Commuted Sum;
· Affordable Housing;
· Education Contributions;
· Fire and Rescue contribution;
· Library Contribution;
. Allotments contributions; and
· Public Right of Way improvement contributions.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

(a) Layout;
(b) Scale;
(c) Appearance;
(d) Landscaping.

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

2 The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before expiration of 1 year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

3 The development hereby approved shall be carried out in accordance with the following approved plans:
01084_S_01_Rev P1 Site Location Plan
01084_S_02_Rev P1 Block Plan
01084_PP_01_Rev P1 Parameter Plan: Land Use and Access
01084_PP_02_Rev P1 Parameter Plan: Building Heights
01084_PP_03_Rev P1 Parameter Plan: Green Infrastructure
01084_SK_003_Rev P1 Illustrative Masterplan
01084_S_03_Rev P1 Topographical Survey

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

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accordance with policy GEN7 of the Arun District Local Plan.

4 No development shall take place within the area indicated 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 Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7.

5 Development shall not commence 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

6 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

7 Development shall not commence until full details of the maintenance and management of the SUDs 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 manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and on going operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The SuDs Manual' CIRIA publication ref: C697 Chapter 22

8 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local

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Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

9 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

10 No development 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 GEN7 of the Arun District Local Plan.

11 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by 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 however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. 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.

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Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

12 No development shall be carried out 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 and in accordance with policy GEN7 of the Arun District Local Plan.

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

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

Reason: In the interests of highway safety and the amenities of the area.

14 Prior to the commencement of development, a plan shall be submitted to the Local Planning Authority to show how the development shall be divided into phases and a phasing programme for the entire site shall be submitted in writing to the Local Planning Authority.

Reason: For the avoidance of doubt.

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Local Plan.

16 Prior to the commencement of construction works on each phase of the development of any preparatory works a detailed ecological enhancement scheme (which shall include the installation of bat boxes throughout the site) shall be submitted to the LPA for approval and will be based on the recommendations within the supporting ecological statement and as appropriate. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

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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 GEN23 and GEN29 of the Arun District Local Plan (2003).

17 No vehicles shall be operated on the/site/premises except between the hours of:

7.00 and 19.00 on Mondays to Fridays inclusive
7.00 and 13.00 on Saturday
Not at any time on Sundays or Public Holidays

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.

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

Reason: In the interest of amenity and the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

19 No development shall take place until details of laying out, timetable for provision and future maintenance of Public Open Spaces has been submitted to and approved by the local planning authority. The layout details submitted in compliance with Condition 1 shall define the boundaries of such areas, their proposed use, the items of equipment, means of enclosure and all other structures to be installed. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the informal open space, which is considered a necessary part of the development, is provided to an acceptable standard within an agreed timescale in accordance with policies GEN7 and GEN8 of the Arun District Local Plan.

20 No demolition, ground clearance or vegetation clearance works shall take place within the bird nesting season (between 1 March and 31 August inclusive in any year). If such works cannot be undertaken outside of the nesting season, a nesting bird check shall be required, which should be undertaken by a suitably qualified ecologist immediately prior to the works taking place. Subsequently if any active nest sites are identified, these nests should remain undisturbed until all the young have fledged naturally.

REASON: To minimise disturbance to nesting birds.

21 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. 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 [as a part of the reserved matters submissions required by condition 2]. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the NPPF.

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22 No development shall take place until a street lighting scheme has been submitted and approved in writing by the Local Planning Authority. This must comply with the Institute of Lighting Engineers Guidance Notes for the reduction of obtrusive light.

Reason: To enable the LPA to control the development in detail in the interests of residential amenity and in accordance with GEN7 of the Arun District Local Plan and also to ensure there is no impact on Bats within the vicinity of the site.

23 Prior to the commencement of the development details showing the proposed location of one fire hydrant (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. These approvals shall not be unreasonably withheld or delayed.

Prior to the first occupation of any dwelling unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of fire fighting. The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004).

Reason: In the interests of amenity and in accordance with policy GEN7 of the Arun District Local Plan 2003

24 INFORMATIVE

Please note that related to this permission there is an agreement under Section 106 of the Town & Country Planning Act 1990.

25 INFORMATIVE:

The reserved matters application will provide full details of all roads and footpaths associated with the development. In the event that neighbouring land is approved for development at some point in the future this layout must include footpath and pedestrian links right up to the boundary to ensure access.

26 INFORMATIVE:

If there is a requirement for security lighting during construction or proposed at any dwelling prior to installation the lighting details must be provided to and approved by the Local Planning Authority.

BE/142/15/OUT 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/29/15/PL**

LOCATION: **Land at Barnhan Court**
Barnham

PROPOSAL: **Solar park including the erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks, ancillary equipment & ecological mitigation. This application is a Departure from the Development Plan.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal involves solar arrays with associated equipment accessed via the public right of way which runs off Church Lane. The site is to the west of Barnham Court with the railway track to the west boundary. The solar farm will be capable of producing 1MW of electricity to the National Grid. The solar farm will cover one section of a field surrounded on all sides (other than the south) by trees and small forest areas. The panels will be laid out in rows from west to east, in a south facing orientation a maximum of 2.4m high. The panels would be set in from the boundaries by 2m stock-proof fence with a wildlife protection zone outside of this. There would be two transformer units 2.61m high, 2.438m wide and 6.058m deep located side by side to the east of the site with switchgear container to the east 3.4m high, 2.44m wide and 12.190m long. These would be contained within the fencing but a substation unit would be to the east of these in the wildlife protection zone this would be 3.311m high, 2.434m wide and 6.048m long.
SITE AREA	2.5 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	The site slopes downwards from south to north creating a dip in the landscape.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The railway bounds the site to the west and vegetation and shrub line before the bank, a tributary to the Ryebank Rife, dense shrub line with trees and public right of way are to the north. Dense, medium height forested area to the east

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	with small pond. No boundary treatment to the south. The access section of the site runs north of the remains of the Portsmouth and Arundel canal.
SITE CHARACTERISTICS	Grade 3 agricultural grassland.
CHARACTER OF LOCALITY	Predominantly rural with horse paddocks to the north east in front of Barnham Court Farm. The nearest residential property is Fatting Ground Barn to the South at over 240m away. The nearest residential property to the east (forming Barnham Court properties off Church Lane) is St Marys Anchor Hold and the properties on Barnham Court Farm at 478m. The properties are of various styles mainly two storey with some listed buildings. Barnham Court and St Mary's Parish Church are Grade I listed. Open Agricultural land is situated to the south including that of Fatting Ground Farm. The remains of the Portsmouth and Arundel Canal run to the north east.

RELEVANT SITE HISTORY

None relevant.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham Parish Council

The Council resolved to submit an objection to the application on the following grounds:

The proposed transport plan for both construction of the facility and the long term running of the facility is inadequate in particular the proposed use of a layby, which is not in fact a layby, the proposed routing along part of a public footpath and the swept path proposal for the junction with Church Lane.

The Council also doesn't believe that a solar farm is the right long term use for this land.

16 individual letters of representation have been received from members of the public including one form a Parish Councillor and one from a County Councillor.

The following concerns are raised:-

*Access along Church Lane cannot accommodate level of HGV traffic generated by the build
*Highways safety concerns
*Inadequate Construction Management Plan in terms of access and Traffic Management Plan including incorrect identification of passing points on Church Lane
*Interruption of public right of way by construction affecting horse riders, cyclists and walkers
*Loss of trees in a Conservation Area owing to the use of HGVs on Church Lane
*Loss of rural character owing to appearance of solar panels

Some letters refer to not objecting to the solar farm but issues of access for construction.

COMMENTS ON REPRESENTATIONS RECEIVED:

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Following consultation with WSCC and further consultation following an amended Construction Management plan resulted in no objections on highways grounds. Other than the issue of access along the Public right of way and unmade lane when Church Lane ends which will be dealt with via pre-commencement condition. It is not considered that trees will be lost or significantly damaged in the Conservation Area due to construction traffic. Highways are considered in 'Conclusion'.

With regard to the loss of the rural character; the site has been selected carefully for a relatively small solar farm which is in a dip. It is not considered the impact on the open countryside is significant enough to warrant a level of harm whereby planning permission could be refused. This will be further considered in the 'Conclusion' section of the report.

CONSULTATIONS

Engineering Services Manager
Engineers (Fluvial Flooding)
Southern Water Planning
Network Rail
Environmental Health
WSCC Strategic Planning
Environment Agency
Parks and Landscapes
Ecology Advisor
South Downs National Park
Historic England

CONSULTATION RESPONSES RECEIVED:

WSCC FLOOD RISK MANAGEMENT

As no detailed designs have been submitted, if approved at outline stage, the proposal should be subject to the following condition:

Development should not commence until finalised detailed surface water drainage designs for the site, based on sustainable drainage principles and an assessment of hydrological and hydro geological context of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus 30% for climate change, critical storm will not exceed the greenfield run-off from the current site following the corresponding rainfall event.

If the intention is to dispose of any surface water via infiltration (e.g. soakaways or porous surfaces), this should be shown to be suitable through an appropriate assessment carried out under BRE Digest 365 (or equivalent) before any conditions are discharged.

In particular the designs should detail how the fluvial flood risk is proposed to be dealt with to ensure that flood risk on site is mitigated and that no increased risk is posed off site. (full condition and comments included on Council's website).

ENVIRONMENTAL HEALTH

There are no objections to the above application from environmental health.

ENVIRONMENT AGENCY

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Planning permission should only be granted for the proposed development as submitted if the following planning condition is imposed. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application:-

Condition

The development hereby permitted shall not be commenced until such time as a scheme to ensure no net loss of floodplain storage has been submitted to, and approved in writing by, the local planning authority.

We advise that solar panels are erected 300 mm above the 1 in 200 year plus climate change level (minimum height of 4.74m above Ordnance Datum (AOD). This is opposed to the proposed level of just 2500 mm above existing ground level (around 3.5mAOD) as indicated in Drawing number 2768_04 (Typical Panel Elevations).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent flooding elsewhere by ensuring no net loss of floodplain storage and ensuring flood flows are not impeded by the solar panel structures.

To reduce the risk of flooding to the development and subsequent damage.

Advice to Local Planning Authority and Applicant

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 15 metres of the top of the bank of the main river (Barnham Rife).

The site lies on Lambeth Beds and undifferentiated Chalk formation, the latter classified as a Principal Aquifer. Though the development does not pose a significant risk to the water environment, part of the former Chichester and Arundel canal has been historically infilled though the exact nature of the material is unknown. It is advised that the applicant carries out their own studies as to whether this part of the development presents a risk to the environment.

ADC DRAINAGE ENGINEER

A 3m easement for access and maintenance of the ditches surrounding the site should be reserved so that riparian responsibilities can be carried out (ditch maintenance). The EA has already requested notification of any works within 15 metres of the main river. Apply condition ENGD6A.

WSCC HIGHWAYS

WSCC raise no objection to the proposed development at Barnham Court. WSCC are satisfied the increase in vehicle movements will only be for a temporary period, and the overall the traffic impact can be managed. WSCC are satisfied the proposed routing options are the best possible routes for large vehicles to take and a section 59 agreement should be progressed at the

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applicant's earliest convenience to ensure the mitigation measures are appropriate. An update to the construction management plan needs to re-consider the Church Lane junction, to include the potential for parked cars causing obstruction to the route. No objection is raised subject to conditions attached (full comments on Council's website).

SECOND CONSULTATION (following updated CMP submission)

No objection to the proposed development at Barnham Court. The increase in vehicle movements will only be for a temporary period, and the overall the traffic impact can be managed effectivley. WSCC are satisfied the proposed routing options are the best possible routes for large vehicles to take and a section 59 agreement should be progressed at the applicant's earliest convenience to ensure the mitigation measures are appropriate. No objection is raised subject to conditions.

WSCC RIGHTS OF WAY OFFICER

Unfortunately the Council's system was not working to view the application in full so some issues may not be relevant but I would welcome these being considered when deciding the application.

Whilst PROW have no objection to this application there are a few concerns and need for clarification on some issues with regard to access. The access route into the site is unclear without being able to view the application plans on the District Council website. If access from Church Lane is being acquired through Barnham Court Farm then this is less of an issue however if they are looking to gain access along the red line on the attached plan then this will have to be managed carefully. The north south section of this red line, from the Church south, forms part of a public footpath (146) that also has a permissive cycle route on it that is very well used. If this is the way the vehicles will be accessing the site then it must be clear that users exercising their public right of access along these routes must take precedent over any private rights of vehicular access. The same goes for the section of FP200/1 highlighted red as well. These both have firm sealed surfaces but any damage done to the surface, as part of these works, must be reinstated to the condition prior to works starting so the public right is not interfered with or adversely effected. As well as these points these paths should not be obstructed or restricted in width in any way during or after the works as the public right exists across the full extent of the width of these defined routes. Signage would also be required along these paths informing all users, whether pedestrian, cyclists or vehicular users, of the potential conflict.

Clarity would be welcome on what route of vehicular access will be available when travelling west from the red line, toward the site of the solar farm. The line of FP200/1 actually runs along the southern edge of the old canal and becomes a raised bank the further west it goes and it is hoped that the proposals are for vehicular access to be gained on the old northern bank of the canal, safely away from the legal line of the footpath and pedestrian users. This would seem the most sensible option as the footpath is not very wide but if this could be clarified that would be appreciated. If it was the case that access was being granted along the legal line of the footpath then surface improvements would be required so the route was useable all year around, even though it was experiencing considerable vehicular use.

The final issue relating to the access itself would be the point it crosses FP200/1 (as shown roughly by the red square on the attached plan) into the actual site of the proposed solar farm. There is a clear crossing of the legal line of the footpath and due to the works taking a reasonably long time to be completed, and future access being required for maintenance it would be required for a stone surface to be laid at the point where the two routes cross so it is useable all

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year round even though vehicles are using it. If left as an unmade surface this route will become impassable to lawful pedestrian users when wet and this would be unacceptable. A specification for such surface improvements would have to be agreed with the PROW team at WSCC before works took place. At this crossing point where the access to the site and the public footpath cross, signage would be required informing that the public right takes precedent over the private vehicular right and also warning of the potential conflict along the entire east west section where vehicles will be moving close to lawful pedestrian traffic on the footpath.

The final point I would like to make relates to the unofficial layby opposite the church, at the top end of FP146, off Church Lane. Whilst this does not form part of the public right of way it is a useful resource for footpath users who park up to walk the routes and dogs etc. This should be kept clear in my opinion so the use of the surrounding network of public rights of way is not adversely effected by any parking, waiting or storage activities. Clarification on the points raised would be welcomed and if you could provide a detailed plan of access onto the proposed solar farm this would be very much appreciated so further comments can be made, if necessary.

ECOLOGY
Bats

Lighting will need to take into consideration the presence of bats in the locality and the scheme should minimise potential impacts to bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Badgers

A 20m buffer should be put in place around the active sett and no works should take place within this area and fencing should be used to ensure this area remains undisturbed. If any works need to be undertaken within 30m of the sett a licence from Natural England would be required.

If it is not possible for the buffer to be put in place then mitigation would be required and a Licence from Natural England would be required to remove the sett. If this is the case we would require a mitigation strategy for Badgers is submitted to us for approval prior to determination.

Badgers and other mammals should have unrestricted access to the solar farm field and should be able to forage in the field for their usual food sources; we are pleased to see the incorporation of mammal gates within the boundary fencing.

Reptiles

A precautionary approach should be taken within the site area with regards to reptiles. The grass should continue to be cut regularly so reptile habitat doesn't development. Any dead wood, or rubble piles should be dismantled by hand and relocated.

Nesting Birds

Any works to the trees or vegetation clearance should only be undertaken outside of the bird breeding season (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).

Management plan

A management plan will need to be constructed with an ecologist and the land over to manage

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the annual growth of wildflowers and the development of scrub.

Enhancements

There are a number of possible enhancements which we would like to see including;
· Wildflower planting throughout to assist with the green corridor effect
· Hedgerow management including filling in gaps with native hedge species
· Retention of grassland buffer from all drains.

NATIONAL RAIL

No objection.

PARKS AND GREENSPACE

The proposals put forward in this application have included consideration of its siting within the existing landscape. Existing landscape features such as mature trees and hedgerows and new planting additions have been proposed. The landscape scheme will maximise the biodiversity of the site with the inclusion of native species and the retention of a variety of habitats. The site is not subject to any ecological or sensitive designation ie SSSI.

The existing hedgerows along the north and eastern boundaries are established and mature where possibly no further screen addition will be required. These areas must be protected and retained and would require further planting if infill is found to be required. New planting as proposed would be required to infill sections along the remaining boundaries as shown and where there are gaps and missing sections. New areas of hedgerow planting would be required to be plotted in plan form showing the location of these with quantities proposed. Planting as proposed will need to be sufficient in height with a mix of tree and shrub species that are sufficiently fast growing to provide a year round screen. The screening would need to provide a good mix of native species which if planted at the appropriate size and density should establish quickly to form a balanced and appropriate planting scheme. This will be particularly evident as it matures and the effects on the landscape of the development will diminish over time. The nature of the predominant site will change from arable land to agricultural grassland with solar panels, this will in turn over time create a different habitat with differing biodiversity habitats forming. The proposals could provide the opportunity to enhance existing hedgerows and to secure on-going management of all structural vegetation within the site.

The proposals comply with Policy SP3 as consideration has been given to landscape and biodiversity enhancement through retention of existing hedgerows and the planting of new mixed hedgerow along the boundary.

Drawing 27766-200-MITIGATION PLAN Rev A details areas to be planted and areas to be infilled. This plan is only indicative and needs to show this information plotted on the drawing with planting quantities so the full picture can be seen. We would recommend that further landscape detail is submitted for approval. We conclude that we have no objection to the proposals subject to the plotting of new planted areas in detail and in plan form.

SOUTHERN WATER

The exact position of the foul sewers must be determined by the on site before the layout of the proposed development is finalised.

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Please note:
-No development/structures or excavation or new tree planting should be located within 3 metres either side of the centreline of the public sewer
-No new soakaways should be located within 5m of a public sewer
-All existing infrastructure should be protected during the course of construction works.
Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means if draining surface water from this development are required. Informatives regarding the above and SUDS should be included should permission be granted. (Full comments can be found on the Council website)

SOUTH DOWNS NATIONAL PARK AUTHORITY

No response received.

HISORIC BUILDINGS OFFICER

Whilst the application accepts that there are listed buildings within 'close proximity' to the site, two of which are grade I, it does not appear to accept that the array affects the setting of these assets. On the contrary, it seems to be under the impression that because the site is behind some hedges and on slightly depressed ground it is not within the building's setting.

Having made a site visit and walked along the public footpath to the north east side of the site, it is clear that the experience of these assets, currently within largely open countryside is likely to be impacted by the array. Views of the house and church from the west are clear from the footpath as it passes the development site. One may also assume that views of the historic group (which will have medieval origins) are also impacted from the railway line.

There is also an impact on the setting of the former canal which itself would be considered a non-designated heritage asset and Fatting Ground Barn (formerly Highground Barn) to the south of the site which is evident on historic mapping from the late 19th century.

A fuller assessment on setting should be made in accordance with Good Practice Advice note 3: the setting of heritage assets. The authority should also consult Historic England as they may want to comment on the potential setting impacts of Barnham Court and Barnham Church.

SECOND RESPONSE

Following additional information being submitted the following comments were made:

Whilst this is more detailed, I am not sure it is convincing enough for us to remove our objection totally. There would be a change to the landscape character here and this is likely to effect the quality of people's experience as they walk along the route of the former canal (itself a heritage asset) towards the conservation area and its listed buildings. Para 3.5 of the addendum does admit that there are 'locations from which both can be experienced.'

There is also naturally a great emphasis on static views and an attempt to play down the setting of Barnham court and the Church due to distance, however this tends to avoid the potential impact on the countryside and its general character in the broader scene, particularly as it is abutting a historic route towards the heritage assets.

The LVIA does, also unsurprisingly, play down the harm as 'minor' and 'negligible' in its assessment of the various assets which is of course a subjective view point. If one was

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considering setting from purely a static 'visual' position, this might be correct however setting is normally more complex in terms of experience.

All that said, there is some mitigation (in theory) that should be taken into consideration in as much that the site is considered temporary and as such reversible. There could also be further measures put in place regarding boundary treatments, particularly as the site is going to take on a more industrial character with fencing to enclose it. This would need to be carefully considered so as not to harm the landscape character and could potentially be a condition should the application be supported.

THIRD RESPONSE

Following additional information being submitted the following comments were made:

Further to our discussion and receipt of the plan, the mitigation proposed is likely to reduce the impact of the development from the north and the public right of way following the canal. Whilst this does not completely eradicate the harm to the countryside, it should soften any effect on the listed buildings and their setting and to this end our objection could be lifted subject to an appropriate condition being put in place to promote native planting in the areas identified. Given that the proposal is also due to be 'temporary', this should result in a longer term enhancement.

HISTORIC ENGLAND

Historic England acts in a statutory capacity as the Government's advisor to local planning authorities on proposals that would, among other considerations, impact on the setting and significance of highly graded heritage assets. In this case it is the impact of the proposal on the setting of both Barnham Court House and St Mary's Church, which appear on our register at Grade I, with which we are principally concerned with here, but also in relation to the impact on the setting on the Barnham, Church Lane Conservation Area.

Both Barnham Court House and St Mary's Church lie on the southern end of the Barnham, Church Lane Conservation Area. They both enjoy a rural setting that to the south and south west comprises predominantly open countryside and the rural buildings of Barnham Court Farm. Barnham Court House is a mid 17th century brick mansion built for a man of wealth and status in what is known as the Artisan Mannerism style. It is considered by Pevsner in his book the 'The Buildings of England - Sussex' to be the best of its date in Sussex. Houses such as this were built for a rich merchant or yeoman farmer responsible for a large agricultural holding. Barnham Court House currently has open views from its gardens out to the open countryside to the south and south west and it is this rural setting that contributes to our understanding of its original design and purpose as the principal house to a country estate.

The proposal is to erect a solar park and ancillary equipment on agricultural land to the south west of Barnham Court House and St Mary's Church. Paragraph 129 of the NPPF advises that the effect of a proposal on the significance of a heritage asset must be assessed, including by development within its setting. When considering the impact of a proposed development on significance, the more important the asset, the greater weight should be given to its conservation and any harm should require a clear and convincing justification.

From the grounds of Barnham Court House looking south west, the vegetation on the northern boundary of the site can be seen. Views out from the church are more contained as a result of the vegetation around the boundaries of the churchyard. In this respect, we agree with the Landscape and Visual Impact Assessment that due to the topography of the site and intervening

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vegetation the solar panels themselves will not be visible in views from either Barnham Court House or from the church. However, we note that the proposal contains a three metre CCTV pole which could be visible above the existing vegetation when viewed from Barnham Court House. We encourage the local authority to seek clarification regarding the impact of this pole on the rural setting of Barnham Court House and to seek mitigate of any resulting impacts through alteration to its height, design or location. We would also urge you to seek assurances that no lighting at night is proposed as this would be seen through gaps in the trees and could have a harmful urbanising impact on the setting of Barnham Court House and the conservation area.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

COMMENTS ON CONSULTATION RESPONSES:

Most of the conditions and informatives will be included. Some are not considered reasonable and why they are not appropriate or required is outlined in the 'conclusions' section of the report.

POLICY CONTEXT

Designation applicable to site:

Outside built up area boundary
Grade 3 Agricultural Land

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	AREA18	Portsmouth and Arundel Canal
	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN21	Renewable Energy
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):	C SP1 Countryside D DM1 Aspects of Form and Design Quality ECC DM1 Renewable Energy ENV SP1 Natural Environment HER DM5 Remnants of the Portsmouth and Arundel Canal HER SP1 The Historic Environment SD SP1 Sustainable Development T SP1 Transport and Development W DM2 Flood Risk HER DM1 Listed Buildings LAN DM1 Protection of Landscape Character

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES2	Water courses

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Barnham & Eastergate Neighbourhood Plan 2014 The Local Gap/Green Infrastructure Corridor POLICY ES3
Barnham & Eastergate Neighbourhood Plan 2014 Quality of design POLICY ES5
Barnham & Eastergate Neighbourhood Plan 2014 Development affecting heritage assets POLICY ES7
Barnham & Eastergate Neighbourhood Plan 2014 The Portsmouth and Arundel Canal POLICY ES9
Barnham & Eastergate Neighbourhood Plan 2014 Renewable energy schemes POLICY ES13
Barnham & Eastergate Neighbourhood Plan 2014 Footpath and cycle path network POLICY GA2

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel;

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Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Bognor Regis and Yapton.

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 historic countryside locality or the residential amenities of the nearby neighbouring 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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The National Planning Policy Framework sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently.

With specific reference to decision-taking the document provides the following advice:

"187. Local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."

Paragraph 197 states that "In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development."

Paragraph 93 states:

"Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development."

Relevant National policies and documents:-

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Overarching National Policy Statement Energy (EN-1)
UK Solar PV Strategy Parts 1 and 2

The development will generate 1MW of electricity which emits no pollution, produces no greenhouse gases and uses no finite fossil-fuel resources offers very real benefits in savings in CO2 emissions and reducing the impact of greenhouse gases on climate change. The development will ensure a constant and affordable source of energy, contribute to economic stability and provide a further form of diversification to support the rural economy of West Sussex.

The NPPF encourages the use of renewable resources, reductions in greenhouse gas emissions and addressing climate change whilst also recognising the intrinsic character of the countryside. One of its core planning principles is to "support the transition to a low carbon future in a changing climate ...and encourage the use of renewable resources (for example, by the development of renewable energy.)" With specific regard to renewable energy, paragraph 98 states that when determining planning applications, "local planning authorities should:

not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy ....; and approve the application if its impacts can be made acceptable."

In planning for renewable and low carbon energy, NPPG states that "Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable."

The NPPG recognises that large-scale solar farms can have a negative impact on rural environments, but states that the visual impact of a well-planned and well-screened solar farm can be addressed within the landscape if planned sensitively. For greenfield sites, the local planning authority should consider whether poorer quality agricultural land has been used, whether the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays. Other issues for consideration include glare, the need for security such as fencing, mitigation through native screening and the energy generating potential. The NPPG notes that in "the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero."

The National Policy Statement for Energy confirms that, in addition to applying to nationally significant schemes, it is likely to be a material consideration in determining planning applications under the 1990 Planning Act. The Statement recognises that landscape and visual impact will be the key issues requiring mitigation for large scale energy schemes. The NPS also stresses the urgency for provision of new energy development to contribute towards a "secure, diverse and affordable energy supply" and to support action on climate change.

The Government's UK Solar PV Strategy Part 1 and 2 is supportive of large scale solar PV projects whilst stating that decision makers should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them.

Policy GEN21 of the Arun District Local Plan states that planning permission will be granted for renewable energy developments subject to a number of criteria, including no significant adverse impacts on natural and built environments, residential amenity, public safety and ensuring that they make a contribution to meeting a need. The NPPF at para 98 recognises that even small-scale

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projects such as this one provide a valuable contribution to cutting greenhouse gas emissions.

Because the site is located in an area designated as Countryside, within the Local Gap between settlements, outside the built up area boundary policy GEN3 precludes development such as this unless one of five criteria is met. One of them diversification of the rural economy is considered to be met in the case of this application. Given that national and local policies are supportive in principle of renewable energy schemes, and that these contribute to meeting the UK's target to reduce greenhouse gas emissions, the proposed solar farm is considered acceptable in principle.

VISUAL IMPACT AND LANDSCAPE CONSIDERATIONS

The development would introduce new buildings, fencing, and solar panels into undeveloped countryside. As a result, it would inevitably have an impact particularly on local views. A Landscape and Visual Impact Assessment has been assessed by the Council's Greenspace department.

The solar park will not be a prominent feature in the landscape due to its low height, site coverage topography which means the panels are in a dip. The nearby public rights of way will have a partial view of the proposal but it is mainly obscured by existing trees and shurbs. Residential properties are set significantly far away to not have a direct view of the proposal and it's visual impact is further reduced by the establishment of new hedgerow and tree planting along the perimeter boundary to the south and some in-fill planting to other boundaries. Indicative details of planting has been submitted and is considered acceptable but a more detailed landscaping scheme reflecting this, will be required as a commencement condition. The applicant has agreed to the inclusion of this condition.

Although there are significant nearby listed buildings (including Barnham Court and Parish Church which are Grade I listed) that could afford views towards the solar park, the distance of over 400m away, the bank of the remains of the canal and existing vegetation and proposed native species vegetation limit this impact and will make it very difficult to discern. Following consultation with the Council's Historic Buildings Officer they have no objection to the proposal with the inclusion of a condition for further native species planting to be included, details of this have been submitted. Historic England had no objection to the proposal other than a concern about the 3m CCTV pole. It is not considered the pole is significant enough in size or would produce light to have an impact on the listed buildings. Any proposed lighting is restricted by the lighting condition for bats which means permission is required for further lighting. It would be obscured by existing vegetation to the east which is more than 3m high. Thus the effect on the visual amenity of the area, setting of the listed buildings and remains of Portsmouth and Arundel canal, will not be compromised and the historic setting of Barnham will not be adversely affected.

The solar farm will be sited in the Local Gap. Given the temporary nature (25 years use condition will be included) of the proposal and the low and acceptable visual impact of the scheme, it is not considered to reduce the size of the Local Gap and respects the character of the countryside.

It is therefore considered that the proposal will have an acceptable impact on this valuable landscape though details of the proposed landscaping are required through conditions.

RESIDENTIAL AMENITY CONSIDERATIONS

The low height of the structures (maximum height of the solar panels is 2.4m, 3.4m for the switchgear container), the existing trees around the canal and boundaries, dip in the site and the proposed perimeter landscaping will mean that there will be no unacceptable impact on the

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residential amenities of neighbouring residents. Properties are more than 300m away. Environmental Health have raised no objection so it is not considered there will be a detrimental noise impact given the distance. A condition will be attached to control what lighting is installed on the site.

LOSS OF AGRICULTURAL LAND

Paragraph 112 of the NPPF aims to safeguard the Best and Most Versatile agricultural land (grades 1 to 3a) from inappropriate development, i.e. development unrelated to agricultural or forestry, unless there is a strong case in support of development that overrides protection.

The applicants claim the land is used as agricultural grassland and research shows it is classified as Grade 3. Grade 1 land is classified as being of excellent quality and Grade 5 land of very poor quality. It is considered that this land does not fall into the Best and Most Versatile (BMV) agricultural land and the proposal is compliant with policy.

BIODIVERSITY CONSIDERATIONS

A Phase 1 Habitat Survey has been undertaken in support of this application and concluded that the application site comprises entirely of species/pasture considered to be of some ecological value.

The development proposals should be seen as a enhancement in ecological terms through provision of new hedgerow planting and species rich grassland, which in turn would provide significantly enhanced opportunities for bats, birds and invertebrates.

A Badger sett has been confirmed as being present in the area and the stock fencing will have mammal gates for badgers and other mammals to forage in the field for their usual food sources. The Ecologist is pleased to see the incorporation of mammal gates within the boundary fencing.

A buffer zone is to be included around the badger sett and that the applicant would require a licence from Natural England should the sett be disturbed during construction. This will be ensured via condition requiring the submitted Extended Phase One Habitat Survey recommendations to be followed.

A lighting condition will be included to prevent detrimental impact on bats.

No works to trees or vegetation form part of the proposal so it is not considered nesting birds will be disturbed.

Via condition a management plan will be required (once the development is complete)to be agreed with an ecologist and the land over to manage the annual growth of wildflowers and the development of scrub.

Given proposed conditions it is not considered that the proposal will harm wildlife or reduce biodiversity in the area and will actually be an opportunity to enhance wildlife.

FLOODING

The site is within Flood Zone 3 and considered high risk, it is also located near a pond and river tributary to the north. A small part of the north section falls within the Lidsey catchment area.

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There has been an objection from the Environment Agency with regards to the low height of the panels. They required the panels to be set up much higher than proposed. WSCC Flood risk requested a condition requiring details of surface water drainage design and a pre-commencement condition for full details of maintenance and management of the SUDs system. This condition is not appropriate as the proposal will see the panels piled directly into the soil and as there will not be significant buildings or hard surface cover it is not considered reasonable to include this condition. The requirement of the panels to be higher would, potentially, result in the proposal being unacceptable in visual terms with the panels more highly visible and from a further distance.

An informative regarding development within 5m of any watercourse will be included as advised by WSCC Flood Risk even though the proposal does not show any works within 5m of the tributary to the north of the site.

Given the site is high risk and within the Lindsey Catchment Area it is considered acceptable to include the pre-commencement surface drainage condition (regarding water courses and culvert access) recommended by the drainage engineer. The proposal is considered to have a limited impact on flood risk.

HIGHWAYS AND ACCESS

Following a submission of an amended Construction Traffic Management Plan, WSCC Highways no longer have concerns regarding the routing and highways issues for construction traffic. A condition will be included requiring the vehicle parking and turning spaces to be complete before the site becomes operational. This condition is considered reasonable as a small amount of maintenance visits will be required for the farm. An informative will also be included regarding a Section 59 Agreement to be made with the Highways Authority regarding extra-ordinary traffic.

The issue outstanding in highways terms is how the construction traffic will use the lane and Public Right of Way. The applicant is happy for a pre-commencement condition to be included requesting these details and will be included. Should this condition be discharged and followed, it is not considered that the construction of the development will have a detrimental impact on the public right of way or its users.

CONCLUSION AND RECOMMENDATION

The proposal would generate energy, helping to address climate change and to reduce greenhouse gas emissions meaning there are significant environmental benefits.

Regarding landscape and visual impact, the mitigation is acceptable and this can be secured via condition notwithstanding the fact that the development impact would in any event be reversible. Whilst the proposal by its nature will inevitably have an impact to some degree on the countryside and nearby listed buildings, this will not be so significant that a refusal of the application would be justified proposal will accord with national requirements.

There are no grounds to object to the scheme from an ecological, highways and access or drainage perspective whilst the proposal will not cause significant harm to residential amenity.

Although the proposal is considered to have some, limited detrimental impact on the historic setting of Barnham Court, the remains of the Chichester and Arundel Canal and other nearby listed buildings, the harm caused is to be less than substantial. Considerable importance and weight is though duly given to the impact on heritage assets. As indicated by para 134 of the NPPF, the Council must weigh even less than substantial harm against the public benefits of the proposal. In

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this case the economic, social and particularly the environmental benefits of the proposal will outweigh the limited impact on the nearby heritage assets.

In light of the above, the application is recommended for conditional approval.

HUMAN RIGHTS ACT

FOR APPROVAL
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 for 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 (negative, Neutral or positive) 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 is considered to have a neutral impact.

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:

2768_11
2768_LF_500
2768_LF_100
2768_04

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2768_05
2768_06
2768_07
2768_08
2768_09
2768_10

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN3, GEN7 of the Arun District Local Plan.

3 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

4 The planning permission hereby granted is for a period from the date of this decision until the date occurring 25 years after the date of commencement of the generation of electricity. Written notification of the date of commencement shall be given to the Local Planning Authority no later than 14 days after the event.

Reason: For the avoidance of doubt and in the interests of the long term amenity and the environment in accordance with Policy GEN7 the Arun District Local Plan.

5 No later than 12 months prior to the end of this permission, a site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of works to remove the solar panels, all related equipment, and any areas of hardstanding and shall be fully implemented within 12 months of the expiry of this permission.

Reason: To protect the long term visual amenities of the surrounding area and in order that the Local Planning Authority may be satisfied as to the appearance of the land after the removal of the development in accordance with policy GEN7 of the Arun District Local Plan.

6 If any of the individual solar panels ceases to export electricity to the grid for a continuous period of 12 months then a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months from the end of the 12 month period for the removal of the solar panel(s) and associated equipment and the restoration of (that part of) the site to agricultural use. The approved scheme of restoration shall then be fully implemented within 6 months of that written approval being given.

Reason: To protect the long term visual amenities of the surrounding area and in order that the Local Planning Authority may be satisfied as to the appearance of the land after the removal of the development in accordance with policy GEN7 of the Arun District Local Plan.

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7 The development shall be carried out in full accordance with the recommended measures set out in the Extended Phase 1 Habitat Survey of BL Solar Limited July 2015 submitted in support of the application.

Reason: In the interest of conservation and enhancement of local biodiversity, in accordance with policy GEN29 of the Arun District Local Plan and paragraph 118 of the NPPF.

8 Access to the site shall be from Church Lane only, in accordance with detailed plans to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority prior to commencement of works on site. The submission must outline how the public right of way which runs across the north of the site shall be used for access. Thereafter, it shall be retained for its intended purpose.

Reason - To ensure fit-for-purpose access constructed to appropriate design and safety standards and to control traffic movements in and out of the development site in accordance with policy GEN7 of the Arun District Local Plan. The condition is required to be pre-commencement as to prevent blocking of the public right of way and danger and disruption to it's users.

9 No development, hereby approved, shall be occupied until provision for parking, turning, loading and unloading of vehicles associated with the development clear of Old Mead Road and any adopted highway has been provided in accordance with plans to be submitted to and approved by the LPA after
consultation with the CHA. Provision should thereafter be maintained solely for the purpose of the parking and turning of vehicles clear of any adopted highway and public right of way.

Reason - To ensure that adequate provision for the parking and turning of vehicles is provided for the development in accordance with policy GEN7 of the Arun District Local Plan.

10 The proposal must be constructed in compliance with the approved CTMP (Construction and Traffic Management Plan) TPBR0111 at all times throughout the entire construction period.

Reason: To ensure fit-for-purpose access constructed to appropriate design and safety standards and to control traffic movements in and out of the development site in accordance with policy GEN7 of the Arun District Local Plan.

11 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 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) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

12 Following the completion of the development, a management plan must be created with the assistance of an ecologist to manage the annual growth of wildflowers and the

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development of scrub. The management plan should then be followed in perpetuity.

Reason: In the interests of the amenities of the area, the site biodiversity in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

13 No development 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 GEN7 of the Arun District Local Plan.

14 INFORMATIVE: Section 59 of the 1980 Highways Act - Extra-ordinary Traffic

The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Asset Management Officer (01243 642105) in order to commence this process.

15 INFORMATIVE: A 20m buffer should be put in place around the active badger sett and no works should take place within this area, fencing should be used to ensure this area remains undisturbed. If any works need to be undertaken within 30m of the sett then a licence from Natural England would be required. If it is not possible for the buffer to be put in place then mitigation would be required and a Licence from Natural England would be required to remove the sett. If this is the case the Council would require that a mitigation strategy for Badgers is submitted for approval prior to continuation of work on site.

16 INFORMATIVE: No development should take place within 5m of any ordinary watercourse. If works are undertaken within, under, over or up to an Ordinary Watercourse, even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District Council.

17 INFORMATIVE: A precautionary approach should be taken within the site area with regards to reptiles. The grass should continue to be cut regularly so reptile habitat doesn't development. Any dead wood, or rubble piles should be dismantled by hand and relocatec

18 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.

19 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and

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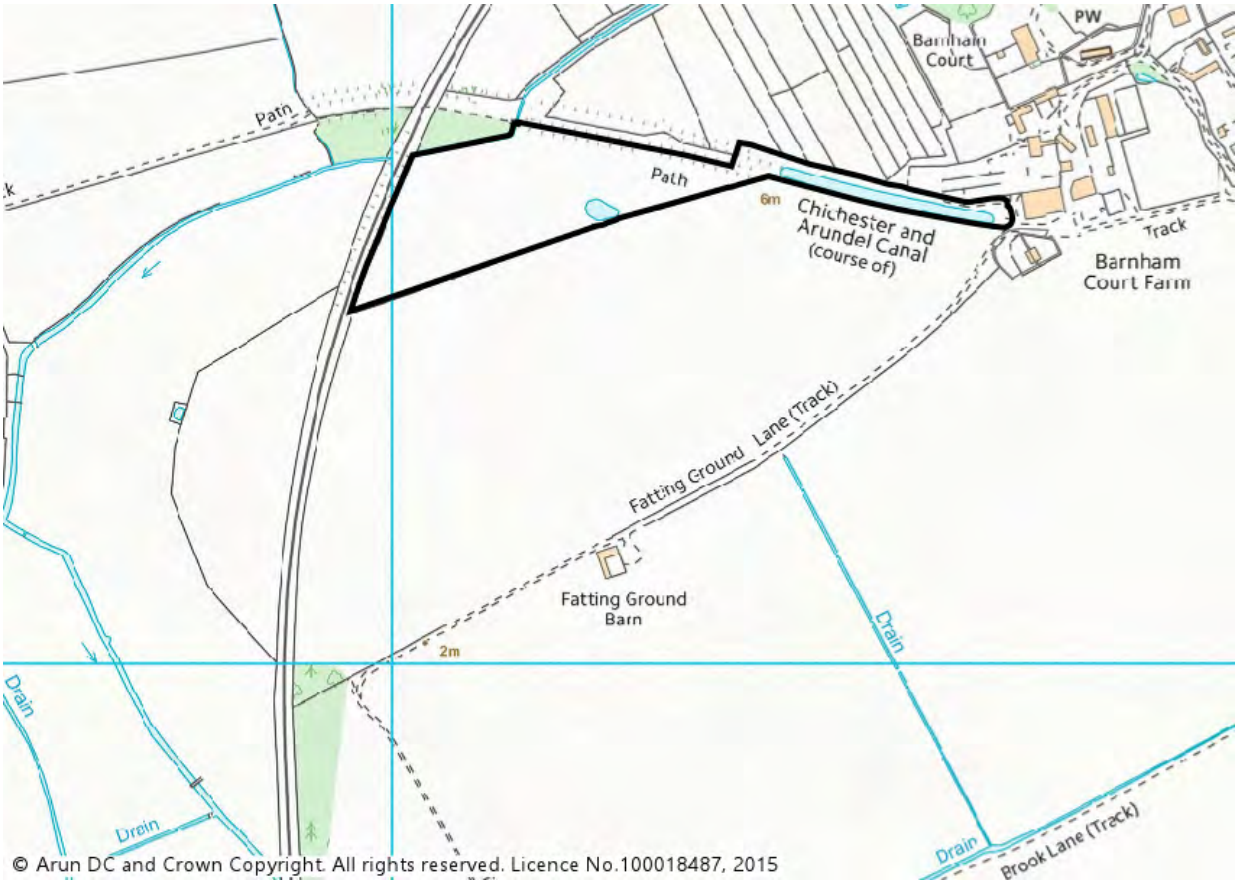
Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc.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

20 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.

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BN/29/15/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: **A/31/15/PL**

LOCATION: **St Denys Nursery**
Dappers Lane
Angmering
BN16 4ED

PROPOSAL: **Demolition of existing greenhouse & erection of 8 No. light industrial units (B1 use)**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Replacement of the existing redundant glasshouses with 8 commercial units. The floor area of the replacement units would total 675m2 as opposed to the larger footprint of the existing glasshouses of 1150m2. Their height would be 4.8m to ridge and 2.3m to eaves. The proposed buildings would be sited at the eastern end of the site with parking to the edge of the site and a central turning area. The existing access onto Dappers Lane will be utilised.
SITE AREA	0.35 hectares.
TOPOGRAPHY	Predominantly flat, some surface undulation.
TREES	None of significance affected by the proposal.
BOUNDARY TREATMENT	Trees and fencing to southern and northern boundaries.
SITE CHARACTERISTICS	Glasshouses and other single storey buildings located along the western boundary of the site. Much of site is given over to gravelled surfacing providing parking and access to site and land to the east.
CHARACTER OF LOCALITY	Predominantly rural. Some residential and commercial uses adjoin the site.

RELEVANT SITE HISTORY

A/142/14/PL	Redevelopment of site for use Class B1 (Business, Light industry) and B8 (Storage or Distribution) industrial units. Departure from the Development Plan.	ApproveConditionally 21-11-2014
A/109/14/PL	Rebuild commercial building destroyed by fire.	ApproveConditionally 02-10-2014
A/140/06/CLE	Application for a certificate of lawfulness for an existing use of single dwelling in breach of condition no.1 of planning permission A/42/48	Approve 26-10-2006

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A/52/98/	Provision of a mobile home for nursery owners accommodation (horticultural occupation)	ApproveConditionally 26-11-1998
A/87/97	Rebuilding of work store/shed on site of original structure	ApproveConditionally 19-12-1997
A/138/95	Retention of existing work shed, rebuilt on site of original structure & current use by Mary Alice Dolls	ApproveConditionally 27-11-1996
A/137/95	Rebuilding of work store/shed on site of original structure	Refused 15-10-1996
A/134/95	Renewal of temporary planning permission A/69/92 for change of use of 6 agricultural units to light industrial	ApproveConditionally 22-02-1996
A/40/94/CLE	Application for a Certificate of Lawfulness for an existing use for single dwelling	Approve 01-06-1994
A/63/93	Variation of Condition No 2 of Planning Permission A/69/92 change in personal occupancy from M P Upholstery to Attic Upholstery (Mr Miles).	ApproveConditionally 01-11-1993
A/109/67	Boiler house to serve glasshouses in course of erections	ApproveConditionally 02-08-1967
A/15/48	Agricultural buildings	Approve 02-11-1948

A/142/14/PL - Granted permission for a similar type of development on the adjoining site. The appearance of the units was identical to those which are the subject of this application.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

No Objection

6 letters of objection (including 5 standard letters)

It is proposed to build small industrial units in the middle of the countryside where there is a presumption against new development of any sort, let alone industrial. The proposal is inappropriate for an area designated for agricultural use. The area is an important haven for wildlife. It is also only 500m from the National Park from where it is highly visible. It is not agreed that existing demand for this type of unit is unmet. There are a number of units available in Poling and in other places in and around Angmering so there would be no employment benefit and no extra benefit for small businesses. Dappers Lane should be preserved as countryside which is important for people living in Angmering and for many others that use Dappers Lane for access to the South Downs.

Plans are unclear, the location of the building is not correctly indicated. The current glasshouse is 1m from the boundary it is suggested that the new units should be 2-3m from the boundary. The workshops will be used for carpentry and car repairs. Neighbour has previously suffered from the noise and fumes generated from the site. B2 uses would be

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more appropriate with proper controls imposed. The workshop doors facing east are likely to generate noise. It would be better to locate the units as a block of 8 with all doors facing south. Screening should be provided along the boundary. Proper toilets should be provided. 3 units appear to be wider than the 5 on the layout plan but on the elevations they are the same.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments on third party representations

The site is not located in open countryside. The proposal replaces existing single storey structures with buildings of a slightly smaller footprint. The site has not been used for horticultural purposes for some time and the proposed use would accord with the provisions of the National Planning Policy Framework. The units would not be readily visible from outside the site or the National Park, being set back from the road frontage and located in an area where structures exist on adjoining sites. The units may not be directly comparable in terms of floor space with the sites referred to in Angmering and Poling. The Economic Development Officer welcomes small commercial units of this type.

The plans are adequate to determine the dimensions of the proposed units and the position is clearly indicated. A B2 General Industrial use would have a greater impact on adjoining residential properties than the B1 use proposed and a condition is recommended to prevent B2 uses on the site. Screening to the side site boundaries is included as a condition. It is considered that the position and orientation of the proposed units is acceptable in terms of noise generation provided the type of use and hours of operation are controlled by condition.

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

Engineering Services Manager

Engineers (Fluvial Flooding)

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection

Visibility

Dappers lane is subject to a 30 mph speed limit, therefore Manual for Streets (MFS) would be considered the appropriate guidance in terms of appropriate visibility sightlines. Using table 7.1 splays of 2.4 x 43 metres would be considered appropriate. Plans 14/938/08 & 14/938/11 have been provided which demonstrate maximum splays of 2.4 x 120 metres in each direction at 1:200 and 1:500 scale. To the north this splay appears to be achievable using land considered to be publically maintained highway. To the south the extent of the highway boundary extends to the centre of the tree/hedge line, it is difficult to determine if the splays require land beyond the back edge of the highways boundary particularly for the first 30 metres south of the access point.

Based on these plans I would advise visibility splay of 2.4 x 43 metres would be more appropriate than the maximum achievable splays demonstrated. MFS 2 Section 10.5.3 describes how it is appropriate to draw the 'Y' distance of a splay to a point representing the edge of the vehicle track. It would therefore be acceptable to draw the 'Y' distance to a point 1.0m into the nearside carriageway edge on Dappers Lane. This would for example represent a vehicle approaching from the south overtaking a cyclist.

After inspection of plan 14/938/08 it would be determined that the above mentioned splay could be secured using land under control of the applicant or land considered to be publically maintained highways. Some clearing of overgrown highway vegetation would be expected. Securing this splay in perpetuity would be seen as a highway benefit and could be secured via an appropriately worded planning condition.

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Turn on site:
In WSCC response dated 14/07/2015 it was requested that swept path plans be provided demonstrating that the new site layout retained the ability to turn on site for larger HGV service vehicles. While these have not been provided an assessment has been made using aerial photography and swept path overlays and WSCC would be satisfied that the proposed layout would not compromise the ability for larger HGV service vehicles to turn on site.

Trip generation and other matters
No details have been provided demonstrating existing and proposed trip generation. Consideration is given that the site does have an existing use of 1150sqm as a glass house. This would have had the ability to attract vehicular movements. It is not considered that the proposed scheme would attract the number of vehicular movements over and above the existing fall back situation which would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and there would be no transport grounds to resist the proposal. A scheme for 675sqm of B1 use is below the threshold required for a Transport Statement / Transport Assessment.

If the LPA are minded to grant planning consent conditions securing the following would be advised:

· Cycle Parking
· Vehicle Parking
· 2.4 x 43 metres visibility splays, as described above

County Engineers
Current surface water flood risk is low risk.

It should be noted that the adjacent road, Dapper's Lane, is shown to be at 'High' risk from surface water flooding. This to be due to the topography of the area, allowing surface water, both from the road and adjacent land, to flow down the road during periods of heavy rainfall.

Any existing surface water flow paths across the site must be maintained.

Reason: NPPF paragraph 103 states - 'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..'

Therefore, a wholesale site level rise via the spreading of excavated material should be avoided. Any excavated material kept on site should be located in areas designed and designated for that purpose.

Current ground water flood risk is moderate risk/Low susceptibility.

Based on the same mapping the current geology is shown as 'Low susceptibility' to ground water flooding. This means the general geology in the area may not be suitable for infiltration / soakaways. Where the intention is to dispose of surface water via infiltration / soakaway, these should be shown to work through an appropriate assessment.

Ground water contamination and Source Protection Zones.
The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

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Is the proposed development is within or close to an existing Flood Zone, as defined by the National Planning Policy Framework (NPPF). No.
Comments: Records of any ordinary watercourses or culverted watercourses within or in close vicinity to the site: None.
Comments: Current Ordnance Survey mapping does not show any ordinary watercourses running within or in close vicinity to the proposed development area.

The existing highway drainage is laid in the verge outside the proposed development and must be maintained / protected during any new access works.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exists around the site. If present these should be maintained and highlighted on future development plans.

Records of any historic ordinary watercourses or ponds shown to have once crossed or been in close vicinity to the site: None.
Comments: See comments above.

Records of any historic flooding within the confines of the proposed site: None.
Comments: We do not have any records of historic flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Records of any historic flooding in close vicinity to the site and/or on the adjacent public highway: Yes.
Comments: We are aware that Dapper's Lane is prone to flooding during periods of heavy and prolonged rainfall. This is mainly due the topography of the area, allowing surface water, both from the road and adjacent land, to flow down the road during periods of heavy rainfall.

Existing highway drainage in the vicinity to the site: Yes.
Comments: The adjacent road, Dapper's Lane, has a positive highway drainage system.

Future development - Sustainable Drainage Systems (SuDs)

SuDs seek to mimic natural drainage systems and retain water on or near to the site, when rain falls, in contrast to traditional drainage approaches, which tend to pipe water off site as quickly as possible.

SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge, and improving water quality and amenity. The range of SuDs techniques available means that a SuDs approach in some form will be applicable to almost any development.

Government policy set out in paragraph 103 of the NPPF expects LPAs to give priority to the use of SuDs in determining planning applications. Further support for SuDs is set out in chapter 5 of the flood risk Practice Guide.

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDs approach beginning with infiltration where possible e.g. soakaways or infiltration trenches.

Where SuDs are used, it must be established that these options are feasible, can be adopted

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and
properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.

Provision for long-term maintenance should be provided as part of any SuDs scheme submitted to the LPA.

It is noted that many of the proposed surface water drainage 'storm cells' have been placed within private courtyards and garden areas. Therefore, access for maintenance will need to be noted in any future 'Maintenance Management Plan' and individual 'Property Deeds'.

Drainage Engineer
The applicant states that surface water will be discharged to soakaways.
Please apply standard conditions ENGD2A.
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 BRE 365, 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 30% 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 are also enclosed for information.

Environmental Health
No Objection - apply condition EHCOM6 in respect of site noise and standard conditions ENV 3, 5 and 6 as the glass house have been used to vehicle storage/preparation and contamination may be present.

Economic Regeneration
Economic Development would welcome small commercial units of this type. There is a shortage of such accommodation for local businesses that need to grow and these small units would go some way to helping with that situation.
If permission were to be granted and these were let on 'easy in, easy out' terms that would also satisfy a local need and allow for a turnover of occupancy as businesses grown.

COMMENTS ON CONSULTATION RESPONSES:

Noted. Possible contamination of the site is addressed by the Council's Environmental Health officer who is recommending conditions.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area

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DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	GEN29	Nature and Conservation Across the District
	GEN32	Noise Pollution

Publication Version of the Local Plan (October 2014):

SD SP1 Sustainable Development
SD SP2 Built-Up Area Boundary
C SP1 Countryside
QE SP1 Quality of the Environment
LAN DM1 Protection of Landscape Character
EMP DM1 Employment land: Development Management
HOR DM1 Horticulture
D SP1 Design
D DM1 Aspects of Form and Design Quality
ECC SP2 Energy and climate change mitigation
T SP1 Transport and Development
ENV SP1 Natural Environment
ENV DM4 Protection of Trees
W DM3 Sustainable Urban Drainage Systems
QE DM1 Noise Pollution
QE DM2 Light Pollution
QE DM4 Contaminated Land

Angmering Neighbourhood Plan 2014 POLICY ER2	Local Employment
Angmering Neighbourhood Plan 2014 POLICY EH2	Protect the Landscape setting of the South Downs National Park

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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

Angmering has a Made Neighbourhood Plan (NP). In respect of Employment & Retail, the NP acknowledges that there are numerous small businesses of all types within the Parish which operate predominantly from small units in Dappers Lane, Arundel Road, and Roundstone Lane. These generate 16% of local employment.

The application site is within an Employment Site Character Area in the NP. In respect of these, the plan advises that a number of small business areas are situated on the outskirts of the village, with a variety of units of different sizes and types principally characterised by garden centres, greenhouses, poly tunnels 'shed' like buildings, a few small office buildings, garages and car lots.

Understanding the character of the village is important in designing new developments. For example, development within or next to the Conservation Areas or listed buildings and structures must preserve and enhance the character of the area. Other areas may require a different design approach, especially where they abut the built-up area boundary or will be visible from the National Park.

The Plan also advises that there may also be opportunities for new developments to change the character of less positive places such as derelict areas. The plan indicates that the site is within an 800m and 10 minute walking distance from the Village Centre and also on a bus route.

The NP vision is for:

'A sustainable and vibrant rural community with a superior quality of life, supported by an infrastructure, housing development, education and employment opportunities commensurate with local needs'.

The Plan seeks to promote and sustain local business and retail. an objective of the Plan is to protect and retain local jobs and ensure the continued use of local shops and businesses, so helping to enhance employment opportunities and nurture, retain and grow locally based commerce. in particular the Plan (paragraph 8.2) states that many of the small business units currently being used are legacies from the horticultural industry of bygone years and as such are able to operate from relatively low cost premises, vital in maintaining the current business levels

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within the Parish. We would aim to encourage and help these premises to expand and be modernised where possible whilst ensuring they are not given over to housing which would see the loss of many jobs. Most firms operating from the current units could not afford to move to modern premises which would be considerably more expensive and the firms would be left with the only option of closing down.

Relevant policy in the NP is:

ER2: Local Employment
There will be a general presumption against the loss of locations that provide employment within the Parish, either as a result of proposals for a change of use or for the redevelopment of existing premises or sites of employment for non-employment use.

Proposals for change of use or redevelopment, which would result in the loss of employment use, will only be acceptable if they demonstrate the following:

- The premises or site is no longer required for employment use in terms of need or demand, by the premises or site having been marketed for a period of not less than one year for employment use and no occupier has been found. Full details relating to the marketing must accompany any proposal;
- That the alternative use proposed will be a positive contribution to the sustainability of Angmering

EH2: Protect the Landscape setting of the South Downs National Park
New Development within land adjoining the SDNP, or that contributes to the setting of the Park, will be supported. It should not adversely affect the views into and out of the Park by virtue of its location or design.

The development proposed is considered to be consistent with Development Plan policies, including those in the Angmering Neighbourhood Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would 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 site is located outside the built up area boundary on the urban fringe. The proposal involves demolition of redundant glasshouses and their replacement with 8 industrial units. The site is

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currently not used for horticultural purposes. Outside storage of cars/rubbish is currently taking place which is considered to represent a breach of planning control.

POLICY BACKGROUND
The proposal falls to be considered in relation to policies DEV3 and GEN3 of Arun District Local Plan and the corresponding policies CSP1 and HORDM1 of the Emerging Local Plan and the National Planning Policy Framework(NPPF).

Paragraph 28 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.

This paragraph has now been tested for the first time in the High Court "Sienkiewicz v South Somerset DC (2013). In this case it was stated that the Framework would in principle support the grant of planning permission for even a large scale expansion of a business in a rural area.

The NPPF introduces a presumption in favour of sustainable development. It states that the Government is committed to securing economic growth in order to create jobs and prosperity. Where a Development plan is out of date planning permission should be granted unless the scheme would result in significant and demonstrable adverse impacts. The site is sustainably located being within easy walking and cycling distance of Angmering village and close to bus routes.

In this instance the Local Plan is being updated and some of its policies need to be altered to reflect Government guidance. However, the existing countryside protection policies are carried through in the Emerging Local Plan. The policy relating to Glasshouse development is amended to include a section (para3 of policy HOR DM1) which specifically relates to glasshouse redevelopment. In response to this criteria the agent has confirmed that the glasshouse is very small for a business and there is no land for outdoor crops. It has been redundant for some years and would require considerable investment were it to be used again. If it was viable the former nursery would not have closed, but would have adapted. The lack of any growing or horticultural related activity on site would endorse this.

On this basis it is considered that the proposal accords with policy. The policy concludes that proposals for redevelopment of horticultural sites for non-horticultural purposes will be considered on a case by case basis. The site is bounded by commercial use to the south. St Deny's Nursery has recently had similar commercial development approved and other cattery/commercial and residential uses exist to the south and west. It would therefore be in keeping with the changing character of the area. The Emerging Local Plan also allocates land to the east of the site for employment and enterprise (site 7). The proposal will make appropriate use of an existing redundant site that is located in a mixed residential and commercial area. The proposal will comply with the social, economic and environmental roles of sustainable development and the benefits of the scheme would not be significantly or demonstrably outweighed by any adverse impacts.

The proposal is also in accordance with Angmering Neighbourhood Plan policy ER2

VISUAL AMENITY
The proposed buildings are not of any significant merit but the agent has indicated that they could be clad in timber which would be more in keeping with the rural setting. In addition, new hedging to the site boundaries is to be controlled by condition which would assist in screening the development and assimilating it into its countryside location and improve the ecological value of the

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site

RESIDENTIAL AMENITY
The development is sited close to residential properties fronting Dappers Lane and it is therefore considered reasonable to restrict the hours of operation of the B1 premises, as suggested by the Environmental Health Officer, to protect residential amenity.
Conditions are also suggested to restrict the impact of lighting on residential and visual amenity and to control any potential contamination of the site.

HIGHWAYS
County Highways have no objection to the proposal in terms of highway safety subject to the imposition of appropriate conditions.

ECOLOGY
The application includes a Preliminary Ecology Appraisal and the recommendations made which include the provision of native planting, bat and bird boxes and strimming will be controlled by the suggested condition.

CONCLUSIONS
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 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 it will have a neutral impact 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).

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).

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2 The development hereby approved shall be carried out in accordance with the following approved plans Location, substitute site plan dated 15-06-2015, 14/938/08, 14/938/11 and 14/938/10.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 The elevations of the buildings shall be clad in timber and no development shall be carried out unless and until a schedule of materials and finishes to be used for the 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 GEN7 of the Arun District Local Plan.

4 The approved B1 (light industrial) use shall only operate on the site between the hours of:

8.00 a.m. and 6.00 p.m. on Mondays to Fridays inclusive
9.00 a.m. and 1.00 p.m. on Saturday
Not at any time on Sundays or Public Holidays

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.

5 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.

Reason: To control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7, GEN33.

6 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended the premises shall be used only for purposes within Use Classes B1 and for no other purpose.

Reason: To enable the Local Planning Authority to control the use of the premises in detail having regard to the amenities of nearby residential properties in accordance with policy GEN7 of the Arun District Local Plan.

7 No part of the development shall be occupied until the vehicle parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for the designated purpose of parking vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan.

8 The buildings shall not be used until details of the cycle parking shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To ensure that adequate and satisfactory provision is made for alternative modes of transport in accordance with sustainability requirements.

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9 Maximum visibility splays of 2.4m by 43m shall be provided at the site access onto Dappers Lane in accordance with a plan to be submitted to and approved by the planning authority. These splays shall thereafter be kept clear of all obstructions to visibility above a height of one metre above the adjoining road level.

Reason - In the interests of road safety.

10 The development shall proceed in accordance with the recommendations set out in the Preliminary Ecological Appraisal dated June 2015 by Darwin Ecology.

Reason: To ensure that the ecological value of the site is maximised in accordance with policy GEN7 of Arun District Local Plan.

11 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme to north and south site boundaries, 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 GEN7 of the Arun District Local Plan.

12 Prior to the commencement of development approved by this planning permission (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 uses
potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors
potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan 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 require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with

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Arun District Local Plan policy GEN7.

13 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

14 Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (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 plan, and for the reporting of this to the local planning authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun District Local Plan policy GEN7.

15 Development shall not commence 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

16 Any existing surface water flow paths across the site must be maintained.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan and the NPPF paragraph 103.

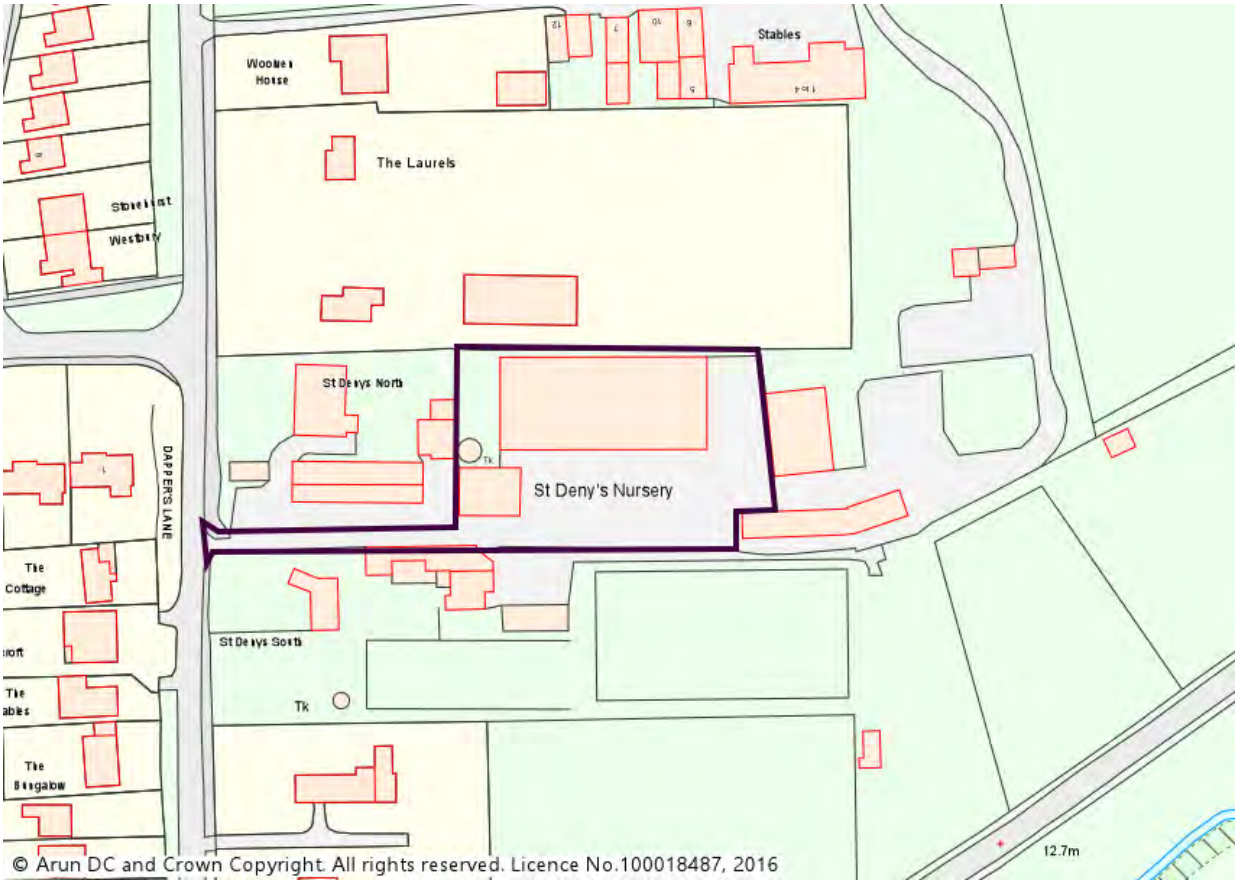
17 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally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

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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.

A/31/15/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/58/15/OUT**

LOCATION: **Oldlands Farm**
Steyning Way
Bersted
PO22 9NW

PROPOSAL: **Hybrid Application 1: Full planning application for earth works to facilitate flood compensation area**
2: Outline application (all matters reserved) for up to 20,453 sq m of B2 General Industrial Floorspace together with B8 warehousing & distribution floorspace.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application is for two separate elements which are intrinsically linked. The proposal for B2 and B8 uses is submitted in outline form (all matters reserved) and includes the provision of up to 20,453m2 of B2/B8 floorspace (Gross Internal Area). This site is located to the south of the Bognor Regis North Relief Road (BRNRR) which has recently been constructed, and is due to open in early 2016.

The outline application element is submitted with two potential development options:
- Option 1 - B2 only comprising 11no units with a total floor space of 17,453m² - submitted with illustrative masterplan.
- Option 2 - B2 and B8 uses comprising 13,506m² of B8 floor space and 6,947m² of B2 floor space resulting in a combined floor space of 20,453m² - submitted with illustrative masterplan.

Any B1 office space would be ancillary to the proposed primary B2 or B2/B8 uses and would largely depend on the requirements of any future occupier.

The full application element, to the north of the Bognor Regis North Relief Road, comprises engineering works to facilitate a flood compensation area. In its most basic form this part of the scheme constitutes a cut and fill exercise which would involve the excavation of approximately 46,000m³ of material, a large majority of which would be transposed to the proposed employment development platform site to the south of the BRNRR in order raise the levels across the site. The excavated area is intended to act as a flood plain, but would otherwise be retained in agricultural use. The applicant has confirmed that the excavated soils would be stored on site and subsequently used to restore the site for continued use as agriculture.

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SITE AREA	11.8ha (split between proposed flood compensation area - 5.76ha and proposed development platform - 6.04ha).
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	The development site slopes gently from west to east. The newly constructed BRNRR sits adjacent to the site to the north on a raised level to both sites. The proposed flood compensation area lies approximately 2m higher than the site to the south of the relief road. A number of drains cross the site where the levels drop to approximately 0.3m.
TREES	There are 4no mature oak trees within the development site. There is bramble and vegetation on the boundary of a ditch which runs through the site along with a number of smaller trees. There are no notable trees or vegetation within the proposed flood compensation area. However, there are a number of trees on the eastern boundary where the land falls into a ditch.
BOUNDARY TREATMENT	The north and west of the proposed development site is currently contained by wire fences which border the BRNRR. Beyond this lies the boundary of the BRNRR, which is raised above the site. The slopes of the site would be subject to landscaping. Just beyond the eastern boundary lies a railway line which sits on a slightly higher level, this is bordered by a tree and scrub belt. The former LEC airfield lies further to the east and contains a number of rifes, comprising an area of biodiversity opportunity set on relatively flat land. The southern boundary of the site follows the line of the recent Rolls Royce manufacturing development which includes a number of large, modern manufacturing buildings. The proposed flood compensation area is bounded to the south by the BRNRR, the boundary of which will be complemented by landscaping works. To the east of the site lies a ditch which is bounded by willow, shrubs and vegetation. To the north the land opens out into relatively flat arable land. To the west lies agricultural land which sits immediately adjacent to the BRNRR.
SITE CHARACTERISTICS	The proposed development to the south of the BRNRR comprises Grade 3b agricultural land. The proposed flood compensation area to the north partly comprises Grade 2 agricultural land. Therefore, part of the development lies on Best and Most Versatile Land as identified in the NPPF. Both sites lie in open countryside and are greenfield.

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CHARACTER OF LOCALITY	Whilst the site is rural, the area has been heavily influenced by major transport links and large scale commercial developments. The landscape character is predominantly low lying arable with limited tree cover. Land, particularly to the north and east, is open. The village of Shripney is located 500m to the northwest of the site and straddles the A29. There are small settlements further to the north. To the south and beyond the Rolls Royce development lies Southern Cross Industrial Estate which is indicative of a more urban context.

RELEVANT SITE HISTORY

BE/73/14/PL	Erection of 2 No. detached industrial/distribution units (B1(c)/B2/B8) including access & servicing arrangements, car parking, landscaping & associated flood compensation area. This application is a departure from the development plan. This application also lies within the parish of Aldingbourne	ApproveConditionally 28-08-2014
BE/61/13/	HYBRID APPLICATION. 1: Full planning application for Access and road and Flood compensation area. 2: Outline application for 33116 sq m of mixed commercial and industrial uses, comprising A1, A3, A5, B1, B2and B8, with associated works and landscaping.	ApproveConditionally 19-03-2014

There is no relevant site history applicable to the application site but there are relevant planning applications relating to the surrounding land.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bognor Regis Town Council

Bognor Regis Town Council - No objection

Bersted PC do not object to the above application but have serious concerns about increased traffic flows and the rationalisation that bigger vehicles may reduce traffic is likely to cause other problems not least less employment which is one of the main desires of the ALP. B8 use is contrary to the BNDP of 5.3.3. objections.

Many of the statutory authorities are giving guidance on what is required to mitigate flood, traffic and sewage issues and these must be fully implemented into the application to ensure all reasonable measures are taken to ensure the impact is neutral on the local economy and population.

Policy EE3

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5.3.3 General Industrial use (B2) and distribution and storage (B8) are considered inappropriate for the Parish due to the heavy goods traffic they can generate. The Parish is already blighted by large lorries and any increase in heavy goods traffic will have a detrimental effect on the Parish.

One representation has been received which can be summarised as follows:

- Whilst I am not opposed to the creation of additional employment opportunities which are much needed in the local area not this development per se, I am very concerned about the detrimental impact of this additional development upon local residents in both Bersted and Aldingbourne parishes and I feel that tight restrictions need to be put in place to mitigate these impacts. The land is a flood plain and, as a consequence, flat :- sound and light carries especially as there is a prevailing on-shore wind. Restrictions need to be placed on signage, lighting, operating hours and traffic movements. Landscaping needs to be quite dense to provide some sort of protection to the North. If development takes place, then building work should only be carried out during the normal working day unlike the 24 hour construction hours operated by the constructors of the relief road. Consideration needs to be given to access by bicycle, on foot and by public transport. Currently this area is difficult to access other than by car from the north.

COMMENTS ON REPRESENTATIONS RECEIVED:

CONSULTATIONS

Environmental Health
Health & Safety Executive
Highways England
Network Rail
WSCC Strategic Planning
Environment Agency
Natural England
Engineering Services Manager
Engineers (Fluvial Flooding)
Southern Water Planning
Economic Regeneration
Ecology Advisor
NHS Coastal West Sussex CCG
Surface Water Drainage Team
Chichester District Council
Ecology Advisor
Natural England
Highways England
Natural England
Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

Environment Agency - No objection. They are satisfied that the development is acceptable in principle, subject to conditions relating to the flood compensation area and other flood prevention measures.

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WSCC Highway - No objection subject to conditions and a S106 Agreement:

West Sussex County Council (WSCC), in its capacity as the local highway authority (LHA), has been consulted on the proposed 'phase 2' of development at the Oldlands Farm site at Bersted. A previous response to the proposal has been provided on the 30th July 2015 which requested additional information.

Phase 1 consisted of circa 38,000m2 of primarily B8 warehousing floor space for Rolls Royce which is currently under construction. The phase 2 site abuts part of the proposed Enterprise Bognor Regis (EBR) Local Development Order (LDO); WSCC has been consulted on the transport assessment that accompanies the draft order and which considers the cumulative impact of development at Oldlands Farm, Saltbox and Rowan Park. The LHA have been engaged by Arun throughout the scoping and production of the Transport Assessment associated with the LDO.

As part of the initial response the LHA reviewed the MJA Transport Assessment 15/0378/5130/WL. It appeared that this document was produced using information contained within the 'EBR Highway Infrastructure Viability Study - October 2014' (VS). Additional information was sought in respect of the trip rates used and a revised assessment of the A29/BRRR and A259/Rowan Way roundabout so that it accords with the LDO assessment scenarios. After consulting the LHA to set the scope of the assessment the Applicant has subsequently submitted addendum WL/15/0818/5130.

Summary
No objection is raised subject to a financial contribution of £50,000 towards junction mitigation at junctions affected by the development (as set out in the commentary below) and conditions in relation to a Construction Management Plan and Travel Plan.

Trip Generation
The Applicant has provided additional commentary and analysis of the selected trip rates, and an analysis of the LDO rates in comparison to those used for the Oldlands assessment. The key element is that the LDO provided rates only for B1 and B2 uses, whereas the proposed development comprises a mixture of B2 and B8 use. Whilst the B2 trip rate used for the LDO is higher than that used for Oldlands, it is evidenced that a B8 use will generate significantly fewer movements than any other B class use. To ensure that the assessment is robust, the Applicant has applied the B2 trip rate exclusively and made no adjustment for the anticipated B8 uses. Therefore, the LHA are satisfied that this provides robust trip rates for the capacity assessment.

Network Capacity Impact
The assessment scenarios used have been updated to reflect those set out in the LDO TA. This enables an assessment of the standalone impact of the development in addition to consented development and annual network growth, should the LDO not been successful, and the cumulative impact of development including the LDO, should the order be successfully made.

In reviewing the standalone impact it is evident that the proposed development will have a negligible impact on the operation of the local network. The National Planning Policy Framework (paragraph 32) indicates that development should only be resisted where the cumulative impact is severe. While the development does have a detrimental impact on the operation of the junction, the modelling demonstrates that it will continue to operate within theoretical operating capacity in a future year scenario, therefore the impact is not considered to be severe.

Whilst phase 1 of the Oldlands development has been included in the LDO TA, phase 2 has not

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been included and it is therefore necessary to consider the cumulative impact of the development in addition to the traffic generated by the LDO. This assessment was included in the original submission and the MJA addendum updates the modelling exercise undertaken to reflect the scenarios included in the final LDO TA for a horizon year of 2031.

A number of testing scenarios have been included in the assessment. It is evident that the proposed development will contribute to a cumulative impact on the operation of the existing A29/BRNRR and A29/Steyning Way roundabouts when combined with traffic generated both by the LDO as well as other consented development. It is demonstrated that the junctions will operate in excess of theoretical capacity and, given the nature and importance of the road, this is considered to be a severe impact. However, the mitigation testing demonstrates that this severe impact can be mitigated by the introduction of the schemes, or similar works, proposed through the LDO TA. It would be appropriate for the proposed development to make a proportional contribution towards those works and that a contribution of £50,000 that can be used for the delivery of mitigation schemes at the aforementioned junctions, by either the County Council or a 3rd party with the permission of the County Council to work on the highway, would accord with CIL Reg 122 tests. This should be secured by means of a Section 106 Agreement.

Highways England - The Transport Assessment does not include any potential impacts on the A27 roundabout. The selection of sites making up the TRICs estimated trip generation may not be sufficiently robust.

Since further information has been submitted by the applicant, final comments from Highways England will be reported to the committee.

Bognor Regis Regeneration Board - Application AL/58/15/OUT is the Phase 2 development of Oldlands Farm for an additional 220,000 sq.ft of mixed employment space. There are two options submitted:

Option 1 74,000 (B2) 145,000 (B8)
Option 2 188,000 (B2) 0 (B8)

The Regeneration Board has been supportive in the development of Oldlands Farm in the context of Enterprise Bognor Regis (EBR). The land designated for employment under the EBR umbrella is 69.4 ha. Oldlands Farm represents 23.8ha (34%). The Coast to Capital LEP Strategic Economic Plan (March 2014) identified 4,800 jobs and 140,500 square metres of employment space as a direct result of EBR.

The Enterprise Zone proposal for EBR produced for ADC in 2011 by Nathaniel Lichfield & Partners identified Oldlands Farm as an Advanced Manufacturing Park to capitalise and expand on existing strengths in manufacturing and engineering sectors. These sectors offer high value added employment opportunities, which would reduce out commuting by skilled personnel and offer opportunities to upskill the local workforce and increase average wages. It was estimated that the Advanced Manufacturing Park would generate 1,100 jobs.

A mix of B2/B8 premises affects both the number and the skill level of the jobs available.

ADC's draft Local Plan is structured around strengthening the economic base, providing local job opportunities by increasing, diversifying and improving the quality of employment.

Oldlands Farm is a key development towards this objective but there is a real risk it will develop into a 'Warehouse Park' than the original concept of an 'Advanced Manufacturing Park'. It can be

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assumed that B8 usage generates just over half of the jobs of B2.

The current level of development at Oldlands Farm is the Rolls-Royce Motors Technology and Logistics centre. This 350,000 sq.ft B8 warehouse and storage distribution facility consisting of two buildings will initially generate approximately 200 jobs. Although a very welcome investment and addition to the available jobs in Bognor Regis they do not reflect the volume or the high value added positions that were proposed for Oldlands Farm and that Bognor Regis needs. The opportunity arises through the new planning application to ensure this position is addressed and not further aggravated by granting outline planning application for Option 2 (not Option 1) which would be compatible with the Local Plan employment objectives.

Coastal West Sussex - The application by Hanbury Properties for an additional 220,000 sq ft of mixed employment space is welcomed as it would help deliver jobs. The nature of those jobs is important and a report produced by Nathaniel Lichfield & Partners to support the Enterprise Zone proposal in 2011 identified Oldlands Farm as an Advanced Manufacturing Park which could deliver substantial jobs and which would capitalise and expand on existing employment strengths in manufacturing and engineering sectors.

Therefore it would be Option 2 for General Industrial B2 usage to encourage and maximise the higher value job opportunities for the area that Arun District Council would be encouraged to support.

Economic Development - Wish to encourage the maximum employment density option on such a highly desirable development site. B2 uses would provide the greatest number of high value jobs and contribute towards creating more balanced and sustainable economic growth in the District. We would therefore wish to support Option 2 - 188,000 sq. ft. of B2 General Industrial floor space. The recent development of the Rolls-Royce Motor Cars premises on the adjoining site of nearly 350,000 sq. ft. of B8 use, although welcome, has generated 200 jobs. It is therefore crucially important that any future development makes best use of its employment density potential as well as supporting our key sectors such as manufacturing and engineering.

Environmental Health - An Air Quality Assessment is not required.

Southern Water - No objection subject to an informative.

Chichester District Council - No comments to make on the application. Please ensure that full consideration is given to the views of WSCC and Highways England.

WSCC Flood Risk Management Team - Development should not take place until a surface water drainage scheme/strategy for the site, based on sustainable drainage principles has been approved in writing by the Local Planning Authority.

The drainage strategy should demonstrate that the surface water runoff generated up to and including the 100 year plus 30% for climate change critical storm will not exceed the run-off from the current site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The majority of the site is at low risk from surface water flooding.

The site appears to be at low risk from ground water flooding.

ADC Drainage - Infiltration of surface water would not be effective at this location. Standard

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conditions to be applied with removal of requirement for percolation testing.

Parks & Greenspace

Landscaping
The provision of landscaping for the development must be conditioned with any permission. Some indicative planting has been illustrated with the plans DLA.1643.L003.02 B2 Illustrative Masterplan and DLA.1643.L003.03 B2/B8 Illustrative Masterplan provided this must for a condition on any reserve matters application. A full landscape scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting. This should be plotted in plan and list form and in relation to the trees and vegetation to be retained so that a clear picture of the proposals can be seen. These details are required to ensure that appropriate screening is provided, maintaining and uncompromising the setting and ensuring that the proposals fit within the area of neighbouring development.

We note there is a requirement for any scheme, in accordance with policy 'Site 6' to be of High Quality Design, the nature and usage of this development should not compromise this requirement. The emerging landscape design aims should be

· To design and implement a scheme that reflects and incorporates elements of its surroundings and enhances the atmosphere of local distinctiveness.
· To create a visually pleasing and interesting landscape for owners, employees and visitors to the development.
· To enhance the landscape quality of the site when viewed from the surrounding area.
· To provide a planting scheme that includes native species to blend with the surrounding location, enhance biodiversity and create enhanced wildlife corridor opportunity.
· To provide a sense of flow and cohesion between the different elements of the landscape, buildings, open areas and surrounding environment.

Arboriculture
A tree survey relating to existing trees has been undertaken. The tree protection fencing identified with the tree protection plan must be conditioned with any permission.

The Oak trees along the north/eastern boundary edge identified for retention, must be protected during the works as they have been identified to provide good visual amenity in addition to their biodiversity importance. These trees have the potential for a long life expectancy, with potential to become a prominent feature within the landscape and are worthy of protection, with adequate fencing according to the BS5837 (2012) Provision for fencing according to each of the trees' calculated root protection area must be erected prior to the commencement development activities.

Biodiversity / Ecology
The recommendations contained within the habitat survey report must be included within the conditions of any planning approval.
Clearing of remaining vegetation must not be carried out during the bird nesting season.
A reptile survey is carried out prior to works commencing on site.
Vegetation where detailed for retention to and boundaries is retained - this is noted as recommended under tree protection.
Bat and bird boxes are provided to enhance the ecological potential of the site and mitigate for any loss of vegetation.

Natural England - No comments to make with regards this application.

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Archaeologist - No objection. I agree that the potential archaeological interest at this site and the likely impact on it would justify investigation in advance of development and that this would be appropriately secured following a planning condition. I therefore recommend standard archaeology condition ARC 1.

Ecologist - No objection:

Badgers
The badger survey has shown that there potential for badgers onsite. Due to this mitigation has been proposed within Addendum to Protected Species Survey Report (September 2015) and we are happy that the proposed mitigation is suitable and this can be conditioned.

Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced.

Water Voles
The water vole survey has shown that there is a low population of water voles onsite. Due to this mitigation has been proposed within Addendum to Protected Species Survey Report (September 2015) and we are happy that the proposed mitigation is suitable and this can be conditioned.

Reptiles
The reptile survey has shown that there is a moderate population of reptiles onsite. Due to this mitigation has been proposed within Addendum to Protected Species Survey Report (September 2015) and we are happy that the proposed mitigation is suitable and this can be conditioned. The applicant should note that no works can commence until the reptile translocation has taken place.

COMMENTS ON CONSULTATION RESPONSES:

Comments from consultees are dealt with in the main body of this report.

POLICY CONTEXT

- 'SITE 6' (the proposed employment site) and land Outside of the Built Up Area Boundary (the proposed flood compensation area);
- Flood Zones 2 and 3;
- Strategic Employment Sites in the Publication Version of the Local Plan (2014).

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN15	Cycling and Walking
	GEN18	Crime Prevention
	GEN2	Built-up Area Boundary
	GEN23	The Water Environment
	GEN26	Water Quality
	GEN29	Nature and Conservation Across the District
	GEN3	Protection of the Countryside
	GEN32	Noise Pollution
	GEN33	Light Pollution
	GEN34	Air Pollution
	GEN7	The Form of New Development

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	GEN8	Development and the Provision of Infrastructure
	GEN9	Foul and Surface Water Drainage
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality QE DM2 Light Pollution QE DM3 Air Pollution SD SP2 Built-Up Area Boundary T SP1 Transport and Development W DM2 Flood Risk W DM3 Sustainable Urban Drainage Systems	
Bersted Neighbourhood Plan 2014 Policy EE3	Encourage a diverse range of commerce in the Parish	

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton;

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Rustington; and Yapton.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with the Development Plan in that it proposes employment uses on an allocated employment site.

OTHER MATERIAL CONSIDERATIONS

Enterprise Bognor Regis (Draft Local Development Order - July 2015)
Feasibility and Viability Assessment - Oldlands Farm (2014)

CONCLUSIONS

PROPOSAL:

For the purposes of this application, the development plan for the Arun District currently comprises the following documents:

- Extant saved policies contained within the 2003 Arun District Local Plan
- Bersted Neighbourhood Plan

The application site straddles two areas in the 2003 Local Plan, namely, Policy SITE 6 in relation to the proposed commercial uses, and open countryside in relation to the proposed flood compensation area.

Policy SITE 6 "Land to the north of Bersted, Bognor Regis and Felpham" states:

"The area shown on the Proposals and Inset Maps will be developed for a mix of residential, employment and public open space, together with Relief Roads. Provision is made for:

i. 40.24 hectares of land to accommodate 1,350 dwellings which will consist of 650 dwellings at North Bersted and 700 dwellings at Felpham. 30% of these dwellings will be affordable housing, provided in accordance with Policy DEV17.

ii. 11.25 hectares of development for a high quality Business Park, accommodating uses generally falling within Class B1 of the Use Classes Order, although uses falling within Classes B2 and B8 will be permitted if they contribute to the regeneration objectives for Bognor Regis and are of a high quality design;

iii. An 11.8 hectare reserve for an extension to the Business Park, subject to the resolution of flooding issues;

iv. Relief Roads to form part of the Strategic Road Network;

v. Infrastructure (or contributions for provision within the local area) as required by statutory authorities and service providers;

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vi. Public open space in accordance with the Council's adopted minimum standards and as shown on the Proposals and Inset Maps; and

vii. A comprehensive landscaping scheme."

In terms of the emerging Local Plan (Publication Version of the Local Plan 2014), this has been suspended pending further consideration relating to insufficient housing numbers being set out in the Plan. Policies within the emerging local plan can be afforded limited weight at this time. Nevertheless, within the Local Plan the site is allocated as a 'Strategic Employment Land Allocation' and there is a clear commitment from the Council to carry the existing employment allocation forwards.

In terms of Neighbourhood Plans, the site lies within the Aldingbourne Neighbourhood Plan boundary. However, the plan has reached Regulation 18 stage and, following the examination, cannot be progressed without significant alterations as a number of policies in the emerging plan do not conform with the NPPF or strategic policies contained within the development plan. The current Neighbourhood Plan is therefore considered to have only very limited weight at this stage.

The Bersted Neighbourhood Plan has recently been made (adopted) and this does not appear to support B2 and B8 uses outside the existing employment areas, as detailed within policy EE3 of the Neighbourhood Plan. However, the proposed development site lies outside the Parish boundary and outside the Bersted Neighbourhood Plan area. Therefore, the policy is not directly applicable to the development proposal, although it is acknowledged that the concerns raised by the Parish in terms of vehicular movements are capable of being material considerations as there is potential disturbance to the highway network within Bersted. These are covered in more detail in the highways section of this report.

The application does lie within Aldingbourne Neighbourhood Plan area. However, whilst the Plan has been formally examined, the Inspector concluded that it should not proceed to a referendum without significant alterations. Therefore, very limited weight can be attributed to the policies within the NP. However, the NP does not make specific reference to the site, nor is the site allocated for any specific purpose in the NP.

The site also lies within close proximity of the Enterprise Bognor Regis Draft Local Development Order (Consultation 2015) which comprises a total site area of 23.8ha. However, as the application site is not included within the LDO boundary, this does not have a direct bearing on the principle of development in this case - although the contents of the draft LDO may be a consideration in respect of other matters set out in this report.

In respect of the NPPF, the emerging Local Plan is intended to reflect the substance of NPPF policies. However, as the emerging Local Plan has not been adopted, the following NPPF policies are considered particularly relevant in the determination of this application:

The National Planning Policy Framework (NPPF) has at its heart a presumption in favour of sustainable development, which should be seen as a golden thread running through both planmaking and decision-taking. Within para 14, it states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the framework as a whole.

The government's growth agenda specifically supports the delivery of sustainable economic development and in particular paragraph 20 of the NPPF advises LPA's to "plan proactively to meet

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the needs of business and support an economy fit for the 21st century".

Paragraph 19 of the NPPF places strong emphasis on the support of suitable economic development "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

Furthermore, Paragraph 20 requires Local Planning Authorities to plan proactively to meet the development needs of business.

Paragraph 21 of the NPPF recognises that planning policies should not hinder economic development and encourages LPA's to address any potential barrier to investment such as poor environment or lack of infrastructure. It states that policies should be flexible enough to accommodate needs which were not anticipated when preparing the development plan and that the Local Plan should "identify strategic sites for local and inward investment to match the economic strategy and to meet anticipated needs over the plan period."

The NPPF encourages authorities to review their employment land regularly and also to maintain flexible policies that are 'able to react to market signals'.

Paragraph 17 of the National Planning Policy Framework identifies a number of "Core Planning Principles" which should underpin decision-taking.

The development needs (both commercial and residential) of the District should be taken into account: "Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area..."

The protection of the countryside is also identified as a core land-use planning principle. Decision takers are required to "take account of the different roles and character of different areas... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities".

Paragraph 173 states that pursuing sustainable development requires 'careful attention to viability and costs' in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.'

Paragraph 100 of the NPPF identifies that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should apply a sequential, risk based approach to the location of development to avoid where possible flood risk to people and property. A sequential test should be applied to ensure that development is directed to areas with least risk of flooding.

In areas at risk of flooding, Paragraph 101 of the NPPF states, "the aim of the Sequential Test is to steer development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed

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development in areas with a lower probability of flooding."

Para 187 of NPPF states that local planning authorities should look for solutions rather than problems and should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of an area.

PRINCIPLE:

The wider Oldlands Farm site is allocated for employment purposes in the adopted Arun District Local Plan under policies SITE 5 and SITE 6. The current application for employment sits in the north eastern corner of the Oldlands Farm site and falls within SITE 6 of the Local Plan allocation. There is further land within SITE 6 which has recently been developed and occupied by Rolls Royce (BE/73/14/PL) which comprises two buildings in B2/B8 use. This was developed as part of phase 1 of the development of Oldlands Farm.

The proposed flood compensation area lies within open countryside but outside of the employment allocation.

Policy EMP DM2 of the emerging Local Plan identifies Oldlands Farm as a Strategic Employment Site. The emerging policy sets out a number of criteria against which applications should be assessed.

Local Plan SITE 6 policy places an emphasis on promoting B1 uses but goes on to say that "...uses falling within Classes B2 and B8 will be permitted if they contribute to the regeneration objectives for Bognor Regis and are of a high quality design." Emerging policy EMP DM2, on the other hand, identifies that a mix of B1, B2 and B8 uses will be supported, subject to a number of criteria being met. It does not stipulate a requirement for B1 uses. Whilst limited weight can be afforded to emerging policy EMP DM2, it nevertheless demonstrates an emphasis in promoting employment opportunities through investment and competition; and ensuring that employment potential is not stifled through restrictive policy requirements. This is considered to be more aligned with the NPPF, particularly paragraphs 19 and 21 which seek to promote policies and decisions which support sustainable economic growth in a flexible manner.

It is noted that development has recently been completed within the Oldlands Phase I site (planning permission reference BE/73/14/PL) and this did not include B1 uses. The units are now occupied by Rolls Royce, a single occupier, and the two main units comprise B2/B8 uses. The 38,099 m² floor space associated with the Rolls Royce development will initially provide employment for 200 people. The current application proposes two options, either 6no B2 units along with 2no B8 units; or 11no B2 units and therefore, it is likely that there would be multiple occupants across the site. The applicant has submitted details that demonstrate the employment potential associated with the proposal. This concludes that the proposal would support between 300 and 485 jobs, with between 425 and 565 based on full occupancy (and shift patterns etc). It does appear to acknowledge the reduced potential for job creation associated with B8 uses. It is considered that the employment potential of either of the proposals put forward should be given significant weight in the decision making process, in line with the provisions of the NPPF, and emerging policy EMP DM2.

Concerns have been raised by Coastal West Sussex and the Bognor Regis Regeneration Board regarding the proposed mix of employment uses. Specifically, they are concerned that proposed 'Option 1' - to provide a mix of B2 and B8 uses, would not provide sufficient quality job opportunities in line with the provisions of the emerging Local Plan - to increase, diversify and improve the quality of employment. Similarly, the Council's Economic Development team have also registered their

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support for the proposed B2 option only, on the basis that this would provide the greatest number of high value jobs, and contribute towards creating more balanced sustainable economic growth in the District.

A large proportion of the Strategic Sites set out in policy EMP DM2 is covered by the draft Enterprise Bognor Regis Local Development Order (LDO), although excludes the application site. However, the parameters of the draft LDO comprise a mix of B1 and either B2 or B8 uses across the sites. Emerging policy EMP DM2 has been developed against the backdrop of the Oldlands Farm Feasibility and Viability Assessment (2011). The viability report identified a number of financial and logistical constraints in bringing the whole of Oldlands Farm site forwards. The report also recognised that proposals for the wider site that targeted just one sector or development type were likely to be less successful than a scheme which targeted a range of uses and was flexible to future demand.

The proposed development would result in the loss of grade 3b agricultural land. However, this is not considered to comprise best and most versatile land according to the NPPF. It is also the case that the site is allocated for employment purposes in the Arun Local Plan.

CONCLUSIONS ON PRINCIPLE OF DEVELOPMENT

Having regard to emerging employment planning policy, the proposed development would contribute to the overall mix of employment opportunities contained within emerging policy EMP DM2. Whilst this is a material consideration in the decision making process, the starting point for decision making is the 2003 Arun District Local Plan. Policy SITE 6 of the Local Plan states that B2 and B8 uses will only be permitted if they contribute to the regeneration objections for Bognor Regis and are of high quality design. It is considered that B2 uses only would provide the greatest number of high value jobs and contribute towards creating more balanced and sustainable economic growth in the District, thus increasing the quality of the employment offering.

In particular, the concerns raised by the Bognor Regis Regeneration Board, the Council's Economic Development Team and Coastal West Sussex regarding the potential for B8 uses are considered to demonstrate potential conflict with the wider regeneration objectives of Bognor Regis. Proposed 'Option 2' comprises 6900m² of B2 uses, set within 6no units, with an additional B8 provision of 13,500m² within 2no units. This would potentially deliver only 33% B2 provision (GIA) across the site. Whilst it is acknowledged that the neighbouring Rolls Royce Motors Technology and Logistics centre comprises a B2/B8 development; this does not set necessarily set precedence for accepting B8 uses across the wider Oldlands Farm site. Rolls Royce is considered to be a high profile anchor tenant and this is likely to act as a catalyst for attracting high quality jobs and inward investment into this strategic employment area. It is acknowledged that the direction of travel in respect of emerging policy, and the most recent independent employment viability evidence for Oldlands Farm, suggests that the development of this site remains challenging, and that flexibility is the key to unlocking potential across the sites within Oldlands Farm. However, whilst the site has not been developed since the site was allocated in 2003; the Council and Partners have made significant progress in promoting Enterprise Bognor Regis - including the proposed LDO. Furthermore, the BRNRR has recently been built which will undoubtedly improve transport links. The recent Rolls Royce development means that the site is likely to be significantly more attractive for future investors. All these factors are considered to weigh in favour of the high quality manufacturing jobs coming forwards in the local area on this site. In addition, the application has applied for two options, so it must be assumed that option 2 put forward by the applicant (B2 only) represents a feasible development proposal from their perspective. Overall, the site is considered to be significantly more attractive to investors than it has been at any stage since adoption of the 2003 Local Plan.

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The NPPF aims to ensure that the planning system does everything it can to support sustainable economic growth. Whilst the mix of uses proposed is not in line within the specifics of policy SITE 6 of the Arun District Local Plan, it is nevertheless considered that B2 uses on this site would comply with the wider regeneration objectives of Bognor Regis, and this approach is supported by regeneration and economic development consultees. On that basis, the principle of development is considered acceptable in respect of B2 uses only, as this would provide more favourable conditions to attract quality investment and skilled jobs on this strategically important employment site.

In terms of phasing, it is considered that the application comprises a logical extension to the neighbouring Rolls Royce Technology and Logistics Centre site which forms part of Phase I of Oldlands Farm. Access would be taken through the neighbouring site within Phase I (Rolls Royce), and the Rolls Royce scheme has been designed in order to ensure links between the two sites are in place. The scheme includes a similar flood compensation scheme to that proposed in phase I. The proposed development is contained by the BRNRR to the north and the railway line to the south and east. It is not considered that the development of this site in isolation would jeopardise the wider, strategic employment potential of Oldlands Farm, or any of the other sites detailed in emerging policy EMP DM2, nor would it jeopardise the plan making process.

Whilst the application is proposed to the north of the main settlements boundary, it will be supported by the BRNRR and lies adjacent to an existing manufacturing development. The development would require the submission of a Travel Plan which could be secured by a planning condition. It is noted that the draft LDO includes Travel Plan provisions and, if implemented, this would also improve accessibility which would be beneficial to the wider area, including this site. Highways issues are considered in more detail in the relevant section of this report. The building would be designed to BREAM 'very good' standards. Overall, the application is considered to represent an accessible location and a sustainable employment proposal.

In respect of the proposed flood compensation area, there are no objections in principle to the alteration of land levels as it would not conflict with policy GEN3 of the Arun Local Plan, and the land would continue to be worked for agriculture. However, development of this site would be subject to a condition requiring a soil management plan to be submitted. The strategy would require full details of soil excavation depth and a strategy for storing top soils on the site prior to reuse.

DESIGN,CHARACTER AND LANDSCAPE

As the application is proposed on open arable land, and given the scale of the buildings proposed, it is inevitable that the character of the site would be significantly altered by the proposed development.

In the West Sussex Landscape Character Assessment the key aspects of the surrounding area include low lying flat open landscapes, meandering rifes and straight drainage ditch systems, large-scale arable farming and few trees and hedgerows.

The site itself is largely flat, falling from 2.6m AOD along the northern boundary to 0.9m in the north east corner. The site(s) are currently arable fields with a number of ditches running in an easterly directly towards Lidsey Rife. A belt of scrub willow and occasional Oak trees follow the ditch on the northern boundary.

The openness of the employment site has been diminished to some extent by the raised BRNRR viaduct to the north and the recently constructed Rolls Royce manufacturing units and therefore, it

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has become relatively well enclosed. Views of the site from mid and long distance public vantage points are generally more limited.

From the north the site there would be open views from footpath 151 as it runs in a southerly direction from Sack Lane generally towards the development site. However, the buildings would be seen in context of BRNRR viaduct and the Rolls Royce manufacturing site from this receptor.

Views from the east, particularly from footpath 152 which runs across open fields, are filtered by the elevated railway line which runs to the east of the site. However, there would still be available views of the site from this receptor, although the development would be seen in context of the large manufacturing units behind. Footpath 152 also runs through the centre of the application site and whilst the route of the footpath would be unaffected by the proposal, it would be significantly affected (visually) and the quality of the experience for users of the footpath would be eroded. There would be intermittent views of the site from the south but these would tend to be from the northern edge of the existing industrial estate. From the west views of the site would be intermittent and partially filtered by both the BNRR and the existing Rolls Royce development. Despite the visual extent of proposal being limited to a small radius, the indicative layout shows that the tallest and largest buildings would be positioned towards the rear of the site and close to the railway line.

Landscaping details are reserved for future consideration. However, the submission includes indicative details which show the retention of mature trees on the proposed employment development site, and the shoring up of existing landscape buffers along the boundaries of the site. Given the predominantly open nature of the surroundings and the scale and context of the development hereby proposed, coupled with the landscaping scheme associated with the BRNRR, the proposal could be designed in such a way so as to protect mature trees, and the indicative details show a robust landscaping strategy. The Council's Greenspace section has no objection to the proposed development, subject to ensuring that any landscaping scheme is of the highest quality, in accordance with the requirements of policy SITE6. As landscaping details are reserved for future consideration, full details would be considered at reserved matters stage.

In respect of the existing oak trees, these are considered to be worthy of retention and protection during the construction phase. Given the raising of the land levels on the development site, it is imperative that careful consideration is given to the protection of the trees. Conditions are therefore recommended in order to ensure that the trees are identified and protected, and that full details of land raising are provided to ensure that the area surrounding the existing trees is excluded from land raising.

In terms of design, these details are reserved for future consideration. Nevertheless, the applicant has committed to ensuring that all buildings bordering the BRNRR to the north would be a maximum of 10m in height. The larger B2/B8 buildings would be located towards the rear of the site with a maximum height of 13.5m. Whilst it is clear that the B8 units are more likely to comprise large 'sheds'; it is considered that they would be acceptable in context of the surroundings. The illustrative layout indicates that the implementation of option 1 (B2 only) would be less visually intrusive than the option 2 layout. The levels across the site would closely replicate the adjacent Rolls Royce development.

The proposed flood compensation area would be returned to agriculture. Whilst the level of this land would be altered, it would assimilate with the adjacent flood compensation area and would not be significantly harmful to the character and appearance of the area or the overall landscape quality.

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The South Downs National Park is located approximately 4.5km to the north of the site. Views of the site from the slopes of the park would be limited, and any views of the development would be seen in context of the other large buildings located adjacent to the site. The buildings associated with the development would be visible against the backdrop of the settlement. Given the limited visibility of the proposed development and the distance involved, it is not considered that the purposes of the South Downs National Park would be adversely affected.

Overall, the proposed development is considered to fit in context, being within an employment allocation and within the confines of the existing settlement which is now clearly demarked by the BRNRR. The scale of the development would clearly alter the nature and appearance of the site and there would be significantly adverse close up views from local footpaths. The effect of the development would be much less pronounced from mid and long distance potential viewpoints. The submitted LVIA concludes that the development would not result in significant permanent landscape harm. The development would be seen in context of other employment generating proposals within the area. The illustrative layout also demonstrates that landscaping and building layout and design would be a key component of mitigation which would be submitted at reserved matters stage.

When considered in the round the proposed development is considered acceptable when measured against policy GEN7 of the Arun District Local Plan and LAN DM1 of the emerging Local Plan. Overall, is not considered that the development would result in significant harm to the character and appearance of the area, landscape, or significantly affect the character of the wider countryside. The scheme has the potential to comprise a high quality design, as required by planning policy, which would be subject to consideration at reserved matters stage.

HIGHWAYS

Access to the employment site would be taken via the existing Rolls Royce site which is located within phase 1 to the south. This site is accessed directly from the roundabout on the A29 which also links the BRNRR with the A29.

The submitted Transport Assessment (TA) makes a worst case assumption on the basis that B2 uses would be provided across the site, as this would likely result in more vehicular movements/trips.

WSCC have reviewed the proposal both in terms of its standalone impact, and cumulative impact with phase 1 and potential developments within the LDO. In addition, the submitted TA covers scenarios both with, and without, mitigation proposed as part of the LDO TA. Overall it is considered that the proposed development would contribute to a cumulative impact on the operation of the existing A29/BRNRR and A29/Steyning Way roundabouts when combined with the traffic generated by both the LDO and other consented development. The TA demonstrates that the junctions will operate in excess of theoretical capacity and, given the nature and importance of the A29, this is considered to constitute a severe impact. However, the TA demonstrates that the impact could be mitigated by the introduction of the works proposed as part of the LDO (this includes lane widening and additional markings at the nearest A29 roundabout). Therefore, WSCC highways consider it necessary to require the development to make a proportional contribution towards the works by way of a S106 Agreement.

In terms of trip rates, WSCC highways are satisfied that the submitted assessment is robust. It is also considered that some of the predicted traffic in the submitted TA may have been over-estimated due to some uncertainty over what has previously been modelled in the Local Plan evidence. The submission clearly demonstrates a cumulative 'worst-case' assessment.

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In terms of parking, the applicant proposes two indicative layouts. Option 1 (proposed B2 and B8) would include 326 spaces for the proposed units. Option 2 (B2 only) comprises 468 spaces to take into account the different parking standards applied to B2 and B8 uses. The proposal is considered to comply with the adopted parking standards.

In terms of the potential impact on the major A road (A27), Highways England raise concerns that the proposal may result in a significant impact on the Fontwell Roundabout to the north of the site. The applicant has provided additional information in an attempt to address these issues, and an update will be provided to committee.

There is little detail contained within the application regarding the movement of soils from the proposed flood compensation area to the development. However, the movement of materials between the two sites would temporary, and would likely represent no more than 2500 one way trips. Final details and routing could be secured through the imposition of a planning condition as the transferring of material between the two sites has not been finalised. Highways raise no objections to this approach.

In terms of the potential impact on the major A road (A27), Highways England raise concerns that the proposal may result in a significant impact on the Fontwell Roundabout to the north of the site. The applicant has provided additional information in an attempt to address these issues, and an update will be provided to committee.

BIODIVERSITY
The sites were assessed for habitat potential and ecological appraisals support the application. The fact that the site is regularly cultivated has restricted its potential for significant biodiversity value. Nevertheless, the boundaries of the fields and vegetation within the site do offer ecological opportunities.

In respect of bats, the site is open and there is considered to be limited opportunity for roosting potential. Within the development platform site there is a mature Oak and a Cracked Willow which provides some roosting potential. There is also some limited potential due to the internal hedges.

The site includes potential for badger sett creation, although there was no evidence of use of the boundaries by badgers during the survey period. Proposed mitigation includes safe construction working practices, an updated survey prior to construction and the provision of linear routes through the site to maintain landscape connectivity. These matters could be secured by planning condition. No objections are raised by the Council's ecological adviser.

In respect of Water Voles, the applicant has submitted additional information. They are known to occur in low density in the area and are likely to use the ditches on site during times of high water. Most of the ditches on site are considered poorly suitable/marginal habitat for Water Voles due to them being only wet during high water levels; and also being shaded by bramble/hedgerow and scrub growth, which results in lower quality feeding and poor suitable vegetation growth. Mitigation is split into construction mitigation and operational measures. The construction mitigation strategy provides a basis for update monitoring of the ditches on site, and broad mitigation strategy for retention of main habitats and staged removal of Water Vole habitat, to an agreed best practice methodology. The operational measures involve creation and longer term management of new habitats on site. The Council's ecological adviser is satisfied with the proposed mitigation, subject to conditions.

The submitted survey reveals that the boundaries of the fields contain suitable habitat for common reptiles. The survey recorded a total of 3 Slow Worms and whilst Grass Snakes were not found,

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they have been recorded in the local area. The application proposes a number of mitigation measures to deal with reptiles including reptile protective fencing, the placement of refugia, the provision of new open space suitable for reptile populations, the submission of a mitigation strategy and a long-term management proposal. These elements could be conditioned.

In terms of bats, the Council's ecological adviser considers that the loss of internal features for bats would need replacing on a 1:1 basis, with a native woody species to provide a potential commuting corridor for bats. A number of other mitigation measures are proposed including the creation of buffer zones and careful lighting placement. These matters could be conditioned.

Overall the proposal is considered to comply with the requirements of policy GEN29 of the Arun District Local Plan and regard has been had to the provisions of the Habitats Directive. The sites overall have limited ecological interests. Any potential impacts can be appropriately mitigated.

IMPACT ON HERITAGE ASSETS

There are no heritage assets within proximity of the site and it is not considered that there would be any impact on the setting of any listed buildings or Conservation Areas.

The applicant has carried out an archaeological assessment, which covers both sites, and concludes that the presence of archaeology should not be an overriding constraint to development. Further investigative work could be conditioned, as confirmed by the Council's Archaeological advisor.

DRAINAGE

The site falls partially within flood zones 2 and 3 (3 - high probability of flooding from rivers and sea). The application includes a parcel of agricultural land of approximately 5.6ha located to the north of the BRNRR. The basis of the drainage scheme for the overall development involves the excavation of earth from the site to the north, which would be transferred to the proposed development platform to the south. The excavated area is intended to provide a compensatory flood plain to ensure no overall loss of flood plain occurs.

To ensure continuity between the existing flood compensation area to the north of the BRNRR, the proposed flood compensation area, and the Oldlands Farm ditch, it is proposed to introduce a new channel to the south east of the site adjacent to the railway line which would then outfall under the main railway line.

The site is allocated for employment purposes in the emerging Local Plan and is also allocated for employment in the 2003 Local Plan. The National Planning Practice Guidance (NPPG) states that individual developments on sites allocated in development plans through the sequential test should not be subject to a sequential test. As it stands the emerging Local Plan has not been adopted - although as part of the evidence within the emerging Local Plan the Council carried out a sequential test and exception test for a number of strategic employment sites, including Oldlands Farm. These areas form part of the allocation within the emerging Local Plan constituting Enterprise Bognor Regis, captured under policy EMP DM2. The site is also allocated within the Arun Local Plan as an employment site.

The applicant proposes that the proposed flood compensation area is located to the north of the BRNRR by carrying out a 'cut and fill' exercise. In effect, this area would become the flood plain, while the proposed development to the south would be lifted and consequently be positioned in Flood Zone 1. The Environment Agency raises no objections to the proposal. Similar flood

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compensation provisions have been provided adjacent to the site by virtue of planning permission BE/61/13 and the BRNRR.

The Council's drainage engineer and WSCC Flood Risk Management Team have assessed the submission and raise no objections, subject to conditions. The Council's drainage engineer has stated that infiltration of surface water would not be appropriate at this location. The applicant proposes that surface water run-off would be managed to mimic the existing run-off to Oldlands Farm ditch. Such details could be conditioned.

Based on the existing and emerging policy allocation and the evidence which supports the emerging Local Plan, it is not considered that the proposed development could easily be located in an area of lower flood risk without significantly conflicting with other planning policies, other than by considering another location within the Enterprise Bognor Regis area. Nevertheless, there are wider sustainability benefits in the proposed development of a strategic employment site which outweigh the flood risk. The submitted FRA demonstrates that the site can be developed by 'moving' the flood plain to an area of land to the north of the BRNRR, adjacent to similar flood compensation provisions. This approach has been agreed in principle with the Environment Agency in accordance with their guidance. Overall the proposals demonstrate that surface water run-off would be reduced in comparison with existing run-off and that the potential impact on flood risk has been suitably addressed. A number of conditions would need to be imposed in order to ensure that flood mitigation measures are properly assessed and implemented. The application is considered to comply with policies GEN9 and GEN11 of the Arun District Local Plan.

RESIDENTIAL AMENITY

There are no properties within close proximity of the site. The nearest properties lie to the north at a distance of over 330m on the northern side of the BRNRR. The nearest properties off the A29 are at a distance of approximately 470m to the North West. The site lies adjacent to the Rolls Royce manufacturing development and there are no restrictions in terms of operating hours on this site. Given the location of the BRNRR, which is located between the site and the nearest residential properties, it is considered that the principle of employment development is acceptable. A condition is recommended to ensure that noise mitigation measures are included at reserved matters stage.

Lighting details would be required at reserved matters stage as part of the layout details. The site is allocated for employment purposes and therefore, lighting is necessary, although potential significant impacts can be mitigated. The application is considered to comply with policy GEN33 of the Arun District Local Plan.

Any potential for issues arising during the construction phase could be conditioned so that a robust construction method statement is submitted to cover both the outline and full application elements of the proposal. With regards the full application, the proposal will need to include a request for dust, noise and construction mitigation measures.

OTHER ISSUES

Conditions would be attached requiring land contamination to be considered, including potential mitigation measures.

CONCLUSION

The application is considered to constitute a sustainable employment development which would

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provide significant job opportunities in its own right. Whilst the site is greenfield, it is allocated for employment purposes in the Arun District Local Plan and the emerging Local Plan, albeit that policy 'SITE 6' of the Arun District Local Plan supports mainly B1 uses, unless a proposals contribute to the regeneration objectives for Bognor Regis and are of high quality design. The proposal for B2 and B8 uses is not considered to represent a development which would align with the regeneration objectives of Bognor Regis. However, the proposal for B2 uses only, and the additional high skilled manufacturing jobs such a use is likely to generate are considered to align with the regeneration objectives of Bognor Regis in maximising benefits and opportunities for the town in a strategic employment location. Therefore, it is considered that the requirement for B1 set out in the Local Plan can be relaxed in this case, as the development of the site for B2 uses only represents a flexible approach to supporting sustainable economic growth and accords with SITE6 of the Local Plan.

The employment scheme is considered to represent a logical extension to Phase I and represents a sustainable employment form. It would take advantage of new infrastructure (BRNRR) and existing access into Phase I.

The illustrative layout indicates large employment units which would be visible from the wider open countryside. The scheme would clearly have an impact on the landscape and visual amenities of the area. To an extent, the impact can be mitigated by layout and landscaping. The BRNRR and the nearby manufacturing units also provide an urbanised context. The proposed development is not considered to be at odds with what might be reasonably expected on a strategic employment site. Reserved matters submissions will need to include a sensitive layout and high quality designed units in accordance with the requirements of policy.

The proposed flood compensation is considered acceptable in respect of appearance and likely impacts on the surrounding area. As this scheme is linked to the detailed design of the development platform proposed as part of the outline application, it is considered necessary to impose a number of conditions requiring full details of final levels and restoration.

In respect of other matters, it is considered that the proposed development, in principle, will have an acceptable impact in terms of highways, flood risk, ecology, noise and archaeology.

It is recommended that the application is granted on the basis of B2 provision only, subject to the following provisions and 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.

SECTION 106 DETAILS

A Section 106 Agreement is being prepared and draft Heads of Terms have been agreed in principle. The S106 Agreement will be required to include the following provisions:

A financial contribution of £50,000 is required towards works at the following junctions:

· A29/BRNRR
· A29/Steyning Way

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

1 The conditions below refer to the 'full' matters within the planning application (flood compensation area)

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 and statements:

DLA.1643.L003.01 - Red-line Boundary
5130:02 - Prelim Compensation Area
5130:03 - Raised Levels Section

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council Highways. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles for excavation purposes,
- 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,

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- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works,
- details of dust suppression measures,
- details of any lighting required during construction,
- details of reversing alarm types of vehicles,
- details of construction/operating hours during the construction phase.

Reason: In the interests of highway safety and the amenities of the area.

4 No development shall take place until such a time as a scheme to provide compensatory flood storage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include amendments to the current provision (as set out in the submitted FRA - ref 15/0455/5130) to reflect as far as possible the impact of any changes in modelled levels as a result of updated modelling where available. The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of floodwater from the site and in order to reduce the risk of flooding on the adjacent employment site, in accordance with policies GEN9 and GEN11 of the Arun District Local Plan.

5 Prior to the commencement of development, a restoration scheme requiring such steps as may be necessary to bring the land to the required standard for the use as agriculture shall be submitted to the Local Planning Authority for approval. The approved restoration scheme shall be implemented in its entirety prior to the occupation of any employment units hereby approved in outline by this planning permission.

Reason: In the interests of proper restoration of the site and in order to ensure that the site can continue to be used for agricultural purposes, in accordance with policy GEN3 of the Arun District Local Plan and the NPPF.

6 Prior to the commencement of development a written scheme of archaeological investigation and mitigation to be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure appropriate investigation and recording of archaeological heritage assets in accordance with the relevant paragraphs of the NPPF.

7 Prior to the commencement of development of any preparatory works an ecological enhancement scheme shall be submitted to the LPA for approval based on the recommendations within the addendum to the protected species survey dated September 2015. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Reason: In the interests of the amenity of the environment of the development and in accordance with paragraph 118 of the National Planning Policy Framework.

8 Restoration works shall not take place outside 08.00 hours to 18.30 hours Mondays to Fridays and 08.00 hours to 13.30 hours on Saturday. There will be no construction on Sundays or Bank Holidays unless agreed in writing with the Local Planning Authority.

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Reason: To safeguard the residential amenity of the area in accordance with the Arun District Local Plan.

9 The conditions below refer to the 'outline' matters within the planning application:

The permission hereby granted is an outline permission under S92 of the Town and Country Planning Act (1990) as amended and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 2 years beginning with the date of this permission:-

(a) Layout;
(b) Scale;
(c) Appearance;
(d) Landscaping;
(e) Access.

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

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

11 The development shall be carried out in full accordance with the following approved plans

DLA.1643.L003.02 - B2 Illustrative Masterplan
DLA.1643.L003.01 - Red-line Boundary
Ecological Appraisal - May 2015
Addendum to Protected Species Report - September 2015

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

12 The development hereby permitted shall not exceed a total quantum of 17,453m² B2 floorspace only, and shall not include any B8 floorspace.

Reason: For the avoidance of doubt and because the highway and employment impacts have been assessed on that basis in accordance with Arun Local Plan policies SITE6, DEV 26 and DEV 27 and the National Planning Policy Framework.

13 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to Condition 9 shall include a phasing plan and schedule to show how the full development of the site is to be carried out in numbered phases. The development shall thereafter be carried out in accordance with the approved schedule and phasing.

Reason: In order to ensure that where the development is to be carried out in phase that the impacts can be properly controlled and monitored so as to ensure there is no significant impact on residential amenity or highway safety, in compliance with policy GEN7 of the Arun District Local Plan.

14 Details of the particulars submitted under the reserved matters pursuant to condition 9 shall generally accord with the principles shown on the drawing number

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DLA.1643.L003.02 'B2 Illustrative Master Plan'.

Reason: In order to ensure that where the development is to be carried out in phases, that the impacts can be properly controlled and monitored so as to ensure there is no significant impact on residential amenity or highway safety, in compliance with policy GEN7 of the Arun District Local Plan.

15 No development shall take place until such a time as a scheme to provide compensatory flood storage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include amendments to the current provision (as set out in the submitted FRA - ref 15/0455/5130) to reflect as far as possible the impact of any changes in modelled levels as a result of updated modelling where available. The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of floodwater from the site and in order to reduce the risk of flooding on the adjacent employment site, in accordance with policies GEN9 and GEN11 of the Arun District Local Plan.

16 Prior to the occupation of any of the units hereby approved, a skills plan shall be submitted which shall receive the written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved skills plan.

Reason: In order to ensure that local people have the best opportunity to access new jobs created, in accordance with policy GEN7 of the Arun District Local Plan.

17 No infiltration of surface water drainage into the ground is permitted other than those with express written consent of the Local Planning Authority, which may be given to those parts of the site where it has been demonstrated that there is no unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that surface water drainage from the proposed development does not result in deterioration of groundwater quality. Appropriate pollution prevention measures must be incorporated into any drainage system so that any water discharged from the development is of very high quality.

18 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 9 (layout) shall include details and plans which show that sufficient space has been allowed for the maintenance of Oldlands Farm Ditch. The details shall include timing and phasing arrangements and the details approved by the condition shall be carried out in full accordance with the approved timing and phasing arrangement.

Reason: To reduce the risk of flooding to the proposed development and future users.

19 Development shall not commence 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, the recommendations of the SUDS Manual produced by CIRIA.

No building shall be occupied until the complete surface water drainage system serving the development has been implemented in accordance with the agreed details.

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Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

20 Prior to the submission of any reserved matters the applicants shall submit to and have approved in writing by the Local Planning Authority a parameter plan and design code. The development shall be carried out in accordance with the approved parameter plans and Design Code.

Reason: In the interests of visual amenity in accordance with adopted policy GEN7 of the Arun District Local Plan 2003.

21 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

22 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition 9 (layout) shall include full details of the maintenance and management of the SuDs system which shall be set out in a site-specific maintenance manual. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and ongoing operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The Suds Manual' CIRIA publication ref: C697 Chapter 22'.

23 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition 9 (layout) shall include full details of a proposed surface water drainage scheme. 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, the recommendations of the SUDS Manual produced by CIRIA.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

24 No part of the development shall be first occupied until a Travel Plan has been submitted to and 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 for Transport or as advised by the Highway Authority.

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Reason: To encourage and promote sustainable transport.

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

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

Reason: In the interests of highway safety and the amenities of the area.

26 No mechanical ventilation or air conditioning system or any other plant machinery shall be installed or operated for each building until details of the installation and operation of the system have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details.

Reason: In the interests of amenity in accordance with Arun Local Plan Policies GEN7, DEV26 and GEN34.

27 Prior to the commencement of construction works on each building hereby approved, full details of the sound insulation and management measures to be incorporated into that building shall be submitted to and agreed in writing by the Local Planning Authority. The details shall highlight how future occupiers of that building will be protected from noise from other occupiers within the phase and adjacent developments and from external traffic noise, and how the building will attenuate noise which could impact on residential properties. The agreed details shall be implemented prior to first occupation and be retained and maintained thereafter.

Reason: In the interests of amenity in accordance with Arun Local Plan Policies GEN7 and GEN32.

28 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 Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7.

29 At least 10% of the energy supply of the development shall be secured from de-centralised and renewable or low-carbon energy sources. Prior to the commencement of development within each respective phase 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 approved details shall be agreed

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in accordance with the approved timetable and shall be retained as operations thereafter.

Reason: In order to achieve high levels of energy efficiency in accordance with the requirement of the NPPF and emerging policy ECC SP2 of the Publication Version of the Local Plan.

30 Prior to the commencement of construction on a phase, written evidence shall be submitted to and approved in writing by the Local Planning Authority to show that the development is registered with a BREEAM certification body and a pre-assessment report (or a design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the BREEAM level "Very Good". The submitted statement shall be approved by the Local Planning Authority and each phase shall be constructed in accordance with the detailed scheme, with each phase including a BRE certified BREEAM final assessment.

Reason: To reduce carbon dioxide and other greenhouse gas emissions and adapt to climate change in accordance with Policy GEN21 of the adopted Arun District Local Plan

31 Prior to the commencement of development on each phase, an Ecological Protection & Enhancement Plan and Details for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Plan and Details shall be based on the mitigation measures proposed in Ecological Appraisal dated May 2015, the Additional Protected Species Survey dated July 2015, and the Addendum to the Protected Species Report dated September 2015. The Plans and Details shall include a detailed timetable of implementation and monitoring. The development shall be carried out in accordance with the approved details and timetable.

Reason: To ensure the protection and retention of biodiversity in accordance with Arun District Local Plan Policy GEN29.

32 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition 9 (landscaping) shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas. The landscape management plan shall be implemented in accordance with the approved details.

Reason: In the interests of the amenity of the local area and in accordance with policy GEN7 of the Arun District Local Plan.

33 No removal of any trees, shrubs or other vegetation that could contain an active bird nest shall be carried out during the period 1 March to 31 August inclusive unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the protection of wild birds during the breeding season in accordance with Arun District Local Plan Policy GEN29.

34 Demolition and construction works shall not take place outside 08.00 hours to 18.30 hours Mondays to Fridays and 08.00 hours to 13.30 hours on Saturday. There will be no construction on Sundays or Bank Holidays unless agreed in writing with the Local Planning Authority.

Reason: To safeguard the residential amenity of the area in accordance with the Arun District Local Plan.

35 If, during development, contamination not previously identified is found to be present at th

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site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution in accordance with the NPPF.

36 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 (layout) shall include full details of final levels and contours across the site. The development shall be carried out in full accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage of floodwater from the site and in order to reduce the risk of flooding on the adjacent employment site, in accordance with policies GEN9 and GEN11 of the Arun District Local Plan.

37 No development within each phase, including site clearance, 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 GEN7 of the Arun District Local Plan.

38 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, none of the buildings hereby permitted shall be used for storage and distribution purposes (B8 use class) without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To ensure that the employment potential of the site is maximised in accordance with SITE6 and GEN7 of the Arun District Local Plan.

39 INFORMATIVE: The existing public footpath through the development site may need to be diverted or closed. You will need to contact the Public Rights of Way officer.

INFORMATIVE: The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water - www.southernwater.co.uk or tel 0330 303 0119.

40 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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

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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 applicant is requested to sign up to the Arun Developer and Partner Charter or to a Skills Plan. Details of these are available in the following link:

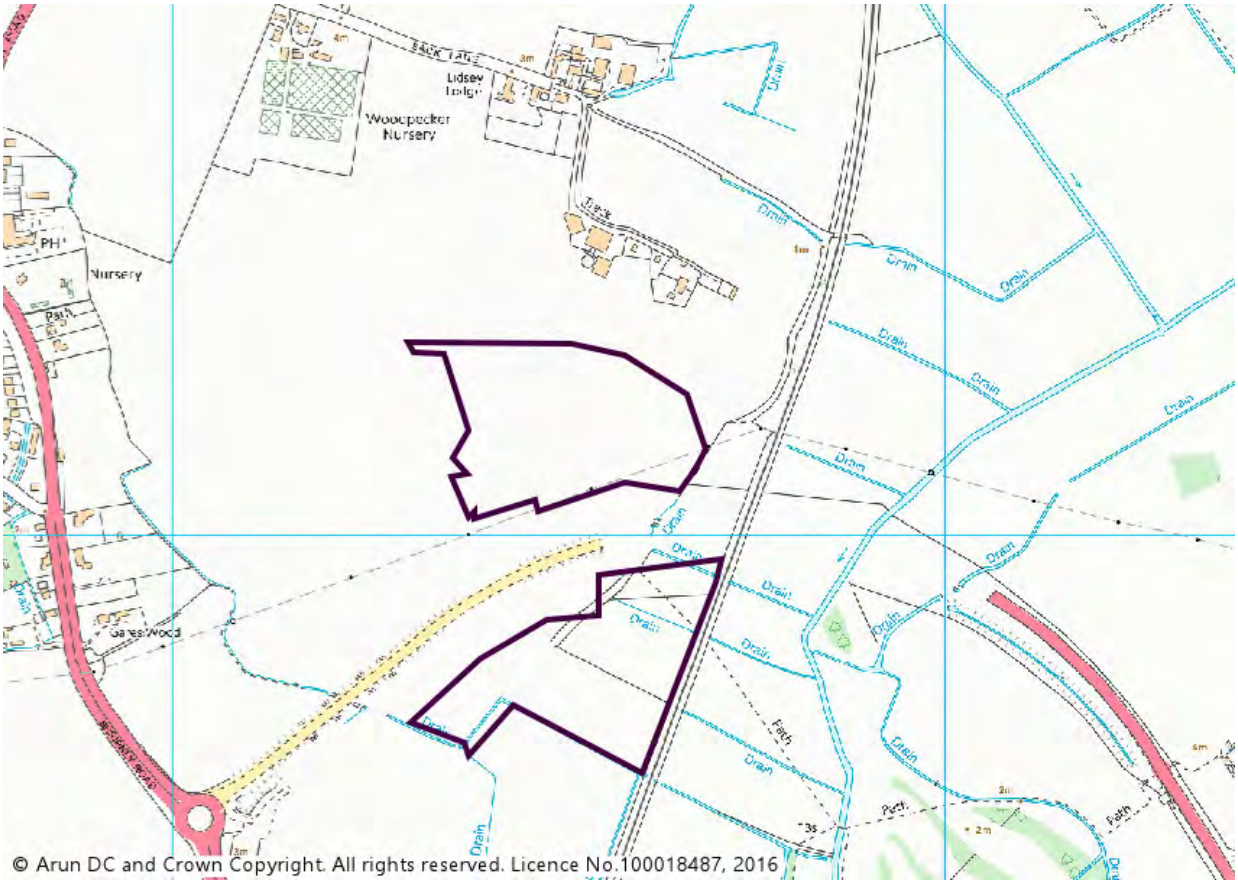
http://www.cskills.org/nsacademy/

The applicant is advised to contact Linda Standley on 01903 737844 or e-mail linda.standley@arun.gov.uk

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AL/58/15/OUT 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/93/15/PL**

LOCATION: **The Old Stables**
Old Dairy Lane
Norton
PO20 3AF

PROPOSAL: **Continuance of use without compliance with condition 6 imposed under planning reference AL/72/12/ relating to the premises being used for the purpose of holiday accommodation only & for no other purpose. This application affects the character & appearance of the Norton Lane Conservation Area. This application is a Departure from the Development plan**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. No external or internal changes are proposed.
SITE AREA	0.047 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed change of use.
BOUNDARY TREATMENT	Low picket fence to the front. To the rear there is a mixed boundary consisting of a 2 metre high wooden fence and an approximately 3 metre high wire fence to the rear.
SITE CHARACTERISTICS	A one bedroom detached rendered holiday conversion. The western end of the building provides a store for the adjacent Easter Cottage. There is a detached two bay timber car port on the eastern side and two further designated parking spaces.
CHARACTER OF LOCALITY	The site is located on the western edge of the small settlement of Norton and is, together with 4 other properties, part of a small holiday property development. There is then a B1 light industrial/office building to the west ("West Barn") and residential properties to the east, south and north. There is farmland further to the west. The Old Stables building and a small (eastern) part of its garden lie within the Norton Conservation Area.

RELEVANT SITE HISTORY

AL/79/14/PL	Mews of 6 No. two storey low rise live work studios.This application is a Departure from the Development Plan.	Refused 26-06-2015	*Appealed*

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AL/26/14/PL	Change of use from 5 no. tourist units to 5 No. residential units (C3 Dwelling). This application affects the character and appearance of Aldingbourne (Church Road) Conservation Area	Refused 30-07-2014	*Appealed* Appeal: Dismissed 04 08 2015
AL/72/12/	Conversion from storage in relation to tourist accommodation to 1 No tourist accommodation unit together with provision of ancillary car port	ApproveConditionally 17-10-2012	
AL/28/12/	Revision to previous approval AL/92/08/ for change of use of existing farm building to office units (B1 Business)	ApproveConditionally 14-06-2012	
AL/92/08/	Re-use of redundant farm buildings for mixed use development - B1 offices, residential dwellings & tourist accommodation units	ApproveConditionally 21-01-2009	

The following is a broad summary of the planning history relating to the Old Dairy Lane site and is not entirely specific to the Old Stables property.

Application AL/92/08 granted planning permission for the conversion of several existing redundant farm buildings to a mix of B1 offices, residential dwellings and tourist accommodation units. This permission enabled the holiday use of Norton Dairy, Easter Cottage and Cart Barn. It is noted that whilst West Barn was stated to be converted for B1 office use, its use was not restricted solely to office use and so can also be used for research & development or light industry. A subsequent application to convert the B1 office building (West Barn) to provide holiday accommodation was refused by virtue of conflict with Policy DEV1 (Ref AL/114/09).

Permission was then granted in January 2011 to allow the holiday conversion of the implement & equipment store now known as East Barn (Ref AL/106/10). In October 2012, permission was granted to allow the holiday conversion of the stables building (now known as The Old Stables) with part of it retained for storage (Ref AL/72/12).

Planning Application AL/56/13 then allowed for amongst other things, additional car parking for the B1 office use. This included parking along the boundary with Easter Cottage & Norton Dairy.

There have also been three enforcement appeals concerning the occupancy conditions. Those relating to Easter Cottage & Norton Dairy were either dismissed or part dismissed and so had no effect on the occupancy condition as applied by AL/92/08. The enforcement appeal concerning The Cart Barn was allowed and an enforcement notice quashed, however this also had no impact on the occupancy condition imposed by AL/92/08.

Therefore, the current situation in respect of the holiday occupancy of the 5 existing properties is that the Cart Barn, Easter Cottage, Norton Dairy and East Barn are all subject to the following condition:

"The tourist accommodation hereby approved shall be used for individual lets for up to and no more than 28 consecutive nights"

The Old Stables is subject to a differently worded condition which also requires the maintenance of a register of occupiers:

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"Notwithstanding the provisions of Part C, Class C3 Dwelling Houses to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order, without the prior permission of the Local Planning Authority. The property shall not be occupied by any persons for a total period exceeding 28 days in any calendar year. The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the Local Planning Authority at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year."

Application AL/26/14 then sought permission to change the use of all 5 holiday properties to residential. This was resisted at the planning application stage and subsequently dismissed on appeal. Essentially the appeal was dismissed on the grounds that there had been no recent marketing of all five properties for their lawful use for any reasonable length of time (6-9 months including the summer period). The Inspector therefore could not conclude that the tourist/holiday accommodation use was unviable.

The Inspector also stated that unrestricted residential development in this isolated rural location would fail to meet the objectives of 'saved' Policy GEN3 & paragraph 55 of the NPPF and that the proposal would not accord with NPPF paragraph 51, as claimed by the appellant, because the properties are not in Class B use.

Furthermore, the Inspector considered that the location was not sustainable having regard to the need to travel by car to access local shops & services.

OLD STABLES SUMMARY:

The Old Stables is subject to a holiday occupancy restriction which allows the owner to let the property for 365 days each year but with each different occupant/occupying group not being allowed to stay for more than 28 days each time. This allows the owner to market the property for several holiday lets throughout the calendar year.

The Old Stables formed part of the application site for AL/26/14 which also proposed a change of use from holiday to residential, albeit for a greater number of properties. That application was refused and then dismissed on appeal.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

Aldingbourne Parish Council - no objection.

8 letters of support. Grounds as follows:

* Good location for housing as not detrimental to nearby dwellings & not out of character;
* Does not involve building a new dwelling in the countryside; and
* Will help ADC address its housing shortfall;

It is noted that none of these supporters are from the immediate Norton area and that only 4 of the 8 are from Arun DC residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

Although the application will not involve the construction of a new residential dwelling in the countryside, it does still involve the creation of a new residential dwelling in the countryside.

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With regard to the Council's Housing Land Supply (HLS), it is understood that the property already contributes to the Councils HLS figures as all dwellings whether restricted or otherwise are included within the list. Furthermore, it is considered that the Council's housing land supply issues will be resolved through strategic allocations and large sites not by a single dwelling.

CONSULTATIONS

Conservation Officer

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

ADC Economic Regeneration - "Our objection to the loss of tourist accommodation, as stated in the original application AL/26/14/PL remain. Whilst we accept that this application is only for one unit we would be concerned at the gradual erosion of tourist accommodation."

ADC Conservation Officer - no reply received.

Conservation Area Advisory Committee - no objection.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Within a designated Conservation Area;
Class C Road;
No Public Sewer;
PD Restriction;
Drainage Area; and
Flood Zones 2/3.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	AREA2	Conservation Areas
	DEV2	Conversion of Rural Buildings for Residential Use
	GEN11	Inland Flooding
	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):

C SP1 Countryside
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
H DM1 Housing Mix
HER DM3 Conservation Areas
HER SP1 The Historic Environment
TOU DM1 Tourism Related Development
SD SP1 Sustainable Development
SD SP2 Built-Up Area Boundary

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T SP1 Transport and Development
H DM3 Agricultural, Forestry & Horticultural Workers' Dwellings
W DM2 Flood Risk

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework
	NPPG	National Planning Practice Guidance
Supplementary Guidance:	XXX6	Interim Affordable Housing Policy

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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

Aldingbourne are preparing a Neighbourhood Plan but following an Examination, the Inspector recommended that the Plan be put back to enable further work particularly in respect of the housing allocations. It therefore does not currently form part of the Development Plan.

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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 whilst it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of nearby properties, insufficient evidence of any marketing for holiday/tourist uses has been supplied and the location of the proposed residential dwelling is unsustainable.

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 APPLICANT'S CASE:

The application supporting statement states that:

"The application is made on two grounds. Firstly, that the condition should be lifted on the ground that the Council is failing in its duty to provide adequate housing land to serve the needs of its population. The reason for the condition is that the site lies outside the settlement boundary and, therefore, housing restraint policies should hold sway. However, given the policy vaccuum, the NPPF states that where there is no 5-year supply, housing restraint policies are irrelevant and proposals should be assessed against the presumption in favour of sustainable development. This is a sustainable development - when assessed against the terms of paragraph 7 of the NPPF - and should be approved.

The other part of the submission is that the scheme would accord with LPA Policy DEV2 (i), as the result would still be that residential development would remain subservient to the commercial uses at Norton Farm. The Inspector found that this would not have been the case with the lifting of the conditions with regards to all 5 of the holiday units on the site, but this would certainly be so with just the lifting of this single condition.

For the above reasoning, it is submitted that the condition fails the first and last test set out in paragraph 206 of the NPPF. It is hoped that the Council will approve the application, and lift the condition in line with S38 (6) of the 2004 Act."

PRINCIPLE:

The application site lies outside of the built up area boundary for which Local Plan Policy GEN3 states that development is generally unacceptable unless it falls into a certain category or is otherwise in accordance with a Local Plan policy which refers to a specific use or type of development (such as Policy DEV2). The loss of the tourism condition would not meet any of the five criteria in Policy GEN3 and it would lead to the provision of a new dwelling in the countryside.

It is accepted that the Council is currently unable to demonstrate a 5 year National Planning Policy Framework compliant supply of housing and has an out-of-date Local Plan. However, it is not considered that this automatically means that any applications for residential development in the

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countryside should be approved. Harm may arise from other issues which relate to the location of the site within the countryside.

Furthermore, it should be noted that the Old Stables property already contributes to the Councils Housing Land Supply figures as all dwellings whether restricted or otherwise are included within the list. Therefore, the change of use of this holiday unit will not have any impact on the Council's Housing Land supply. It is also considered that the Councils housing land supply issues will be resolved through the allocation of additional strategic sites through the emerging Local Plan or by the development of large sites and not by the piecemeal development of the district.

It is also not considered that the proposal fully complies with the definition of sustainable development within paragraph 7 of the NPPF. This is because the loss of the tourist accommodation has the potential to harm the economic dimension and that the site's location is not sustainable having regard to reliance on the private car. The NPPF is clear that development is only sustainable if it encompasses all three dimensions (economic, social & environmental).

It is also important to consider the following references from the National Planning Policy Framework (NPPF). Firstly, paragraph 28 states that:

"To promote a strong rural economy, local and neighbourhood plans should: (3) support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside."

Paragraph 55 is also relevant in that the Inspector who determined the AL/26/14 Appeal made specific reference to it with regards to the sustainability of the location. It states that:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as". None of the circumstances apply in this case.

POLICY DEV2 CONVERSION OF RURAL BUILDINGS FOR RESIDENTIAL USE:

Policy DEV2 states that proposals for conversion to a residential use will not be permitted unless 5 criteria are met or acceptable justification for non-compliance is given instead.

DEV2 - First Criteria

The first criteria requires that either evidence is submitted to demonstrate that reasonable attempts have been made to market and use the premises for business purposes and a statement of the efforts made is submitted in support of the application; or that residential conversion is a subordinate part of a scheme for business reuse.

The applicants case concentrates on the second part of the above and does not seek to provide any evidence of marketing to satisfy the first part of Criteria 1. The applicant considers that the residential change of use is a subordinate part of a scheme for business reuse because the resulting number of residential units across the site (i.e. The Long Barn & The Old Stables) would remain subservient to the number of business units (i.e. West Barn, The Cart Barn, Norton Dairy, Easter Cottage & East Barn). In short, there would be two residential units and 5 business units.

However, it is the Council's view that the site has already been subject to a scheme for business

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reuse, namely application AL/92/08 which granted consent for 1 residential unit (Long Barn) as a subordinate part of a wider scheme for business reuse. It is not considered that the residential change of use of an additional property can be considered as part of an already implemented scheme.

This is reinforced by paragraph 10 of the AL/26/14 appeal decision which states that: "The appellant's argument that the appeal properties are not isolated because there are five of them in a group does not stand up to examination because they were only allowed as part of a mixed use scheme (AL/92/08) that included the unrestricted frontage C3 use".

Furthermore, it is considered that the word "scheme" in this case implies a development involving multiple units. This application concerns only one unit and it is not considered that the current application can be considered to represent a scheme. It should also be noted that the policy refers specifically to conversions and not to the change of use of already converted buildings. In short, the aim of the relevant part of the first criteria is to facilitate the conversion of a group of buildings and allows for residential use as a subordinate part of such a scheme. It is not considered that a single application for a change of use to residential can be justified under such a policy.

DEV2 - Second Criteria

The second criteria of policy DEV2 states that the building should be structurally sound, of permanent construction and capable of conversion without rebuilding or significant alteration or extension.

This is not relevant as the application is a change of use not a conversion.

DEV2 - Third Criteria

The third criteria requires that the resultant building and use will not have an adverse effect on the rural character of the area and is sympathetic to its setting in terms of form, bulk and visual design. It states that particular regard will be given to the impact of any residential curtilage on the character of the countryside.

No changes are proposed to the building or to its curtilage. On this basis, it is considered that this criteria is complied with.

DEV2 - Fourth Criteria (Impact on the Conservation Area)

The fourth criteria states that where the building is of historic or architectural importance, there is no adverse effect on the character and appearance or features of architectural or historic interest, internally and externally, which the building possesses, or its setting.

No changes are proposed to the building or to its curtilage. The only change is in respect of the use and whilst this will result in a more intensive use of the site, it is not considered that this will have any impact on the preservation of the conservation area. Indeed it may actually enhance the conservation area by strengthening the local community and the sense of ownership of the site. It is therefore considered that the fourth criteria is complied with.

DEV2 - Fifth Criteria

The fifth criteria requires that resultant traffic should be safely accommodated by the site access and the central road system.

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County Highways did not raise any objections in respect of application AL/26/14 and on this basis, it is considered that the proposal complies with the fifth criteria.

KEY EMERGING LOCAL PLAN POLICIES:

TOU DM1 "Tourism Related Development"

Policy TOU DM1 states that: "A change use involving the loss of a visitor offer use will only be granted where it is demonstrated that the use is no longer required and is unlikely to be reused or redeveloped for visitor purposes. This will include a clear demonstration of marketing, viability appraisal and the suitability of the site to accommodate the alternative use".

This Policy therefore follows the requirements of DEV2 in respect of the need to provide evidence of marketing for the tourism use. Despite the stage at which the emerging local plan is at (and the level of weight that can be attached to this Policy, it is still considered that it supports the refusal of the application.

Part 4 of Policy H DM3 (Conversion of Rural Buildings for Residential Use) is an update of Policy DEV2 but does not add anything new.

SUSTAINABILITY:

It is noted that the appeal decision for AL/26/14 commented that:

"10. Norton is a small hamlet outside any Built Up Area comprised mainly of residential dwellings, with the notable exception of the Class B1 West Barn. It has no facilities, the nearest shops being about 2km away at Westergate, which would realistically need accessing by private car.

11. Consequently, and despite the site being surrounded by built development, the proposed dwellings would be new isolated homes in the countryside which paragraph 55 of the NPPF states should be avoided subject to a number of exceptions none of which I consider would be met in this case ....."

In short, the Inspector considered that the location is environmentally unsustainable and that a new dwelling in this location would be isolated and therefore contrary to Paragraph 55 of the NPPF.

A recent decision on an application for new live/work units at West Barn (Ref AL/79/14 - which is currently the subject of an appeal) was partly refused on grounds that this is an unsustainable location. Although it is accepted that the application does not involve the construction of a new dwelling, it does seek to create a new dwelling in an unsustainable location. It is therefore considered to be necessary to follow the precedent of the appeal decision and the AL/79/14 refusal and raise unsustainable location as an additional refusal reason.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether it is suitable for use as a residential unit. The Old Stables is a single storey, 1 bedroom, two person property and the required standard is 50m2. The amount of space is 49m2 and therefore falls slightly short of the standard. However, the shortfall is not considered to be significant enough to warrant an objection on these grounds.

In respect of external standards, it is necessary to have regard to Policy D DM3 of the Emerging Local Plan (publication version) which has been approved by the Council for development management purposes. The external garden space complies with the area standard (50m2) but does not provide the 10m depth. However, the depth requirement can be relaxed in this instance given the width of the garden and the fact that there is no dwelling to the rear.

FLOOD RISK:

The site lies in Flood Zone 3. Ordinarily, the introduction of a residential use into Flood Zone 3 would necessitate the submission of a Flood Risk Assessment. However, both the current holiday use and the proposed residential use are classed as 'More Vulnerable' development and therefore, there is no material change in the vulnerability of the use. Furthermore, the Environment Agency (EA) raised no objection to the Flood Risk Assessment as submitted in respect of application AL/26/14 (which included the Old Stables within its remit) and the EA also did not recommend the imposition of any mitigation measures. Therefore, it is not considered appropriate to refuse the application in part on the grounds of the lack of a Flood Risk Assessment.

AFFORDABLE HOUSING:

The Councils Interim Affordable Housing Policy 2010 requires that schemes of up to 10 dwellings provide a financial contribution towards off site affordable housing. Application AL/26/14 was accompanied by a Section 106 legal agreement relating to the provision of a commuted sum towards off-site affordable housing. It therefore follows that the current application should also provide a contribution. The required amount would be £1,656. The applicant has not provided a completed S.106 legal agreement and therefore this is raised as an additional refusal reason.

SUMMARY:

It is not considered that the proposal is in accordance with Policy DEV2 in that no marketing evidence is provided to justify the lifting of the holiday occupancy condition and also that the proposal cannot be considered as part of a scheme for business re-use. Furthermore, it is not considered that the change of use will assist the Council in improving its Housing Land Supply position. The Councils position is further supported by Policy TOU DM1 of the emerging Local Plan which resists the loss of existing tourist accommodation.

In addition, it is considered that the scheme will result in an isolated dwelling in an unsustainable countryside location and is therefore not in accordance with development plan policies or paragraph 55 of the NPPF. Finally, no affordable housing contribution has been provided.

It is therefore recommended that the application be refused for the following 3 reasons.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and

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family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

1 The change of use of the existing tourism/holiday unit to an unrestricted C3 residential use, would (a) in the absence of sufficient evidence to show that the properties have been unsuccessfully marketed for tourism (rental) accommodation, and (b) the fact that the proposal is not a subordinate part of a larger scheme for business re-use, be contrary to the National Planning Policy Framework (paragraph 28), Arun District Council Local Plan policies DEV2(i) & GEN3 and Policies TOU DM1 & H DM3 of the Arun Local Plan 2011 - 2031 (Publication Version), and would adversely impact the tourism offer of the district.

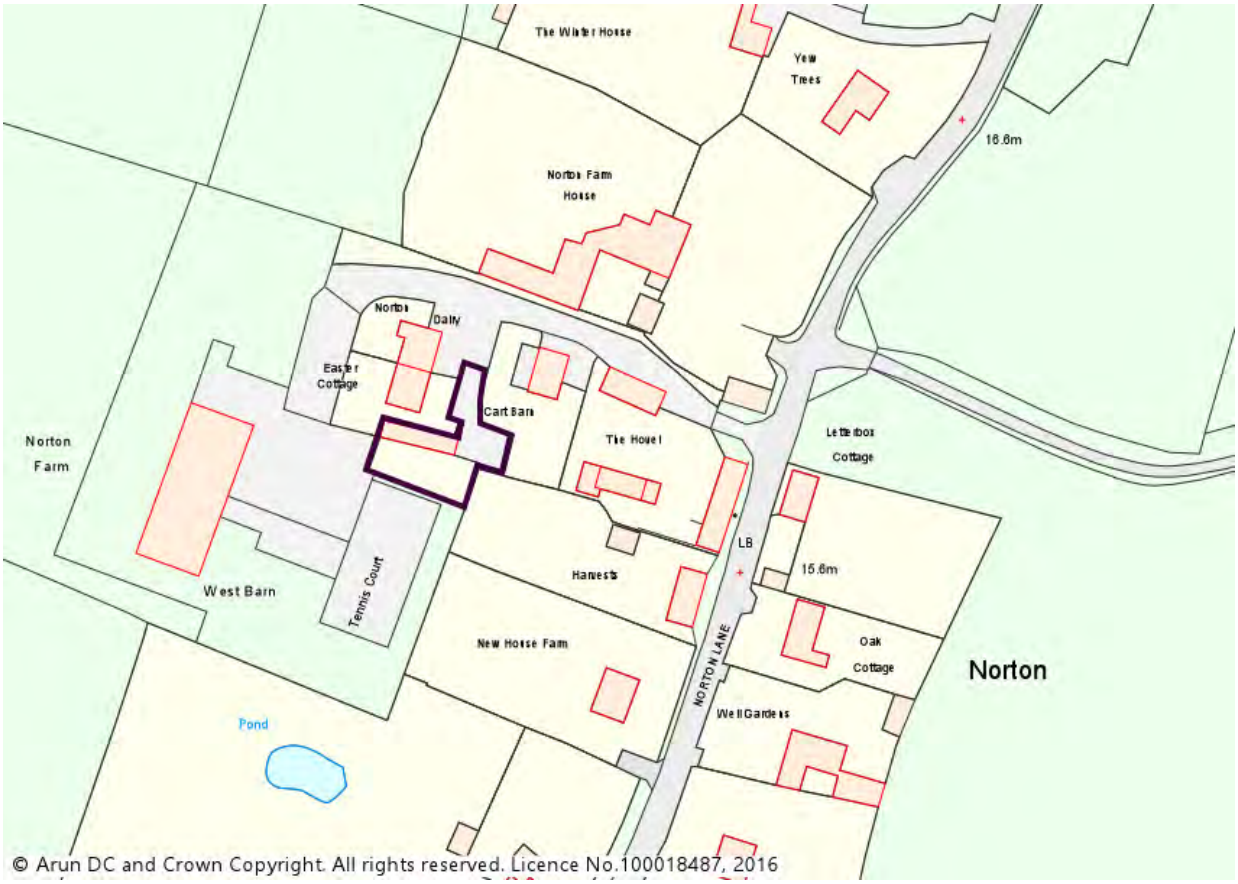
2 The proposed development is located outside of the defined built up area boundary and in an unsustainable location having regard to the distance of the site from bus stops, local shops & the lack of footpath access to such and therefore, the occupiers of the site would be reliant on the private car. The proposal is therefore considered to be contrary to policies GEN2, GEN3 & GEN7 of the Arun District Local Plan, policies C SP1, T SP1 & SD SP2 of the Arun Local Plan 2011-2031 (Publication Version) and paragraph 55 of the National Planning Policy Framework.

3 The proposed development makes no contribution towards affordable housing provision and is thereby contrary to the aims and objectives of Policy DEV17 of the Arun District Local Plan 2003 and the Council's Interim Affordable Housing Policy adopted on the 18th August 2010.

4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

AL/93/15/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/108/15/PL**

LOCATION: **Farm buildings & land rear of**
New House Farm
Old Dairy Lane
Norton
PO20 3AF

PROPOSAL: **Erection of a single storey photographer's studio to accommodate a studio, storage & toilet facilities & construction of 2 No. off road car parking spaces. This application affects the setting of a listed building & the character & appearance of the Norton Lane, Norton Conservation Area. This application is a Departure from the Development Plan.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed building provides accommodation in the form of a studio with ancillary storage and WC. An external bin store is included on the eastern side. The building measures 8m by 4.5m with a height of 2.5m to the eaves and 4.5m to the ridge. It is set in from the surrounding boundaries by 1-1.3m. Materials include hardwood timber cladding, natural slate and hardwood double glazed windows/doors. Two car parking spaces will be provided.
SITE AREA	155m2.
RESIDENTIAL DEVELOPMENT DENSITY	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	There is a 2m close boarded fence to the northern boundary and ranch style fencing to the east and part south.
SITE CHARACTERISTICS	The site comprises vacant land on the edge of an existing mixed use site. It is part rough grassed (with evidence of open storage of waste) and part hardstanding. The site includes an access into the adjacent Norton Farm house site.
CHARACTER OF LOCALITY	The site is located on the western edge of the small settlement of Norton with farmland to the west, south and part of the north. There is a mix of residential and holiday properties to the east. The edge of the Norton Conservation Area is located immediately to the east of the site. The site also shares a boundary with the curtilage of the Grade II listed Norton Farmhouse.

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RELEVANT SITE HISTORY

AL/79/14/PL	Mews of 6 No. two storey low rise live work studios.This application is a Departure from the Development Plan.	Refused 26-06-2015	*Appealed*
AL/26/14/PL	Change of use from 5 no. tourist units to 5 No. residential units (C3 Dwelling). This application affects the character and appearance of Aldingbourne (Church Road) Conservation Area	Refused 30-07-2014	*Appealed* Appeal: Dismissed 04 08 2015
AL/56/13/	Repositioning of north and east site boundaries, additional parking and landscaping, re-location of bin storage area and provision of cycle store detail (resubmission following a grant of planning permission AL/28/12/)	ApproveConditionally 14-11-2013	
AL/72/12/	Conversion from storage in relation to tourist accommodation to 1 No tourist accommodation unit together with provision of ancillary car port	ApproveConditionally 17-10-2012	
AL/28/12/	Revision to previous approval AL/92/08/ for change of use of existing farm building to office units (B1 Business)	ApproveConditionally 14-06-2012	
AL/92/08/	Re-use of redundant farm buildings for mixed use development - B1 offices, residential dwellings & tourist accommodation units	ApproveConditionally 21-01-2009	

A pre-application advice request was submitted in August 2015 and was refused on the basis that a new business type building would not be appropriate in a countryside location.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council - no response received.

5 letters of objection have been received with the grounds being:

* Norton Lane is unsuitable for further traffic;
* Chichester Fields in Tangmere has units for rent;
* Inappropriate design in a Conservation Area;
* The applicant owns the Old Stables and could instead convert this into a photographers studio;
* The proposed building will not fit on the site as drawn;
* The parking spaces will block an existing access into the rear of Norton Farm House;
* Blocks the vista from Norton Lane looking west along Old Dairy Lane; and,
* The application is incomplete for a number of reasons (see comment below).

In addition, 5 letters of support have been received on the basis that:

* Building will enhance this vacant & untidy site;

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* Will support an existing local business;
* Will enhance the adjacent Listed Building; and
* No impact on the area or community.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments on the objections:

* Although WSCC Highways have not been consulted, it is considered that this proposal is so minor in nature that it will not have a detrimental impact on the safety or convenience of Norton Lane;
* The applicant has been requested to provide justification as to why existing alternative premises are not suitable. This will be discussed further in the Conclusions section;
* It should be noted that although part of the site is in the Conservation Area, the proposed building lies outside of it. However, it is still necessary to consider the impact of the proposal on the setting of the Conservation Area;
* The applicant has stated that the Old Stables is unsuitable for the photography studio use as it is too small in width and the natural light is severely limited, so would require extensive alterations to increase size and light. Furthermore, that the costs involved would not be viable for a photography studio. This will be discussed further in the Conclusions section;
* The Council has not been provided with any evidence to support the assertion that the building will not fit on the site as drawn;
* It is accepted that the parking spaces will block an existing access into the rear of Norton Farm House. However, this is not the main entrance to the property. Furthermore, no objection has been received from the occupier of this property; and
* The view from Norton Lane is already part obscured by buildings north and south of Old Dairy Lane and it is not considered that the addition of the studio building will have a significant impact on this view.

The following comments are made in response to the objection that suggests the application should be invalidated:

* Although it is stated that the applicant does not own the land, no evidence has been provided to support this assertion;
* It is not considered that the inability of cars to enter and exit the site in a forward gear should invalidate the application. It is also not considered that this is necessary given the location of the site on a low speed rural driveway with good visibility in both directions;
* It is not considered that typographical errors on the application form relating to the accompanying planning drawings, current vacant use of the site or jobs created are such the application should be rendered invalid;
* It is not considered necessary to provide disabled parking spaces on a small private site such as this;
* The application is accompanied by a Flood Risk Assessment;
* Although the site is small, there are still areas of land where a soakaway could be sited and this is not a reason to invalidate the application;
* It is not considered that the site is suitable as habitat for protected wildlife species. It is part grassed and part hardstanding and lies adjacent to a road and fenced residential curtilage; and
* The site area (155m2) has been checked and is considered to be correct.

It is noted that 2 of the 5 letters of support are from addresses outside of the Arun district. The other 3 are from addresses in Arundel (x2) and Littlehampton.

CONSULTATIONS

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Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)
Listed Building Officer
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Southern Water - Request an informative regarding connection to the foul sewer.

Historical Buildings Adviser/Conservation Officer - initially had concerns with the design of the building but following the receipt of an amended drawing/design, has confirmed that the objection is withdrawn.

ADC Economic Development - "Economic Development are keen to see business expand in the district. The applicant's existing premises are now too small for her current business and this proposal will provide new premises for a growing business as well as creating job opportunities and potential links with local colleges for work experience. Economic Development would support this application."

ADC Drainage Engineers - no objection subject to standard condition ENGD2A.

Conservation Area Advisory Committee - objection on the basis of being unsuitable for the site and new build not required as could convert existing property.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Part within/part adjacent to a designated Conservation Area;
Adjacent to the curtilage of a Grade II Listed Building (Norton Farm House);
Class C Road;
No Public Sewer;
PD Restriction;
Drainage Area; and
Flood Zones 2/3.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	AREA2	Conservation Areas
	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	DEV8	Cirumstances in which Additional Development may be Permit'd
Publication Version of the Local Plan (October 2014):	C SP1 Countryside	
	D DM1 Aspects of Form and Design Quality	

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D SP1 Design
ECC SP2 Energy and climate change mitigation
EMP DM1 Employment land: Development Management
HER DM1 Listed Buildings
HER DM3 Conservation Areas
HER SP1 The Historic Environment
T SP1 Transport and Development
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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

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Aldingbourne are preparing a Neighbourhood Plan but following an Examination, the Inspector recommended that the Plan be put back to enable further work particularly in respect of the housing allocations. It therefore does not currently form part of the Development Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is not considered to comply with relevant Development Plan policies in that it would represent inappropriate and harmful development in the countryside.

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 lies outside of the built up area boundary for which Local Plan Policy GEN3 states that development is generally unacceptable unless it falls into a certain category or is otherwise in accordance with a Local Plan policy which refers to a specific use or type of development. Although the proposal does not accord with any of the five criteria in Policy GEN3, it is capable of being acceptable having regard to Policy DEV8 "Circumstances in which Additional Development may be Permitted - Local Firms".

It is noted that paragraph 28 of the National Planning Policy Framework states that:

"Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

(1) support the 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;"

Although it is considered that the proposed building has been well designed, this should not automatically mean that it benefits from the support of the NPPF. It is also necessary to consider whether an existing property could be converted or whether there are alternative premises available nearby. Without such justification, the principle of the proposal could not be supported.

POLICY DEV8 (RELOCATION/EXPANSION OF LOCAL FIRMS):

Policy DEV8 states that planning permission may be granted to local firms, currently located within the District, proposing development on sites outside the built-up area, provided that the applicant can demonstrate (i) that no acceptable alternative can be identified within existing permitted or allocated floor space or within or through redevelopment of existing commercial premises. There are additional criteria to consider but these will be dealt with in the other sections of this report.

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Firstly it should be noted that although Elliot Productions is listed as being registered to an address in Brighton, that address belongs to its accountant and the firm itself (which trades as Smile Event Photography) is based in domestic premises within Arundel. It is therefore considered to be a local firm and as such benefits from the broad support of Policy DEV8.

It should also be noted that the Frances Newman (the applicant) also owns one of the holiday properties to the immediate south of the site (the Old Stables) which is currently the subject of application AL/93/15/PL).

With regard to alternative premises, the applicant has provided the following comments:

* It is not possible to expand at the current domestic premises due to it being a Listed Building;
* The Old Stables building would not be suitable as it is too small in width and the natural light is severely limited, so would require extensive alterations to increase size and light. Furthermore, the costs involved would not be viable for a photography studio and it has a C3 use;
* There are no units of equivalent size, suitable rural location that would work for my requirements to take my business forward;
* This site which I own would be affordable and sustainable for my needs;
* I have work in the surrounding area and my need for my business to go forward is to target more of the surrounding area. This location and design is ideal to promote my business from as the genre of photography that my business is growing in would not be suitable in an industrial estate/park.

It is considered that these comments do provide some background to the need to find new premises but only limited evidence as to whether there are existing alternative premises nearby that could be used instead. The applicant states that are no units of equivalent size or suitable rural location that would work for her needs but does not give details of those sites considered or the specific issues with each identified alternative. It is noted that one of the objectors highlights nearby premises that may currently be available. Furthermore, although it is accepted that a rural location may be more attractive to visiting customers and staff members, it is not considered that this automatically means that a business based in a more urban location could not grow and develop.

With regard to the Old Stables, although a separate planning application would be required to determine whether a change of use from holiday accommodation to business premises would be acceptable, it is considered that a business use would be preferred to a reuse for residential purposes. In respect of its suitability, although it is accepted that the building is narrower (3.9m versus 4.5m), it is also much longer (14m versus 8m). Furthermore, it might be possible to increase the amount of natural light with new openings. It is also not clear why the costs in altering the Stables building would be greater than the costs involved in constructing a new building.

Given that the applicant has not fully demonstrated that there are no acceptable alternative premises within the district or its fringes, it is not considered that the proposal is in accordance with Policy DEV8 and therefore is also not in accordance with Policy GEN3.

IMPACT ON HERITAGE ASSETS:

The site is part within and part adjacent to the Norton Conservation Area. It is also adjacent to the curtilage of a Grade II Listed Building. The Councils Historical Buildings Adviser (HBA) was consulted on the application and initially raised a strong objection to the design. However, the HBA also suggested an alternative design which the applicant has followed and produced an amended scheme. As a result, the objection has been withdrawn and it not considered that the proposed

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building would be harmful to the setting of the listed building or to the character & appearance of the adjacent Conservation Area. No concerns were raised by the HBA as to the principle of locating a new building in this location.

IMPACT ON THE AMENITY OF NEARBY PROPERTIES:

It is not considered that the proposed studio would be detrimental to the amenity of nearby residential or holiday occupiers. It is a small scale building and it is understood that only 1 person will be employed on the site. There may be occasional customer visits but the nature of the use is likely to be such that it will be a quiet undertaking with no noisy processes or large groups of people. Notwithstanding, if a planning permission was to be granted then conditions could be imposed to control the hours of use and hours of any deliveries.

It is noted that the position of the parking spaces are in front of an existing rear access to Norton House Farm. Therefore, these spaces, if occupied, have the potential to prevent the use of this access and impact on the amenity of these occupiers. However, Norton House Farm has another access and also, the second access will only be blocked whilst the parking spaces are occupied (which may not be all of the time). Furthermore, the occupier of Norton House Farm has not objected to the scheme.

PARKING & HIGHWAYS:

It is considered that this proposal is so minor in nature that it will not have a detrimental impact on the safety or convenience of Norton Lane. In respect of parking, WSCC County Council Parking Standards require 1 space per 30 square metres of B1 use class floor space. The provision of 2 parking spaces is therefore acceptable.

FLOOD RISK:

The site lies in Flood Zone 3. The Governments national planning advice states that 'less vulnerable' development such as this is acceptable within Flood Zone 3. A Flood Risk Assessment is required but under the Environment Agency's current consultation criteria, it is not possible to obtain their comments with respect to minor developments. Notwithstanding, it should be noted that the Environment Agency (EA) raised no objection to the Flood Risk Assessment which was submitted in respect of application AL/26/14 (which relates to an adjacent site and more vulnerable category of development) and did not recommend any mitigation measures. Therefore, it is not considered that there are any flood risk issues with the application.

FOUL & SURFACE WATER DRAINAGE:

In respect of surface water drainage, the Council's Drainage Engineers have commented that soakaways should be investigated for new roof areas. They recommend the imposition of a condition. It is noted that a local resident does not consider there to be any space within the site to provide such a soakaway. However, it is clear that there are parts of the site that will not be developed and so there is scope for the investigation of soakaways. The detail of these would be resolved at the condition discharge stage.

Southern Water have stated that there are no public surface water sewers in the immediate area. However, this does not mean that it will not be possible to connect to a foul water sewer although agreement from Southern Water will be required to achieve this. However, given that the applicant also owns the Old Stables property, should it not be possible to provide foul sewerage, then the applicant would be able to use WC facilities within only a short walk of the premises.

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SUMMARY:

It is not considered that the proposed photography studio is acceptable in principle terms given the lack of justification provided in respect of Policy DEV8. Although the Council wishes to support existing businesses who need to either relocate or expand, this should not be at the expense of the rural environment and new premises will only be sanctioned in cases where no other existing suitable premises are available. Therefore, notwithstanding that no issues are raised as to the building's design or its impact on other identified factors, the application must be refused for the following reason.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

1 The proposed development involves the relocation/expansion of an existing business to a new countryside site but fails to demonstrate that there are no available alternative premises within existing permitted or allocated floor space or within or through redevelopment of existing commercial premises and therefore represents inappropriate and harmful development in the countryside contrary to Policies GEN3 and DEV8 of the Arun District Council Local Plan.

2 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 with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a

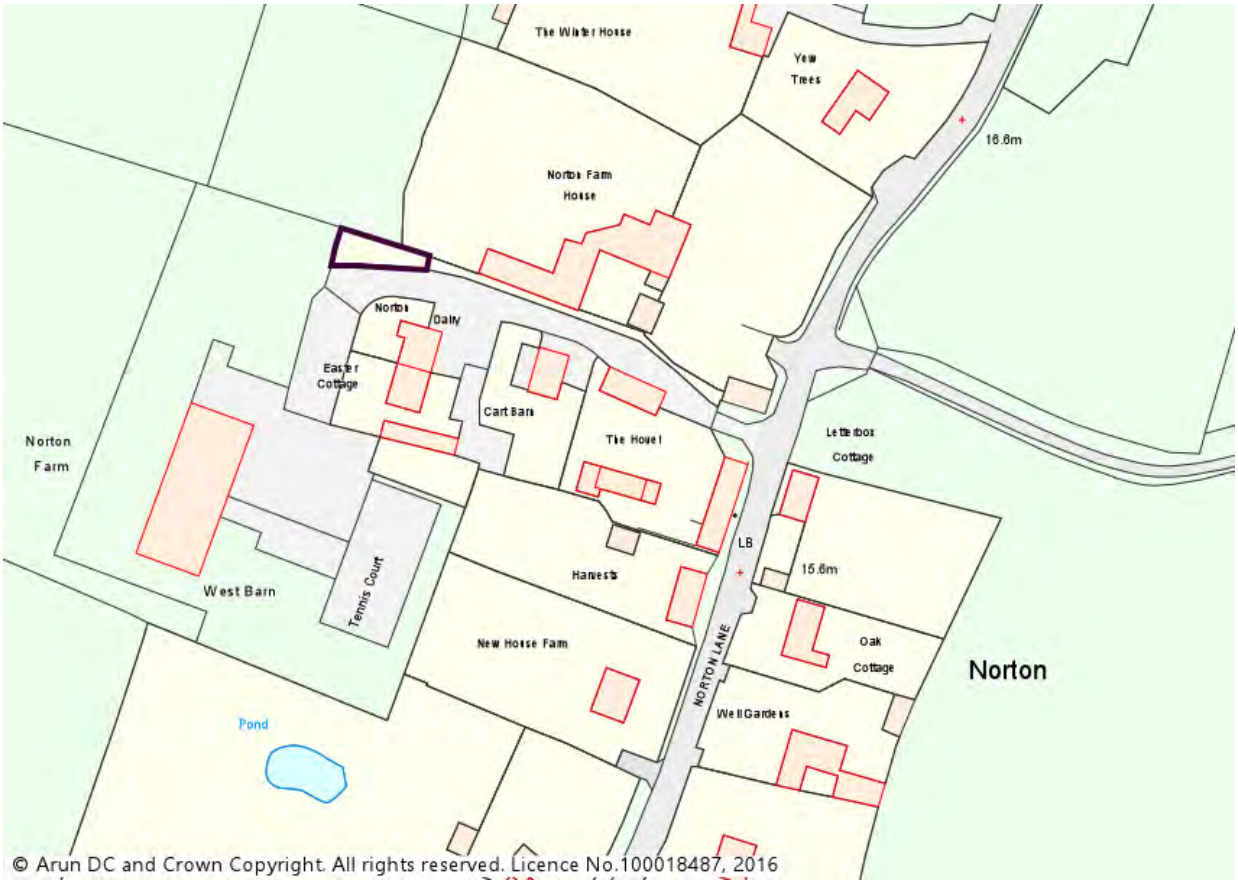
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satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

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AL/108/15/PL Indicative Location Plan (Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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AGENDA ITEM 9

DEVELOPMENT CONTROL COMMITTEE

27 January 2016

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

AB/115/14/OUT
Received: 24-02-2015

12 & 14 Canada Road Arundel

Outline application with some matters reserved for 2 No. 3 bed semi detached houses

Written Representations

PINS Ref: APP/C3810/W/15/3003824

AL/79/14/PL
Received: 02-11-2015

West Barn Old Dairy Lane Norton

Mews of 6 No. two storey low rise live work studios.This application is a Departure from the Development Plan.

Written Representations

PINS Ref: APP/C3810/W/15/3134557

AW/153/15/HH
Received: 15-10-2015

20 Gilwynes Aldwick

Ground floor rear extension & garden store & loft conversion wit 5 dormer windows & rear box dormer.

Written Representations

PINS Ref: APP/C3810/D/15/3135051

AW/82/15/PL
Received: 20-11-2015

5 Parkfield Avenue Aldwick

Demolition of existing dwelling & erection of 2 No. detached bungalows & 2 No. maisonettes with associated access, parking & landscaping works.

Written Representations

PINS Ref: APP/C3810/W/15/3134631

BR/132/15/PL
Received: 26-11-2015

Unit 9 Durban Business Centre Durban Road Bognor Regis

Change of use from Warehouse (B8 Storage & Distribution) to Gymnasium (D2 Assembly & Leisure)

Written Representations

PINS Ref: APP/C3810/W/15/3135864

EG/38/15/PL
Received: 17-12-2015

97 Barnham Road Eastergate

Alterations to Eastergate Rectory (No.97) & erection of 3 No. Dwellings with associated access, parking, landscaping, amenity & refuse provision. This application is a departure from the development plan

Written Representations

PINS Ref: APP/C3810/W/15/3135355

EG/98/14/PL
Received: 20-11-2015

Rear of 59 Elm Grove Barnham

Construction of 3 No. two storey detached houses with new access.

Written Representations

PINS Ref: APP/C3810/W/15/3133730

EP/15/15/PL
Received: 23-10-2015

3 The Street East Preston

Demolish the existing house & replace with 2No. semi-detachec houses.

Written Representations

PINS Ref: APP/C3810/W/15/3132499

EP/93/15/HH
Received: 23-10-2015

14 Worthing Road East Preston

Single storey wrap around extension to provide annexe

Written Representations

PINS Ref: APP/C3810/D/15/3136545

FG/26/15/OUT
Received: 03-11-2015

Eastlands Littlehampton Road Ferring

Outline application with all matters reserved for the erection of 1 No. four bedroom dwelling. This is a Departure from the Development Plan.

Informal Hearing

PINS Ref: APP/C3810/W/15/3132939

FG/83/15/T
Received: 10-08-2015

11a The Grove Ferring

Fell 1 No. English Oak tree.

Written Representations

PINS Ref: APP/TPO/C3810/4742

FG/84/15/PL
Received: 03-11-2015

Eastlands Littlehampton Road Ferring

Temporary stationing of 1 No. residential caravan for 3 years.

Informal Hearing

PINS Ref: APP/C3810/W/15/3135188

FP/145/15/HH
Received: 20-10-2015

24 Wroxham Way Felpham

Proposed 1.8m brick wall

Written Representations

PINS Ref: APP/C3810/D/15/3135800

R/141/15/PL
Received: 03-11-2015

Flint House 8 Cudlow Garden Rustington

Removal of existing balcony panels & replacement with new glass panels.

Written Representations

PINS Ref: APP/C3810/W/15/3135218

WA/13/15/A
Received: 23-10-2015

Holly Tree Grove The Street Walberton

1No. non-illuminated 3 way stack sign & 2No. Non-illuminated

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Flag signs

Written Representations

PINS Ref: APP/C3810/Z/15/3136183

WA/27/15/PL
Received: 16-11-2015

Deans Yard Orchard Way Walberton

Demolition of existing garages & erection of 2No. chalet dwellings

Written Representations

PINS Ref: APP/C3810/W/15/3132744

WA/8/15/CLE
Received: 14-07-2015

Church Farm Bungalow site Binsted Lane Binstead

Application for a Lawful Development Certificate for existing residential use of the land.

Written Representations

PINS Ref: APP/C3810/X/15/3035706

Y/36/15/PL
Received: 18-11-2015

Land at Long Acre Field Maypole Lane Yapton

Erection of new glasshouse, reservoir and associated buildings. This application affects a Public Right of Way.

Written Representations

PINS Ref: APP/C3810/W/15/3137762

Y/60/14/OUT
Received: 17-11-2014

Land to the south of Ford Lane East of North End Road Yapton

Outline planning application with some matters reserved for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open spac and strategic landscaping and 2.2 hectares of public open spac and green corridors with vehicular access from Ford Lane and pedestrian/cycle access only from North End Road. This application is a Departure from the Development Plan.

Public Inquiry ***07-07-2015***

PINS Ref: APP/C3810/A/14/2228260

ENF/454/14/
Received: 12-08-2015

Highdown Hill Farm Hangleton Lane Ferring West Sussex

Alleged unauthorised creation of a dwelling house

Public Inquiry

PINS Ref: APP/C3810/C/15/3100579

ENF/236/14/
Received: 12-08-2015

Highdown Hill Farm Hangleton Lane Ferring

Alleged unauthorised change of use.

Public Inquiry

PINS Ref: APP/C3810/C/15/3103251

ENF/199/15/

Eastlands Littlehampton Road Ferring West Sussex

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Alleged unauthorised breach of Condition 1 of FG/41/14/PL

Received: 03-11-2015

Informal Hearing

PINS Ref: APP/C3810/C/15/3135180

ENF/378/15/

36 Fitzalan Road Arundel West Sussex

Received: 20-11-2015

Alleged unauthorised building works

Written Representations

PINS Ref: APP/C3810/C/15/3138921

ENF/192/14/

Eastlands Littlehampton Road Ferring

Received: 30-11-2015

Alleged unauthorised car ports and gazebo

Informal Hearing

PINS Ref: APP/C3810/C/15/3132558

LOCATION: **Hangleton Nursery Hangleton Lane Ferring**

SUBJECT: **Change of use of land from agricultural/compost production to B8 Storage. This application is a Departure from the Development Plan**

Planning Application Reference: FG/45/15/PL

Appeal Decision: Allowed+Conditions **Date:** 31 December 2015

Appeal Procedure: Written Representations

Application Decision: Refused **Date:** 10 June 2015

Decision Process: D C Committee

Original Officer Recommendation: Refuse

KEY ISSUES

The Inspector acknowledged that in policy terms the site is within the countryside, being outside the defined built-up area. The Neighbourhood Plan describes the land north of the A259 as 'primarily open countryside' although it was noted that the area covered by that Plan is a relatively narrow part of the land lying north of the A259 with the appeal site on the western edge, and consideration was given to the situation beyond that Plan's boundary.

He noted there was more evidence of open countryside and views of the downs, to the north of the A259, taken between the two roundabouts, and it is clear from visiting the site that reverse views from the downs would be available over the coastal plain and including the appeal site. The emerging 'gap' policy SD SP3 seeks to protect gaps in order to maintain a 'sense of place' for settlements, as countryside and landscape considerations have their own policies, as they do in the Local Plan.

Outside of the Neighbourhood Plan Policy 7 area and the suggested 'gap', there is on the south side of the A259 the sizeable parking and buildings of a supermarket and a site for housing presently being developed. As a result, the truly open countryside land in both the wider 'gap' and the Policy 7 area does not visually include the appeal site, but was clear to the east and west beyond the farm buildings and garden-centre respectively, and to the north within the South Downs National Park area the swathe of open countryside is more coherent and is safeguarded separately by the National Park designation.

The site is within a predominantly developed area, bounded by built form and developed land. To the south is the recently extended parking, display and workshops/showrooms of the car dealership with residential uses to the south-east and south-west; to the west appears to be horticultural use, but there is a garden-centre on the A259 frontage to the west; to the north the Council Report refers to greenhouses and horticultural uses but the site inspection showed also some storage containers and a Certificate of Lawful Use or Development was granted in 2012 for storage; and to the east there is a farm, with some buildings near the mutual boundary.

The site is in what appears a limited use, with areas of open land where the glasshouses would have stood, as shown on the location plan extract, and a long low building running along much of the northern boundary that would have been associated with the formerly active horticultural use. Other areas are hardstanding and parking together with some temporary buildings. The impression is of unattractive and neglected land, the open nature of which does little to enhance the character and appearance of the area, the value of either the 'gap' or the aims of Policy 7.

The application is for B8 storage, described in the Use Classes Order as use for storage or as a distribution centre. The appellant referred to 70 - 100 vehicles being stored preparatory to transfer to the dealership for sale. Whilst B8 use could entail storage of other items, the appellant's case is built around the more specific use described. On that basis the storage of vehicles would be a low-level use, not able to be readily seen from the main road due to the existence of the flint wall

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retained in Appeal A, and would be hardly perceptible from viewpoints on Hangleton Lane or other ground level places nearby. The vehicles would be seen from the elevated viewpoints of the downs, but then in the context of the other development in the vicinity and more particularly the large area of car parking presently associated with the car dealership. Whilst the unattractive and unproductive nature of the existing land would appear vacant or open in those elevated views, the almost surrounding development would not allow it to contribute significantly to the setting of the downs or the designated Highdown Hill heritage asset, as sought in the Neighbourhood Plan. The Inspector concluded the use as proposed would not therefore undermine the reasons for the designation of either the National Park or the heritage asset and would not cause harm to either.
Similarly, the effect on the 'gap' designation would be limited given the limited contribution that the site's almost vacant state makes to the perception of there being a gap at or near the site. The settlements of Angmering and Worthing are kept apart by other land, and the use of the appeal site as proposed would not be seen as an encroachment of either vehicles or activity, or a consolidation of sporadic development.
The effects identified were limited due to the nature of the land and its location, he considered the benefits of the scheme outweighed the harm and the proposals accorded with the aims of policies on energy saving and cutting emissions. The proposal was sustainable development with a positive economic role, through the benefits to local employment and economic activity; a social role of reducing congestion and vehicle movement in the built-up area improving health and well-being; and an environmental role for the same reasons together with using natural resources prudently. The provisions of Policy DEV8 were sufficiently accorded with to overcome the more general restrictions in Policy GEN3, when considered together with the more recent guidance on the countryside and the rural economy in the Framework

APPLICATION FOR COSTS MADE/REASON

None

COSTS AWARDED

N/A

Background Papers: FG/45/15/PL

Contact: Mrs A Gardner

Telephone: 01903 737529

The Planning Inspectorate

Appeal Decisions

Site visit made on 1 December 2015

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 December 2015

Appeal A: APP/C3810/W/15/3130468
Hangleton Nursery, Hangleton Lane, Ferring, Worthing BN12 6PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Guy Storey GRS Architects Ltd against the decision of Arun District Council.
- The application Ref FG/45/15/PL, dated 25 February 2015, was refused by notice dated 10 June 2015.
- The development proposed is change of use of land from agricultural/compost production to B8 storage.

Appeal B: APP/C3810/W/15/3130471
Hangleton Nursery, Hangleton Lane, Ferring, Worthing BN12 6PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Guy Storey GRS Architects Ltd against the decision of Arun District Council.
- The application Ref FG/46/15/PL, dated 25 February 2015, was refused by notice dated 10 June 2015.
- The development proposed is change of use of land from agricultural/compost production to B8 storage.

Decision Appeal A

1. I allow the appeal and grant planning permission for change of use of land from agricultural/compost production to B8 storage at Hangleton Nursery, Hangleton Lane, Ferring, Worthing BN12 6PP in accordance with the terms of the application, Ref FG/45/15/PL, dated 25 February 2015, subject to conditions 1) to 7) on the attached schedule.

Decision Appeal B

2. I dismiss the appeal.

Main Issue

3. The applications were for the same change of use. Appeal A makes use only of the existing access onto Hangleton Lane, whereas in addition Appeal B provides for an access to the existing dealership and the A259 road, involving the removal of a flint wall between the two. Having regard to the Council's reasons for refusal, the main issue is:

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- In both Appeal A and Appeal B, the effect of the proposal on the character and appearance of the Ferring area and the aims of policies on the protection of the countryside and a defined gap between settlements with, in Appeal B only, the effect of the removal of the flint wall on these considerations.

Reasons

Policy and Preliminary Findings

4. Saved Policy GEN3 of the Arun Local Plan concerns the protection of the countryside which will be safeguarded for its own sake, with development not being permitted unless meeting the operational needs of agriculture, forestry minerals or waste; for recreation; the diversification of the rural economy; or essential road schemes; and with provision for specific uses or types of development referred to elsewhere in the Plan. The policy seeks to avoid the extension of isolated groups of buildings or the consolidation of linear or sporadic development. Policy DEV8 provides for local firms to be granted permission outside built-up areas provided (i) that there is no alternative on the existing site or existing commercial premises and (ii) that (a) the proposal accords with requirements on the standard of design and (d) concerning its relationship with the built and natural environment among other matters, these being the items referred to by the Council.

5. The emerging Local Plan contains Policy C SP1 similar to GEN3 above; Policy D DM1 setting out aspects of form and design quality and referred to only in connection with the refusal notice to Appeal B; Policy SD SP3 listing gaps such as between Angmering and Worthing as referred to in the reasons for refusal, and the circumstance under which development would be permitted, including that it cannot be located elsewhere and the effect on the separation of settlements; and Policy EMP DM1 on the development management of employment land, stating at part 6 how planning permission will be granted to local firms proposing development on sites outside the built-up area, similar to Policy DEV8, and including at h. that the site is not within a gap between settlements.

6. The Ferring Parish Neighbourhood Plan 2014 – 2029 has been 'made' and is part of the Development Plan. The Proposal Map shows the appeal site to be in an area hatched as 'Land north of Littlehampton Road. This states the encouragement of existing rural business and that *'the Neighbourhood Plan will support:'* followed by statements as to expectations and outcomes and ending with the statement that *'the Neighbourhood Plan will resist any proposals for a change of use from an established agricultural, horticultural or equine use or any other unrelated uses'* although the significance of the last four words is not explained. The supporting text describes the land in question as being between the A259 and the boundary of the South Downs National Park, and that the policy enables the effective protection of the Park and the designated Highdown Hill heritage asset. The land is considered to be primarily open countryside forming the lower, south facing slope of Highdown Hill, an integral part of the landscape character and setting.

7. The National Planning Policy Framework states a presumption in favour of sustainable development, setting out the three dimensions of that at paragraph 7. Section 1 seeks to build a strong, competitive economy and section 3 supports a prosperous rural economy, including supporting the sustainable

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growth and expansion of all types of business and enterprise in rural areas. Paragraph 30 in section 4 on sustainable transport encourages solutions which support reductions in greenhouse gas emissions and reduce congestion.

8. The appellant puts forward the view that the use of the site could well be lawful by the passage of time and the site being used for storage since the nursery closed in 2000. There is no evidence of a Certificate of Lawful Use or Development having been applied for, and the lawful use of the site for the purposes of this s78 Appeal has to be taken as being horticulture as stated in the Council's Report.

Character and Appearance

9. In policy terms the site is within the countryside, being outside the defined built-up area. The Neighbourhood Plan describes the land north of the A259 as *'primarily open countryside'* although it is noted that the area covered by that Plan is a relatively narrow part of the land lying north of the A259 with the appeal site on the western edge, and consideration must be given to the situation beyond that Plan's boundary.

10. Looking further along the land north of the A259, taken between the two roundabouts, there is more evidence of open countryside and views of the downs, and it is clear from visiting the site that reverse views from the downs would be available over the coastal plain and including the appeal site. The emerging 'gap' policy SD SP3 seeks to protect gaps in order to maintain a 'sense of place' for settlements, as countryside and landscape considerations have their own policies, as they do in the adopted, but dated, Local Plan. Outside of the Neighbourhood Plan Policy 7 area and the suggested 'gap', there is on the south side of the A259 the sizeable parking and buildings of a supermarket and a site for housing presently being developed.

11. As a result, the truly open countryside land in both the wider 'gap' and the Policy 7 area does not visually include the appeal site, but is clear to the east and west beyond the farm buildings and garden-centre respectively, and to the north within the South Downs National Park area the swathe of open countryside is more coherent and is safeguarded separately by the National Park designation.

12. The site is within a predominantly developed area, bounded by built form and developed land. To the south is the recently extended parking, display and workshops/showrooms of the car dealership with residential uses to the south-east and south-west; to the west appears to be horticultural use although the Council Report does not refer to this, but there is a garden-centre on the A259 frontage to the west; to the north the Council Report refers to greenhouses and horticultural uses but the site inspection showed also some storage containers and a Certificate of Lawful Use or Development was granted in 2012 for storage; and to the east there is a farm, with some buildings near the mutual boundary.

13. The site is in what appears a limited use, with areas of open land where the glasshouses would have stood, as shown on the location plan extract, and a long low building running along much of the northern boundary that would have been associated with the formerly active horticultural use. Other areas are hardstanding and parking together with some temporary buildings. The impression is of unattractive and neglected land, the open nature of which does

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little to enhance the character and appearance of the area, the value of either the 'gap' or the aims of Policy 7.

14. The application is for B8 storage, described in the Use Classes Order as use for storage or as a distribution centre. The appellant gives details of the specific use connected with the car dealership to the south on the A259 frontage, the drawings, Design and Access Statement and the Grounds of Appeal all referring to 70 – 100 vehicles being stored preparatory to transfer to the dealership for sale. Whilst B8 use could entail storage of other items, the appellant's case is built around the more specific use described.

15. On that basis the storage of vehicles would be a low-level use, not able to be readily seen from the main road due to the existence of the flint wall retained in Appeal A, and would be hardly perceptible from viewpoints on Hangleton Lane or other ground level places nearby. The vehicles would be seen from the elevated viewpoints of the downs, but then in the context of the other development in the vicinity and more particularly the large area of car parking presently associated with the car dealership. Whilst the unattractive and unproductive nature of the existing land would appear vacant or open in those elevated views, the almost surrounding development would not allow it to contribute significantly to the setting of the downs or the designated Highdown Hill heritage asset, as sought in the Neighbourhood Plan. Use as proposed would not therefore undermine the reasons for the designation of either the National Park or the heritage asset and would not cause harm to either.

16. Similarly, the effect on the 'gap' designation would be limited due to the limited contribution that the site's almost vacant state makes to the perception of a there being a gap at or near the site. The settlements of Angmering and Worthing are kept apart by other land, and the use of the appeal site as proposed would not be seen as an encroachment of either vehicles or activity, or a consolidation of sporadic development.

17. Turning to Appeal B and the additional proposal to breach the flint wall and make the connection with the existing dealership for the movement of cars and transporters, this would open the site up more to view from the main road and the right-of-way that connects the bridleway on Hangleton Lane and the downs to residential areas south of the A259. Whilst the use of the site would hardly appear in views with the wall in place, the backdrop of more vehicles visible with the removal would visually enlarge the appearance of the dealership and car parking, adding to the significant frontage of car sales and parking alongside the buildings. The flint wall at present provides a pleasing vernacular boundary to the commercial premises and performs a useful role in containing through views. The loss of the wall in Appeal B would be contrary to the aims of good design in emerging Policy D DM1 and paragraph 56 of the Framework which states that the Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

18. To conclude on this main issue, the forgoing paragraphs have identified different levels of harm between the very limited effects of Appeal A and the more harmful Appeal B, added to which there remains the conflict with Policy GEN3 through being in the countryside and outside the built-up areas. However, Policy DEV8 provides for use such as this, in connection with a local

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firm, subject to criteria that will be explored further in the planning balance which follows.

Planning Balance

19. The car dealership has only recently benefitted from the grant of permission to extend to the corner of Hangleton Lane and the A259 and as such appears a thriving local business occupying a prominent sales position on a main through route. It is stated that new cars are presently stored on another site, having been received off of multi-car transporters, and are then ferried as and when required to the A259 site for handing over to the purchaser. It is said that this operation can involve 20 vehicle movements a day, and presumably the accompanying ferrying of drivers, adding to congestion and emissions. The appeal proposals would allow bulk delivery to the appeal site by transporter, the major part of that journey already occurring, but significantly less ferrying of individual vehicles and drivers. The result would be a reduction in congestion on the local roads and of emissions of greenhouse gases, in line with the aims of Framework paragraph 30.

20. There has been representation over the effect of transporter use of the junctions with the A259, but the highway authority has been reported in the Council Report as having given this proper consideration, including comment on the swept-path drawing supplied, forward visibility and the location of traffic lights nearby, so that any slight incursion into the second lane of the dual carriageway would be acceptable. It was noted at the site inspection that a large articulated lorry was emerging from the site on the west side of Hangleton Lane with no apparent difficulty.

21. Policy DEV8 provides for permission in the countryside for local firms, and such expansion here would have benefits to the viability of the business in avoiding wasteful activity. With regard to criterion (i) on alternatives, it appears clear that there is no alternative on the dealership site, otherwise the more distant site would not be in use. That other site is an alternative, but the balance lies in there being real advantages to both the local and global environment in storing more locally. The design in Appeal A would accord with criterion (ii)(a) on good design and (ii)(d) in its relationship with the built and natural environment. However, in Appeal B there is conflict with these latter two aims.

22. In the balance, the benefits of the proposal in Appeal A are such as to outweigh the limited effects and the conflict with the countryside policies of the 2003 Local Plan, having mind to the more up-to-date approach to rural matters in the Framework. The benefits in Appeal B are similar, but in this case there is additional harm which is not outweighed, even allowing for the additional benefit of the direct vehicle route through the boundary.

Conditions

23. The Council had not ticked the box on either Appeal Questionnaire to the effect that conditions were attached, and by letter dated 7 September 2015 informed the Planning Inspectorate that they would not be submitting a separate Statement, but would rely on the Officer's Report. That report in each case recommended refusal of the applications and so did not contain any conditions. That report did refer to the highway authority seeking a condition on the

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number and type of vehicle movements. The appellant has also referred to the acceptability of a condition covering hours of use.

24. With regard to traffic movements, this appears unregulated at present, but it is reasonable to seek control, although the appellant refers to an *average* of 1 transporter a day. In the event, some control would be exercised by the hours of operation and by the numbers of cars stored being limited by space, so as to safeguard the living conditions of neighbouring residential occupiers and the visual amenity of the area. A requirement for a scheme covering transporter deliveries would allow control of manoeuvring and access.

25. A condition is required limiting the use within B8 storage or distribution centre, in view of the particular reasons leading to the Decision in Appeal A and reliance on the provisions in Policy DEV8. In view of the existing planning use and nature of the site, a drainage scheme should be submitted to ensure any risks of fuel or oil run-off and additional hard areas are dealt with. Also, with reference to the rural policy designation of the area and the proximity of the National Park it is reasonable to seek control of any lighting, to ensure against light pollution.

26. Lastly a condition is required naming the drawings, because otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

Conclusions

27. The effects identified in respect of Appeal A are limited due to the nature of the land and its location, such that the benefits of the scheme outweigh the harm and the proposals accord with the aims of policies on energy saving and cutting emissions. The proposal is sustainable development with a positive economic role, through the benefits to local employment and economic activity; a social role of reducing congestion and vehicle movement in the built-up area improving health and well-being; and an environmental role for the same reasons together with using natural resources prudently. The provisions of Policy DEV8 are sufficiently accorded with to overcome the more general restrictions in Policy GEN3, when considered together with the more recent guidance on the countryside and the rural economy in the Framework.

28. However, in Appeal B the additional proposal to breach the flint wall would represent poor design, removing an attractive vernacular feature, and would risk opening-up the site to greater view, changing the balance of harm and benefits to the point that the proposal is unacceptable in its effects.

29. For the reasons given above it is concluded that Appeal A should be allowed and Appeal B should be dismissed.

S J Papworth

INSPECTOR

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Schedule of Conditions Appeal A, APP/C3810/W/15/3130468

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1555/200, 201 and 4582/SPA/203.

3) The use hereby approved shall not begin until details of drainage works have been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been put in place and made operative, and the scheme shall be retained as such thereafter.

4) The use hereby approved shall not begin until details of a scheme for the control of car transporter deliveries has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include numbers/frequency, and measures to ensure that transporters unload/load only within the site boundary and enter and leave the site in forward gear. Only the approved scheme of transporter deliveries shall be operated thereafter.

5) No external lighting shall be provided on the site other than has first been submitted to and approved in writing by the Local Planning Authority. Any scheme submitted is to include details of the times of operation and the control of light spillage.

6) The premises shall be used for the open storage of vehicles associated with the use of the car dealership premises adjacent, and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

7) No vehicle movements shall take place on the site and no deliveries taken at or despatched from the site outside the following times 0800hrs to 1800hrs Monday to Friday and not at any time on Sundays, Bank or Public Holidays.

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LOCATION: **Hangleton Nursery Hangleton Lane Ferring**

SUBJECT: **Change of use of land from agricultural/compost production to B8 storage. This application is a Departure from the Development Plan**

Planning Application Reference: FG/46/15/PL

Appeal Decision: Dismissed **Date:** 31 December 2015

Appeal Procedure: Written Representations

Application Decision: Refused **Date:** 10 June 2015

Decision Process: D C Committee

Original Officer Recommendation: Refuse

KEY ISSUES

The issues identified by the Inspector were the same as for FG/45/15/PL, but in this case he considered there was additional harm which was not outweighed, even allowing for the additional benefit of the direct vehicle route through the boundary. He concluded the additional proposal to breach the flint wall would represent poor design, removing an attractive vernacular feature, and would risk opening-up the site to greater view, changing the balance of harm and benefits to the point that the proposal was unacceptable in its effects.

APPLICATION FOR COSTS MADE/REASON

None

COSTS AWARDED

N/A

Background Papers: FG/46/15/PL

Contact: Mrs A Gardner

Telephone: 01903 737529

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Appeal Decisions

Site visit made on 1 December 2015

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 December 2015

Appeal A: APP/C3810/W/15/3130468
Hangleton Nursery, Hangleton Lane, Ferring, Worthing BN12 6PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Guy Storey GRS Architects Ltd against the decision of Arun District Council.
- The application Ref FG/45/15/PL, dated 25 February 2015, was refused by notice dated 10 June 2015.
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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
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- The application Ref FG/46/15/PL, dated 25 February 2015, was refused by notice dated 10 June 2015.
- The development proposed is change of use of land from agricultural/compost production to B8 storage.

Decision Appeal A

1. I allow the appeal and grant planning permission for change of use of land from agricultural/compost production to B8 storage at Hangleton Nursery, Hangleton Lane, Ferring, Worthing BN12 6PP in accordance with the terms of the application, Ref FG/45/15/PL, dated 25 February 2015, subject to conditions 1) to 7) on the attached schedule.

Decision Appeal B

2. I dismiss the appeal.

Main Issue

3. The applications were for the same change of use. Appeal A makes use only of the existing access onto Hangleton Lane, whereas in addition Appeal B provides for an access to the existing dealership and the A259 road, involving the removal of a flint wall between the two. Having regard to the Council's reasons for refusal, the main issue is:

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- In both Appeal A and Appeal B, the effect of the proposal on the character and appearance of the Ferring area and the aims of policies on the protection of the countryside and a defined gap between settlements with, in Appeal B only, the effect of the removal of the flint wall on these considerations.

Reasons

Policy and Preliminary Findings

4. Saved Policy GEN3 of the Arun Local Plan concerns the protection of the countryside which will be safeguarded for its own sake, with development not being permitted unless meeting the operational needs of agriculture, forestry minerals or waste; for recreation; the diversification of the rural economy; or essential road schemes; and with provision for specific uses or types of development referred to elsewhere in the Plan. The policy seeks to avoid the extension of isolated groups of buildings or the consolidation of linear or sporadic development. Policy DEV8 provides for local firms to be granted permission outside built-up areas provided (i) that there is no alternative on the existing site or existing commercial premises and (ii) that (a) the proposal accords with requirements on the standard of design and (d) concerning its relationship with the built and natural environment among other matters, these being the items referred to by the Council.

5. The emerging Local Plan contains Policy C SP1 similar to GEN3 above; Policy D DM1 setting out aspects of form and design quality and referred to only in connection with the refusal notice to Appeal B; Policy SD SP3 listing gaps such as between Angmering and Worthing as referred to in the reasons for refusal, and the circumstance under which development would be permitted, including that it cannot be located elsewhere and the effect on the separation of settlements; and Policy EMP DM1 on the development management of employment land, stating at part 6 how planning permission will be granted to local firms proposing development on sites outside the built-up area, similar to Policy DEV8, and including at h. that the site is not within a gap between settlements.

6. The Ferring Parish Neighbourhood Plan 2014 – 2029 has been 'made' and is part of the Development Plan. The Proposal Map shows the appeal site to be in an area hatched as 'Land north of Littlehampton Road. This states the encouragement of existing rural business and that *'the Neighbourhood Plan will support:'* followed by statements as to expectations and outcomes and ending with the statement that *'the Neighbourhood Plan will resist any proposals for a change of use from an established agricultural, horticultural or equine use or any other unrelated uses'* although the significance of the last four words is not explained. The supporting text describes the land in question as being between the A259 and the boundary of the South Downs National Park, and that the policy enables the effective protection of the Park and the designated Highdown Hill heritage asset. The land is considered to be primarily open countryside forming the lower, south facing slope of Highdown Hill, an integral part of the landscape character and setting.

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growth and expansion of all types of business and enterprise in rural areas. Paragraph 30 in section 4 on sustainable transport encourages solutions which support reductions in greenhouse gas emissions and reduce congestion.

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Character and Appearance

9. In policy terms the site is within the countryside, being outside the defined built-up area. The Neighbourhood Plan describes the land north of the A259 as *'primarily open countryside'* although it is noted that the area covered by that Plan is a relatively narrow part of the land lying north of the A259 with the appeal site on the western edge, and consideration must be given to the situation beyond that Plan's boundary.

10. Looking further along the land north of the A259, taken between the two roundabouts, there is more evidence of open countryside and views of the downs, and it is clear from visiting the site that reverse views from the downs would be available over the coastal plain and including the appeal site. The emerging 'gap' policy SD SP3 seeks to protect gaps in order to maintain a 'sense of place' for settlements, as countryside and landscape considerations have their own policies, as they do in the adopted, but dated, Local Plan. Outside of the Neighbourhood Plan Policy 7 area and the suggested 'gap', there is on the south side of the A259 the sizeable parking and buildings of a supermarket and a site for housing presently being developed.

11. As a result, the truly open countryside land in both the wider 'gap' and the Policy 7 area does not visually include the appeal site, but is clear to the east and west beyond the farm buildings and garden-centre respectively, and to the north within the South Downs National Park area the swathe of open countryside is more coherent and is safeguarded separately by the National Park designation.

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little to enhance the character and appearance of the area, the value of either the 'gap' or the aims of Policy 7.

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16. Similarly, the effect on the 'gap' designation would be limited due to the limited contribution that the site's almost vacant state makes to the perception of a there being a gap at or near the site. The settlements of Angmering and Worthing are kept apart by other land, and the use of the appeal site as proposed would not be seen as an encroachment of either vehicles or activity, or a consolidation of sporadic development.

17. Turning to Appeal B and the additional proposal to breach the flint wall and make the connection with the existing dealership for the movement of cars and transporters, this would open the site up more to view from the main road and the right-of-way that connects the bridleway on Hangleton Lane and the downs to residential areas south of the A259. Whilst the use of the site would hardly appear in views with the wall in place, the backdrop of more vehicles visible with the removal would visually enlarge the appearance of the dealership and car parking, adding to the significant frontage of car sales and parking alongside the buildings. The flint wall at present provides a pleasing vernacular boundary to the commercial premises and performs a useful role in containing through views. The loss of the wall in Appeal B would be contrary to the aims of good design in emerging Policy D DM1 and paragraph 56 of the Framework which states that the Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

18. To conclude on this main issue, the forgoing paragraphs have identified different levels of harm between the very limited effects of Appeal A and the more harmful Appeal B, added to which there remains the conflict with Policy GEN3 through being in the countryside and outside the built-up areas. However, Policy DEV8 provides for use such as this, in connection with a local

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firm, subject to criteria that will be explored further in the planning balance which follows.

Planning Balance

19. The car dealership has only recently benefitted from the grant of permission to extend to the corner of Hangleton Lane and the A259 and as such appears a thriving local business occupying a prominent sales position on a main through route. It is stated that new cars are presently stored on another site, having been received off of multi-car transporters, and are then ferried as and when required to the A259 site for handing over to the purchaser. It is said that this operation can involve 20 vehicle movements a day, and presumably the accompanying ferrying of drivers, adding to congestion and emissions. The appeal proposals would allow bulk delivery to the appeal site by transporter, the major part of that journey already occurring, but significantly less ferrying of individual vehicles and drivers. The result would be a reduction in congestion on the local roads and of emissions of greenhouse gases, in line with the aims of Framework paragraph 30.

20. There has been representation over the effect of transporter use of the junctions with the A259, but the highway authority has been reported in the Council Report as having given this proper consideration, including comment on the swept-path drawing supplied, forward visibility and the location of traffic lights nearby, so that any slight incursion into the second lane of the dual carriageway would be acceptable. It was noted at the site inspection that a large articulated lorry was emerging from the site on the west side of Hangleton Lane with no apparent difficulty.

21. Policy DEV8 provides for permission in the countryside for local firms, and such expansion here would have benefits to the viability of the business in avoiding wasteful activity. With regard to criterion (i) on alternatives, it appears clear that there is no alternative on the dealership site, otherwise the more distant site would not be in use. That other site is an alternative, but the balance lies in there being real advantages to both the local and global environment in storing more locally. The design in Appeal A would accord with criterion (ii)(a) on good design and (ii)(d) in its relationship with the built and natural environment. However, in Appeal B there is conflict with these latter two aims.

22. In the balance, the benefits of the proposal in Appeal A are such as to outweigh the limited effects and the conflict with the countryside policies of the 2003 Local Plan, having mind to the more up-to-date approach to rural matters in the Framework. The benefits in Appeal B are similar, but in this case there is additional harm which is not outweighed, even allowing for the additional benefit of the direct vehicle route through the boundary.

Conditions

23. The Council had not ticked the box on either Appeal Questionnaire to the effect that conditions were attached, and by letter dated 7 September 2015 informed the Planning Inspectorate that they would not be submitting a separate Statement, but would rely on the Officer's Report. That report in each case recommended refusal of the applications and so did not contain any conditions. That report did refer to the highway authority seeking a condition on the

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number and type of vehicle movements. The appellant has also referred to the acceptability of a condition covering hours of use.

24. With regard to traffic movements, this appears unregulated at present, but it is reasonable to seek control, although the appellant refers to an *average* of 1 transporter a day. In the event, some control would be exercised by the hours of operation and by the numbers of cars stored being limited by space, so as to safeguard the living conditions of neighbouring residential occupiers and the visual amenity of the area. A requirement for a scheme covering transporter deliveries would allow control of manoeuvring and access.

25. A condition is required limiting the use within B8 storage or distribution centre, in view of the particular reasons leading to the Decision in Appeal A and reliance on the provisions in Policy DEV8. In view of the existing planning use and nature of the site, a drainage scheme should be submitted to ensure any risks of fuel or oil run-off and additional hard areas are dealt with. Also, with reference to the rural policy designation of the area and the proximity of the National Park it is reasonable to seek control of any lighting, to ensure against light pollution.

26. Lastly a condition is required naming the drawings, because otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

Conclusions

27. The effects identified in respect of Appeal A are limited due to the nature of the land and its location, such that the benefits of the scheme outweigh the harm and the proposals accord with the aims of policies on energy saving and cutting emissions. The proposal is sustainable development with a positive economic role, through the benefits to local employment and economic activity; a social role of reducing congestion and vehicle movement in the built-up area improving health and well-being; and an environmental role for the same reasons together with using natural resources prudently. The provisions of Policy DEV8 are sufficiently accorded with to overcome the more general restrictions in Policy GEN3, when considered together with the more recent guidance on the countryside and the rural economy in the Framework.

28. However, in Appeal B the additional proposal to breach the flint wall would represent poor design, removing an attractive vernacular feature, and would risk opening-up the site to greater view, changing the balance of harm and benefits to the point that the proposal is unacceptable in its effects.

29. For the reasons given above it is concluded that Appeal A should be allowed and Appeal B should be dismissed.

S J Papworth

INSPECTOR

ARUNDEL DISTRICT COUNCIL DEVELOPMENT CONTROL-27/01/2016

Schedule of Conditions Appeal A, APP/C3810/W/15/3130468

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1555/200, 201 and 4582/SPA/203.

3) The use hereby approved shall not begin until details of drainage works have been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been put in place and made operative, and the scheme shall be retained as such thereafter.

4) The use hereby approved shall not begin until details of a scheme for the control of car transporter deliveries has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include numbers/frequency, and measures to ensure that transporters unload/load only within the site boundary and enter and leave the site in forward gear. Only the approved scheme of transporter deliveries shall be operated thereafter.

5) No external lighting shall be provided on the site other than has first been submitted to and approved in writing by the Local Planning Authority. Any scheme submitted is to include details of the times of operation and the control of light spillage.

6) The premises shall be used for the open storage of vehicles associated with the use of the car dealership premises adjacent, and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

7) No vehicle movements shall take place on the site and no deliveries taken at or despatched from the site outside the following times 0800hrs to 1800hrs Monday to Friday and not at any time on Sundays, Bank or Public Holidays.

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LOCATION: **Willowbank Cottages The Poplars Littlehampton**

SUBJECT: **Variation of condition 3 imposed under planning reference LU/203/13/ to enable the reorientation of plots 5 & 6.**

Planning Application Reference: LU/106/15/PL

Appeal Decision: Allowed+Conditions **Date:** 24 December 2015

Appeal Procedure: Written Representations

Application Decision: Refused **Date:** 16 July 2015

Decision Process: Delegated

Original Officer Recommendation: Refuse

KEY ISSUES

The main issue in this case was whether the living conditions of the occupiers of the proposed new dwellings would be unduly adversely affected as a consequence of the working of the nearby sewage pumping station. This application related to all 6 plots at the application site.

Southern Water had maintained an objection to the applications on the grounds of vibration, noise and potential odour. This was notwithstanding a recent planning permission LU/203/13/ with plots 1 to 4 in the same location and therefore with the same relationship as they were proposed in the application the subject of this appeal. Southern Water did not object to LU/203/13/, but wished to maintain its objection to the appeal application. Southern Water (SW) is a Statutory Consultee and as such its comments must carry considerable weight as a material consideration. The application was refused for the following reason:

By proposing to site plots 1, 2 & 3 within 15 metres of an existing Southern Water pumping station the plots would be unacceptably affected by vibration, noise and potential odour generated by the pumping station in conflict with policies GEN7, GEN32 and GEN34 of the Adopted Arun District Local Plan 2003 and policy QE SP1, QE DM1 and QE DM3 of the Emerging Arun Local Plan 2011-2013.

The Inspector noted the planning history and the previous recent planning permission. The Inspector also noted a previous noise report which indicated that disturbance from the pumping station as a result of noise and vibration would be limited. The Inspector also noted that the Council had more recently granted under LU/239/15/PL planning permission for the re-siting of plots 5 and 6 which are further away from the pumping station.

The Inspector concluded that whilst Plots 1 to 3 are situated near to the existing pumping station, the appeal scheme would not result in any change to the dwellings at Plots 1 to 3 in terms of what had been previously permitted. Further, that the appellant's survey evidence indicated that disturbance from the pumping station as a result of noise and vibration would be limited and the Inspector therefore concluded that the appeal should be allowed.

APPLICATION FOR COSTS MADE/REASON

An application for an award of costs was made on the grounds of unreasonable behaviour.

The Inspector concluded that had the Council consulted the applicant regarding Southern Water's objections, the applicant would have had the opportunity to bring an Assessment of Environmental Noise to the Council's attention. In the Inspector's view this may have contributed towards the

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Council deciding not to refuse planning permission, avoiding the need for an appeal. He considered that the Council's failure to consult the applicant, having already indicated that planning permission would be granted, was in these particular circumstances unreasonable.

It should be noted that Southern Water insisted on maintaining its objection notwithstanding officer advice that refusal was not likely to be sustainable given the planning history of the site and the recent planning permission. This position would not have changed should Southern Water have been approached by the applicant with the Noise Report. The Council was not in a position to disagree with Southern Water since they are a Statutory Consultee whose comments carry considerable weight.

The Inspector concluded that the cumulative effect of the Council's actions amounted to unreasonable behaviour and the applicant's need to take this matter to appeal could reasonably have been avoided had the Council taken a more consistent approach in reaching its decision and or consulted with the applicant. The Inspector found unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

COSTS AWARDED

The costs Award is for the Full Costs of the Appeal Proceedings.

Southern Water were previously made aware that this Council would look to Southern Water to be responsible for any costs award should the appeal be allowed and an award made.

Background Papers: LU/106/15/PL

Contact: Ross Leal

Telephone: 01903 737593

The Planning Inspectorate

Appeal Decision

Site visit made on 6 November 2015

by J A B Gresty MA MRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 December 2015

Appeal Ref: APP/C3810/W/15/3130650
Willowbank Cottages, The Poplars, Littlehampton, West Sussex BN17 6GZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Hargreaves Residential Developments Ltd against the decision of Arun District Council.
- The application Ref LU/106/15/PL, dated 20 March 2015, was refused by notice dated 16 July 2015.
- The application sought planning permission for a variation of Condition 3 following a grant of Planning Permission LU/203/13 to alter the list of approved drawings comprising relocation of 2 No garages forming part of the approved development, together with minor consequential amendments, without complying with a condition attached to outline planning permission Ref: LU/125/14/PL, dated 26 June 2014.
- The condition in dispute is No 3 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans:*
  Location Plan 023 001 L01 A
  Site Layout Plan 023 001 100C
  Floor Plans Plots 1-4 023 001 200A
  Floor and Roof Plans Plots 1-4 023 001 201A
  Floor and Roof Plans Plots 5 and 6 023 001 202
  Elevations Plots 1 to 4 023 001 300A
  Elevations and Sections Plots 1 to 4 023 001 301A
  Elevations and Sections Plots 5 and 6 023 001 302
  Site and Open Space Areas plan 023 001 101A
  Garage Elevations 023 001 303
- The reason given for the condition is: *For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.*

Application for Costs

1. An application for costs was made by Hargreaves Residential Developments Ltd against Arun District Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and outline planning permission is granted for a variation of Condition 3 following a grant of Planning Permission LU/203/13 to alter the list of approved drawings comprising relocation of 2 No garages forming part of the approved development, together with minor consequential amendments at Willowbank Cottages, The Poplars, Littlehampton, West Sussex BN17 6GZ in accordance with the application Ref LU/106/15/PL, dated 20 March 2015,

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without compliance with condition number 3 previously imposed on outline planning permission Ref: LU/125/14/PL, dated 26 June 2014, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:

(11) The development hereby permitted shall be carried out in accordance with the following approved plans dated 17.03.15:

Location Plan 023-001 L01 B
Plots 1 to 4 Second Floor & Roof Plans 023 001 201 D
Plots 1 − 4 East and West Elevations 023 001 300 C
Plots 5 to 6 Ground & First Floor Plans 023 001 202 E
Plots 1 & 4 End Elevations 023 001 301 C
Plots 5 to 6 Second Floor & Roof Plan 023 001 203 D
Plots 1 to 4 Ground & First Floor Plans 023 001 200 D
Plots 5 and 6 Elevations 023 001 302 D
Site Area Plan 023 001 101 B
Site Layout Plan 023 001 100 E
Garage Elevations (Pair of garages. Plots 1 & 2) 023 001 303 B

Main Issue

3. The main issue in this case is whether the living conditions of the occupiers of the proposed new dwellings would be unduly adversely affected as a consequence of the working of the nearby sewage pumping station.

Reasons

4. The appeal concerns the construction of six new houses on a new length of cul-de-sac on the edge of a larger area of residential development. Outline planning permission was given for the six house development on 4 November 2013, Ref LU/203/13/. A subsequent amendment to the plans to alter the position of two garages was made on 26 June 2014, Ref LU/125/14/PL. Development of the site is well under way, including the houses at Plots 1 to 4 which are substantially complete to floor slab level and a metalled access road has been built. However, it has become apparent to the appellant that under the approved scheme two of the proposed dwellings, Plots 5 and 6, would be situated too close to an underground mains sewer. The appellant now seeks permission to reorient Plots 5 and 6 so that the buildings would not impinge on the line of the sewer. To facilitate the repositioning of the two houses, a slight repositioning of the garage at the neighbouring house, Plot 4, is also proposed.

5. Except for the relocation of Plots 5 and 6 and Plot 4's garage, and a slightly larger area of public open space to the rear of Plots 5 and 6, the development would be largely unchanged. The Council considers that the changes to Plots 4, 5 and 6 would be in keeping with the character and appearance of the area and that it would accord with saved Policies GEN7, GEN32 and GEN34 of the Arun District Local Plan (LP). In this respect the proposed changes to the approved plans listed in Condition 3 would be reasonable and would accord with the tests listed in paragraph 206 of the National Planning Policy Framework (the Framework).

6. The Council refused permission for the proposed variation of the plans on the grounds that Plots 1 to 3 would be too close to the existing mains sewer

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pumping station and that these dwellings would not provide adequate living conditions for the occupiers of the new dwellings as a result of disturbance from noise, vibration and odours from the pumping station. In these respects the Council holds that the development would be contrary to the aims of saved LP Policies GEN7, GEN32 and GEN34. However, the proposed changes of layout do not include any alteration to Plots 1 to 3 and the appeal scheme would not result in any change in circumstance of the future occupiers of the dwellings at Plots 1 to 3 with regard to the pumping station.

7. The appellant's Assessment of Environmental Noise, dated 15 June 2012, identified that noise from the pumping station was not audible in the adjoining plots. Whilst there may be occasions when operations are carried out at the pumping station which would result in short-term noise and disturbance, the survey evidence indicates that the proximity of Plots 1 to 4 to the pumping station would not be reason to dismiss the appeal.

8. The matter of potential odours from the pumping station has not been addressed by the appellant. However, the appeal scheme would not result in any material change in the development of Plots 1 to 3 and as the matter of odour was not considered as a significant adverse factor by the Council or consultees when considering the granting of the extant planning permissions, I consider that the effect of odours on the living conditions of the occupiers of Plots 1 to 3 would not be sufficient reason alone to dismiss the appeal.

9. On 22 October 2015 the Council granted planning permission, Ref LU/239/15/PL, for construction of two dwellings and a garage which would appear to have a more or less identical layout to that of the dwellings at Plots 5 and 6, and the garage on Plot 4, proposed under the appeal scheme. This demonstrates clearly that the Council considers the material changes to the development which would result from the proposed change of approved plans sought by this appeal would accord with the aims of LP Policies GEN7, GEN32 and GEN34.

Planning Obligation

10. A planning obligation for contribution towards provision of affordable housing and provision open space was completed with regard to planning permission LU/125/14/PL and the financial contribution towards affordable housing has been paid. The appellant has provided a revised obligation, dated 26 May 2015, to reflect the modest change in the area of public open space and the payment of the contribution towards affordable housing already made.

11. Planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related to the scale and kind of development. I confirm that the obligation dated 26 May 2015 accords with the requirements of Framework paragraph 204.

Other Matter

12. The Council refers to policies from the Emerging Arun Local Plan 2011−2031. It is not clear how far this development plan document has got in the adoption process and I attach limited weight to it in considering this appeal.

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Conclusion

13. I concur with the Council that the design and positions of the dwellings at Plots 5 and 6, and the proposed garage at Plot 4, would be in keeping with the character and appearance of the local area and would accord with development plan policies. Whilst Plots 1 to 3 are situated near to an existing pumping station, the appeal scheme would not result in any change to the dwellings at Plots 1 to 3. Further, the appellant's survey evidence indicates that disturbance from the pumping station as a result of noise and vibration would be limited. Therefore, for the above reasons, I conclude that the appeal should be allowed.

Conditions

14. In practical terms the development, of which the proposed change of location of Plots 5 and 6 forms part, is partly constructed and it is reasonable to assume that the reserved matters for the extant permissions have been approved. However, notwithstanding that the Council has proposed a limited list of conditions to be attached to the appeal scheme, it is unclear from the evidence presented which conditions of planning permission Ref: LU/125/14/PL, dated 26 June 2014 remain capable of taking effect. Therefore, for the sake of completeness and to ensure that the development is carried out as intended, I impose the same conditions contained in planning permission Ref: LU/125/14/PL, dated 26 June 2014, except for Condition 3 which is the subject of this appeal. I impose a further condition, number 11, requiring the development to be completed in accordance with the revised plans.

J A B Gresty

INSPECTOR

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The Planning Inspectorate

Costs Decision

Site visit made on 6 November 2015

by J A B Gresty MA MRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 December 2015

Costs application in relation to Appeal APP/C3810/W/15/3130650 Willowbank Cottages, The Poplars, Littlehampton, West Sussex BN17 6GZ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Hargreaves Residential Developments Ltd for a full award of costs against Arun District Council.
- The appeal was made against the refusal of grant of planning permission for a variation of Condition 3 following a grant of Planning Permission LU/203/13 to alter the list of approved drawings comprising relocation of 2 No garages forming part of the approved development, together with minor consequential amendments, without complying with a condition attached to outline planning permission Ref: LU/125/14/PL, dated 26 June 2014.

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. It took the Council some 15 weeks or so to issue its decision following acceptance of the planning application. Whilst this was longer than the target time scale for such applications, evidence has not been presented to indicate that the time taken by the Council to consider the application would have resulted in the applicant incurring unnecessary or wasted expense in its appeal.

4. One of the reasons for the time taken by the Council to issue a decision was its need to assess Southern Water's objections to the proposal. As a consequence of Southern Water's objections, the Council reversed its intended decision to grant planning permission without seeking to consult the applicant. The Council's refusal of planning permission was at odds with the extant planning permissions, references LU/203/13/ and LU/125/14/PL. In view of the site's planning history and the weight the Council attached to Southern Water's objections, it would have been reasonable for the applicant to have been consulted.

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5. The applicant has at appeal provided an extract of its Assessment of Environmental Noise, dated 15 June 2012, which refers to the issues of noise and disturbance raised by Southern Water. Had the Council consulted the applicant regarding Southern Water's objections, the applicant would have had the opportunity to bring the Assessment of Environmental Noise to the Council's attention. In my view this may have contributed towards the Council deciding not to refuse planning permission, avoiding the need for an appeal. I consider that the Council's failure to consult the applicant, having already indicated that planning permission would be granted, was in these particular circumstances unreasonable.

6. The Planning Practice Guidance advises that failure to grant planning permission for a scheme that is the subject of an extant permission where there is no material change in circumstances risks an award of costs against a Council. The appeal site is subject to two extant permissions and the proposed scheme would have resulted in no material change to the dwellings which the Council considered would be affected by the pumping station. Similarly, there would be no material change to the sewage pumping station and the dwellings on Plots 5 and 6, which were the subject of the main changes to the plans sought by the applicant, were judged by the Council to be unaffected by the pumping station. Whilst it was reasonable for the Council to consider Southern Water's objections, in view of the actual changes to the development which the applicant sought, the Council's decision was inconsistent with respect to the extant planning permissions.

7. Following lodging of the appeal, the Council granted planning permission for a pair of semi-detached houses on garages on Plots 5 and 6, Ref: LU/239/15/PL, dated 22 October 2015. This in effect resulted in permission for the change of plans which the applicant sought in the appeal scheme. This demonstrates that the Council did not object to the proposed changes to the plans sought by the appeal scheme and is a further indication of an inconsistency of assessment of the development proposals.

8. The decision to grant or refuse planning permission rests with the local planning authority. In this case, it appears that the Council did not take adequate account of the extant planning permissions, the fact that the proposed changes to Plots 5 and 6 would have no bearing on the effect of the pumping station with regards to Plots 1 to 3 and that the applicant's own technical report indicated that noise from the pumping station would not adversely affect the living conditions of the occupiers of the development. Had the Council consulted the applicant following Southern Water's objections, the appeal could have been avoided.

9. The Council considers that the applicant need not have submitted its appeal because permission for the changes sought would be granted, as per planning permission Ref LU/239/15/PL. However, it was reasonable for the appellant to protect its position by submitting an appeal. Therefore, I attach limited weight to the Council's contention in this respect.

10. In practical terms, the applicant sought to change the layout of Plots 5 and 6 only and the remainder of the approved development, would remain unchanged. Therefore, on balance and for the above reasons, I conclude that the cumulative effect of the Council's actions amount to unreasonable

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behaviour and the applicant's need to take this matter to appeal could reasonably have been avoided had the Council taken a more consistent approach in reaching its decision and or consulted with the applicant. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Arun District Council shall pay to Hargreaves Residential Developments Ltd, the costs of the appeal proceedings; such costs to be assessed in the senior Courts Costs Office is not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.

12. The applicant is now invited to submit to the body awarded against, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

J A B Gresty

INSPECTOR

ARUNDISTRICTCOUNCIL-DEVELOPMENTCONTROL-27/01/2016

LOCATION: **Stakers Farm North End Road Yapton**

SUBJECT: **Prior notification under Class MB for change of use of agricultural building to 2 No. dwellings (Use Class C3)**

Planning Application Reference: Y/108/14/PD

Appeal Decision: Dismissed **Date:** 10 December 2015

Appeal Procedure: Written Representations

Application Decision: Objection **Date:** 12 February 2015

Decision Process: Delegated

Original Officer Recommendation: Objection

KEY ISSUES

The main issue was whether the proposed change of use complies with the conditions relating to Class Q(a) development as set out in paragraph Q.2(1) of the GPDO, having particular regard to whether the location of the proposed dwelling would be impractical or undesirable.

Although the Inspector did not consider the location to be impractical, he did consider that the change of use would be undesirable on the grounds that the dwellings front onto an access-way frequently used by a commercial equestrian use. This would pose a safety issue to the future occupants of the dwellings. There was also concern as to the potential for the future use of the neighbouring agricultural building as a grain store or the potential reinstatement of an agricultural use on the adjoining property with similar safety issues.

APPLICATION FOR COSTS MADE/REASON

None.

COSTS AWARDED

N/A.

Background Papers: Y/108/14/PD

Contact: Mr S Davis

Telephone: 01903 737874

The Planning Inspectorate

Appeal Decision

Site visit made on 3 November 2015

by Roger Catchpole Dip Hort BSc (Hons) PhD MCIEEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 December 2015

Appeal Ref: APP/C3810/W/15/3029779
Stakers Farm, North End Road, Yapton, West Sussex BN18 0DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- The appeal is made by Mr DW Langmead against the decision of Arun District Council.
- The application Ref Y/108/14/PD, dated 18 December 2014, was refused by notice dated 12 February 2015.
- The development proposed is a change of use from agricultural buildings to two dwellings (C3 Use Class).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision, the Town & Country (General Permitted Development) Order 1995 (as amended) was superseded by the Town & Country (General Permitted Development) (England) Order 2015 (the GPDO), which came into effect on 15 April 2015. Consequently, the former Class MB enabling conversion of agricultural buildings to dwelling houses has become Class Q. The new, consolidated GPDO at Class Q does not introduce any new criteria or limitations and as such the Council's decision references to Class MB readily transfer to the same references under the new Class Q.

3. Class Q of Schedule 2 of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to use falling within Class C3 (dwellinghouses) ("Class Q(a) development"). Additionally, Class Q permits building operations reasonably necessary to convert the building to a Class C3 use ("Class Q(b) development"). Paragraph Q.1 sets out specific circumstances under which development is not permitted and paragraph Q.2 sets out conditions applying variously to Q(a) and Q(b) development.

4. The Council have accepted that none of the exclusion criteria, as set out in paragraph Q.1 of the GPDO, apply nor have they disputed the acceptability of the proposed Q(b) development of the existing buildings. After careful consideration of the facts I am inclined to agree. Consequently, this appeal shall focus on whether or not the change of use would comply with the necessary conditions.

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5. Sections of the Planning Practice Guidance 2014 (as amended) (PPG) relating to permitted development rights for change of use of agricultural buildings were revised on 5 March 2015. It is clear from the evidence before me that both parties are aware of these changes.

6. The appellant has modified the description of development on the appeal form. As this more accurately reflects the nature of the proposal and is not disputed by the Council, I have used it for the purposes of this appeal.

Main Issue

7. The main issue is whether the proposed change of use complies with the conditions relating to Class Q(a) development as set out in paragraph Q.2(1) of the GPDO, having particular regard to whether the location of the proposed dwelling would be impractical or undesirable.

Reasons

8. The appeal site is a steel frame grain store that includes a limited area of curtilage at the front and to the rear of the building. It is one of three closely situated agricultural buildings that are in the same ownership which face onto a hard-surfaced farm yard. A further agricultural building, an indoor ménage, lies a short distance to the north west. This is associated with stables and a nearby dwelling that lie a short distance to the south east of the appeal site, near the main access point onto the B2132. All of these buildings are in a different ownership. Consequently, the area immediately in front of the appeal site is required for regular access to the indoor ménage, dung heap and nearby paddocks. The proposed change of use would demolish the smaller, adjoining agricultural building but retain the one closest to the indoor ménage for which an unspecified alternative agricultural use will be sought.

9. The PPG advises that 'impractical' and 'undesirable' are not defined in the regulations and that a reasonable, ordinary dictionary meaning should be applied in decision-making when a change to residential use is being considered. It makes clear that impractical means that the location and siting would "not be sensible or realistic" and that undesirable means that it would be "harmful or objectionable". Bearing in mind the proximity of other residential development and access to local services that I observed during my site visit, I do not find that the location would be 'impractical'.

10. However, I find that the change of use would nevertheless be 'undesirable'. This is because the area immediately in front of the building would remain in use with the regular passage of farm machinery and horses associated with the neighbouring landowner. This would pose a significant safety issue for the future occupants of the proposed dwellings that would not be mitigated by the suggested enclosure. This is because passing machinery and horses would have less room to manoeuvre if a car or pedestrian were to suddenly emerge.

11. Moreover, whilst I accept that the appellant no longer intends to use the remaining building as a grain store or the farmyard to store equipment there is nothing to stop this from happening in the future in the event that the site is sold. Similarly, if the neighbouring land is sold there is nothing to stop the reinstatement of productive agriculture and an associated increase in the intensity of use of the farmyard. Even if this were not to occur the potential

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harm to the safety of future occupants would nevertheless remain from the daily movements of horses and machinery.

Other Matter

12. The appellant is of the opinion that the Council failed to determine the application within the necessary time limit as set from the point at which the application is validated, as required by paragraph W11(c) of Schedule 2 of the GPDO. In such circumstances case law[1] has established that permission is deemed to be granted and the development can go ahead. The parties agree that the application was validated on the 18 December 2014. The Council's decision notice is dated 12 February 2015 and the appellant has stated that the decision was issued on that date at 16:34. The parties have since confirmed that notification of the decision occurred on the 12 February 2015. As this was on the 56th day I am satisfied that the application was determined within the statutory time limit.

13. The appellant has relied upon a previous Inspector's decision (Ref APP/Z3825/A/14/2224715) to suggest that a precedent exists for a shorter time limit. However, whilst such decisions are a material consideration in planning decisions they do not set legal precedent. Consequently, I have determined this appeal on its individual merits with careful regard to the time limits as defined in the GPDO.

Conclusion

14. For the reasons given above I conclude that the proposal would fail to comply with the necessary conditions and that the appeal should therefore be dismissed.

Roger DJ Catchpole

INSPECTOR

[1] Murrell v SSCLG [2010] EWCA Civ 1367

ARUNDEL DISTRICT COUNCIL DEVELOPMENT CONTROL-27/01/2016

LOCATION: **The Old Coal Yard North End Road Yapton**

SUBJECT: **Construction of 4No. houses with associated landscaping & parking. This application is a Departure from the development plan**

Planning Application Reference: Y/12/15/PL

Appeal Decision: Dismissed **Date:** 03 December 2015

Appeal Procedure: Written Representations

Application Decision: Refused **Date:** 26 May 2015

Decision Process: Delegated

Original Officer Recommendation: Refuse

KEY ISSUES

The main issue was whether the proposed development would comply with development plan policies with regard to development outside the built-up area and accordingly represent sustainable development as sought by the National Planning Policy Framework.

The Inspector did consider that the scheme would be in keeping with the character & appearance of the neighbouring residential development, would result in a tidying up of the site, would make use of previously developed land and would make a modest contribution towards the supply of new housing in the district. However, the Inspector also considered that due to the location of the site, the occupiers of the new houses would be highly reliant on private vehicle use. The Inspector also noted the similarities between the site and a site discounted as part of the YNP process in that its development would reinforce existing ribbon development in this part of the parish with little prospect of achieving sustainable, well planned development.

The Inspector therefore concluded that the development would not comply with development plan policies and it would not represent sustainable development as sought by the NPPF.

APPLICATION FOR COSTS MADE/REASON

None.

COSTS AWARDED

N/A.

Background Papers: Y/12/15/PL

Contact: Mr S Davis

Telephone: 01903 737874

ARUNDISTRICTCOUNCIL-DEVELOPMENTCONTROL-27/01/2016

The Planning Inspectorate

Appeal Decision

Site visit made on 6 November 2015

by J A B Gresty MA MRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 December 2015

Appeal Ref: APP/C3810/W/15/3087240
The Old Coal Yard, North End Road, Yapton, West Sussex BN18 0ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Stephen Crossley against the decision of Arun district Council.
- The application Ref Y/12/15/PL, dated 27 June 2014, was refused by notice dated 26 May 2015.
- The development proposed is construction of 4 houses with associated landscaping and parking.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the proposed development would comply with development plan policies with regard to development outside the built-up area and accordingly represent sustainable development as sought by the National Planning Policy Framework.

Reasons

3. The appeal property is a semi-derelict, former coal yard, situated within a fragmented ribbon of residential development about a mile from the middle of Yapton. The site has various run-down sheds on it and, at the time of inspection, part of the site appeared to be used for informal storage and vehicle parking. Whilst within an area of residential properties, there is agricultural land to the rear and the site is not within the built-up area of the village as identified in the Yapton Neighbourhood Plan (YNP).

4. YNP Policy BB1 indicates that new development will not be permitted outside the built-up area of the village except in certain circumstances. The site is not identified as a site for residential development within the YNP and the proposed development would not represent any of the exceptions listed in YNP Policy BB1. Whilst the proposed development would in practical terms be an infill between two areas of housing, YNP Policy H1 indicates that infill development will only be permitted within the built-up area of the village. Accordingly, the proposed residential development would not comply with YNP Polices BB1 and H1.

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5. Saved Policy GEN3 of the Arun Local Plan (LP) indicates that, outside the defined built-up area, the countryside will be safeguarded for its own sake. The proposed development would not meet the requirements of any of the exceptions listed in LP Policy GEN3 for development outside the built-up area.

6. The design and layout of proposed development would be in keeping with the character and appearance of the nearby residential properties and the site, in its current condition, does not contribute positively to the character or appearance of the local area. However, the ribbon of development which runs along North End Road from the main body of Yapton is fragmented by agricultural fields in several places and there is farmland to the rear of the appeal site. Accordingly this part of North End Road has a semi-rural character and appearance. Development of the site would add to the ribbon effect of the development on the road and in this respect it would erode the semi-rural character of the local area, contrary to the aim of protecting the countryside for its own sake sought by LP Policy GEN3.

7. The appeal site is about a mile from the middle of Yapton where there are various shops and facilities. Whilst there is a bus stop close by, and it is proposed to improve pedestrian access to the bus stop by building a new section of path from the appeal site to link up with the pavement by the bus stop, because of the distance to the main body of the village, it is probable that occupiers of the proposed new houses would rely mainly on use of private vehicles for day to day activities such as gaining access to services and facilities and to getting to and from work. In this respect the development would not meet fully the aims of sustainable development as sought by the National Planning Policy Framework (the Framework).

8. The appeal site has a long history of other uses and is previously developed land. In this respect, reuse of the site for the proposed houses would represent sustainable development as sought by the Framework.

9. Paragraph 49 of the Framework requires housing applications to be considered in the context of the presumption in favour of sustainable development. Further, paragraph 49 indicates that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing. In this case the Council cannot demonstrate a five-year supply of deliverable housing and a windfall site such as this would contribute positively to the supply of housing in the district.

Other Matters

10. Although not one of the reasons for refusal, the proposal does not include any provision for affordable housing. The appellant has since provided a completed unilateral undertaking dated 19 October 2015 to contribute towards the cost of new affordable housing in the district. This is in keeping with the Council's interim policy, adopted on 18 August 2010, requiring financial contributions towards the provision of affordable housing in the district. The Council has evidence to demonstrate a need for affordable housing in the Yapton area and I consider that the proposed contribution would accord with the tests set out in paragraph 204 of the Framework.

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11. The Council refers to policies from the Emerging Arun Local Plan 2011–2031. It is unclear how far this development plan document has got in the adoption process and, therefore, I attach limited weight to it in considering this appeal.

Conclusions

12. Viewed in isolation, the design of the proposed development would be in keeping with the character and appearance of the neighbouring residential development and it would result in a tidying up of the site. Further, the development would make use of previously developed land and make a modest contribution towards the supply of new housing in the district. In these respects the proposed development would represent sustainable development as sought by the Framework.

13. However, the site is some distance from the heart of the village and, whilst it is on a bus route, it is probable that the occupiers of the new houses would be highly reliant on private vehicle use. Further, the Inspector when considering the YNP considered the site to have similar characteristics to that of the proposed Maypole Field site in that its development would reinforce existing ribbon development in this part of the parish with little prospect of achieving sustainable, well planned development. Therefore, on balance and for the above reasons, I conclude that overall the development would not comply with development plan policies and it would not represent sustainable development as sought by the Framework. Accordingly I conclude that the appeal should be dismissed.

J A B Gresty

INSPECTOR

ARUNDISTRICTCOUNCIL DEVELOPMENT CONTROL-27/01/2016

APPENDIX 3
BE/93/16/L COMMITTEE REPORT

Arun District Council
Civic Centre
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Committee Manager : Carrie O'Connor (Ext 37614)

25 August 2016

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton**, on **Wednesday 7 September 2016 at 2.30 p.m.** and you are requested to attend.

Members : Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Bower, Brooks, Charles, Dillon, Gammon, Hitchins, Maconachie, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Miss Rhodes, Mrs Stainton and Wells

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

A G E N D A

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating :
a) the application you have the interest in
b) whether it is a personal interest and the nature of the interest
c) whether it is also a prejudicial/pecuniary interest
d) if it is a prejudicial/pecuniary interest, whether you will be exercising your right to speak at the application

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You then need to re-declare your prejudicial/pecuniary interest and the nature of the interest at the commencement of the application or when the interest becomes apparent.

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process Procedure as laid down in the Council's adopted Local Code of Conduct for Members/Officers dealing with planning matters. A copy of the Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

To approve as a correct record the Minutes of the meeting held on 10 August 2016 (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

6. TREE APPLICATIONS
To consider the attached report. .

7. *PLANNING APPLICATIONS

To consider the attached reports.

NB : The applications will be heard in **REVERSE ALPHABETICAL** order.

8. *PLANNING APPEALS

To consider the attached report.

9. PLANNING REFUSAL A/162/15/PL – PROPOSED CAR SHOWROOMS AND WORKSHOP WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING, LAND NORTH OF ROUNDSTONE BYPASS, ROUNDSTONE BYPASS, 1259 ANGMERING, FOR CAFFYNS LTD, AUDI

To consider the attached report.

10. DEVELOPMENT CONTROL COMMITTEE – PROPOSED CHANGES TO PUBLIC SPEAKING FOR MAJOR APPLICATIONS

To consider the attached report.

Background Papers

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

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

Contact Officers :	Nikolas Antoniou	(Ext 37799)
	Neil Crowther	(Ext 37839)
	Daniel Vick	(Ext 37771)
	Juan Baeza	(Ext 37765)

Note: *Indicates report is attached for Members of the Development Control Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or accessed via the website at www.arun.gov.uk.

Note: Members are reminded that if they have any detailed questions would they please inform the Chairman and/or the Head of Development Control, in advance of the meeting. This is to ensure that officers can provide the best possible advice to Members during the meeting.

DEVELOPMENT CONTROL COMMITTEE

10 August 2016 at 2.30 p.m.

Present: Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Bower, Brooks, Charles, Dillon, Gammon, Hitchins, Maconachie, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Miss Rhodes and Mrs Stainton.

[Note: Councillor Oliver-Redgate was absent from the meeting during consideration of the matters referred to in Minutes 171 to 173 (up to Planning Application BR/100/16/PL).]

171. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a "Prejudicial Interest" this will, in the interests of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

Councillor Dillon declared a personal interest in Agenda Item 7, Planning Application BR/100/16/PL as a member of Bognor Regis Town Council's Planning & Licensing Committee.

172. MINUTES

The Minutes of the meeting held on 13 July 2016 were approved by the Committee and signed by the Chairman as a correct record.

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173. PLANNING OBLIGATION ASSOCIATED WITH FORTHCOMING INQUIRY FOR PLANNING APPLICATION WA/22/15/OUT

With the agreement of the Chairman, this item was dealt with as a matter of urgency as a decision was required in order to complete a legal agreement prior to the forthcoming Inquiry, which had been scheduled for November 2016 following the call-in of the application by the Secretary of State.

The Head of Planning Policy & Strategic Development reminded the Committee that in December 2015 it had determined that the application be approved subject to the Heads of Terms setting aside leisure related contributions to be spent locally and that the relevant Parish Councils of Walberton and Eastergate be requested to put forward their views as to how the money should be spent. The Parish Councils had been duly contacted and had submitted their proposals. However, following legal advice, it was considered that the facilities being requested failed to meet the strict tests set down by the CIL (Community Infrastructure Levy) Regulations. The view of the applicant was the same and they had stated they would not be willing to accept the request for unlawful contributions and would make that case, if necessary, at the forthcoming Inquiry.

Eastergate and Walberton Parish Councils had been informed accordingly and the Head of Planning Policy & Strategic Development now sought the Committee's agreement to give the two Parish Councils a further time limit of 26 August 2016 to submit proposals that would comply with the CIL Regulations. Should that not be forthcoming, then the Director of Planning & Economic Regeneration to be given delegated authority, in consultation with the Chairman, to approve the S106 Heads of Terms for Leisure Payments to be spent at Arun Leisure Centre and to not pursue Leisure Payments to the Parish Councils.

Following a brief debate, the Committee

RESOLVED – That

(1) Eastergate and Walberton Parish Councils be given until 26 August 2016 to submit their proposals that adhered to the CIL Regulations as to how contributions should be spent under the Heads of Terms; and

(2) should those proposals not adhere to the CIL Regulations, delegated authority be given to the Director of Planning & Economic Regeneration, in consultation with the Chairman, to approve the S106 Heads of Terms for Leisure Payments to be spent at Arun Leisure Centre and to not pursue Leisure Payments to the Parish Councils.

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174. PLANNING APPLICATIONS

AL/34/16/PL – Retention of pond & associated groundworks, Crunchy Cottage, Park lane, Aldingbourne Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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

BR/100/16/PL – Change of use of Ashley House from a care home (Class C2 use) to a House in Multiple Occupation (HMO) to provide team member accommodation on behalf of Butlin's, Bognor Regis, together with external alterations to the building, two car parking spaces (one disabled space), a minibus parking space, a designated cycle store for in excess of 40 spaces, a designated bin store & associated landscaping, 120 Aldwick Road, Bognor Regis Having received a report on the matter, the Committee received a presentation on the detail of the application from the Planning Team Leader, who advised that it was considered that the change of use would be less intensive than the previous C3 history and particularly highlighted conditions 3 and 8 relating to cease of use by Bourne Leisure and noise mitigation measures respectively. A written officer report update was also circulated at the meeting which summarised additional representations received and additional information provided by the applicant.

In discussing the matter, Members expressed views that the proposal did not sit well with the character of the area and was an unacceptable increase in residency. A view was expressed that Policy GEN7 would not be met as it was felt that the character of the area would be adversely affected and would contribute to an over-provision of HMOs. Further comments related to foul drainage; internal space standards; unneighbourliness; management of the premises; noise; and car parking, all of which were responded to at the meeting by the Planning Team Leader.

It was acknowledged that the premises had been empty for a long period of time and something had to be done to get it back into use. Comment was made that there appeared to be a lot of misinformation and speculation going on, which were not planning reasons for refusal.

Following consideration, the Committee

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RESOLVED

That the application be approved as detailed in the report.

CM/13/16/PL –New agricultural building, Hobbs New Barn, Gravetts Lane, Climping Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/12/16PL – Rationalisation of existing buildings to provide amended B1 (office & light industrial uses), B8 (Storage & Distribution) A1 retail & Café. Insertion of mezzanine level of office accommodation within rear building for Kingsley Roofing, together with revised opening hours and installation of parking barrier, 50 Ferring Street, Ferring Having received a report on the matter, concerns were raised relating to the proposal being out of character with the area; unneighbourly; and with the potential for noise nuisance. However, those concerns were addressed by the Planning Team Leader and, following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/95/16/PL – Polytunnels, outdoor growing beds, tree nursery, storage & welfare facilities for a horticultural enterprise, Land between Lansdowne Nursery & Highdown Vineyard, Littlehampton Road, Ferring Having received a report on the matter, together with the officer's written report update detailing an additional representation received, the Committee

RESOLVED

That the application be approved as detailed in the report.

K/11/16/PL – Demolition of existing dwelling & erection of new dwelling house, Spring Tide, Gorse Avenue, Kingston Having received a report on the matter, the Planning Team Leader advised Members that this proposal was a reduction to the original application and, due to the variety of designs in the street scene, was considered to be acceptable.

In discussing the matter, a concern was raised that the proposal constituted an overdevelopment and would be out of character with the area. The modern design was not liked. However, on being put to the vote, the Committee

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RESOLVED

That the application be approved as detailed in the report.

LU/131/16/PL – 3 No. terraced chalet bungalows with car parking. This application is a Departure from the Development Plan, Land adjoining Knightscroft, Toddington Lane, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

WA/25/16/PL – Conversion of 2 No. flats into 1 No. dwelling with two storey front & rear extensions, 1 & 2 Stafford Cottages, Yapton Lane, Walberton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

175. PLANNING APPEALS

The Committee received and noted the planning appeals that had been received.

176. DIVERSION OF FOOTPATH NO. 139 AT NORTH BERSTED

The Committee received a report from the Planning Solicitor which sought approval to the making of an Order to divert Footpath No. 139 at North Bersted.

Following consideration, the Committee

RESOLVED – That

(1) an Order be made and advertised for diversion of the Footpath in the essence of the terms of the Draft Order attached to the report, but allowing for delegated powers for the Director Planning and Economic Regeneration, and those whom he authorises, to make drafting and plan drafting amendments;

(2) if no objections are received to the Order, or if objections are withdrawn, the Director of Planning and Economic Regeneration will have delegated powers to adopt and confirm the making of the Order

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and may take all steps to advertise that, with any modifications to the Order; and

(3) if any objections are made and not withdrawn then the Order and objections be referred back to Committee for consideration.

(The meeting concluded at 4.30 p.m.)

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AGENDA ITEM 6

DEVELOPMENT CONTROL COMMITTEE

07 September 2016

PLANNING APPLICATIONS

LIST OF TREE APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION AT THE DEVELOPMENT CONTROL COMMITTEE

BOGNOR REGIS

Reference	Development Description	Location
BR/160/16/T	Repollard to previous points to 2 No. Holm Oak trees & crown lift to a clearance of 5.2m over vechicular entrance to1 No. Common Ash tree & 1 No. Silver Birch tree.	Chipley Court Hawthorn Road Bognor Regis PO21 2XA

Case Officer : Mr R Leal

Recommendation: Approve Conditonally

LIST OF APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION AT THE DEVELOPMENT CONTROL COMMITTEE

MIDDLETON

Reference	Development Description	Location
M/59/16/PL	1 No. replacement dwelling.	1 Deepdene Close Middleton on Sea PO22 6HX

Case Officer : Mr D Easton

Recommendation: Approve Conditonally

EAST PRESTON

Reference	Development Description	Location
EP/63/16/PL	Demolition of existing hotel & erection of 9 No. dwellings with associated parking.	Bradbury Hotel Station Road East Preston BN16 3FF

Case Officer : Mrs A Gardner

Recommendation: App Cond sub to S106

BERSTED

Reference	Development Description	Location

BE/77/16/OUT	Outline application with all matters reserved for up to 50 residential units, landscaping, amenity space, car & cycle parking, roads, service & drainage infrastructure & other associated works. Departure from the Development plan.	Land West of New Barn Lane Bersted

Case Officer : Mr D Innes

Recommendation: App Cond sub to S106

BE/93/16/PL	Construction of new vehicular/pedestrian/cycle route onto New Barn Lane for residential purposes	New Barn Lane Bersted Bognor Regis PO21 5DL

Case Officer : Mr D Innes

Recommendation: Approve Conditonally

ANGMERING

Reference	Development Description	Location
A/105/16/PL	Reconfiguration of existing car parking area for 1 No. flat with 5 No. car-barns below (resubmission following A/8/16/PL). This application affects the character & appearance of the Angmering Conservation Area.	Land at The Cottrells Angmering BN16 4AF

Case Officer : Mrs A Gardner

Recommendation: Approve Conditonally

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TREE WORKS CONSENT REPORT

REF NO: **BR/160/16/T**

LOCATION: **Chipley Court**
Hawthorn Road
Bognor Regis
PO21 2XA

PROPOSAL: **Repollard to previous points to 2 No. Holm Oak trees & crown lift to a clearance of 5.2m over vechicular entrance to1 No. Common Ash tree & 1 No. Silver Birch tree.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	Trees in grounds of Chipley Court.
SITE CHARACTERISTICS	Flats
CHARACTER OF LOCALITY	Generally residential

RELEVANT SITE HISTORY

BR/171/15/T	Reduce eastern lateral branches to 1No. Beech tree & 1No. Austrian Pine tree to provide a 3m buffer away from Chipley Court.	ApproveConditionally 21-10-2015
BR/82/13/T	Remove 2 No branches on the west side of the crown to 1 No Monterey Pine tree	Refused 09-05-2013 Appealed **Appeal: Dismissed 06 08 2013**
BR/313/12/T	Reduce most easterly limb of 1no. Corsican Pine by 4 metres from the tip. Reduce back the overhanging branches from driveway by 1-2 metres & remove any deadwood	ApproveConditionally 08-02-2013
BR/272/12/T	Remove one branch from 1 No Monterey Pine tree which is overhanging driveway	Refused 10-12-2012 Appealed **Appeal: Decline Jurdctn 26 02 2013**
BR/301/11/T	1 No Beech tree to be reduced by 3-4m from the North East to remove overhang and shade	ApproveConditionally 02-02-2012
BR/354/04/T	Removal of branches from two Pinus Radiata trees, overhanging 4 & 5 Woodend	ApproveConditionally 22-12-2004
BR/1045/80/T	To prune 16 trees	ApproveConditionally 18-02-1981

Site history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

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Bognor Regis Town Council

NO OBJECTION subject to the approval of the ADC Arboriculturist. It is recommended, if approved, that no work should be carried out if any birds or bats are nesting.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATIONS RESPONSES RECEIVED:

Arboricultural officer:-

For T1 the applicant has applied to re-pollard to the previous points. From the site inspection it is evident that the proposed pruning operation does emulate the previous pruning operations.

For T2, the applicant has applied to re-pollard to the previous points. From the site inspection it is evident that the proposed pruning operation does emulate the previous pruning operations.

For T3, the applicant has applied to crown lift to 5.2 meters over the car parking area.

For T4, the applicant has applied to crown lift to 5.2 meters over the car parking area.

For T1, I would have no objection to the proposed re-pollarding operation that has been proposed in this application.

For T2, I would have no objection to the proposed re-pollarding operation that has been proposed in this application.

For T3, I would have no objection to the proposed 5.2 meter crown raise as it designed to prevent conflict with users of the onsite car park.

For T4, I would have no objection to the proposed 5.2 meter crown raise as it designed to prevent conflict with users of the onsite car park.

Conditions required.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

Publication Version of the
Local Plan (October 2014):

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, are not specific to trees.

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DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 198 of the Town and Country Planning Act 1990 states:
"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

The tree officer has raised no objection to the application. It is therefore recommended that the application be approved subject to conditions.

HUMAN RIGHTS ACT

FOR APPROVAL
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 neutral 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).

RECOMMENDATION

APPROVE CONDITIONALLY

1 The crown clean should consist of deadwood and stub removal where all cuts should be made to the branch collar. Where crossing branches are encountered the weaker branch/branches should be reduced or removed to avoid contact between them. The remaining branch/branches should be shortened as appropriate to relieve "end weight" and sudden exposure by reducing the leaf bearing branch tips by no more than 30%.

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Reason: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

2 All side branches to be retained should be at least 1/3rd in diameter of the removed branch. Pruning cuts must be flat and smooth, kept as small as possible by cutting at an optimum angle and should not exceed 100mm in diameter.

Reason: In the interests of the trees continued health and vitality to accord with current industry guidelines and sound arboricultural practice.

3 Branches found within the clearance height having diameters greater than 100mm should be shortened and no more than 15% of the leaf bearing growth of that branch should be removed.

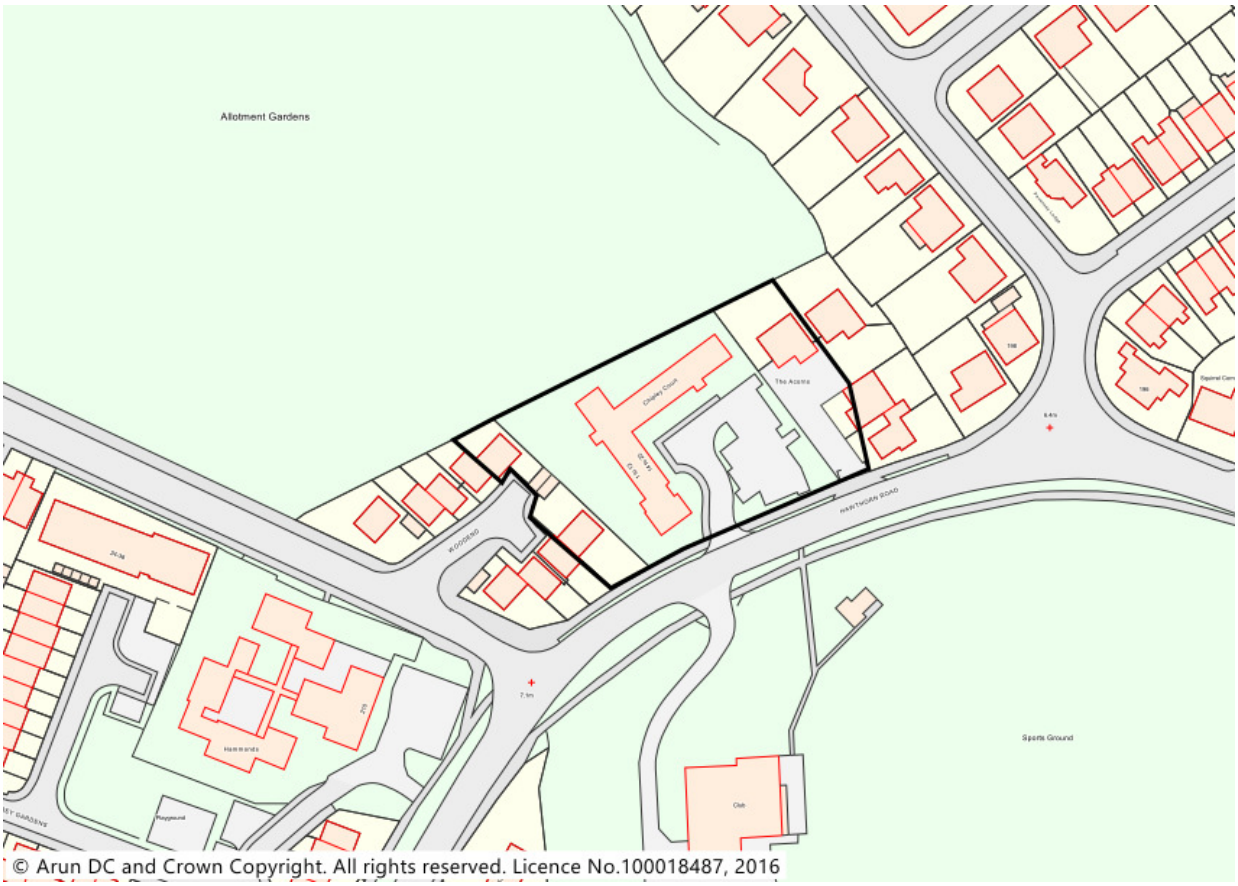
REASON: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

4 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.

5 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.

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BR/160/16/T Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a North Point)



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PLANNING APPLICATION REPORT

REF NO: **M/59/16/PL**

LOCATION: **1 Deepdene Close**
Middleton on Sea
PO22 6HX

PROPOSAL: **1 No. replacement dwelling.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Demolition of the bungalow and its replacement with a 2.5 storey dwellinghouse. The dwelling will measure 12m in depth, 7m in width, with an eaves height of 6m and a maximum ridge height of approximately 9.6m. The dwelling features pale grey standing seam roof and walls at first floor level with render to match adjacent properties at ground floor level.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The north, east and west boundary consists of 1.5m - 1.8m high close boarded fencing with the southern boundary of the site consisting of hedging to approximately 3m in height.
SITE CHARACTERISTICS	Detached bungalow with rendered elevation and a slate roof.
CHARACTER OF LOCALITY	Predominantly residential featuring properties of various designs and styles with semi-detached two storey properties constructed from brick and tile to the north and west; bungalows primarily featuring rendered elevations to the south; and a three storey block of flats to the east.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Objection.

1) Overall mass, height and scale is out of keeping with surrounding properties
2) The proposed development is overbearing.

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27 letters of objection from 26 individuals:
1] Dwelling due to its height will give rise to overshadowing of neighbouring properties.
2] Dwelling would give rise to unacceptably adverse overlooking.
3] Replacing an existing dwelling and therefore needs to be of a similar height.
4] Will result in a loss of privacy.
5] Conflicts with the Human Rights Act (Protocol 1, Article 1).
6] The proposal is larger than the existing dwelling and as such is not a replacement.
7] The proposal in out of character with the locality.
8] The proposal results in a loss of views.
9] The proposed dwelling would have an adverse impact upon property values.
10] The proposed garage will measure 4.65m in height which is too high.
11] Construction vehicles would obstruct the road/restrict access to their driveways.
12] Drainage is an issue in Deepdene Close.
13] On street parking is restricted in this location.
14] Conflicts with policy GEN1 and GEN7(iv) & (v) of the Local Plan.
15] Proposal conflicts with the NPPF.

9 letters of support:
1] Will not appear out of character (when viewed against the existing "Villa Plage")
2] Proposal is of an aesthetically pleasing design and benefits the existing street scene.
3] The proposed dwelling will be an enhancement.
4] Proposal has been thoughtfully designed and does not impact on its neighbours in loss of light and does not restrict views.

COMMENTS ON REPRESENTATIONS RECEIVED:

Parish Council comments are noted and are considered further in the conclusion to this report.

In response to the 27 letters of objection:
1 & 2] The impact upon residential amenity of neighbours is considered further in the conclusion.
3] There is no requirement for a proposal to be of a similar design/size to what it replaces.
4 & 5] The impact of the proposal on the residential amenity, privacy and rights of neighbours will be considered in the conclusion.
6] The proposal is considered to constitute a replacement dwelling.
7] The impact of the proposal on the character of the locality is considered in the conclusion.
8 & 9] Loss of views and reduction in property values is not a material consideration.
10] The garage measures 2.95m in height as shown on the submitted plans.
11] Obstruction by vehicles is not a material consideration and is a private matter.
12] The dwelling replaces an existing dwelling. However, surface water drainage conditions have been recommended by the Council's drainage engineer.
13] The provision of parking will be considered in the conclusion to this report.
14 & 15] The proposals accordance with development plan policies will be considered in the conclusion.

Comments made in the 9 no. letters of support are noted.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

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Engineers (Drainage):
Infiltration to be investigated for new surface water drainage.

Please apply standard conditions ENGD2A.

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 30% 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 are also enclosed for information.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and condition included.

POLICY CONTEXT

Designation applicable to site:
Within built area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	D DM2	Internal Space Standards
	D DM3	External Space Standards
	D SP1	Design
	SD SP2	Built-Up Area Boundary

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework
	NPPG	National Planning Practice Guidance
Supplementary Guidance:	MDS	Middleton-on-Sea Village Design Statement by Middleton PC

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can

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carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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

Middleton Parish Council do not benefit from a made Neighbourhood Plan and as such there are considered to be no relevant Neighbourhood Plan policies 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 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

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PRINCIPLE
The site is situated in the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are GEN7 of the Arun District Local Plan; policies D DM1, D DM2, D DM3 and D SP1 of the Emerging Local Plan; and the NPPF.

DESIGN AND VISUAL AMENITY
The dwelling measures approximately 9.5m high which is not considered unacceptable given the character of the locality and scale of development in close proximity to the site - 7 and 8 Deepdene Close (to the west of the site) measure approximately 8.1m high with 1 and 2 Villa Plage and the main Villa Plage development exceeding 10m high. The dwelling exceeds the height of two storey dwellings in Deepdene Close by approximately 1.4m and will be lower than development in the wider locality and clearly visible within the street scene. Despite the proposals presence within the street scene it is considered that the spatial pattern and character of the locality will be retained - the distance the property is set back from the road will match that of dwelling on the western side of Deepdene Close. The proposed development is considered in keeping with the character of the locality and is deemed to retain the spatial pattern of Deepdene Close.

The dwelling will be clearly visible within the street scene but is not considered to adversely impact upon the established character of the locality. The ground floor of the dwelling features render to match properties in close proximity to the site, whilst the first floor and roof is intended to feature pale grey standing seam metal. It is acknowledged that the material at first floor level and above is unusual in the locality - however, the locality features a mixt of materials including bricks, tile and cladding and as such the materials are not considered to have an unacceptably adverse impact upon visual amenity or the character of the locality.

The development is considered an improvement over the existing dilapidated bungalow and it is considered that the proposal constitutes an enhancement on the site. Therefore, the development is considered to accord with policy GEN7(ii) of the Local Plan.

The detached garage is situated forward of the primary elevation and measures approximately 2.95m high. By virtue of its design, scale and location the proposed garage is not considered to have an adverse impact upon the established character of the locality.

RESIDENTIAL AMENITY
The dwelling at its closest point will be situated 6.9m from the north boundary; 1.1m from the east boundary of the site; 4.9m from the south boundary; and 3.5m from the west boundary of the site. The dwelling will be situated 19.4m to the south of 28-31 Villa Plage; 15.8m from development to the south of the site; and at its closest point 12m from development to the west of the site these distances are considered sufficient to prevent unacceptable adverse overbearing impacts upon neighbours to the north, south and west of the site.

The dwelling will be situated in closer proximity to Villa Plage to the south-east of the site than any other development in this locality. The dwelling will be located approximately 8m to the north-west of Villa Plage which in conjunction with the height of the proposed dwelling is considered to have the potential to give rise to adverse impact upon the residential amenity of neighbours. It must be acknowledged that at second floor level the floor will be set back 5.29m from the rear of the dwelling which is considered sufficient to protect the residential amenities of neighbours and prevent any unacceptably adverse overlooking to the south, west or east.

The balcony at first floor level measures approximately 2.4m deep but will not extend to the rear of the dwelling with the side of the balcony being screened by the walls of the dwellinghouse providing

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screening and protecting the residential amenity of neighbours to the east. Due to the orientation of the proposed dwelling in relation to Villa Plage it is considered that unacceptable overlooking will only be possible if standing in the south-eastern corner of the first floor balcony. The windows on the rear of the dwelling at first floor level will be set back 2.46m from the rear of the proposed dwelling and as such the design of the proposal prevents unacceptable overlooking when residents are inside the dwelling. The proposal is not considered to generate unacceptably adverse overlooking of Villa Plage to the south-east.

The windows proposed at first floor level on the north elevation of the dwelling are considered to have the potential to give rise to detrimental overlooking of properties to the north. As such a condition has been included requiring these windows are obscurely glazed and non-opening in order to protect residential amenity. The roof lights on the east elevation are shown approximately 2.4m above floor level - sufficient to prevent any unacceptably adverse overlooking.

The detached garage is located forward of the primary elevation abutting the boundary of the site. The garage measures approximately 2.95m in height which is not considered to result in any unacceptably adverse overbearing or overshadowing impacts on neighbours.

Therefore, subject to the proposed conditions it is considered that the development proposed is in accordance with policy GEN7(iv) of the Arun District Local Plan.

The dwelling has a gross internal floor area of approximately 142 sq.m which exceeds that specified within the Nationally Described Space Standards by 34 sq.m. The rear garden measures approximately 106 sq.m which exceeds the requirement specified by policy D DM3 of the Emerging Local Plan. Whilst, the proposal fails to deliver a rear garden depth of 10m due to the properties close proximity to the sea it is deemed to provide sufficient amenity space to ensure a good standard of amenity for future occupiers in accordance with para 17 of the NPPF. Due to the configuration of the amenity space and the limited depth of the rear garden a condition is included removing permitted development rights to ensure this amenity space is protected.

CONCLUSION
The development is considered to accord with relevant development plan policy and as such is recommended for approval subject to the below 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 for 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

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Duty under the Equalities Act 2010

In assessing this proposal no impacts have been identified upon any 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 Block Plan & Roof Plan - 512-1-001 Rev 00; Proposed Floor Plans - 512-1-002 Rev 00; Proposed Elevations - 512-1-004 Rev 01; and Proposed Garage/Bin Store Plans/Elevations - 512-1-005 Rev 01.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 Development shall not commence 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

4 Prior to the occupation of the dwelling hereby approved the windows shown on 'drawing no. 512-1-004 Rev 01' at first floor level and above on the northern elevation shall at all times be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: In the interest of amenity in accordance with policy GEN7(iv) of the Arun District Local Plan.

5 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions or alterations (including porches or dormer windows) to the new dwelling house shall be constructed or buildings, enclosure or swimming pools shall be

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erected within the curtilage of the new dwelling house unless permission is granted by the Local Planning Authority on an application in that behalf.

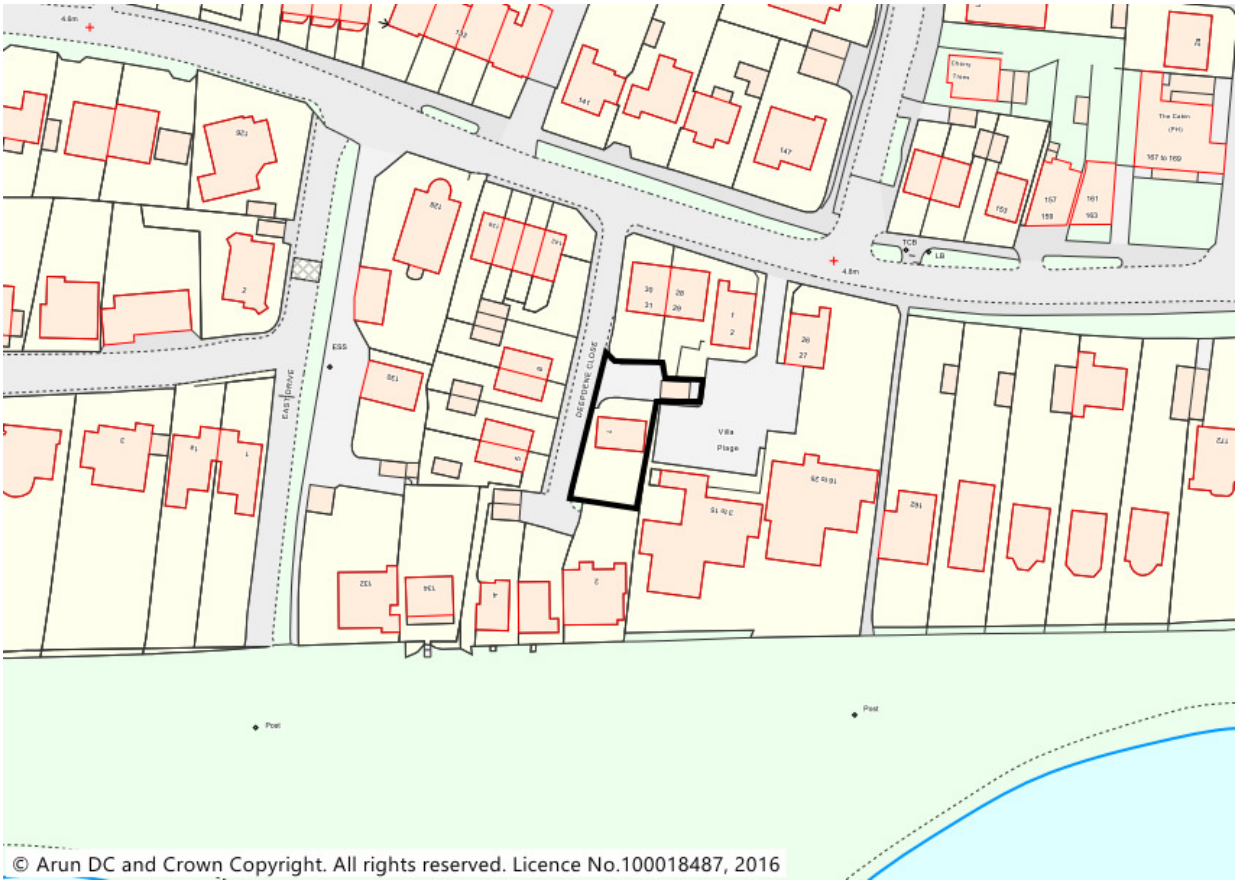
Reason: To maintain adequate amenity space, safeguard the cohesive appearance of the development and protect existing trees in accordance with policy GEN7 of the Arun District Local Plan.

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.

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M/59/16/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/63/16/PL**

LOCATION: **Bradbury Hotel**
Station Road
East Preston
BN16 3FF

PROPOSAL: **Demolition of existing hotel & erection of 9 No. dwellings with associated parking.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to demolition of the existing 2 storey home for the blind and the provision of 5 detached dwellings to the rear, 2 and a half storeys high and 2 pairs of 2 storey semi detached dwellings on the site frontage.
SITE AREA	2,334 q metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	38 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of significance affected by the development.
BOUNDARY TREATMENT	Rear to Langmeads 2m high close boarded fencing. Fencing to side boundaries. Frontage planting obscured by hoardings approximately 2.5m high.
SITE CHARACTERISTICS	Mock tudor style large detached property with single storey utilitarian extensions.
CHARACTER OF LOCALITY	Predominantly residential characterised by mainly new development to the north and south comprising flats and houses that are 3 storeys high with rooms in the roof.

RELEVANT SITE HISTORY

EP/98/16/DEM	Notification for prior approval for demolition of Bradbury Hotel	No Objection 25-07-2016
EP/45/15/PL	Redevelopment of the site & erection of 24No. retirement apartments for older persons with communal facilities & accociated parking & landscaping.	Refused 26-06-2015
EP/116/03/	Extension/Alteration of hotel accommodation for the blind & partially sighted	ApproveConditionally 22-12-2003

The previous application for sheltered accommodation was refused for reasons of an undesirable intensification of residential development and that given its height, width, depth, roof profile, footprin

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and excessive number of openings in the side elevation and dormer windows on the site frontage the proposal would be prominent and obtrusive and out of scale with the existing development in the locality and detrimental to the character and appearance of the street scene in conflict with policy GEN7 of the Arun District Local Plan.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

Rustington Parish Council

Rustington Parish Council

East Preston Parish Council - First response - Objection
Although there is no great opposition to the site hosting nine properties, the committee agreed unanimously it would object to this proposal on the following grounds.
At the front (western) side of the proposed development, the committee felt plots 3 and 4 were poorly designed looking too tall and narrow. The council would prefer these plots to be another pair of Type A properties.

The committee was concerned plots 5 to 9 are set too far east on the site and would prefer them to be shifted westwards slightly so the back of plot 5 is in line with the adjacent property in Langmeads Close, and the back of plot 9 to be in line with the back of no. 15 Churchfields. The committee applauded the fact plots 5 to 9 are not in a straight line front and back this stepped and staggered feel is more in keeping with the area.
The committee believes plots 5 to 9 are also too tall. Section 4.14 of the East Preston Neighbourhood Plan states new buildings that exceed two stories in height will rarely be acceptable. The committee felt the plots were definitely three storeys, confirmed by the table in section 1.3.2 of the Application's Transport Statement, and this would result in a top-heavy look for these properties.

The committee believes the amount of weatherboarding on the western elevations of several of the properties is too great and more variety would be appreciated. Section 4.12 of the East Preston Neighbourhood Plan asks that materials used in new or altered buildings should harmonise in both colour and texture with the materials used in adjoining buildings. Of course, this does not mean the materials need to be exactly the same as is seen in the applauded proposed use of clay tiles for the roofs. Perhaps some reference back to the existing building with its use of dark-stained wood would provide some welcome variety.

Until very recently, the site of this proposed development and the sites immediately to the north and south of this development comprised just four properties, three of which were single homes. This proposed development will complete an increase from those four homes to a total of thirty-five homes, almost an eight-fold increase. With such an increase inevitably comes an increase in parking required and traffic movements. Section 3 of the Transport Statement refers to Parking Standards and correctly states eighteen is the correct number of spaces for nine three-bedroom properties. This council would appreciate some provision for dedicated visitor spaces? Visitors unable to park on site will be forced to park in Station Road this council has already raised concerns to West Sussex County Council about existing parking problems in Station Road and the danger such parking poses to residents of Churchfields, Langmeads Close and ultimately this development in exiting those sites. Section 6 of the Transport Statement seems to assume the Bradbury Hotel was a traditional hotel and its traffic movements were standard for a traditional hotel. The hotel was a respite hotel for blind and partially-sighted customers and traffic movements were less than and not comparable with a standard hotel; therefore the assertion any increase in traffic flows would be negligible is perhaps founded on incorrect information.

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The site seems to be covered by a general Tree Preservation Order. Where mature trees cannot be incorporated into the scheme mature replacement soft landscaping should be provided.

Although broadly in favour of the proposal, this council would like Arun District Council to refuse Planning Permission for this development until all, or most, of the above concerns have been satisfactorily addressed.

Second response - Objection
The committee thanked the developers for having moved the eastern building line of plots 5 to 9 westwards and also for having changed the design for plots 3 and 4 on the western side of the proposal.
However, the committee believes plots 5 to 9 are still too tall. Section 4.14 of the East Preston Neighbourhood Plan states new buildings that exceed two storeys in height will rarely be acceptable. The committee felt the plots were definitely three storeys, confirmed by the table in section 1.3.2 of the Application s Transport Statement, and this would result in a top-heavy look for these properties. The Planning Officer's report for Demolition Notice EP/98/16/DEM on the same site refers to mainly new development to the north and south comprising flats and houses that are 3 storeys high confirming existing new development would now be considered contrary to the made East Preston Neighbourhood Plan.

The committee believes the amount of weatherboarding on the western elevations of several of the properties is too great and more variety would be appreciated. Section 4.12 of the East Preston Neighbourhood Plan asks that materials used in new or altered buildings should harmonise in both colour and texture with the materials used in adjoining buildings. Of course, this does not mean the materials need to be exactly the same as is seen in the applauded proposed use of clay tiles for the roofs. Perhaps some reference back to the existing building with its use of dark-stained wood would provide some welcome variety. We would prefer no weatherboarding at all as it is not a vernacular style for this part of Sussex, but if that is not possible, please could any weatherboarding come no lower than the first floor. A number of properties in adjacent Langmeads Close and Churchfields do not have any weatherboarding and that does not seem to have affected their desirability.

Until very recently, the site of this proposed development and the sites immediately to the north and south of this development comprised just four properties, three of which were single homes. This proposed development will complete an increase from those four homes to a total of thirty-five homes, almost an eight-fold increase. With such an increase inevitably comes an increase in parking required and traffic movements. Section 3 of the Transport Statement refers to Parking Standards and correctly states eighteen is the correct number of spaces for nine three-bedroom properties. This council would appreciate some provision for dedicated visitor spaces? Visitors unable to park on site will be forced to park in Station Road this council has already raised concerns to West Sussex County Council about existing parking problems in Station Road and the danger such parking poses to residents of Churchfields, Langmeads Close and ultimately this development in exiting those sites. Section 6 of the Transport Statement seems to assume the Bradbury Hotel was a traditional hotel and its traffic movements were standard for a traditional hotel. The hotel was a respite hotel for blind and partially-sighted customers and traffic movements were less than and not comparable with a standard hotel; therefore the assertion any increase in traffic flows would be negligible is perhaps founded on incorrect information.
Although broadly in favour of the proposal, this council would like Arun District Council to refuse Planning Permission for this development until all, or most, of the above concerns have been satisfactorily addressed.

Rustington Parish Council

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Objection. Support objections of East Preston Parish Council

East Preston and Kingston Preservation Society
Objection. The proposed development is of a disappointingly poor standard of design. The detached houses are excessively narrow for their height, so that their appearance would be badly unbalanced. The houses on the eastern side of the site are too near the boundary with Langmeads Field and the houses on the western side of the site are ahead of the building line and too near the road. The houses therefore need to be moved closer to the centre of the site. The use of weatherboard as the facing material on the houses fronting the road is an undesirable feature: synthetic weatherboarding is not a part of the historic character of the area.

The poor design and layout of the development and the inappropriate materials render it incompatible with Policy GEN7 of the Arun Local Plan, because it does not respond positively to the characteristics of the area to create an attractive place that enhances local distinctiveness; it is incompatible with Policy 1 of the East Preston Neighbourhood Plan, because the design and materials do not reflect and enhance the architectural and historic character of the surrounding buildings; and it is incompatible with paragraph 4.10 of the Neighbourhood Plan because it does not strengthen the present characteristics of the village. This application should therefore be refused. The development might be made acceptable if the detached houses were replaced by terraced or semi-detached houses, placed nearer the centre of the site, and if their materials were characteristic of the area.

Friends of Langmeads - No Objection to the principle of development, but have concerns over the height of the units to the rear which are significantly taller. They will therefore have an adverse overbearing impact on the park contravening policy 1i of the East Preston Neighbourhood Plan.

11 Objections - Having studied the revised plans for the Bradbury Hotel site, welcome the change to the build line on the Eastern side of the plot which is now in line with that of Langmeads Close and Churchfields. However, all other previous suggestions have been disregarded, namely:
- The building heights are still three storeys, not two. This recommendation was made to reduce the shadow over the surrounding areas and add to a variety of the adjoining properties
- There does not appear to be preservation of existing trees with preservation orders.
- There is no allowance for visitor parking. The increase in the number of properties and therefore visitors to this area has put a lot of pressure on Station Road and surrounding areas. There are problems in Langmeads Close because of this and this should be addressed at the planning stage in this new development. It is already dangerous turning out of Langmeads Close when cars are parked right up to the junction, as there are no yellow lines. This problem is only going to get worse and could lead to road traffic accidents.
- proposed materials are not in keeping.
- Concerns over congestion and access/egress to Hurst Road. It is already challenging and dangerous. Need reassurance that builders will not use Hurst Road. Measures to ban parking along this stretch of road should be considered.
- Not clear what landscaping is proposed and what trees are to be removed. Concerned that there would insufficient landscaping to soften the development. The front 4 properties should be set back.
- rear units should be no higher or closer to Langmeads Park than those neighbouring the site, but support their staggering.
- properties opposite in Station Road will be overlooked.
- a demolition and construction plan will be required.
- outlook from side windows of neighbouring dwelling to the north will be adversely affected and right to light.

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- adverse impact on infrastructure and the street scene.
- windows on the side elevations of plots 1,4,5 and 9 should be obscure glazed.
- The submitted tree survey is incorrect, the tree diameter of the preserved tree is inaccurate and does not adequately resolve the intrusion of plot 4 and the retaining walls within the Root Protection Area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comment on Parish Council representation - The substitute street scene illustrates that the ridge heights of the units to the rear are no higher than the adjacent dwellings to the south, although the dwellings to the south are sited on land levels which are slightly higher and these dwellings are therefore slightly shorter. The increase in overall height of proposed dwellings of 0.5m is negligible and does not result in development that is significantly different to its neighbours. Brick and timber effect cladding would be in keeping with materials used on the neighbouring development. County Highways have no objection to the proposal in terms of highway safety and parking numbers.

Additional comments on other representations - A demolition application has been submitted separately and approved outlining the method of demolition and a condition relating to means of construction has been included in the recommendation.
The proposal is not considered to adversely affect the residential amenities of adjoining properties by reason of adverse overlooking or over bearing impacts or loss of outlook. The properties on the opposite side of Station Road are a sufficient distance away from the development to prevent loss of privacy and the windows in the side elevation of the dwelling to the south are secondary.
The issue of the size of the Root Protection Area of the adjacent preserved tree has been discussed with the agents and a revised tree report and landscape plan have been submitted. When the amended RPA for Beech T1 is applied, the proposed dwellings are still situated outside of the RPA (i.e. no impact). A small area (i.e. less than 5m²) of the proposed driveway for Plot 4 is situated on the outer edge of the RPA for T1. Given this small incursion and the proposed use of a 'no dig' permeable hard surface (now detailed within the report) the impact on T1 will be minimal and/or acceptable and the proposals will therefore not have an adverse impact on the health of the tree. A condition is imposed to ensure the Root Protection Area is adequately controlled.

CONSULTATIONS

Engineers (Drainage)

Engineering Services Manager

WSCC Strategic Planning

Parks and Landscapes

Arboriculturist

Surface Water Drainage Team

CONSULTATION RESPONSES RECEIVED:

COUNTY HIGHWAYS - (First Consultation)
Background and Summary
The site currently has a C1 usage as a hotel with accompanying parking facilities. The proposals seek to demolish the existing hotel building and construct 9 dwellings with a new access onto Station Road and associated parking spaces. Station Road is a 'B' class road subject to a 30 mph speed limit. The application is supported by way of a Transport Statement (TS). In summary the proposals are considered acceptable from the highway point of view, further detail and justification is provided in the report below.
Access and Visibility
A new re-sited access is proposed onto Station Road. As the site accesses onto a residential

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road with a speed restriction of 30mph, it would be appropriate for the development to be considered alongside Manual for Streets (MfS) guidance. The proposed visibility splays, taken from a setback of 2.4m, is acceptable and achieve the required 43 metres. MfS does provide some allowance for occasional on-street parking within the visibility splay and it would appear that in this area, where most properties have some sort of off-street parking facility, that there is not an extensive demand for on-street parking particularly during peak movement time. The access should be a minimum of 4.8 metres in width with 6 metre kerb radii. The access proposals would be subject to a full Section 278 Agreement with the WSCC Implementation Team.

The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 3 years. There have been no recorded injury accidents at the proposed access onto Station Road. There is no evidence to suggest that the existing highway network is operating unsafely, or that the proposed change of use would exacerbate an existing safety concern. Capacity within the TS the applicant has provided a Transport Consultants report a comparison on the traffic the proposal will generate over the existing use and proposed uses, the report concludes that there will be a small increase in traffic movements over the existing uses. No data has been provided showing the assessment undertaken. The LHA have run our own assessment through the TRICS (Trip Rate Information Computer System) database based on the proposed and existing uses and consider the information provided is comparable to the TRICS outputs. It is considered that there will be no material increase in traffic movements over the existing use. In addition there are no known capacity and congestion issues within the immediate vicinity of the site. From a capacity perspective we are satisfied the proposal will not have a severe residual impact.

Parking and Layout
A total of 18 car parking spaces will be provided on site. This provision has not been considered against the WSCC Parking Demand Calculator, rather the superseded PPG13 standards which have since been replace by the PDC in 2010. However having assessed the number of spaces against the PDC, the proposed provision does exceed the requirement generated by way of the PDC. Cycle parking is provided; this should be secure and covered.
In line with MfS principles the access road will take the form of a 4.8 metre wide shared surface arrangement, this can narrow to 3.7 within the site. This is considered suitable as this will be a low speed, low traffic environment.
Refuse collection will take place from within the site. The waste collection authority should be consulted to obtain their views on the suitability of this arrangement. Within the TS there has been a swept path analysis provided showing how a larger vehicle including a refuse vehicle can safely turn within the site.

Construction
Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from Station Road. A comprehensive construction management plan would be sought through condition should permission be granted. The construction management plan should amongst other things set out how deliveries are to be managed along Station Road in light of the carriageway width and presence of other vulnerable road users.

Sustainability
The submitted Travel Survey does suggest that persons using the site could arrive on foot, cycle, bus, train or by car. Directly opposite the site and a short walking distance to the north there is a bus stop which provides regular series to local facilities. Station Road does have footway links that lead to Station Parade which is within short walking distance of the site. The Parade includes a Post Office and Co-operative food store. Further to the north is Angmering Station which

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provides travel along the coast to Brighton and north to Gatwick Airport and London Victoria.
The station is accessible via the existing footway links.
Although the site and surrounding area does not benefit from an established local cycle network, the wide roads and low speeds enables cycling to be a viable alternative for shorter journeys. The main roads connecting to the larger urban centres tend to be relatively narrow and unlit, appealing more to experienced and confident cyclists.

Conclusion
The proposed development is forecasted to generate a small increase in the number of vehicular movements than has been previously developed by the C1 usage. These movements will be spread across the day with only negligible movements during the peak hours.
A review of the Station Road junction indicates there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that this area of highway has been operating unsafely.
The Local Highway Authority (LHA) does not consider that the proposed would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

Second Consultation response - The previous comments issued by the LHA on the 8th June would still apply to this latest consultation response. The proposed parking available within the site is considered is acceptable. We are aware there have been local and Parish concerns regarding further on street parking in the local area as a result of these proposals; therefore we have provided some further comments:
The area is not subject to enforceable waiting restrictions along the carriageway restricting parking. It is therefore not an offence to park on Station Road and given the good visibility in both directions it is not considered that parking would be detrimental to highway safety the carriageway is circa 7.2m in width and provides ample space for another vehicle to pass a parked vehicle. It may result in vehicles having to wait for a few moments while giving way to an oncoming vehicle before pulling out to pass the parked vehicle however, this is not considered to be a severe impact.
What the LHA is not able to control through planning is whether drivers choose to commit an offence. It wouldn't be possible to insert a condition on a planning consent that prevented drivers parking on the footway, as this is outside the control of the Applicant and is an offence in its own right. There are legal mechanisms for action to be taken to discourage this behaviour, enforced by either Civil Enforcement Officers or the Police. Parking on the footway can be considered to be a wilful obstruction of the free passage of a highway, contrary to section 137 of the Highways Act 1980.

PARKS AND GREENSPACE OFFICER
Developments of 7 dwellings or more are expected to provide open space provision on site. The Council's SPG guidelines which apply to developments of houses and are based broadly upon the National Playing Fields Association's (NPFA) "Six Acre Standard". Under superseded Fields in Trust guidelines (FIT) this requires that 3.2 hectares of open space are provided for every 1,000 people ie 32 square metres of open space per person. As this is not indicated on the layout plans we would require a sum of £1000 per property to offset this. Whilst no formal play is required, this would be a commuted sum towards play provision facilities, this would be for offsite provision for local play area improvements.
Trees
These proposals indicate the development of buildings in close proximity to the site boundaries. The site is bounded by significant tree cover particularly to the southern boundary and neighbouring properties. Any considered tree works either within the site or to the boundaries must be in consultation and agreement with Arun District Councils Tree Officer.

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Before construction, a tree protection scheme must be in place for all retained trees including and particularly the significant trees whose root protection areas fall within the construction zone from neighbouring land. This should be in accordance with BS 5837:2012 'Trees in relation to construction' The layout of the proposed new buildings would appear to be in conflict with the existing site tree cover.
Landscaping
A full landscape scheme would be required to be submitted for approval, detailing species choice, position, densities and size at time of planting. This should be plotted in plan and list form and in relation to the trees and vegetation to be retained so that a clear picture of the proposals can be seen. These details are required to assure the adjacent properties privacy is maintained and the development setting is uncompromised.

ARBORICULTURAL OFFICER - (First Consultation response) Objection.
The applicant has failed to submit any documentation relating to the trees that could potentially be affected by the development process that has been proposed. It is evident that the Root protection Area from an offsite tree will protrude into the development area (this tree also being subject to an active TPO order TPO/EP/1/71). This does mean the applicant has failed to meet the BS 5837:2012 Trees in relation to design, demolition and construction Recommendations.

Second Consultation response - The applicant has submitted a tree survey ref. CCFEP.0207.TS01 Rev A, and a tree survey EP-96-07. It is evident that there is an inconsistency between both submitted documents, namely in relation to the stem diameter of the offsite mature beech tree.

·I would also question the accuracy of the data provided within arboricultural repot to accompany application at site of Bradbury hotel, station road, East Preston (29/06/2016) in relation to the stem diameter of the offsite beech tree. The applicant has stated a stem diameter of 755 mm. I actually recorded a measurement of 2800 mm, giving a RPA circle of 33.6 m2 or a square with side of 59.6 m2.
Recommendation:

·I would object to this application as the applicant has failed to meet the BS 5837:2012 Trees in relation to design, demolition and construction Recommendations

Third Consultation response - The applicant has submitted a tree survey ref. DPA69909-BRADBURY HOTEL, STATION ROAD, EAST PRESTON-AIS-REV2. This document accurately outlines the Root Protection Area to be protected for the duration of the development operation.

Recommendation:

· I would have no objection to this application as it has met the requirements of the BS 5837:2012.

· The following condition must be adhered to when completing the proposed development operation:

If any root structures with a diameter over 25mm are exposed during the excavation of the foundations for the development then these should be retained unless otherwise agreed in writing with the Local Planning Authority. Any removal of roots over 25mm in diameter that has been agreed with the Local Planning Authority shall then be carried out under the supervision of the Council's Arboricultural Officer.

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DRAINAGE ENGINEER
Soakaways to be investigated. Please apply ENGD2A, ENGD5A and ENGD5B
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 BRE 365, 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 30% 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.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. A tree survey was submitted with the original application, but was not initially scanned. The tree officer was re-consulted when the error was noted. The agent's were advised of the inaccuracies in the tree report and have submitted a revised plan and tree report which the Council's Arboricultural officer now has no objection to.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Class B road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
Publication Version of the Local Plan (October 2014):	ECC SP2	Energy and climate change mitigation
	D SP1	Design
	D DM1	Aspects of Form and Design Quality
	D DM2	Internal Space Standards
	D DM3	External Space Standards
	W DM1	Water Supply and Quality
	W DM2	Flood Risk
	W DM3	Sustainable Urban Drainage Systems
East Preston Neighbourhood Plan 2014 Policy 1		Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 4		Design in Character Area Three

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. Policies 1 and 4 of East Preston Neighbourhood Plan 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.

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CONCLUSIONS

PRINCIPLE
The site lies within the built up area boundary where redevelopment of the site is acceptable in principle subject to usual development control criteria being met.

RESIDENTIAL AMENITY
The site is currently occupied by a former home for the blind which is to be demolished and replaced with 9 dwellings located along the rear boundary and on the site frontage in a similar layout to the recent development at the former site of Malvern and Kerria to the south of the site. Residential cul-de-sacs of detached dwellings/flats adjoin the site to both the north and south. The dwellings to the north are 3m from the shared boundary to the front of the site and 2.8m to the rear and on the southern Churchfields boundary they are 4.2m from the boundary to the front of the site and 1.8m to the rear. The proposed development is 12m from the site frontage and 10m from the rear Langmeads boundary.

The dwellings to the rear replicate the pattern of development either side and retain an acceptable distance to the existing adjacent dwellings to ensure no materially adverse overbearing effects result. The rear and front elevations of each development are similarly positioned with a relatively small extent of projection and will not result in material harm. Any secondary windows on the side elevation would be obscure glazed to prevent any adverse overlooking resulting. Following negotiation Unit 5 has been moved 1m further from the rear boundary to better align with the rear elevation of the dwelling to the north.

The proposed semi detached units to the front of the site would reflect the position of the dwellings to the north and retain an adequate distance to the adjoining dwellings to the north to prevent a materially adverse impact on neighbouring residential properties resulting from overbearing effects. In addition, whilst there are windows on the side elevation of the dwelling which would lose their outlook these are secondary windows and no materially adverse impact on residential amenity would result. The windows on the side elevation of the proposed dwellings are conditioned to be obscure glazed to prevent overlooking and loss of privacy.

VISUAL AMENITY AND CHARACTER OF THE AREA
The site lies between 2 recent residential developments which are two and a half storeys high and comprise mainly detached dwellings with space around them. The proposal would demolish the existing 2 storey property and replace it with two and two and a half storey development which retains a reasonable space around the development and is comparable in ridge line height and layout with the developments to the north and south of the site.

Through negotiation the application has been amended and revised plans received which have moved the proposed southern dwellings approximately 2m further from the site frontage and altered them from detached to a pair of semis. They are now better aligned with the dwellings to the south and the appearance of the development is more balanced and symmetrical in the street scene. The type of development proposed comprising detached and semi detached dwellings is in keeping with the style and pattern of development in the locality and breaks up the built form and creates a perception of space. The current structure on the site has the appearance of a large detached residential dwelling. The proposed residential accommodation is therefore in keeping with the existing character of the area.

The front roof form of Churchfields, the neighbouring new development, when viewed from the frontage contains velux windows and the Langmead Close development to the south has roof lights to the frontage and small dormers facing forward on the units to the rear. The built form proposed provides accommodation in the roof of the units to the rear with velux windows in keeping with adjacent developments which have a similar two and a half storey height.

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To the rear from Langmeads the development to the south has rooms in the roof area with a triangular form and this proposal would incorporate windows at second floor level of similar design which is considered to be acceptable in terms of visual amenity.

The front boundary treatment includes some rebuilding of the existing wall and the inclusion of railings to match the development to the south with landscaping behind. This ensures continuity along the road frontage and aid the assimilation of the development in the street scene.

The proposed materials include timber effect boarding, bricks and clay tiles would reflect the palette of materials in the locality. The details of materials are to be controlled by condition.

EAST PRESTON VILLAGE DESIGN STATEMENT AND NEIGHBOURHOOD PLAN
The village design statement and Neighbourhood Plan have been endorsed as a material planning considerations. Station Road lies in Character Area Three of the Village Design Statement. The criteria for this area states applications will be supported provided the scale is in character with the area. Increasing density is only acceptable where the character of the road isn't altered.
The Village Design Guide has been incorporated into the Neighbourhood Plan. The proposal does not conflict with Policy 1 as the scale, density, height and layout reflect the architectural style, height and scale of the surrounding buildings and would therefore be in keeping with the character of the area and compliant with Arun District Local Plan policy.

HIGHWAY SAFETY
County Highways have no concerns in relation to highway safety or the level of parking proposed.

IMPACT ON TREES AND LANDSCAPING AND OPEN SPACE PROVISION
No trees on the site are intended to be retained but additional landscaping is indicated which would help to soften the impact of the development. The trees to be removed are not considered to be worthy of retention. Landscaping and tree protection could be dealt with by conditions, but the Local Planning Authority has sought to ensure that the protected tree on the adjoining site would net be adversely affected by the development.

COMPLIANCE WITH INTERNAL AND EXTERNAL SPACE STANDARDS
The proposal complies with the General Internal floor areas for three bedroom semi detached a detached dwellings. The detached units comply with the standards for a 6 person 3 bedroom house and the front units with the standards for a 4 person 3 bedroom house.

The proposal does not fully accord with the Emerging external space standards policy EDDM3 in that the units require rear garden sizes of 85 sqm and 10m depth. Whilst the 10m depth is provided most of the garden sizes are below the standard area (ranging from 52sqm to 86 sqm). However the sizes are directly comparable with those on the site to the north and refusal of the application on this basis could not therefore be justified.

CONCLUSION
The application is recommended for approval subject to the following conditions and a S.106 legal agreement covering Public Open Space.

However, if the S.106 legal agreement has not been signed within 3 months of the date of the resolution to approve then the application should be refused under delegated powers for the following reasons:

(1)The application fails to make a financial contribution towards the cost of providing accessible natural open green spaces and the proposal is therefore not in accordance with Policy ENV DM2 of

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the Arun Local Plan 2011-2031 (Publication Version);

(2) The proposed development makes no contribution towards public open space or children's play equipment and is thereby contrary to the aims and objectives of Policy GEN20 and the Supplementary Planning Guidance of the Arun District Local Plan;

HUMAN RIGHTS ACT

FOR APPROVAL
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

The scheme is of a size and nature that generates a requirement for commuted sum payments in respect of open space of £1000 per unit. An agreement is in the process of being signed.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

2 The development hereby approved shall be carried out in accordance with the following approved plans PO46-01a, 02A, 04C, 05B, 06A, 07B, 08B, 09B, 10A, 11, 12B, 13, 14B

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and 15B.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

4 No development above damp proof course (DPC) level shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

5 The windows at first floor level and above on the side elevations of the buildings hereby approved shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m above internal floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the side walls of the buildings at first floor level and above without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policy GEN7 of the Arun District Local Plan.

7 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 GEN7 of the Arun District Local Plan.

8 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period

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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 GEN7 of the Arun District Local Plan.

9 Development shall not commence 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

10 Development shall not commence until full details of the maintenance and management of the SuDS 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 (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

11 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system

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and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

12 No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of road safety

13 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
· the anticipated number, frequency and types of vehicles used during construction,
· the method of access and routing of vehicles during construction,
· the parking of vehicles by site operatives and visitors,
· the loading and unloading of plant, materials and waste,
· the storage of plant and materials used in construction of the development,
· the erection and maintenance of security hoarding,
· the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
· details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

14 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 cycle spaces so provided shall be retained in perpetuity.

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

15 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Station Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

16 The development shall proceed in accordance with the submitted Tree Report. DPA69909-BRADBURY HOTEL, STATION ROAD, EAST PRESTON-AIS-REV2. If any root structures with a diameter over 25mm are exposed during the excavation of the foundations of plot 4 then these should be retained unless otherwise agreed in writing with the Local Planning Authority. Any removal of roots over 25mm in diameter that has been agreed with the Local Planning Authority shall then be carried out under the supervision of the Council's Arboricultural Officer.

Reason: To ensure the retention and maintenance of trees and vegetation; which is an important feature of the area in accordance with sound arboricultural practice.

17 No development above damp proof course (DPC) level shall take place until details of bat

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and bird box provision referred to in the Bat Presence/Absence Survey submitted with the application have been submitted to, and approved by, the Local Planning Authority. No occupation of the development shall take place until the agreed provision for bats and birds have been secured/provided and they shall thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy GEN7 of Arun District Local Plan

18 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a commuted sum in lieu of open space provision.

19 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.

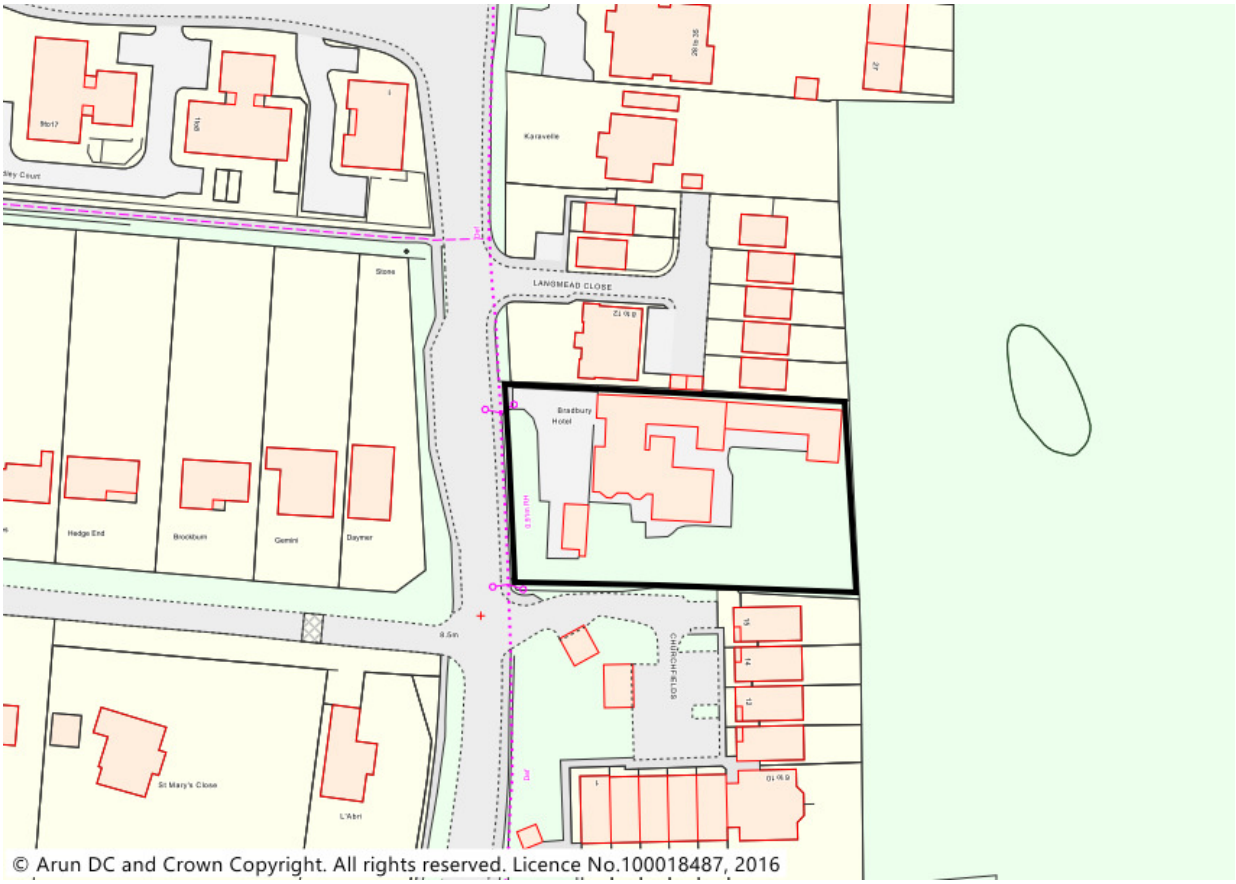
20 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to
contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

21 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.

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EP/63/16/PL Indicative Location Plan (Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: **BE/77/16/OUT**

LOCATION: **Land West of New Barn Lane**
Bersted

PROPOSAL: **Outline application with all matters reserved for up to 50 residential units, landscaping, amenity space, car & cycle parking, roads, service & drainage infrastructure & other associated works. Departure from the Development plan.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is for an Outline application for up to 50 residential units, associated open space, access and car parking.

The included Masterplan indicates a layout of 50 units comprising:

- The indicative housing mix shown includes 13 x 2 Bed; 20 x 3 bed and 17 x 4 bed dwellings.
- Public Open Space equates to 0.52ha.

The indicative development layout is set out in a figure of eight road layout. Detention ponds are shown located in the north-east corner near to the New Barn Lane access point and one indicated in the south-east corner near the Jubilee Recreation Ground.

An indicative access point for the proposal is shown from New Barn Lane via the Public right of way. This is the same access as approved by DC Committee in January for the Landform development - Application reference BE/142/15/OUT

The site is generally rectangular in shape and has been used for grazing. There is fencing along the field boundaries with trees and hedgerows beyond the fence line, forming the edge of the red line boundary of the site.

Public Footpath (PROW134) runs along the northern boundary of the site. It leads to the fields beyond the site linking to Lower Bognor Road to the west and Chalcraft Lane.

SITE AREA

1.94ha

RESIDENTIAL DEVELOPMENT

density of 37dph

AGENDA ITEM 7 DEVELOPMENT CONTROL-07/09/2016_14:30:00

DENSITY	
TOPOGRAPHY	Predominantly flat.
TREES	There are trees and hedging along the four site boundaries. However no Tree Retentions and Removals Plan has been submitted with the outline application. Two trees have been proposed for retention in a temporary Tree Preservation Order, This includes an Oak and Silver Birch located on New Barn Lane.
BOUNDARY TREATMENT	The site is enclosed by fencing around the rectangular enclosed field. The red line application site includes hedgerows and trees around the site.
SITE CHARACTERISTICS	This is an open site to the West of Bersted located within a medium/small scale agricultural landscape. The site and surrounding undeveloped land to the west is flat with fields separated by hedgerows, some boundary trees and drainage ditches.
CHARACTER OF LOCALITY	The nearby housing in Bersted to the west of Chichester Road is suburban in character, mainly 1950s and 60s single and two storey houses, often with open plan front gardens and low planting. To the south-east of the site is the Jubilee recreation ground.

RELEVANT SITE HISTORY

BE/142/15/OUT - Adjoining site to the north has been approved in February 2016 for 90 residential units subject to a s106 agreement. This application established the principle of residential development to the west of Bersted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted PC - Object
The above Outline Planning application does not comply with this vision according to policies in the BNDP:
- Policy ES3 Protecting the Strategic Gap- The proposed development falls within the strategic gap outlined in the BNDP. The boundary is defined in the 2003 and emerging ADC Local Plan.
- Policy ES7 The proposed development is outside the built up area as per BNDP Appendix F map.
- Policy HDQ5 the proposed development does not reflect the character of the location. It does not incorporate any bungalows in its design. Bungalows are the predominant street scene of New Barn Lane and Winston Crescent. The height of the proposed town houses (2.5) is an overdevelopment of the area.

The following Arun DC planning policies:
- GEN2 and GEN 3 - the proposed development site lies outside the built up area and the proposal being unrelated to the needs of agriculture, forestry, recreation, the extract of minerals or disposal of waste, conflicts with these policies which seek to protect the

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countryside and ensure that the amount of land taken for development is kept to a minimum.
- GEN2 - the proposed development site is not allocated in any Local Plan or otherwise identified by the Local Authority for residential development. The proposed development would constitute infilling, so conflicts with this policy.
- GEN7 - contrary to policy GEN7, the application is an unneighbourly form of development which would be detrimental to the character and amenities of the surrounding residential area

The PC does not consent to the proposed bridge over the ditch linking the development to Jubilee Field. Access to the field already exists off Winston Crescent.

The Parish Council has concerns about:
Highway safety & traffic with the outline planning permission given for 90 houses under BE/142/15/ OUT, the proposed development will significantly increase the level of traffic through New Barn Lane and Brazwick Avenue onto the Chichester Road. A WSCC modelling review of traffic and access to and from the proposed site is requested.

Should Arun District Council grant Planning permission for this application the Parish Council would like the following criteria for design, planning and open space to be considered as a minimum on the proposed development:-
- CLW4: Provision of Allotments where proposed developments exceed 20 houses a CIL contribution is required to fund allotment space.

ES8: Renewable Energy both Bersted and Arun Council s support and encourage the use of renewable energy schemes and this scheme should include it.

HDQ2 Integration of new housing with a sympathetic housing mix suitable to reflect the character of Bersted. The Parish Council would prefer bungalows are considered especially fronting onto the existing dwellings in New Barn Lane. The answer to question 53 of the public BNDP consultation ranks the housing desire as:
1st: 2/3 bedroom houses
2nd: 1/ 2 bedroom bungalows
3rd: 1/ 2 bedroom flats
4th: sheltered bungalows
5th: Sheltered housing and
6th: 4+ bedroom houses.

HDQ4: Housing Mix
The Bersted NP states that a proposal for new housing must deliver a range of housing types and tenures with a proportion required to meet Lifetime Home Standards so that homes are suitable for households whose needs change. The Parish Council would like to see a reduction in the number of 4-Bedroom houses allocated, as per GL Hearn s Objectively Assessed Need for Housing March 2015 commissioned by Arun District Council where 2 -3 bedroom housing has been identified as most needed. Table 6.20 show 80% of requirement are in these two bands.

HSQ6: Outdoor space
A private outdoor garden or a shared amenity must be provided for all new dwellings. HDQ8: Car parking

The provision of parking to be in line with Bersted Neighbourhood Development Plan Policy i.e. a minimum of 2 per dwelling.

PUBLIC REPRESENTATIONS

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Representations
12 representations have been received objecting to the proposal. The following is a summary of the points made.

· Roads unsuitable for additional traffic
· Congestion at junction with Chichester Road
· Loss of oak tree and impact on wildlife
· Noise and disturbance
· Flood risk
· Reduction in quality of life
· Departure from the Development Plan
· Increased pressure on local schools
· Medical Services at near capacity
· Local infrastructure unable to cope
· Loss of outlook
· Lots of development in this area already
· Impact on local residents should be considered
· Green field site which is a local amenity
· Site is within the strategic gap between Bognor Regis & Chichester
· Contrary to the Bersted Neighbourhood Development Plan
· There is already a local parking problem causing congestion
· Unacceptable burden on the surrounding area when taken in conjunction with the adjacent approval of planning permission for 90 homes
· Disturbance to bats
· The Neighbourhood Plan required bungalows and open plan development to fit in with the local area
· Erode rural ambience and visual amenity of the area
· Land is not allocated in the Local Plan and conflicts with housing policies
· Overshadowing
· Design does not integrate with the semi-rural nature of the surrounding area
· Dangerous access
· Sewage pipe cannot accommodate any further properties

COMMENTS ON REPRESENTATIONS RECEIVED:

Many of the points raised by the Parish Council and public representations are covered in the application assessment. Specifically the current planning policy position relating to housing and the loss of a greenfield site; encroachment into the gap between settlements; and, the BNDP.

Traffic, highways, and parking concerns are addressed in the assessment.

Comments have been received regarding the oversubscription of services. As with all major residential applications there is a requirement for the developer to enter into a legal agreement to make contributions towards infrastructure.

The comments relating to flooding and drainage are addressed by consultee responses from Southern Water, and WSCC flooding and ADC Flooding.

Concerns are also raised regarding the form of the development and the site layout - This is an application for Outline planning permission. An illustrative master plan has been submitted which provides a layout but if the development principle is accepted by members the detailed design would be submitted with the Reserved matters application.

A number of representations refer to the recently adopted Bersted Neighbourhood Plan and

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the loss of a greenfield site within the strategic gap. This is assessed later in the report.

The potential loss of the oak tree is raised. At this time the applicant has not indicated the loss of any trees. However following a request from a member of the public to review the trees at this location, the council's tree officer has made recommendations that the oak and silver birch are worthy of protection. A temporary TPO has been granted and landowners notified.

The PC raise the policy requirement for the provision of allotments. The PC were previously asked by officers to provide details of the site and justified costs for allotment provision. If the PC cannot justify the request for a developer contribution that is acceptable in terms of the CIL regulations, the request cannot be included in the s106. The case officer directed the PC to plan for allotment provision following the 90 unit proposal earlier this year.

CONSULTATIONS

Highways England
Ecology Advisor
Archaeology Advisor
Sussex Police-Community Safety
Planning and Housing Strategy
Parks and Landscapes
WSCC Strategic Planning
Environment Agency
Surface Water Drainage Team
Arboriculturist
Southern Water Planning
Engineering Services Manager
Engineers (Drainage)
Economic Regeneration
Environmental Health

CONSULTATION RESPONSES RECEIVED:

WSCC
Education Contributions
Primary - £191,653 - South Bersted Primary School
Secondary - £206,266 - Felpham Community College
6th Form - 48,320 - Felpham Community College

Libraries - £17,196 - Bersted
Fire & Rescue - £1,634 - Bersted

Total £465,069

WSCC Highways
The LHA raises no objection to the principle of development.

Vehicular site access, particularly compatibility with the adjacent scheme, will need to be considered in greater detail as part of the resolution of access matters. An indicative access is shown in the north east corner of the site. Access for both the proposed development and the consented to the north should either have junction spacing in accordance with current guidance, or be consolidated into a single point of access.

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Internal details, such as the layout of the estate roads and the provision of parking, would need to be considered as part of any layout reserved matter submission. It is anticipated that conditions may be required as part of any subsequent reserved matters submission - this would include conditioning of visibility splays, number of parking spaces etc.

Housing Strategy
The applicants have provided a revised dwelling mix for the affordable proposing the 15 units being delivered as follows: 5 x 1 bed units, 8 x 2 bed units, 1 x 3 bed and 1 x 4 bed, which is acceptable.

I would recommend that the affordable housing tenure split comprises of 8 x Affordable Rent and 7 x intermediate housing as prescribed by the NPPF, with the specific dwelling mix for each tenure type to be agreed and defined in the S106 Agreement.

WSCC Flood Risk Management Consultation - No objection

The site is at low risk from surface water flooding however the surface water management strategy should consider this risk and any suitable mitigation measures if appropriate. Any surface water flow paths across the site should be maintained or appropriate mitigation strategies proposed.

The site is at high risk from ground water flooding. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exists around the site. If present these should be maintained and highlighted on future plans.

No development should take place within 5m of any ordinary watercourse. If works are undertaken within, under, over or up to an Ordinary Watercourse, even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District or Borough Council.

The FRA/drainage strategy included with this application proposes that a SuDS system, porous paving and attenuation ponds with outfalls to the existing ditch system, would be used to restrict the run off from the development to pre-development Greenfield rates.

Ground water monitoring and percolation testing during the winter period would be required to determine the feasibility of using infiltration methods as the primary solution. Should infiltration not be suitable the original strategy of attenuation would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus 30% for climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the

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SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Sussex Police

The Design & Access Statement (DAS) failed to mention crime prevention measures to be incorporated into the design and layout.

The development in the main has good active frontage. Where communal parking occurs this must be in view of an active room with direct visual connection. Gable ended windows can assist in observation opportunities.

Dwelling frontages should be open to view with low boundaries between public spaces and private areas. The post and wire fencing shown in the DAS should be replaced with wooden post and rail fencing. Perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing robust barriers 1.8m high. Gates providing side or rear access should be robust, the same height as the fence and lockable.

Active rooms should overlook public open space and play areas with low foliage. Play areas should be fenced and landscaped and provide consideration for all age ranges.

Lighting throughout the development should conform to BS 5489:2013.

Highways England - No objections, however concerned with the cumulative impact of other applications in the area. Consider at what point housing in this location will affect the strategic road network and how such development may contribute to appropriate mitigations.

Archaeology Adviser - Field evaluation by trial trenching having proved negative, no further archaeological intervention or mitigation measures are justified.

Engineers (Drainage) - Comments in respect to surface water drainage:
Attenuation is proposed for surface water drainage. We allow storage immediately above the peak level. Please apply standard conditions ENGD2B, ENGD3A, ENGD4A, ENGD5A, ENGD5B, ENGD6A.

Percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or similar and cater for the 1 in 10 year storm between the invert of the entry pie to the soakaway and the base of the structure. There must also be capacity in the system to contain below ground level the 1 in 100 year event plus 30% allowance for climate change. Adequate freeboard must be provided between the base of the 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.

Watercourses/ditches must retain a three metre easement for access and maintenance. Any redundant field crossings must be removed. Any culverting would require land drainage consent. A maintenance manual for the surface water drainage system must be drawn up and ditches

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maintained in line with riparian responsibilities.

Environment Officer -

We agree the findings of the ecological report and support the enhancements suggested also we wish to see the following from said report implemented before determination: "4.13 In order to determine the assemblage of bats present further surveys are recommended. The site is deemed to be of low habitat quality for bats in accordance with the Bat Conservation Trust's guidance18. Therefore, it is recommended that seasonal bat transects (spring, summer and autumn) are carried out and on each survey occasion a single static detector will be deployed. The static detector will be positioned at a different location on each occasion and will be left insitu for a minimum of five nights."

The following will need to be conditioned: "4.31 No dormouse records have been identified following consultation. However, the hedgerows on site provide suitable habitat for dormouse and contain several species of value including hazel, sessile oak, bramble and blackthorn. These species provide nesting and foraging opportunities for dormice in the form of fruit, flowers and insect provision. It is also accepted that the south east and west of the UK are a stronghold for this species and they are thought to be under recorded in such areas. Due to the severance of hedgerow H1 for access, precautionary presence/absence surveys are recommended to determine dormouse status within the site.

Reptiles
4.32 All common UK reptiles species are partially protected under Schedule 5 (Sections 9(1) and 9(5)) of the Wildlife and Countryside Act 1981 (as amended).
4.33 Habitats for reptiles were restricted to the hedgerow bases, ditches, ruderal vegetation, scrub and narrow field margins which provide habitat suitable for commuting, foraging and for refuge.

Records of adder, common lizard and slow-worm have been identified, with all three species recorded within 500m of the site boundary. It is considered that further surveys are not necessary due to the limited area of suitable habitat available for reptiles on site. These habitats are restricted to the site boundaries and are to be retained and enhanced as part of the GI; therefore the development is likely to enhance the site's value for reptiles. A precautionary Method Statement will be written at the detailed planning stage, when a finalised design has been confirmed, this will detail measures to ensure if reptiles are present within the retained habitats that they are protected from harm, injury or death. Such measures will include passive displacement from areas where there will be potential temporary or permanent losses of habitat.'

The proposed development is also within the SPA zone of influence for Pagham harbour SPA zone of influence, with any net increase in the number of dwellings resulting in a payment needing to be paid the Pagham harbour disturbance mitigation scheme. Clearance of suitable nesting bird habitat (i.e. removal of trees, hedging, dense shrubs and dismantling / demolition of any building) should ideally be undertaken outside the breeding bird season, i.e. should be undertaken in the period September to February inclusive.

Should it prove necessary to clear bird nesting habitat during the bird nesting season, then a pre-works check for nesting birds should be undertaken, by a CIEEM ecologist (with 24 hours of any works). If any active nests are found, activities (e.g. tree felling / vegetation clearance / building dismantling / demolition) should cease and an appropriate buffer zone should be established. This buffer zone should be left intact until it has been confirmed that the young have fledged and

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the nest is no longer in use.

We would like to see the placement of nesting opportunities for birds (species such as swallows, swifts, housemartins, house sparrows and starlings). Along with bat roosting structures being put on/around the new building. Appropriate designs can be found in the publication "Designing for Biodiversity: A technical guide for new and existing buildings". Ecological advice should be sort in when deciding where and which of these structures should be placed for maximum effectiveness, because thermal tolerances of each species are very important. Other ecological enhancements that could be put in place reptile refugia, new ponds/ditches and ecologically sympathetic planting schemes. Lighting will need to be kept to a minimum, as lighting levels have a effects on nocturnal species such as bats, flying invertebrates and various mammal species.

Southern Water -

There is no capacity for the development without additional infrastructure.

SW request a condition to be added that requires a drainage strategy detailing the means of foul drainage and an implementation timetable.

An informative should also be added that requires the applicant/developer to enter in to a formal agreement with SW to provide the necessary sewerage infrastructure.

There is a requirement for SuDSscheme and the ongoing management of the SuDS.

Greenspace

Developments of 10-200 dwellings or more are expected to provide open space on site. The Council's SPG guidelines which apply to developments of houses and are based broadly upon the National Playing Fields Association's (NPFA) "Six Acre Standard". Fields in Trust guidelines (FIT) requires that 3.2 hectares of open space are provided for every 1,000 people ie 32 square metres of open space per person. We would require confirmation of the areas of public open space being proposed with this development. As there are 50 dwellings proposed for this site, then provision of LAP and LEAP would be sought on site with the addition of Multi- Use Games Area (MUGA) contribution being sought.

Landscape/Tree protection
LVIA and Landscape strategy information would need to be submitted to provide details of the proposed landscaping including proposals for the long term maintenance and management. Forming part of the application and prior to any consent being given a full landscape scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting. This should be plotted in plan and list form and in relation to the trees and vegetation to be retained in the locale, so that a clear picture of the proposals can be seen. These details are required to assure the adjacent land setting is maintained, the setting is uncompromised and the proposals are appropriate to its setting. The illustrative masterplan does set back the dwellings from New Barn Lane and details a central open space area which would create a useable and desirable space. The retained vegetative areas to the periphery of the site would create wildlife corridors and for the retention of valuable established vegetation. Any trees or vegetation that fall within the proposed or periphery of the development, may provide significant aesthetic impact to the location. Any trees in particular along the boundaries, which adjoin neighbouring land, in particular is the vegetation cover to be seen to all boundaries particularly to the north, south and west of this site and T1 in the North (proposed access road) corner could provide potential valuable screening and should be retained particularly any adjoining/bordering the settlement

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boundary. Any considered tree removal from this site should be agreed with Arun District Councils Tree Officer. Root protection Areas (RPA) should extend into the development site and to those in neighbouring land. Before construction, a tree protection scheme must be in place for any retained trees including trees whose root protection areas fall within the construction zone from neighbouring land. This should be in accordance with BS 5837:2012 'Trees in relation to construction' Any removed trees should be mitigated for allowing for inclusion of native species for biodiversity purposes and fitting to the semi-rural setting.

An ecological report detailing biodiversity and habitat, an LVIA and full tree survey should be submitted for approval, along with the proposed landscaping including proposals for the long term maintenance and management.

ADC Parks & Greenspace Arboriculture - Recommendation:
I would advise the relocation location of the proposed site access road to a location where it does not have an intrusion into the outlined Root Protection Area for T1.
Conditions:
Roots with diameter above 25mm - LAW17
If any root structures with a diameter over 25mm are exposed during the excavation of the foundations for the .....then these should be retained unless otherwise agreed in writing with the Local Planning Authority. Any removal of roots over 25mm in diameter that has been agreed with the Local Planning Authority shall then be carried out under the supervision of the Council's Arboricultural Officer.
Reason: To ensure the retention and maintenance of trees and vegetation; which is an important feature of the area in accordance with sound arboricultural practice.

Environmental Health - The Desktop Study Report indicates that the contamination risk is low. Apply the following condition:

ENV 5 Unsuspected Contamination
If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason - To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policy DEV1 of the West Sussex Structure Plan and policies GEN7 and GEN31 of the Arun District Local Plan.

NHS

Views Awaited
COMMENTS ON CONSULTATION RESPONSES:
Comments noted.
Additional comments and conditions from WSCC Highways have been sought. The proposed site access has been through a Stage 1 Road Safety Audit and designer's Response and there is no safety objection to the design. The access was approved under BE/142/15/OUT.

An update on these matters will be provided to planning Committee Members.

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POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	DEV17	Affordable Housing
	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	AREA11	Local Gaps
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN20	Provision of Public Open Space within Nev Development
	GEN12	Parking in New Development
	GEN11	Inland Flooding
	GEN14	Public Transport
	GEN15	Cycling and Walking
	GEN25	Water Resources
	GEN18	Crime Prevention
	GEN26	Water Quality
	GEN9	Foul and Surface Water Drainage
	GEN28	Trees and Woodlands
	GEN29	Nature and Conservation Across the District
	GEN32	Noise Pollution
	GEN33	Light Pollution
	DEV37	Existing Caravan Sites

Publication Version of the Local Plan (October 2014):	C SP1 Countryside
	D SP1 Design
	ENV DM4 Protection of Trees
	H DM1 Housing Mix
	H SP1 Strategic housing, parish and town council allocations
	H SP2 Affordable Housing
	SD SP2 Built-Up Area Boundary
	SD SP3 Gaps Between Settlements
	W DM1 Water Supply and Quality
	W DM3 Sustainable Urban Drainage Systems

Bersted Neighbourhood Plan 2014 Policy CLW3	Sport and Leisure Provision
Bersted Neighbourhood Plan 2014 Policy CLW4	Provision of Allotments
Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES3	Protecting the Strategic Gap/Green Infrastructure Corridor
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy HDQ1	Housing Site Allocations
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ4	

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	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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

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 the Development Plan in that it proposes residential

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development outside the village development boundary, however there are material considerations that justify the officer recommendation.

OTHER MATERIAL CONSIDERATIONS

Neighbourhood plans are an important part of the plan-led system. The Government's policy intention when introducing neighbourhood planning was to provide a powerful set of tools for local people to ensure they get the right types of development for their community, while also planning positively to support strategic development needs.

Decision makers may find themselves considering applications in an area with a neighbourhood plan that has passed referendum and been "made", and thus forms part of the development plan, but where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
In such instances paragraph 49 of the Framework is clear that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." Paragraph 49 applies to policies in the statutory development plan documents which have been adopted or approved in relation to a local planning authority area. It also applies to policies in made neighbourhood plans.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the Framework states that the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

This includes paragraphs 183-185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

CONCLUSIONS

PROPOSAL

The application site is currently an agricultural field which sits to the south-west of New Barn Lane. The outline proposal is for 50 dwellings (of which 30% = 15 units are affordable). The site is 1.94ha with 0.52ha of Public Open Space.

The site is generally contained by the trees and hedgerows/vegetation that forms the boundaries to the site. The predominantly flat site sits 5.0m AOD.

PRINCIPLE:

The site lies in a countryside location outside the built-up area boundary where the principle of development is considered to be unacceptable. Development Plan policies seek to exert strict control over development in the countryside to protect it for its own sake. Development will only be permitted where there is a strong justification for a countryside location. The Government's advice indicates that planning authorities should continue to ensure that the quality and character of the

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wider countryside is protected and where possible enhanced.

Arun District Local Plan policies GEN2 and GEN3 seek to focus development within built up areas however these boundaries have reduced weight as they are time expired since they do not relate to housing provision beyond 2011. The Arun Local Plan 2011-2031 Publication Version reflects the need to provide housing on land outside of the defined built up areas. It sets out allocations for future housing for Parish and Town Councils that they should bring forward over the plan period. Policy H SP1 of the Emerging Plan requires Neighbourhood Plans to bring forward proposals for housing delivery.

The Bersted Neighbourhood Development Plan (BNDP) now forms part of the development plan, having been adopted on 4 November 2014. As set out in the introduction to the BNDP all Neighbourhood Plans must be in line with the NPPF and local policy (ADC Local Plan). There is a housing allocation for the Bersted Parish of 50 dwellings. The BNDP has a defined settlement boundary for Bersted and designates the area to the west of New Barn Lane as "Gap Between Settlements". This is in general conformity with the emerging Arun Local Plan.

The Bersted NDP does not support development outside the built up area, however, as the Council is currently unable to demonstrate a 5 year National Planning Policy Framework compliant supply of housing and with the current objectively assessed housing need for the District at 845 dwellings per year and completions below the required rates, it is clear that housing supply needs to be increased. This means that the Council should not be refusing applications for development outside of the built up area boundary solely on the grounds of principle.

This position has been further endorsed by the Secretary of State in a recent decision which confirms that where there is a lack of 5 year housing land supply this renders the policies relating to housing allocations within a Neighbourhood Plan out of date. Planning Policy Guidance has also been updated, as set out in the material considerations section above. This confirms how planning applications should be determined where there is a made neighbourhood plan, but where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.

The NPPF states "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites". NPPF Para 49.

The site is in a sustainable location and has a positive relationship to the built up area to the east. It is near to shops, services, existing major routes for good public transport links and would be physically and visually connected to the existing built up area. This outline planning application demonstrates that this site is available and deliverable. It can assist with the delivery of new housing of new housing in the short term at a time when new housing is required to address a significant supply shortfall.

DESIGN

Planning Policies and Central Government Advice support the efficient and effective use of land. Policy GEN7(i) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Furthermore new development should be well integrated with and complement the local area in terms of, for example, layout.

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Policy GEN7 also sets out a requirement for schemes to display high quality design and layout. The NPPF also attaches great weight to the design of the built environment and states that good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 7 of the NPPF states that one part of the sustainable development principle is a high quality built environment and para 9 expands by confirming that this is through seeking improvements to the quality of the built environment and widening choice of high quality homes. One of the 'core planning principles' at para 17 is securing high quality design and a good standard of amenity.

Section 7 of the NPPF relates to 'requiring good design'. The section states good design is a key aspect of sustainable development (para 56), that developments should establish a strong sense of place and be visually attractive as a result of good architecture (58). Para 64 confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

The indicative layout of the development with access from the north-east corner of the site would be acceptable and the location of the public open space along the edges of the site and a commitment to provide a financial contribution for improvements at Jubilee Field. This is on the basis that there would be new formal play areas within the consented scheme to the north a requirement for a LAP within the development and it may be better to contribute to a play area at Jubilee Field that serve the wider community.

The PC refer to the policy HDQ5 of the Bersted NDP which requires proposals for new housing development to be of high quality and designed to reflect the local character. The PC sets out that as the predominant street scene includes bungalows, bungalows should be incorporated into the design. The application is an outline and while the indicative layout does not included single storey dwellings this would be a design matter for the reserved matters application.

NEIGHBOUR AMENITY

Arun District Local Plan Policy GEN7 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. The NPPF states that new development should contribute positively to making places better for people. These guiding principles are also contained in the Bersted NDP.

The proposed layout for the site would likely ensure that there would be no undue harm to the residents of the proposed dwellings; however the development of this open area would result in some residents on New Barn Lane and Winston Crescent no longer having the benefit of views of open countryside. While a view is not a planning consideration the development proposed has carefully considered the New Barn Lane frontage.

The detailed design will be a reserved matter, however the general principles of the indicative layout are in accordance with Policy GEN7 of the Arun LP and Policy SDP1 of the emerging Local Plan. The indicative layout also seeks to be in accordance with Bersted NDP policy ES1

AFFORDABLE HOUSING

The applicant has discussed the proposals with the Housing Strategy and Enabling Manager and an agreed residential mix and tenure have been proposed. The development proposes 30%

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affordable housing which amounts to 15 units. The recommended affordable housing tenure split comprses 8 x affordable homes for rent and 7 x intermediate housing units as prescribed by NPPF.

HIGHWAYS, TRANSPORT AND PARKING

Highways England had no objections to the proposal. WSCC as Local Highway Authority has provided detailed comments. The LHA has no objections to the proposal subject to detailed design. As this is an outline application WSCC cannot comment on the internal site layout as this would be a reserved matter.

Access

The LHA raises no objection to the principle of development.

Vehicular site access, particularly compatibility with the adjacent scheme BE/93/16/PL and BE142/15/OUT, will need to be considered in greater detail as part of the resolution of access matters. An indicative access is shown in the north east corner of the site. Access for both the proposed development and the consented to the north should either have junction spacing in accordance with current guidance, or be consolidated into a single point of access.

Internal details, such as the layout of the estate roads and the provision of parking, would need to be considered as part of any layout reserved matter submission. It is anticipated that conditions may be required as part of any subsequent reserved matters submission - this would include conditioning of visibility splays, and number of parking spaces.

There is a requirement in the Bersted NDP for a minimum of 2 car parking spaces per unit.

A number of objection letters referred to the potential congestion that this development would create. All three junctions demonstrated no noticeable impact occurring as a result of the development proposals. This was demonstrated by the approved 90 unit scheme and the additional 50 units does not make any significant difference that would warrant a highway objectior

Should the principle of residential development be accepted conditions can be added that require the submission of additional details which would be considered as part of the detailed design of the layout.

Access to the site is a reserved matter, the applicant has demonstrated that the approved access (Access A) for the Landform development for 90 units can be a shared access to the site. The potential impact of the development has been assessed and is not considered to be significant, with junctions continuing to operate within capacity.

Implications of Alternative Access (BE/93/15/PL)

The alternative access proposed at New Barn Lane is a separate application proposed by Landform. It proposes a replacement access for the 90 dwelling scheme to the north of the application site. The proposal is accompanied by a unilateral Undertaking - a legal agreement that sets out that, if approved, that one of the 2 access points will be built, the other access would no longer proceed. The Church Commissioners or their successors in title will have the option to use the alternative access without having to pay a 'ransom' cost, but would be required to pay their share of the design and build cost.

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The council has met with both parties and a negotiated agreement can be reached. While this is in part a civil matter between two landowners, the council need assurances that two controlling landowners within the West Bersted housing expansion area can reach agreement in order that if permission is granted the development can be built in the short term without potential legal delays.

FLOOD RISK AND DRAINAGE

The proposed site is at low risk from surface water flooding. A small amount of higher level risk is shown associated with the exiting watercourses/drains along the perimeter of the site.

The area of the proposed development is shown to be at 'high risk' from ground water flooding based on the current mapping. This risk and appropriate mitigation should be considered in any future design especially with regard to underground structures and utilities. Conditions covering drainage, SuDS and percolation testing is required along with winter monitoring.

The Environment Agency has no objections to the proposal. Environment Agency mapping shows that the site is not within flood zone 2 or 3.

Some of the objection letters referred to the site's potential to flood, WSCC has no records of historic flooding within the site boundary or nearby. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

There are issues with the ditches adjacent to the site. Clearance and desilting of the ditches would be required. Ditch connectivity should be ascertained, especially at the south western corner of the site. If infiltration isn't feasible for the SUDS system, a suitable outlet should be provided. Some ditches drain to Southern Water surface water sewers, and Southern Water may not want extra land drainage being connected to the system. Some work has been done by adjacent landowners on the other side of the proposed access route in. Any ditch crossings will require land drainage consent.

Any SUDS or soakaway design will need to include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. An objector was concerned that the trial pits had been dug during the summer months and there would be a need to carry these out during the winter period. This is a requirement and would be added as a condition.

Ditches will require easements for access and maintenance. No development should take place within 5m of any watercourse. Maintenance details for the surface water drainage system should also be provided.

FOUL DRAINAGE

There is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public system and existing properties and land may be subject to a greater risk of flooding as a result.

If approved the Developer would enter into a formal agreement with Southern Water to provide the necessary infrastructure. Additional off site sewers or improvements to existing sewers will be required.

NOISE/LIGHT POLLUTION

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Residents have raised concerns as to the potential for noise/disturbance from the new houses/cars, and for light pollution from street lighting and air pollution from exhaust fumes. If this site is developed, there will be increased noise/disturbance/light pollution to existing residents. It is not considered that these impacts will result in significant harm. Street lighting will be controlled by condition. There has also been a request from the ecologist that lighting is considered in relation to the location of street lights and security lights due to the existence of bats near the site.

IMPACT ON TREES

There are no Tree Preservation Orders on the trees around the periphery of the site and a detailed tree survey showing the location of trees to be retained and any to be felled. This updated document has been accepted by the Council's Tree Officer. A condition has also been included that requires a full landscape scheme to be submitted for the site as a reserved matter. A condition is also proposed that protects existing trees during the construction phase.

A temporary TPO has been prepared for 2 trees to the north of the site outwith the site boundary.

ECOLOGY

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed as detailed within the survey, a new hedgerow should be planted. Conditions are included to ensure this.

The lighting scheme for the site will need to take into consideration the presence of bats.

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 notice of any work).

SUMMARY

It is considered that the this application is acceptable on the basis that it creates a residential development in a sustainable location near to services, main routes which offer public transport opportunities. The addition of this residential development on local infrastructure can be accommodated as demonstrated in this report. There will be a requirement to upgrade foul drainage as there is currently no capacity. The developer would also be required to make significant contributions for education, library and fire and rescue.

The applicant has demonstrated that the traffic associated with the 50 dwelling proposal can be accommodated on the local road network but as the access is to be a reserved matter all the conditions that would relate to access and parking would be considered and added to the Approval of Reserved matters should the application be approved.

The developer has also agreed to a housing mix and tenure as set by the Housing and Enabling Manager which delivers 15 affordable housing units to the area.

The undersupply of housing within the area means that there is an urgent need to find sustainable housing sites that can be delivered in the short/medium term to assist Arun DC meet its housing

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target.

It is considered that the application should be approved subject to conditions and a s106.

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 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 neutral 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).

SECTION 106 DETAILS

The s106 will need to include:
· Open Space;
· Amenity Spaces;
· Management and Maintenance Commuted Sum;
· Affordable Housing;
· Education Contributions;
· Fire and Rescue contribution;
· Library Contribution;
. NHS Contribution;
. Pagham Harbour SPA contribution
. Allotments contributions; and
· Public Right of Way improvement contributions.

Developer contributions for the heads of terms above can only be included within the s106 where there is justification and that the request is in line with CIL regulations.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

1 The permission hereby granted is an outline permission under s92 of the Town and

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

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

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

2 The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before expiration of 1 year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

4 Development shall not commence 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

5 Development shall not commence until full details of the maintenance and management of the SUDs 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 manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and on going operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The SuDs Manual' CIRIA

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publication ref: C753 Chapter 32.

6 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

7 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

8 No development 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 GEN7 of the Arun District Local Plan.

9 No development including site access, or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by 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 however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be

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exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. 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 GEN7 of the Arun District Local Plan.

10 No development shall be carried out 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 development.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with policy GEN7 of the Arun District Local Plan.

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

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

Reason: In the interests of highway safety and the amenities of the area.

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Local Plan.

13 Prior to the commencement of construction works on each phase of the development of any preparatory works a detailed ecological enhancement scheme (which shall include the installation of bat boxes and bird boxes throughout the site) shall be submitted to the LPA for approval and will be based on the recommendations within the supporting ecological statement and as appropriate. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

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

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the site in line with national guidance and Policy GEN23 and GEN29 of the Arun District Local Plan (2003).

14 No operational or construction vehicles shall be operated on the site except between the hours of:

7.00 and 19.00 on Mondays to Fridays inclusive
7.00 and 13.00 on Saturday
Not at any time on Sundays or Public Holidays

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.

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

Reason: In the interest of amenity and the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

16 No development shall take place until details of laying out, timetable for provision and future maintenance of Public Open Spaces has been submitted to and approved by the local planning authority. The layout details submitted in compliance with Condition 1 shall define the boundaries of such areas, their proposed use, the items of equipment, means of enclosure and all other structures to be installed. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the informal open space, which is considered a necessary part of the development, is provided to an acceptable standard within an agreed timescale in accordance with policies GEN7 and GEN8 of the Arun District Local Plan.

17 No demolition, ground clearance or vegetation clearance works shall take place within the bird nesting season (between 1 March and 31 August inclusive in any year). If such works cannot be undertaken outside of the nesting season, a nesting bird check shall be required, which should be undertaken by a suitably qualified ecologist immediately prior to the works taking place. Subsequently if any active nest sites are identified, these nests should remain undisturbed until all the young have fledged naturally.

REASON: To minimise disturbance to nesting birds.

18 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. 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 [as a part of the reserved matters submissions required by condition 2]. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the NPPF.

19 No development shall take place until a street lighting scheme has been submitted and

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approved in writing by the Local Planning Authority. This must comply with the Institute of Lighting Engineers Guidance Notes for the reduction of obtrusive light.

Reason: To enable the LPA to control the development in detail in the interests of residential amenity and in accordance with GEN7 of the Arun District Local Plan and also to ensure there is no impact on Bats within the vicinity of the site.

20 Prior to the commencement of the development details showing the proposed location of one fire hydrant (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. These approvals shall not be unreasonably withheld or delayed.

Prior to the first occupation of any dwelling unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of fire fighting. The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004).

Reason: In the interests of amenity and in accordance with policy GEN7 of the Arun District Local Plan 2003

21 INFORMATIVE

Please note that related to this permission there is an agreement under Section 106 of the Town & Country Planning Act 1990.

22 INFORMATIVE:

The reserved matters application will provide full details of all roads and footpaths associated with the development. In the event that neighbouring land is approved for development at some point in the future this layout must include footpath and pedestrian links right up to the boundary to ensure access.

23 INFORMATIVE:

If there is a requirement for security lighting during construction or proposed at any dwelling prior to installation the lighting details must be provided to and approved by the Local Planning Authority.

24 INFORMATIVE:

Section 59 of the 1980 Highways Act - Extra-ordinary Traffic
The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

25 INFORMATIVE:

Section 278 Agreement of the 1980 Highways Act - Works within the Highway

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The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

26 INFORMATIVE:

Section 38 Agreement of the 1980 Highways Act - Provision of Adoptable Highway
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

27 INFORMATIVE:

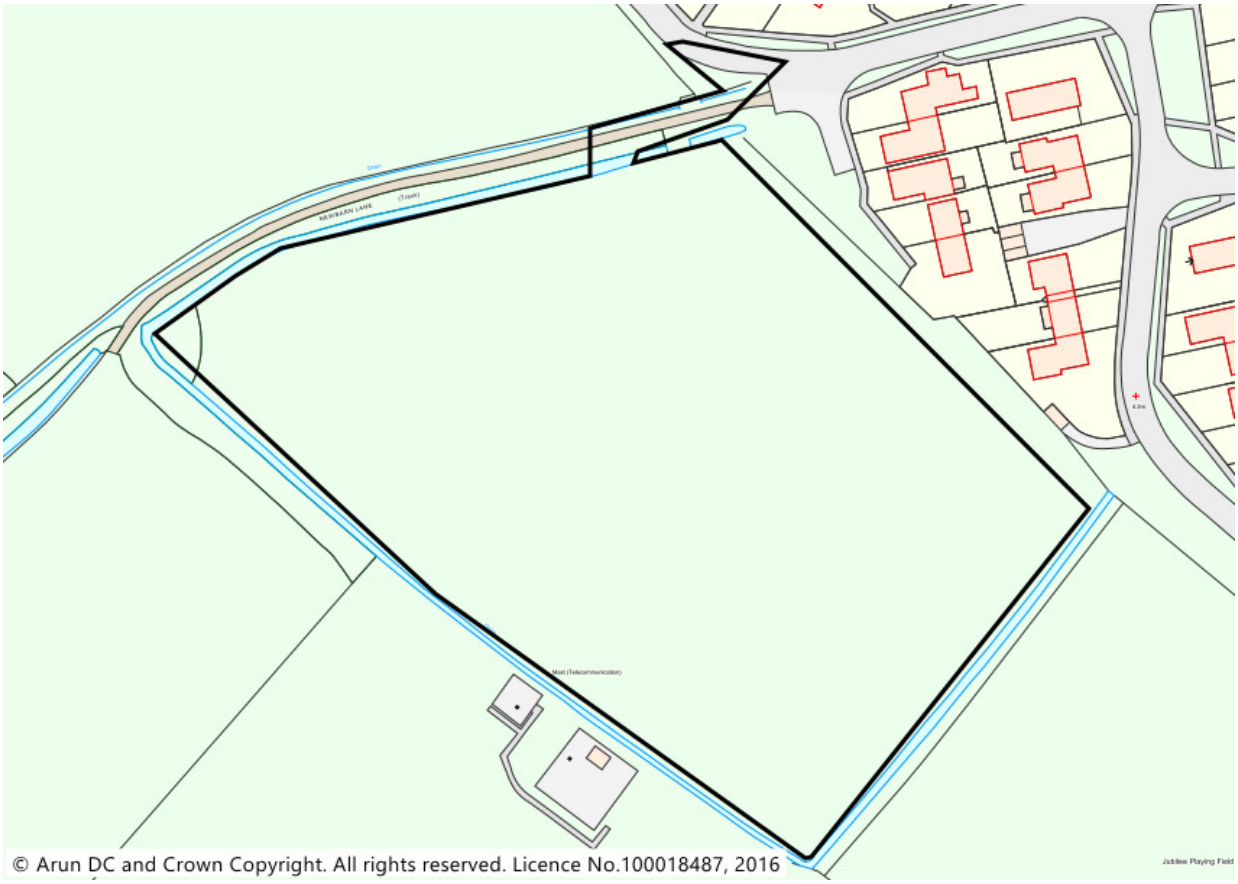
The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

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BE/77/16/OUT Indicative Location Plan (Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: **BE/93/16/PL**

LOCATION: **New Barn Lane**
Bersted
Bognor Regis
PO21 5DL

PROPOSAL: **Construction of new vehicular/pedestrian/cycle route onto New Barn Lane for residential purposes**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	0.12HA
TOPOGRAPHY	Predominantly flat.
TREES	There are three trees within the vicinity of the proposed access. T1 - Elder, T2 - Silver Birch and T3 Sycamore. All are to be retained. It is proposed to prune the lower branches of the sycamore T3.
SITE CHARACTERISTICS	The application site form part of a field that has been granted planning permission for 90 residential units. The field is located to the west of Bersted where the nearby housing to the west of Chichester Road is suburban in character, Mainly 1950'sand 1960's single and two storey housing, often with open plan front gardens.

RELEVANT SITE HISTORY

BE/142/15/OUT	Outline application with some matters reserved for a mix of up to 90 No. residential units, associated open space, landscaping, access & car parking. This application is a Departure from the Development Plan.	App Cond with S106 24-02-2016

The application for 90 dwellings was granted planning permission for outline planning consent in February 2016.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted Parish Council - OBJECT for the following:
Highway safety - Visibility and the proximity of the driveway of 38 New Barn Lane being directly opposite and the narrow opening for HGV vehicles, not just refuse collection vehicles, making deliveries.

Conflicts with policy GA1 of the Bersted Neighbourhood Plan Pedestrian and cycle connections;

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The new access conflicts with the sus trans cycle route.

The original vehicle access is preferred and the parish feels this should not change.

The parish also suggests that an alternative option that was previously considered for access to be at the north of the site from Brazwick Avenue should be looked at again, now that the strip of land at the front of the development has been bought by the developer.

Representations
12 representations have been received objecting to the proposal. The following is a summary of the points made.

· Danger to traffic
· Congestion
· Hazard to cyclists and pedestrians
· Original access should be used
· Hazard to residents
· Loss of trees
· Noise and disturbance
· Flood risk
· Wildlife survey required
· Reduction in quality of life
· Not in accordance with Neighbourhood Plan

COMMENTS ON REPRESENTATIONS RECEIVED:
The Comments are noted and considered in the assessment below.

CONSULTATIONS

WSCC Strategic Planning
Highways England

CONSULTATION RESPONSES RECEIVED:
Highways England - No objection

WSCC Strategic Planning -
First Response 5 July 2016
West Sussex County Council, in its capacity as the Local Highway Authority, has been consulted on the proposed access of New Barn Lane. This proposed access is to replace the access approved through BE/142/15, associated with the development of 90 units to the south of New Barn Lane.

It is proposed to relocate the access slightly to the north, away from the route of the PROW. The access itself remains fundamentally the same as permitted through BE/142/15. The Applicant has reviewed the revised access against the recommendations of the Road Safety Audit: Stage 1 and it is considered that the RSA recommendations are still relevant given the minor change in location. A Stage 2 Audit will be required as part of any future detailed design and S278 submission.

Second response also made on 5 July where the Highway Authority were asked to consider the adjoining proposal and the potential of two access points.

The introduction of a separate access at the location shown would not be compatible with the proposed access to BE/77/16, which proposes to intensify the usage of the existing agricultural

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field access/PROW. The presence of two accesses in close proximity which experience regular and frequent use could lead to confusion between drivers looking to emerge and drivers indicating to turn into one of the accesses. Drivers indicating to turn left into the second access could be confused with the intention to turn into the first access, with vehicles emerging into their path as they continue to the second access to turn in, thus resulting in the risk of side-impact collisions. Similarly, there is an increased chance of rear-shunt collisions where vehicles may slow to turn unexpectedly if the following driver assumes that they are indicating to turn into the second access. It is understood that the Applicant is now in ownership of the land between New Barn Lane and the application site, which was not previously owned as the time of the original submission. It is recommended that the access is relocated further north, towards Brazwick Avenue, and a separation of approximately 43m between junctions on the southern side of New Barn Lane. The formation of a crossroads with Brazwick Avenue should also be avoided. An updated RSA1 would be required, as the relocation would represent a material change from the previously agreed access arrangements.

Alternatively, the existing access location should be retained and the access shared to provide a single point of access from both BE/142/15 and BE/77/16.

COMMENTS ON CONSULTATION RESPONSES:

The above highways comments indicates that in relation to a single access point to the residential developments to the west of Bersted the replacement Access A (approved) could be replaced by Access B (proposed BE/93/16/PL). However the replacement access cannot co-exist should Access A be constructed. Access A provides both a Public Right of Way (PROW) and vehicular access to the field to the south, between the Landform 90 dwelling site and the Jubilee Field which is the subject of a proposal for 50 dwellings. Full assessment in the conclusions below.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN14	Public Transport
	GEN15	Cycling and Walking
	GEN28	Trees and Woodlands
	GEN33	Light Pollution
Publication Version of the Local Plan (October 2014):	D SP1 Design ENV DM4 Protection of Trees	
Bersted Neighbourhood Plan 2014 Policy ES1		Design of new development
Bersted Neighbourhood Plan 2014 Policy ES7		Development outside of the Built Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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

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.

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CONCLUSIONS

Application BE/142/15/OUT was approved by DC Committee earlier this year. The access (access A) was submitted in detail, all other matters were reserved. Access A forms a continuation of New Barn lane, using the Public Right of Way (PROW).

This proposal is for a replacement access (Access B) which is around 8m north of Access A.

The applicant has explained that there was a 1m strip of land the length of the New Barn Lane frontage that had formed a ransom strip. Following the approval, Landform purchased the strip and are proposing to relocate the access location.

The relocation of the access in principle would be an acceptable proposal, however in this instance the planning considerations are:
Highways;
Trees; and
The implications for application BE/77/16/OUT - 50 dwellings

Highways Considerations

The Local Highway Authority have made two consultation responses. One indicated Access B itself remains fundamentally the same as permitted through BE/142/15 (Access A). The Applicant has reviewed the revised access against the recommendations of the Road Safety Audit: Stage 1 and it is considered that the Road Safety Audit (RSA) recommendations are still relevant given the minor change in location. A Stage 2 Audit will be required as part of any future detailed design and S278 submission.

This suggests that the design and operation of a single access in this location would not cause a highway safety issue. Therefore the objections from the parish Council and objections from residents relating to highway safety are not supported by the Highway Authority, on the basis of a single access.

The Highway Authority were then requested to take Access B and Access A into account. While the access in relation to BE/77/15/OUT is reserved, the application indicates in the Transport Assessment that Access A would be used, an access that has already been approved.

The introduction of a separate access (B) at the location shown would not be compatible with the proposed access to BE/77/16, which proposes to intensify the usage of the existing agricultural field access/PROW. The presence of two accesses in close proximity which experience regular and frequent use could lead to confusion between drivers looking to emerge and drivers indicating to turn into one of the accesses. Drivers indicating to turn left into the second access could be confused with the intention to turn into the first access, with vehicles emerging into their path as they continue to the second access to turn in, thus resulting in the risk of side-impact collisions. Similarly, there is an increased chance of rear-shunt collisions where vehicles may slow to turn unexpectedly if the following driver assumes that they are indicating to turn into the second access. It is understood that the Applicant is now in ownership of the land between New Barn Lane and the application site, which was not previously owned as the time of the original submission. It is recommended that the access is relocated further north, towards Brazwick Avenue, and a separation of approximately 43m between junctions on the southern side of New Barn Lane. The formation of a crossroads with Brazwick Avenue should also be avoided. An updated RSA1 would be required, as the relocation would represent a material change from the previously agreed access arrangements.

Alternatively, the existing access location should be retained and the access shared to propose a

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single point of access from both BE/142/15 and BE/77/16.

To address this, the applicant has provided a draft layout plan that indicates that Access B can include an arm leading south into the adjoining site.

The applicant has also provided a unilateral undertaking (legal agreement) that confirms that (subject to both applications being approved) (1) only one Access A or B can proceed; and (2) that the use of either access can be used by the Church Commissioners, to serve the residential use of the land to the south.

While this suggests that a workable single access point can be provided that serves both sites, the right to connect by the Church Commissioners will require a separate agreement to address various matters, such as determination of the construction costs, which are not appropriate for the Undertaking.

This is not a planning matter as it is an agreement between two adjoining landowners, however the council would not wish to have housing sites which are intended to provide short term housing land supply needs delayed as a result of landowner negotiations/ransom situations. The applicant has confirmed that the landowner has agreed not to seek a premium in respect of any benefit arising from the provision of such rights to connect.

The advice from the council's planning Solicitor will be available at DC Committee.

Trees

The location of the revised site access is between mature trees. T1 - an Elder; T2 a Silver Birch; and T3 a Sycamore. Initially the applicant confirmed that all three would be retained, subject to pruning of T3. This was later clarified by the applicant's aboriculturist:

T1: C Category elder - This tree is a poor species and was shown for removal for development purposes on our Preliminary AIA which forms part of the now consented proposals. It is a large multi-stemmed bush with a 7.2 m RPA and will not fit on the narrow strip shown on the revised drawing without extensive root loss. It will still need to be removed to achieve the revised layout.

T2: B Category silver birch - The bell mouth encroaches slightly into the RPA and pre-emptive root pruning is recommended to minimise root damage. The footpath through the RPA will need to be of No-Dig construction. The canopy height is currently 1m and some minor facilitative pruning will be necessary.

T3: The footpath shown through the RPA must also be No-Dig. It must not extend closer than 0.5 m towards the tree.

To summarise trees; T2 and T3 would be retained and protected in line with BS5837:2012 as long as No-Dig construction is used for the paths. T1 still needs to be removed for development purposes.

The council's Tree Officer has following a request from a member of the public been asked to consider a TPO on a group of Sycamores, T2 - Silver Birch and an Oak which sits to the south of New Barn Lane PROW. In the approved application BE/142/15/OUT these trees were not shown to be removed so all were assessed. The advice is that the sycamores are not worthy of a TPO. The Oak and Silver Birch qualify and a Temporary TPO has been issued.

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The Oak is unaffected by this proposal. The Silver Birch will require, as stated above root pruning. This has implications for the Silver Birch and potential damage from having the tree located in a narrow parcel of land between the edge of the highway and the proposed footpath/cycleway.

The implications of this application on BE/77/16/OUT

The Church Commissioners(CC)application for 50 dwellings is seeking permission in principle for a residential development of up to 50 dwellings. All matters including access are reserved. The CC application has provided a transport statement that considers traffic impact but as no access is included in the current application there are no compatibility issues at this time. This proposal is seeking to relocate the access and it is deemed to be acceptable in highway safety terms. The applicant has included a Unilateral Undertaking to only build one access A or B; while making provision to grant to the CC the right to connect to and have access over Access A or Access B, as relevant, from the Church Land.

The applicant/landowner and the CC are continuing legal discussions regarding the Undertaking and the rights of connection.

The Council requires the Unilateral Undetaking to allow for deliverability of both developments should the Committee approve BE/77/16/OUT. Following the submission and approval of all reserved matters, The council would not want to have any issues regarding deliverability.

An update is to be provided to members at Committee.

HUMAN RIGHTS ACT

FOR APPROVAL
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.

FOR REFUSAL
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),

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Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

Unilateral Undertaking that confirms that only one access can be built either Access A or Access B; right for adjoining landowner to connect and to have access over the Access A or B. No impediments to deliverability where a shared access is used.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Drawing No 01084_SK_005 - Site Plan
507-021 Rev A - Revised Access
507-017 - tracking plan
507-018 - agricultural tracking plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 The use of the new access shall not commence until visibility splays of 2.4m by 43m have been provided at the proposed site vehicular access onto new Barn Lane in accordance with the approved drawing 507-021 Rev A. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.
Reason in the interests of road safety.

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

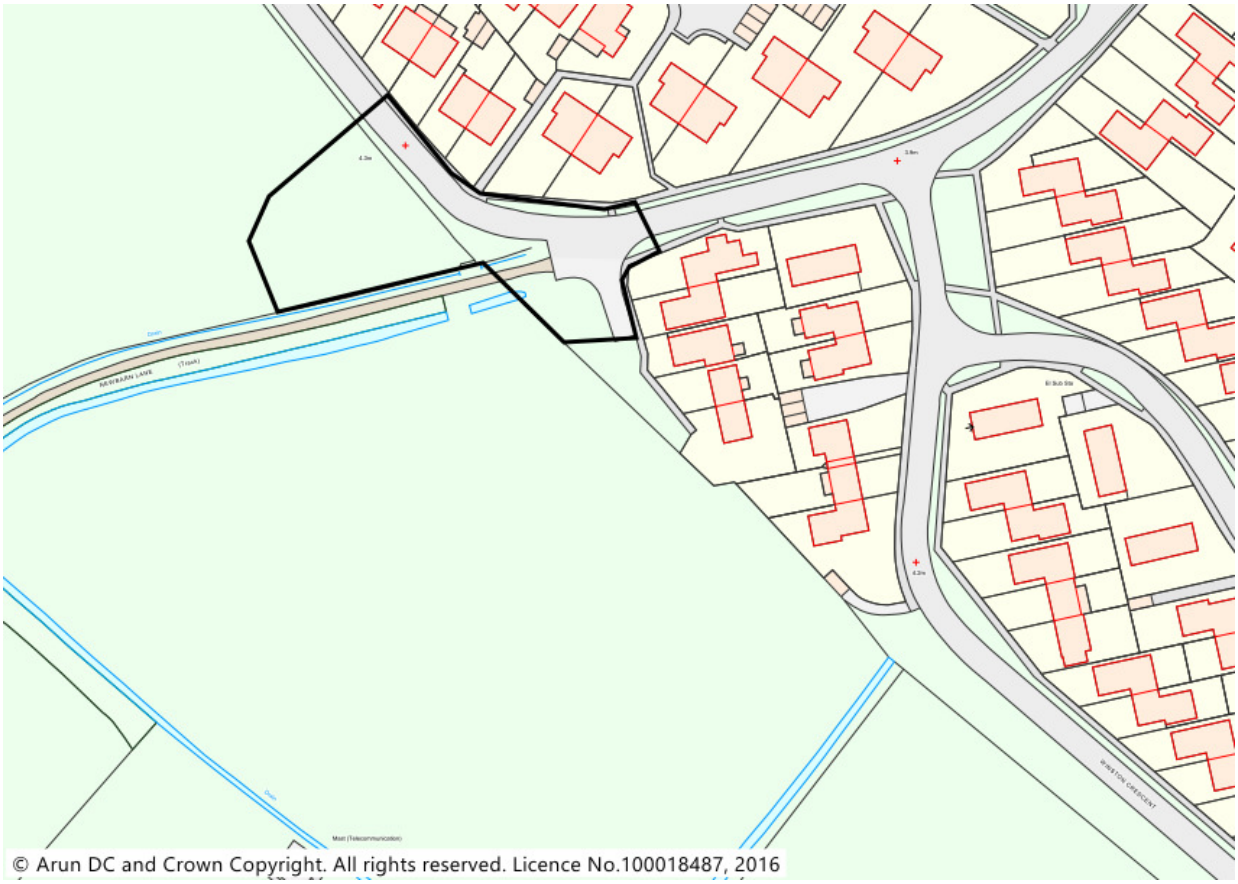
· the anticipated number, frequency and types of vehicles used during construction,
· the method of access and routing of vehicles during construction,
· the parking of vehicles by site operatives and visitors,
· the loading and unloading of plant, materials and waste,
· the storage of plant and materials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

Reason: In the interests of highway safety and the amenities of the area.

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BE/93/16/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: **A/105/16/PL**

LOCATION: **Land at**
The Cottrells
Angmering
BN16 4AF

PROPOSAL: **Reconfiguration of existing car parking area for 1 No. flat with 5 No. car-barns below (resubmission following A/8/16/PL). This application affects the character & appearance of the Angmering Conservation Area.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal is for a detached 2 storey development of modern design. The property has a height of 6.8m and is L shaped with a rear length of 14.3m and a side length of 10m. It would be constructed of timber cladding, red stock bricks and a grey slate roof. 5 car ports are provided at ground floor, together with a hallway, garden store and refuse/cycle store to serve the 2 bedroom flat above. A rear garden area of 35 sq m is being provided.
SITE AREA	0.03 hectares
RESIDENTIAL DEVELOPMENT DENSITY	33 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Walling enclosing part of frontage and side boundary to approx. 1.5m height and close boarded fencing to the rear to approximately 1.8m height on top of flint walling to rear. Small section of flint walling to 2m in height in rear corner of site.
SITE CHARACTERISTICS	Area is currently hard surfaced and used for car parking. A single detached garage is located within it.
CHARACTER OF LOCALITY	Predominantly residential characterised by a mix of dwelling type and design. The site is located within the Conservation Area which is defined as the historic core of the village. Adjoining garage/annexe building has timber clad elevations.

RELEVANT SITE HISTORY

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A/8/16/PL	New single 2-bedroom dwelling. This application affects the character and appearance of Angmering Conservation Area	Refused 24-03-2016
A/158/01/	Erection of 3 no. dwellings with 2 no. integral garages and access thereto and 1 no. detached garage and access thereto.	ApproveConditionally 10-01-2002

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Angmering Parish Council - Objection on the following grounds:
- Adverse impact on highway safety in The Cottrells and High Street
- Loss of existing parking provision (which runs contrary to the aims of section 9 of the Angmering Neighbourhood Plan)
- Adverse impact on the surrounding area

The opinion of ADC's planning solicitor on the compliance with the existing s106 agreement is based on inaccurate information in the application regarding the existing number of parking spaces on the site, which is understood to be 8 or 9 rather than the 6 stated.

16 letters of objection - There are 2 deeds relating to the land requiring it to be surfaced and made available only for the parking of private motor vehicles belonging to residents of The Cottrells dating from when the bungalows opposite were built 20 years ago. The agents have misrepresented the facility provided by the current car park stating there are 6 spaces at present when there are 8. Up to 10 cars can use the parking area at the moment. Resident parking will be forced out of the car park onto the surrounding public highways and impact on those residents. Allocated parking is not appropriate. How will parking area be managed?
Amendments to the application have been suggested including a differing footprint shape and the provision of a balcony.
Impact on the loss of undeveloped space and built form on the character and appearance of the Conservation Area.
Impact of visual intrusion and overbearing nature of the buildings. The roof lights have a minimum height above floor level of 1.5m which will result in loss of privacy to adjoining gardens.
Don't need an additional dwelling.
The upheaval to residents will be horrendous.
Additional fencing will restrict access. Light will be reduced to neighbouring properties as well as gardens.
The proposal would be detrimental to the Conservation Area. The chalet style dwelling is not in keeping.
Potential adverse impact on property values.
Issue of unstable and unsafe existing garage.
The Cottrells is a very compact close, a cul-de-sac with primarily two bedroom terraced houses built as workers cottages 100 years ago. There are 22 cottages with no off road parking and the road is not wide enough to accommodate parking on both sides of the street. Contractors and tradesmen also have to be considered.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comment on Parish Council representation - The proposal is considered acceptable in terms of highway safety. County Highways have no objection. The loss of car parking is not considered significant in terms of overall provision since parking is still maintained for use by

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The Cottrells in accordance with the Agreement. It is agreed that the current parking provision is probably 8 spaces and that 6 spaces are being provided for The Cottrells resulting in a net loss, however, the Council's Solicitor has concluded that regardless of the number of spaces retained the development accords with the existing Agreement in that parking provision for The Cottrells is retained.

The proposal would improve the appearance of the Conservation Area by upgrading and improving the existing hard surfaced parking area and deteriorating garage. The design and appearance of the proposed building are considered to be in keeping with the appearance of the Conservation Area.

Comment on other representations - The management of the parking area is not a planning matter. The retention of car parking accords with the requirements of the legal agreement. Devaluation of property is not a material planning consideration.
The proposal is not considered to have a materially adverse impact on the appearance of the area or residential amenity. Whilst the lower height of the roof lights is 1.5m, realistically the amount of overlooking that would result is limited since the windows are angled and cannot be looked through below 1.7m given the frame depth and roof slope.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Conservation Officer

Planning Solicitor

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - The application is for fewer than two properties outside of the Lidsey WWTW catchment area. Please apply standard condition ENGD2A if required.

County Highways - (First Consultation)
West Sussex County Council, as the Local Highway Authority (LHA), was consulted previously on Highway Matters for this location under planning application A/8/16 which highways raised an objection to due to the land in question being subject to a S106 Agreement that stated that the land must be available for parking for no 1-6 The Cottrells. The application was refused by the District.
This resubmission has reconfigured the building to contain 5 x car barn spaces with a 2-bedroom flat above and two additional car parking spaces on the land. The two additional spaces will be accessed via a new dropped kerb crossover which would need a licence, obtained from WSCC Highways. The seven total spaces will serve 1-6 The Cottrells and the new flat by providing one space each. The LHA note that the Application Form states that Arun Legal Department has now confirmed that these proposals are in accordance with the S106 Agreement.
From an inspection of the plans the car barn spaces do appear to be short of the required 3m by 6m per parking space. Ideally the spaces should meet WSCC requirements to enable the parking provision to be met. However it is appreciated that there is limited space on site. Therefore, it is requested that a Swept Path Analysis is provided to demonstrate that parking and turning is achievable on site. This should use a family sized car and show that the spaces are large enough for a car each and demonstrate turning on site. It is appreciated that turning may warrant a multipoint manoeuvre.

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Second Consultation -

Vehicle Tracking - The applicant has provided a swept path tracking plan (Drawing No: 290) which demonstrates how a family sized vehicle can access each of the spaces and turn within the confines of the site while not using the other parking spaces provided. A multi-point manoeuvre will be required to facilitate the turn on site and given the context of the site I would view this to be in accordance with guidance set out within Manual for Streets paragraph 8.3.53. It should be noted that it is likely that not all of the spaces will be occupied at any one time and this would provide additional space for manoeuvring. There may be situations whereby a vehicle has to reverse out onto The Cotterells, however given the context of the location it would be difficult to substantiate that this would result in a highway safety issue.

Vehicle Parking Provision - It is noted there have been significant representation made with regard to the loss of the existing parking provision and the increased pressure this will place onto on street car parking. The application form states that 6 spaces are existing and 7 will be proposed. Scaling form the plans provided and Ordnance Survey mapping this does appear to be an accurate assessment of the existing provision, though up to 8 spaces could be provided on site at present.
Consideration is given that the proposed flat will attract some parking demand. Using the WSCC Parking Demand Calculator it would be anticipated that the flat would create the demand for one space, this has been allocated on site. On this basis it would be assessed that the proposal will result in a net loss of two car parking space.
The site is sustainably located and within walking and cycling distance to services and amenities within Angmering, with longer trips achievable by use of bus or train. Given this and the small scale nature of the proposal it would be difficult to substantiate that the loss of parking provision would result to a severe highway safety issue.
If the Local Planning Authority feel there is an amenity issue with the loss of the existing parking provision it would be advised that a car parking capacity survey is conducted, in accordance with current WSCC guidance, to demonstrate that on street car parking is available within a reasonable distance of the site.

Visibility - Visibility would appear adequate, although visibility plans have not been provided. The LHA would advise that any boundary wall/fence/planting to the front of the proposed dwelling is no higher than 0.6m. To allow good pedestrian visibility for pedestrians using the footway and also to vehicles exiting the site to be able to see pedestrians and other road users using highway.

Conclusion - On balance the Local Highways Authority does not consider that this proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal. If the LPA are minded to grant planning consent conditions and an informative note would be advised.

Planning Solicitor - Provided the application doesn't prevent car parking as per Schedule 2 the application complies with the s106 Agreement.
I have seen nothing to suggest it doesn't.

The application is for "retention of existing car parking provision with associated single flat only"---which implies that "the application would meet the terms of the existing Sec 106".
Only the area edged blue is reserved for "cars belonging to residents of ....Cottrells "
Puzzlingly it also refers to "area "edged green" -and the wording may not be that clear or effective because it reads as if para 1 allows car carking for any cars ----not just residents cars ----and para 2 refers to residents cars but to 2 areas -blue and green ---which suggests ---to me that :-

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On blue land ----any cars can be parked On green land -residents cars only can be parked.
There is no mention in the s106 deed of houses numbered 1-6. There may be a private arrangement among residents about this That said , I think that in any event , the s106 deed could be subject to an application to vary at any time and the "does it still fulfil a useful purpose" within s106A would still need to be applied. I add this for fullness and completeness. If such an application were received the WSCC as highway authority could comment.
In any event a previous s106 can always be amended/changed and this is a material consideration.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Drainage for a single dwelling is covered by Building Regulations so the suggested condition has not been imposed.

POLICY CONTEXT

Designation applicable to site:
Within designated Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	GEN12	Parking in New Development
	AREA2	Conservation Areas
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality D DM2 Internal Space Standards D DM3 External Space Standards HER DM3 Conservation Areas HER DM1 Listed Buildings HER SP1 The Historic Environment	

Angmering Neighbourhood Plan 2014 POLICY EH1	Development in the Conservation Area
Angmering Neighbourhood Plan 2014 POLICY HD4	Materials
Angmering Neighbourhood Plan 2014 POLICY HD5	Built Form
Angmering Neighbourhood Plan 2014 POLICY HD6	Housing Layout & Design
Angmering Neighbourhood Plan 2014 POLICY HD8	Parking for New Developments

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can

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carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. Policies HD4: Materials, HD5: Built Form and HD6: Housing Layout& Design, HD8: Parking for New Developments and EH1: Development in the Conservation Area of Angmering Neighbourhood Plan are considered relevant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that 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 areaSection 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 Act states:
In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character of the Conservation Area.

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OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE
The proposal relates to the provision of a dwelling above car ports on an area of hard standing currently used for car parking within the Conservation Area. The site lies within the built up area boundary where the principle of residential development is acceptable.

PLANNING HISTORY
The proposal follows an earlier refusal for a detached 2 bedroom dwelling on the site of modern design located adjacent to the site frontage. It was refused for reasons relating to the lack of affordable housing contributions, the adverse impact of the proposal on the Conservation Area by reason of its size, height, design and materials and unsympathetic and obtrusive appearance in the locality to the detriment of the visual amenities and character of the area and that the site is used for car parking and no permission has been granted to its lifting. The proposal would have resulted in displaced vehicle parking adversely affecting the residential and visual amenities of the locality and highway safety in conflict with policy.

This proposal has retained some parking for The Cottrells to accord with the Agreement and the affordable housing policy is no longer being applied. The design and appearance of the development has also been altered to incorporate a more traditional design and the building is located towards the rear of the site.

VISUAL AMENITY AND IMPACT ON THE CHARACTER OF THE COBNSERVATION AREA

The area currently provides a visual gap to development in the locality and serves to provide a relatively open, but enclosed and defined area. To the north of the site is an ancillary garage building. The site occupies an elevated position in relation to development to the North. The proposed dwelling would be sited in approximately the same position as the garage to the North, 9m from the road frontage. The property would be L shaped with the rest of the development set back 19m from the site frontage. This footprint and layout would retain the open area and sense of space which is a contributory factor to the character of the area and the Conservation Area.

In addition the revised design of the dwelling is more in keeping with the surrounding development. A front gable feature is now incorporated reflecting the design of nearby properties. The hipped roof also assists in reducing the length and prominence of the roof. The use of roof lights, rather than dormers, produces an uncluttered appearance to the roof and reduces the visual impact of the first floor.

The proposal would no longer dominate the appearance of the street scene. It would not sit at odds with the adjoining development, slate roofs are dominant within the Conservation Area.

Part 12 of the National Planning Policy Framework (NPPF)(2012) refers to Conserving and enhancing the historic environment. It is considered that the proposal complies with paragraphs 131 to 133. Para 132 of the Framework requires that 'great weight should be given to an asset's conservation' and where its significance is affected any harm or loss should require clear and convincing justification. In this case, the removal of a dilapidated garage and the replacement of hard surfacing with block paving would enhance the appearance of the Conservation Area and be in compliance with the NPPF.

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The proposal contains limited detail in relation to design and materials. Policy HD6 of Angmering Neighbourhood Plan requires new development to demonstrate high quality design, reflect local distinctiveness and seek to incorporate local design features evident in the surrounding area. It is considered that the design and materials proposed would adequately reflect their surroundings and a condition is imposed to ensure that the quality of materials is acceptable.The impact of the displaced car parking, which amounts to 2 spaces, on the visual amenities and character of the area can be considered as part of this application. The requirement for this limited additional on street car parking in the area, resulting from the use of the site for residential purposes would not have a materially adverse impact on the appearance of the area. The area is already dominated by car parking and restricted access.

There is a lack of housing supply demonstrated by the Local Planning Authority and the NPPF infers this site should be granted planning permission provided the proposal makes a positive contribution to local character and distinctiveness.

The economic, social and environmental roles identified in the NPPF should not be undertaken in isolation, because they are mutually dependant. Economic, social and environmental gains should be sought jointly and simultaneously. The environmental role includes protecting and enhancing the historic environment. There are policies protecting the historic environment throughout the NPPF, with a specific section covering conserving and enhancing the historic environment (paragraphs 126 to 141).

Consideration of the historic environment and its heritage assets is a principal objective of sustainable development and hence of the NPPF and all development plans that conform to it. Therefore, harm to the historic environment is not sustainable development. In addition, as stated above harm to the historic environment is not outweighed by issues such as Housing land supply. However in this particular case it is considered that the proposal does make a positive contribution to the appearance of the Conservation Area and therefore represents a sustainable form of development.

RESIDENTIAL AMENITY
The 2 storey dwelling would be located at the end of gardens fronting The Cottrells and High Street. It would have an eaves height of 3m and a ridge height of 6.67m. The roof would pitch away from the site boundaries and given the design, siting and height of the structure it would not result in materially adverse overbearing impacts. In addition the roof light windows would have a lowest outside height of 1.7m which is considered adequate to prevent any materially adverse overlooking effects and loss of privacy to adjoining gardens. The main living/kitchen window faces over the parking area and views would be towards to The Cottrells road frontage where there would be no loss of privacy.

SPACE STANDARDS
The proposal accords with policies relating to internal and external space standards in the Emerging Plan policies DDM 3 and DDM 4. The rear garden size of 35sqm and internal floor space of 66sqm meets the guideline for a 3 person 2 bedroom flat and the proposal is therefore considered acceptable.

PLANNING OBLIGATION
The site is the subject of a planning obligation to provide the land for car parking by residents of some of the properties in The Cottrells and for no other purpose. This is on the basis that the application previously approved A/65/96 did not contain sufficient on site parking for the approved dwellings and the area was accordingly designated as car parking for the dwellings. No application has been made to remove/discharge this obligation prior to submission of this application, but the

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proposal retains some car parking for these properties in accordance with the Agreement as agreed by the Council's planning solicitor.

HIGHWAY SAFETY AND PARKING
County Highways have raised no objection to the proposal on highway grounds. The parking area is heavily used but it is now intended that it would remain available for car parking for properties in The Cottrells, albeit that the total number of spaces is reduced.

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

HUMAN RIGHTS ACT

FOR APPROVAL
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 neutral 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).

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 MP-01 01revA, 02revA and E6613 290

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

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3 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. A 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

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 GEN7 of the Arun District Local Plan.

4 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) or alterations to the dwelling house shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers and maintain adequate amenity space in accordance with policy GEN7 of the Arun District Local Plan.

5 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.

6 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 approved drawing.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

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

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

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

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

9 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

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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 GEN7 of the Arun District Local Plan.

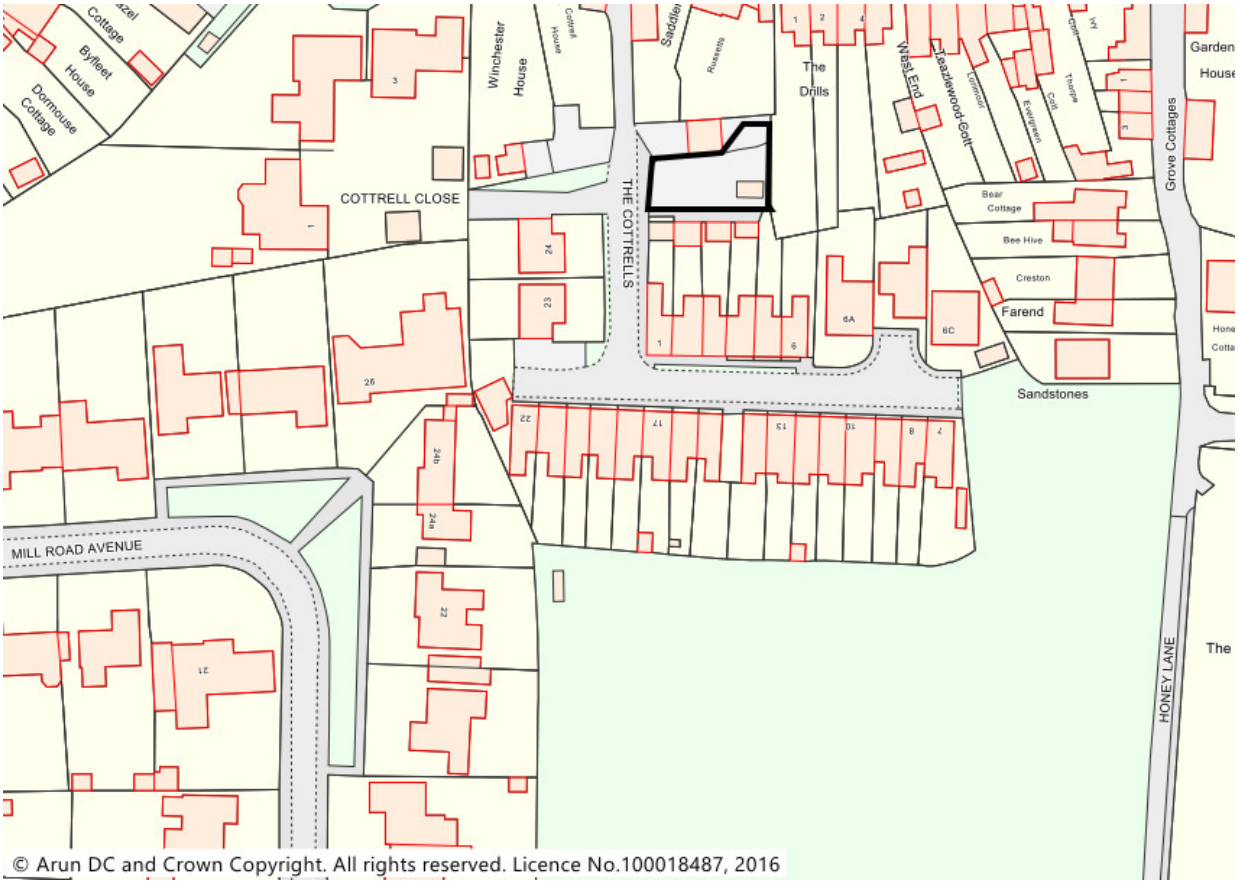
10 INFORMATIVE:
Minor Highway Works - The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works
on the public highway.

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

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A/105/16/PL Indicative Location Plan (Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

07 September 2016

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

A/162/15/PL
Received: 30-06-2016

Land North of Roundstone-By-Pass Roundstone By Pass Angmering

Car showroom & workshop with associated access, car parking & landscaping.

Public Inquiry ***11-10-2016***

PINS Ref: APP/C3810/W/16/3151980

AB/115/14/OUT
Received: 24-02-2015

12 & 14 Canada Road Arundel

Outline application with some matters reserved for 2 No. 3 bed semi detached houses

Written Representations

PINS Ref: APP/C3810/W/15/3003824

AL/16/16/HH
Received: 07-07-2016

2 Meadow Way Westergate Street Westergate

Remove existing hedging & fit Larch lap fencing

Written Representations

PINS Ref: APP/C3810/D/16/3152551

AW/367/15/PL
Received: 06-07-2016

Brus Lodge 28 Kingsway Aldwick

Erection of 1 No. dwelling. This application affects the characte & appearance of the Craigweil House Conservation Area.

Written Representations

PINS Ref: APP/C3810/W/16/3146804

BR/163/15/PL
Received: 24-05-2016

Royal Norfolk Mews West Street Bognor Regis

Phase II development of Norfolk Mews to provide 4 new dwellin (a terrace of 3 & a detached dwelling), associated car parking fc 8 cars & landscaping. Access will be through the existing acces of West Street - This application affects the character and appearance of The Steyne & Waterloo Square Conservation Area

Written Representations

PINS Ref: APP/C3810/W/16/3148376

BR/211/15/PO
Received: 07-04-2016

43 Rock Gardens Bognor Regis

Application to discharge planning obligation dated 19/4/84 reference BR/1078/83, restricting the occupation of the flat to persons of 65 years of age or over.

Written Representations

PINS Ref: APP/C3810/Q/16/3142811

BR/31/16/PL

Rear of 83 Pevensey Road Bognor Regis

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1 No. dwelling

Received: 06-07-2016

Written Representations

PINS Ref: APP/C3810/W/16/3152756

BR/84/16/OUT

Received: 04-08-2016

3 Southdown Road Bognor Regis

Outline application with some matters reserved for construction 2 No. 3-bed dwellings & associated works (resubmission following BR/291/16/OUT).

Written Representations

PINS Ref: APP/C3810/W/16/3153767

FG/171/15/PL

Received: 18-08-2016

1 Green Park Ferring

1No. chalet bungalow together with parking & landscaping. Resubmission of FG/24/15/PL

Written Representations

PINS Ref: APP/C3810/W/16/3154452

FG/26/15/OUT

Received: 03-11-2015

Eastlands Littlehampton Road Ferring

Outline application with all matters reserved for the erection of 1 No. four bedroom dwelling. This is a Departure from the Development Plan.

Informal Hearing ***14-06-2016***

PINS Ref: APP/C3810/W/15/3132939

FG/84/15/PL

Received: 03-11-2015

Eastlands Littlehampton Road Ferring

Temporary stationing of 1 No. residential caravan for 3 years.

Informal Hearing ***14-06-2016***

PINS Ref: APP/C3810/W/15/3135188

LU/55/15/OUT

Received: 10-05-2016

Land South of The Littlehampton Academy Littlehampton

Application for outline planning permission with some matters reserved for 68 No. dwellings (resubmission following LU/51/14/

Informal Hearing ***15-09-2016***

PINS Ref: APP/C3810/W/16/3147195

M/123/15/PL

Received: 06-07-2016

Byway House 1 The Byway Middleton-on-Sea

First floor & single storey extensions to South elevation.

Written Representations

PINS Ref: APP/C3810/W/16/3151935

WA/22/15/OUT

Received: 20-01-2016

Land to the East of Fontwell Avenue Fontwell

Outline application with some matters reserved to provide up to 400 No. new dwellings, up to 500 sqm of non-residential floorspace (A1, A2. A3, D1 and/or D2), 5000 sqm of light industrial floorspace (B1 (b)/(c)) & associated works including

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access, internal road network, highway works, landscaping, slected tree removal, informal & formal open space & play areas pedestrian & cyclist infrastructure utilities, drainage infrastructur car & cycle parking & waste storage. This application is a departure from the Development Plan & also lies within the paris of Eastergate.

Public Inquiry ***01-11-2016***

PINS Ref: APP/C3810/V/16/3143095

Y/60/14/OUT

Received: 17-11-2014

Land to the south of Ford Lane East of North End Road Yapton

Outline planning application with some matters reserved for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open spac and strategic landscaping and 2.2 hectares of public open spac and green corridors with vehicular access from Ford Lane and pedestrian/cycle access only from North End Road. This application is a Departure from the Development Plan.

Public Inquiry ***07-07-2015***

PINS Ref: APP/C3810/A/14/2228260

ENF/199/15/

Received: 03-11-2015

Eastlands Littlehampton Road Ferring West Sussex

Alleged unauthorised breach of Condition 1 of FG/41/14/PL

Informal Hearing ***14-06-2016***

PINS Ref: APP/C3810/C/15/3135180

ENF/192/14/

Received: 30-11-2015

Eastlands Littlehampton Road Ferring

Alleged unauthorised car ports and gazebo

Informal Hearing ***14-06-2016***

PINS Ref: APP/C3810/C/15/3132558

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AGENDA ITEM 9

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 7 SEPTEMBER 2016

Decision Paper

Subject: Planning refusal A/162/15/PL - Proposed car showroom and workshop with associated access, car parking and landscaping, Land North of Roundstone-By-Pass, Roundstone bypass, A259 Angmering for Caffyns Ltd, Audi.

Report by: Nikolas Antoniou Report date: August 2016

EXECUTIVE SUMMARY

The purpose of this report is two-fold. Firstly, to inform Members of the legal advice from Counsel received during the appeal process which advises not to defend the appeal and seek agreement from Members that this be the case. Secondly, Members are asked to agree that the amended plans received during the appeal process represent an improvement over those originally submitted upon which the refusal was based.

RECOMMENDATIONS

There are two options/recommendations

1a) Members agree not to defend the appeal.

b) Members agree to note the amended drawing and endorse the changes as an improvement.

Or

2) Members proceed with the appeal in support of their original decision in the light of the projected associated costs and additional information received

1.0 BACKGROUND:

1.1 On 30-03-2016 the application was presented to Committee (see appended officer report) and Members agreed the recommendation and accordingly the refusal decision was issued on 31-03-2016 for the following three reasons:

1) The site lies in a rural area and the proposal, which comprises an undesirable form and extent of commercial development unrelated to agriculture/horticulture, would

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be prejudicial and out of keeping to the rural character and visual amenities of an area where permission for development unrelated to an essential rural activity will not normally be granted. The proposal is therefore contrary to policies GEN3 and GEN7 of the Arun District Local Plan and the National Planning Policy Framework (NPPF).

2) Given the shape and size of the plot and the close proximity of the proposed layout to the neighbouring residential property Kelston House, the proposal would detract from the amenities and quiet enjoyment of the nearby residential property in conflict with policies GEN7 and GEN32 of the Arun District Local Plan and the NPPF.

3) The size, design, materials and appearance of the showroom, together with the amount of car parking would adversely affect the visual amenities and character of the area in conflict with policy GEN7 of Arun District Local Plan and the NPPF.

1.2 Subsequently the application has been taken to appeal with an Inquiry date set for 11-10-2016. Following receipt of the appeal documents an external consultant has been appointed to defend the appeal on the Council's behalf and legal advice has been sought to assess the robustness of the decision and the likelihood of the Appeal being successful.

2.0 PROPOSAL:

2.1 This report seeks to request Members agreement to endorse the amended plans and to not defend the appeal. Members are not being asked to re determine the application.

2.2 Following receipt of the appeal the council sought legal advice from Counsel who carried out a full review of the case and concluded there was little or no prospect of winning the appeal and advised to withdraw from the process. This view was also endorsed by external planning consultants. It is hoped to have available a report update for Members from the Council's legal representative further confirming this position.

2.3 In the light of this advice Officers have approached the agents acting for Caffyns Ltd to seek that the appeal is held in abeyance or withdrawn and that an application is resubmitted with additional information in relation to the business imperative, boundary screening and landscaping.

2.4 However the agents acting for Caffyns Ltd have advised that such an approach is not commercially acceptable to their client. The issue is one of timing. They are currently trading from premises in Broadwater Road, Worthing, which fall short of Audi's requirements in a number of ways. They have been granted a special dispensation to continue operating the Broadwater franchise pending a site search for replacement premises. That dispensation was extended to allow for determination of a Planning Appeal following the refusal of planning permission on the application site at Angmering. However, the current dispensation expires shortly and there is a very considerable risk that unless timely progress can be

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demonstrated, the franchise will be withdrawn by Audi and vacate their Worthing site with no replacement site in place. While agreements between Audi and Caffyns are private commercial matters on this occasion it does explain why Caffyns are not in a position to make a resubmission. For this reason, Caffyns are obliged to continue with the present appeal process, but they are prepared to work with the Authority to minimise our exposure to Appeal costs.

2.5 The appeal will therefore continue and the applicants agent has agreed in writing that if Members resolve not to contest the Appeal on the basis of the revised plans which are considered by Officers to be an improvement over the originals, Caffyns will undertake not to make an application for costs against this Authority at the Appeal hearing. Only wording of conditions will remain as a matter for discussion and it is hoped that the Inspectorate will agree to downgrading the appeal from a two day Inquiry to an Informal Hearing.

2.6 Officers have been negotiating hard as part of the appeal process to improve the site frontage of the application and ensure that the residential impact of the development on the neighbouring property 'Kelston House' is minimised. At the same time plans for the dualling of the A259 are progressing so that there is a clearer position of the precise site boundaries, the height and species of existing planting that is being retained and space available for landscaping. The submitted details will screen parts of the frontage and soften the overall appearance of the development. The agents have taken note of the approved landscaping scheme for Haskins and will be incorporating similar design details and planting within the scheme to ensure visual consistency. The fencing details to the shared boundary with the residential neighbour are to be finalised and discussions with the occupiers are ongoing with the agent.

2.7 The changes can be dealt with within the scope of the current Planning Appeal as they do not involve any fundamental change to the proposal, or any additional land outside the Application site boundary, nor does the nature of the changes prejudice any third parties.

3.0 OPTIONS/IMPLICATIONS:

3.1 Should Members not agree the proposed course of action the Local Planning Authority will have no alternative other than to continue with the appeal, (which is very likely to be allowed by the Inspector), utilising the services of external Consultants and legal representation which will incur significant costs potentially £40,000 minimum of consultancy fees and in addition possible meeting of the appellants significant appeal costs if the Council lose the appeal.

3.2 If Members agree to the first recommendation officers will approach the Planning Inspectorate (PINS) on the 8th September formally withdrawing our involvement and it is down to PINS to decide whether to proceed with an inquiry with the Inspector undertaking advocacy or whether the appeal is downgraded. Officers would still participate in negotiating appropriate conditions in the event the appeal is allowed.

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4.0 REASON FOR RECOMMENDATION:

4.1 As outlined above the Council has been advised that there are very low prospects for winning the appeal. Caffyns has set out its reasoning for not being able to withdraw the appeal. On the basis of the appeal continuing, Members are asked to endorse the revised plans for the reasons outlined. The appeal continuing is also the most efficient approach for the Local Planning Authority in terms of cost, time and resources.

Background Papers: None

Contact: Nikolas Antoniou, Head of Development Control
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AGENDA ITEM 10

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 7 SEPTEMBER 2016

Decision Paper

Subject : Development Control Committee – Proposed Changes to Public Speaking for Major applications.

Report by : Nikolas Antoniou Report date: August 2016

EXECUTIVE SUMMARY

Recent changes to the Scheme of Delegation have reduced the numbers of applications referred to the Development Control Committee (DCC). The DCC now considers a smaller number of more complex applications. This paper proposes an increase in the numbers of objectors/supporters able to speak on major applications from two to three persons. It is felt that the additional public speaking slot will allow the public a greater opportunity to have their say and contribute towards a more informed debate on larger development proposals.

RECOMMENDATIONS

There are two options:

1) Members agree in principle to increase the numbers of public speakers for major applications and the matter is referred to the Constitutional Review Task and Finish Working Party for consideration and necessary changes to the constitution.

2) Members vote not to accept the proposals and the public speaking arrangements remain unchanged.

1.0 BACKGROUND:

1.1 In June 2016 Members agreed proposed changes to the Scheme of Delegation which has resulted in only the larger more significant applications being heard by Committee. Given that the DCC Agendas are now smaller in size with a fewer number of more complex applications it is felt appropriate to increase the number of speakers both for objectors and supporters on major applications as set out below:

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2.0 PROPOSAL(S):

2.1 Existing Rules concerning public speaking are set out in Part 5 – Rules of Procedure for Meetings Section 3 – Public Speaking. The number/order of speakers table is replicated below for convenience:

Order	Speaker	Time Allowed
1	**Planning Officer** to present and if necessary update the report, particularly regarding further written representations received	
2	**Town or Parish Council/Meeting** One Representative only	3 minutes
3	**Objectors to the Application** Two Representatives only	3 minutes
4	**Applicants/Agents/Supporters** Two Representatives only	3 minutes
5	**Ward Councillors**	In the interest of fairness the Chairman will request Ward Councillors to limit their presentation to 3 minutes.
6	**Planning Officer** to deal with any errors of fact which have arisen or any necessary clarification of policy or other issues	
7	**Committees** to debate and determine the application, involving officers as necessary	
8	**No Further Right for Public Speaking**	

2.2 The proposal is to increase the numbers of objectors in 3) above from two speakers to three speakers and also increase the numbers of applicants/agents/supporters in 4) above from two speakers to three speakers for major applications only. Major development is defined as the provision of 10 dwellings or 0.5 hectares or more. The provision of building/s where the floor space created by development is 1000 square metres or more or development carried out on a site of 1 hectare or more.

2.3 The purpose of this change is to allow the public more time to convey their views to Members before entering into debate about the merits of an application. Making this change does not undo any of the efficiency measures achieved through the recent changes to the Scheme of Delegation as the number of applications, presentation preparation etc. will not change. The only difference is the potential for one additional supporter or objector to speak on a major application. Given that the agendas are now more focused, the offer of an additional supporter/objector can only be seen as of benefit.

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3.0 OPTIONS/IMPLICATIONS:

3.1 Should Members agree the proposed public speaking changes a paper will be prepared for consideration by the Constitutional Review Task & Finish Working Party.

4.0 REASON FOR THE DECISION:

4.1 As outlined above changes to the scheme of delegation have reduced the number of committee items and it is therefore possible to increase the amount of public speaking beneficial to all participating in the process.

Background Papers: None

Contact: Nikolas Antoniou, Head of Development Control
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AGENDA ITEM 9

DEVELOPMENT CONTROL COMMITTEE

27 January 2016

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

AB/115/14/OUT
Received: 24-02-2015

12 & 14 Canada Road Arundel

Outline application with some matters reserved for 2 No. 3 bed semi detached houses

Written Representations

PINS Ref: APP/C3810/W/15/3003824

AL/79/14/PL
Received: 02-11-2015

West Barn Old Dairy Lane Norton

Mews of 6 No. two storey low rise live work studios.This application is a Departure from the Development Plan.

Written Representations

PINS Ref: APP/C3810/W/15/3134557

AW/153/15/HH
Received: 15-10-2015

20 Gilwynes Aldwick

Ground floor rear extension & garden store & loft conversion wit 5 dormer windows & rear box dormer.

Written Representations

PINS Ref: APP/C3810/D/15/3135051

AW/82/15/PL
Received: 20-11-2015

5 Parkfield Avenue Aldwick

Demolition of existing dwelling & erection of 2 No. detached bungalows & 2 No. maisonettes with associated access, parking & landscaping works.

Written Representations

PINS Ref: APP/C3810/W/15/3134631

BR/132/15/PL
Received: 26-11-2015

Unit 9 Durban Business Centre Durban Road Bognor Regis

Change of use from Warehouse (B8 Storage & Distribution) to Gymnasium (D2 Assembly & Leisure)

Written Representations

PINS Ref: APP/C3810/W/15/3135864

EG/38/15/PL
Received: 17-12-2015

97 Barnham Road Eastergate

Alterations to Eastergate Rectory (No.97) & erection of 3 No. Dwellings with associated access, parking, landscaping, amenity & refuse provision. This application is a departure from the development plan

Written Representations

PINS Ref: APP/C3810/W/15/3135355

EG/98/14/PL
Received: 20-11-2015

Rear of 59 Elm Grove Barnham

Construction of 3 No. two storey detached houses with new access.

Written Representations

PINS Ref: APP/C3810/W/15/3133730

EP/15/15/PL
Received: 23-10-2015

3 The Street East Preston

Demolish the existing house & replace with 2No. semi-detachec houses.

Written Representations

PINS Ref: APP/C3810/W/15/3132499

EP/93/15/HH
Received: 23-10-2015

14 Worthing Road East Preston

Single storey wrap around extension to provide annexe

Written Representations

PINS Ref: APP/C3810/D/15/3136545

FG/26/15/OUT
Received: 03-11-2015

Eastlands Littlehampton Road Ferring

Outline application with all matters reserved for the erection of 1 No. four bedroom dwelling. This is a Departure from the Development Plan.

Informal Hearing

PINS Ref: APP/C3810/W/15/3132939

FG/83/15/T
Received: 10-08-2015

11a The Grove Ferring

Fell 1 No. English Oak tree.

Written Representations

PINS Ref: APP/TPO/C3810/4742

FG/84/15/PL
Received: 03-11-2015

Eastlands Littlehampton Road Ferring

Temporary stationing of 1 No. residential caravan for 3 years.

Informal Hearing

PINS Ref: APP/C3810/W/15/3135188

FP/145/15/HH
Received: 20-10-2015

24 Wroxham Way Felpham

Proposed 1.8m brick wall

Written Representations

PINS Ref: APP/C3810/D/15/3135800

R/141/15/PL
Received: 03-11-2015

Flint House 8 Cudlow Garden Rustington

Removal of existing balcony panels & replacement with new glass panels.

Written Representations

PINS Ref: APP/C3810/W/15/3135218

WA/13/15/A
Received: 23-10-2015

Holly Tree Grove The Street Walberton

1No. non-illuminated 3 way stack sign & 2No. Non-illuminated

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Flag signs

Written Representations

PINS Ref: APP/C3810/Z/15/3136183

WA/27/15/PL
Received: 16-11-2015

Deans Yard Orchard Way Walberton

Demolition of existing garages & erection of 2No. chalet dwellings

Written Representations

PINS Ref: APP/C3810/W/15/3132744

WA/8/15/CLE
Received: 14-07-2015

Church Farm Bungalow site Binsted Lane Binstead

Application for a Lawful Development Certificate for existing residential use of the land.

Written Representations

PINS Ref: APP/C3810/X/15/3035706

Y/36/15/PL
Received: 18-11-2015

Land at Long Acre Field Maypole Lane Yapton

Erection of new glasshouse, reservoir and associated buildings. This application affects a Public Right of Way.

Written Representations

PINS Ref: APP/C3810/W/15/3137762

Y/60/14/OUT
Received: 17-11-2014

Land to the south of Ford Lane East of North End Road Yapton

Outline planning application with some matters reserved for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open spac and strategic landscaping and 2.2 hectares of public open spac and green corridors with vehicular access from Ford Lane and pedestrian/cycle access only from North End Road. This application is a Departure from the Development Plan.

Public Inquiry ***07-07-2015***

PINS Ref: APP/C3810/A/14/2228260

ENF/454/14/
Received: 12-08-2015

Highdown Hill Farm Hangleton Lane Ferring West Sussex

Alleged unauthorised creation of a dwelling house

Public Inquiry

PINS Ref: APP/C3810/C/15/3100579

ENF/236/14/
Received: 12-08-2015

Highdown Hill Farm Hangleton Lane Ferring

Alleged unauthorised change of use.

Public Inquiry

PINS Ref: APP/C3810/C/15/3103251

ENF/199/15/

Eastlands Littlehampton Road Ferring West Sussex

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Alleged unauthorised breach of Condition 1 of FG/41/14/PL

Received: 03-11-2015

Informal Hearing

PINS Ref: APP/C3810/C/15/3135180

ENF/378/15/

36 Fitzalan Road Arundel West Sussex

Received: 20-11-2015

Alleged unauthorised building works

Written Representations

PINS Ref: APP/C3810/C/15/3138921

ENF/192/14/

Eastlands Littlehampton Road Ferring

Received: 30-11-2015

Alleged unauthorised car ports and gazebo

Informal Hearing

PINS Ref: APP/C3810/C/15/3132558

LOCATION: **Hangleton Nursery Hangleton Lane Ferring**

SUBJECT: **Change of use of land from agricultural/compost production to B8 Storage. This application is a Departure from the Development Plan**

Planning Application Reference: FG/45/15/PL

Appeal Decision: Allowed+Conditions **Date:** 31 December 2015

Appeal Procedure: Written Representations

Application Decision: Refused **Date:** 10 June 2015

Decision Process: D C Committee

Original Officer Recommendation: Refuse

KEY ISSUES

The Inspector acknowledged that in policy terms the site is within the countryside, being outside the defined built-up area. The Neighbourhood Plan describes the land north of the A259 as 'primarily open countryside' although it was noted that the area covered by that Plan is a relatively narrow part of the land lying north of the A259 with the appeal site on the western edge, and consideration was given to the situation beyond that Plan's boundary.

He noted there was more evidence of open countryside and views of the downs, to the north of the A259, taken between the two roundabouts, and it is clear from visiting the site that reverse views from the downs would be available over the coastal plain and including the appeal site. The emerging 'gap' policy SD SP3 seeks to protect gaps in order to maintain a 'sense of place' for settlements, as countryside and landscape considerations have their own policies, as they do in the Local Plan.

Outside of the Neighbourhood Plan Policy 7 area and the suggested 'gap', there is on the south side of the A259 the sizeable parking and buildings of a supermarket and a site for housing presently being developed. As a result, the truly open countryside land in both the wider 'gap' and the Policy 7 area does not visually include the appeal site, but was clear to the east and west beyond the farm buildings and garden-centre respectively, and to the north within the South Downs National Park area the swathe of open countryside is more coherent and is safeguarded separately by the National Park designation.

The site is within a predominantly developed area, bounded by built form and developed land. To the south is the recently extended parking, display and workshops/showrooms of the car dealership with residential uses to the south-east and south-west; to the west appears to be horticultural use, but there is a garden-centre on the A259 frontage to the west; to the north the Council Report refers to greenhouses and horticultural uses but the site inspection showed also some storage containers and a Certificate of Lawful Use or Development was granted in 2012 for storage; and to the east there is a farm, with some buildings near the mutual boundary.

The site is in what appears a limited use, with areas of open land where the glasshouses would have stood, as shown on the location plan extract, and a long low building running along much of the northern boundary that would have been associated with the formerly active horticultural use. Other areas are hardstanding and parking together with some temporary buildings. The impression is of unattractive and neglected land, the open nature of which does little to enhance the character and appearance of the area, the value of either the 'gap' or the aims of Policy 7.

The application is for B8 storage, described in the Use Classes Order as use for storage or as a distribution centre. The appellant referred to 70 - 100 vehicles being stored preparatory to transfer to the dealership for sale. Whilst B8 use could entail storage of other items, the appellant's case is built around the more specific use described. On that basis the storage of vehicles would be a low-level use, not able to be readily seen from the main road due to the existence of the flint wall

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retained in Appeal A, and would be hardly perceptible from viewpoints on Hangleton Lane or other ground level places nearby. The vehicles would be seen from the elevated viewpoints of the downs, but then in the context of the other development in the vicinity and more particularly the large area of car parking presently associated with the car dealership. Whilst the unattractive and unproductive nature of the existing land would appear vacant or open in those elevated views, the almost surrounding development would not allow it to contribute significantly to the setting of the downs or the designated Highdown Hill heritage asset, as sought in the Neighbourhood Plan. The Inspector concluded the use as proposed would not therefore undermine the reasons for the designation of either the National Park or the heritage asset and would not cause harm to either.
Similarly, the effect on the 'gap' designation would be limited given the limited contribution that the site's almost vacant state makes to the perception of there being a gap at or near the site. The settlements of Angmering and Worthing are kept apart by other land, and the use of the appeal site as proposed would not be seen as an encroachment of either vehicles or activity, or a consolidation of sporadic development.
The effects identified were limited due to the nature of the land and its location, he considered the benefits of the scheme outweighed the harm and the proposals accorded with the aims of policies on energy saving and cutting emissions. The proposal was sustainable development with a positive economic role, through the benefits to local employment and economic activity; a social role of reducing congestion and vehicle movement in the built-up area improving health and well-being; and an environmental role for the same reasons together with using natural resources prudently. The provisions of Policy DEV8 were sufficiently accorded with to overcome the more general restrictions in Policy GEN3, when considered together with the more recent guidance on the countryside and the rural economy in the Framework

APPLICATION FOR COSTS MADE/REASON

None

COSTS AWARDED

N/A

Background Papers: FG/45/15/PL

Contact: Mrs A Gardner

Telephone: 01903 737529

The Planning Inspectorate

Appeal Decisions

Site visit made on 1 December 2015

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 December 2015

Appeal A: APP/C3810/W/15/3130468
Hangleton Nursery, Hangleton Lane, Ferring, Worthing BN12 6PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Guy Storey GRS Architects Ltd against the decision of Arun District Council.
- The application Ref FG/45/15/PL, dated 25 February 2015, was refused by notice dated 10 June 2015.
- The development proposed is change of use of land from agricultural/compost production to B8 storage.

Appeal B: APP/C3810/W/15/3130471
Hangleton Nursery, Hangleton Lane, Ferring, Worthing BN12 6PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Guy Storey GRS Architects Ltd against the decision of Arun District Council.
- The application Ref FG/46/15/PL, dated 25 February 2015, was refused by notice dated 10 June 2015.
- The development proposed is change of use of land from agricultural/compost production to B8 storage.

Decision Appeal A

1. I allow the appeal and grant planning permission for change of use of land from agricultural/compost production to B8 storage at Hangleton Nursery, Hangleton Lane, Ferring, Worthing BN12 6PP in accordance with the terms of the application, Ref FG/45/15/PL, dated 25 February 2015, subject to conditions 1) to 7) on the attached schedule.

Decision Appeal B

2. I dismiss the appeal.

Main Issue

3. The applications were for the same change of use. Appeal A makes use only of the existing access onto Hangleton Lane, whereas in addition Appeal B provides for an access to the existing dealership and the A259 road, involving the removal of a flint wall between the two. Having regard to the Council's reasons for refusal, the main issue is:

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- In both Appeal A and Appeal B, the effect of the proposal on the character and appearance of the Ferring area and the aims of policies on the protection of the countryside and a defined gap between settlements with, in Appeal B only, the effect of the removal of the flint wall on these considerations.

Reasons

Policy and Preliminary Findings

4. Saved Policy GEN3 of the Arun Local Plan concerns the protection of the countryside which will be safeguarded for its own sake, with development not being permitted unless meeting the operational needs of agriculture, forestry minerals or waste; for recreation; the diversification of the rural economy; or essential road schemes; and with provision for specific uses or types of development referred to elsewhere in the Plan. The policy seeks to avoid the extension of isolated groups of buildings or the consolidation of linear or sporadic development. Policy DEV8 provides for local firms to be granted permission outside built-up areas provided (i) that there is no alternative on the existing site or existing commercial premises and (ii) that (a) the proposal accords with requirements on the standard of design and (d) concerning its relationship with the built and natural environment among other matters, these being the items referred to by the Council.

5. The emerging Local Plan contains Policy C SP1 similar to GEN3 above; Policy D DM1 setting out aspects of form and design quality and referred to only in connection with the refusal notice to Appeal B; Policy SD SP3 listing gaps such as between Angmering and Worthing as referred to in the reasons for refusal, and the circumstance under which development would be permitted, including that it cannot be located elsewhere and the effect on the separation of settlements; and Policy EMP DM1 on the development management of employment land, stating at part 6 how planning permission will be granted to local firms proposing development on sites outside the built-up area, similar to Policy DEV8, and including at h. that the site is not within a gap between settlements.

6. The Ferring Parish Neighbourhood Plan 2014 – 2029 has been 'made' and is part of the Development Plan. The Proposal Map shows the appeal site to be in an area hatched as 'Land north of Littlehampton Road. This states the encouragement of existing rural business and that *'the Neighbourhood Plan will support:'* followed by statements as to expectations and outcomes and ending with the statement that *'the Neighbourhood Plan will resist any proposals for a change of use from an established agricultural, horticultural or equine use or any other unrelated uses'* although the significance of the last four words is not explained. The supporting text describes the land in question as being between the A259 and the boundary of the South Downs National Park, and that the policy enables the effective protection of the Park and the designated Highdown Hill heritage asset. The land is considered to be primarily open countryside forming the lower, south facing slope of Highdown Hill, an integral part of the landscape character and setting.

7. The National Planning Policy Framework states a presumption in favour of sustainable development, setting out the three dimensions of that at paragraph 7. Section 1 seeks to build a strong, competitive economy and section 3 supports a prosperous rural economy, including supporting the sustainable

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growth and expansion of all types of business and enterprise in rural areas. Paragraph 30 in section 4 on sustainable transport encourages solutions which support reductions in greenhouse gas emissions and reduce congestion.

8. The appellant puts forward the view that the use of the site could well be lawful by the passage of time and the site being used for storage since the nursery closed in 2000. There is no evidence of a Certificate of Lawful Use or Development having been applied for, and the lawful use of the site for the purposes of this s78 Appeal has to be taken as being horticulture as stated in the Council's Report.

Character and Appearance

9. In policy terms the site is within the countryside, being outside the defined built-up area. The Neighbourhood Plan describes the land north of the A259 as *'primarily open countryside'* although it is noted that the area covered by that Plan is a relatively narrow part of the land lying north of the A259 with the appeal site on the western edge, and consideration must be given to the situation beyond that Plan's boundary.

10. Looking further along the land north of the A259, taken between the two roundabouts, there is more evidence of open countryside and views of the downs, and it is clear from visiting the site that reverse views from the downs would be available over the coastal plain and including the appeal site. The emerging 'gap' policy SD SP3 seeks to protect gaps in order to maintain a 'sense of place' for settlements, as countryside and landscape considerations have their own policies, as they do in the adopted, but dated, Local Plan. Outside of the Neighbourhood Plan Policy 7 area and the suggested 'gap', there is on the south side of the A259 the sizeable parking and buildings of a supermarket and a site for housing presently being developed.

11. As a result, the truly open countryside land in both the wider 'gap' and the Policy 7 area does not visually include the appeal site, but is clear to the east and west beyond the farm buildings and garden-centre respectively, and to the north within the South Downs National Park area the swathe of open countryside is more coherent and is safeguarded separately by the National Park designation.

12. The site is within a predominantly developed area, bounded by built form and developed land. To the south is the recently extended parking, display and workshops/showrooms of the car dealership with residential uses to the south-east and south-west; to the west appears to be horticultural use although the Council Report does not refer to this, but there is a garden-centre on the A259 frontage to the west; to the north the Council Report refers to greenhouses and horticultural uses but the site inspection showed also some storage containers and a Certificate of Lawful Use or Development was granted in 2012 for storage; and to the east there is a farm, with some buildings near the mutual boundary.

13. The site is in what appears a limited use, with areas of open land where the glasshouses would have stood, as shown on the location plan extract, and a long low building running along much of the northern boundary that would have been associated with the formerly active horticultural use. Other areas are hardstanding and parking together with some temporary buildings. The impression is of unattractive and neglected land, the open nature of which does

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little to enhance the character and appearance of the area, the value of either the 'gap' or the aims of Policy 7.

14. The application is for B8 storage, described in the Use Classes Order as use for storage or as a distribution centre. The appellant gives details of the specific use connected with the car dealership to the south on the A259 frontage, the drawings, Design and Access Statement and the Grounds of Appeal all referring to 70 – 100 vehicles being stored preparatory to transfer to the dealership for sale. Whilst B8 use could entail storage of other items, the appellant's case is built around the more specific use described.

15. On that basis the storage of vehicles would be a low-level use, not able to be readily seen from the main road due to the existence of the flint wall retained in Appeal A, and would be hardly perceptible from viewpoints on Hangleton Lane or other ground level places nearby. The vehicles would be seen from the elevated viewpoints of the downs, but then in the context of the other development in the vicinity and more particularly the large area of car parking presently associated with the car dealership. Whilst the unattractive and unproductive nature of the existing land would appear vacant or open in those elevated views, the almost surrounding development would not allow it to contribute significantly to the setting of the downs or the designated Highdown Hill heritage asset, as sought in the Neighbourhood Plan. Use as proposed would not therefore undermine the reasons for the designation of either the National Park or the heritage asset and would not cause harm to either.

16. Similarly, the effect on the 'gap' designation would be limited due to the limited contribution that the site's almost vacant state makes to the perception of a there being a gap at or near the site. The settlements of Angmering and Worthing are kept apart by other land, and the use of the appeal site as proposed would not be seen as an encroachment of either vehicles or activity, or a consolidation of sporadic development.

17. Turning to Appeal B and the additional proposal to breach the flint wall and make the connection with the existing dealership for the movement of cars and transporters, this would open the site up more to view from the main road and the right-of-way that connects the bridleway on Hangleton Lane and the downs to residential areas south of the A259. Whilst the use of the site would hardly appear in views with the wall in place, the backdrop of more vehicles visible with the removal would visually enlarge the appearance of the dealership and car parking, adding to the significant frontage of car sales and parking alongside the buildings. The flint wall at present provides a pleasing vernacular boundary to the commercial premises and performs a useful role in containing through views. The loss of the wall in Appeal B would be contrary to the aims of good design in emerging Policy D DM1 and paragraph 56 of the Framework which states that the Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

18. To conclude on this main issue, the forgoing paragraphs have identified different levels of harm between the very limited effects of Appeal A and the more harmful Appeal B, added to which there remains the conflict with Policy GEN3 through being in the countryside and outside the built-up areas. However, Policy DEV8 provides for use such as this, in connection with a local

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firm, subject to criteria that will be explored further in the planning balance which follows.

Planning Balance

19. The car dealership has only recently benefitted from the grant of permission to extend to the corner of Hangleton Lane and the A259 and as such appears a thriving local business occupying a prominent sales position on a main through route. It is stated that new cars are presently stored on another site, having been received off of multi-car transporters, and are then ferried as and when required to the A259 site for handing over to the purchaser. It is said that this operation can involve 20 vehicle movements a day, and presumably the accompanying ferrying of drivers, adding to congestion and emissions. The appeal proposals would allow bulk delivery to the appeal site by transporter, the major part of that journey already occurring, but significantly less ferrying of individual vehicles and drivers. The result would be a reduction in congestion on the local roads and of emissions of greenhouse gases, in line with the aims of Framework paragraph 30.

20. There has been representation over the effect of transporter use of the junctions with the A259, but the highway authority has been reported in the Council Report as having given this proper consideration, including comment on the swept-path drawing supplied, forward visibility and the location of traffic lights nearby, so that any slight incursion into the second lane of the dual carriageway would be acceptable. It was noted at the site inspection that a large articulated lorry was emerging from the site on the west side of Hangleton Lane with no apparent difficulty.

21. Policy DEV8 provides for permission in the countryside for local firms, and such expansion here would have benefits to the viability of the business in avoiding wasteful activity. With regard to criterion (i) on alternatives, it appears clear that there is no alternative on the dealership site, otherwise the more distant site would not be in use. That other site is an alternative, but the balance lies in there being real advantages to both the local and global environment in storing more locally. The design in Appeal A would accord with criterion (ii)(a) on good design and (ii)(d) in its relationship with the built and natural environment. However, in Appeal B there is conflict with these latter two aims.

22. In the balance, the benefits of the proposal in Appeal A are such as to outweigh the limited effects and the conflict with the countryside policies of the 2003 Local Plan, having mind to the more up-to-date approach to rural matters in the Framework. The benefits in Appeal B are similar, but in this case there is additional harm which is not outweighed, even allowing for the additional benefit of the direct vehicle route through the boundary.

Conditions

23. The Council had not ticked the box on either Appeal Questionnaire to the effect that conditions were attached, and by letter dated 7 September 2015 informed the Planning Inspectorate that they would not be submitting a separate Statement, but would rely on the Officer's Report. That report in each case recommended refusal of the applications and so did not contain any conditions. That report did refer to the highway authority seeking a condition on the

ARUNDEL DISTRICT COUNCIL DEVELOPMENT CONTROL-27/01/2016

number and type of vehicle movements. The appellant has also referred to the acceptability of a condition covering hours of use.

24. With regard to traffic movements, this appears unregulated at present, but it is reasonable to seek control, although the appellant refers to an *average* of 1 transporter a day. In the event, some control would be exercised by the hours of operation and by the numbers of cars stored being limited by space, so as to safeguard the living conditions of neighbouring residential occupiers and the visual amenity of the area. A requirement for a scheme covering transporter deliveries would allow control of manoeuvring and access.

25. A condition is required limiting the use within B8 storage or distribution centre, in view of the particular reasons leading to the Decision in Appeal A and reliance on the provisions in Policy DEV8. In view of the existing planning use and nature of the site, a drainage scheme should be submitted to ensure any risks of fuel or oil run-off and additional hard areas are dealt with. Also, with reference to the rural policy designation of the area and the proximity of the National Park it is reasonable to seek control of any lighting, to ensure against light pollution.

26. Lastly a condition is required naming the drawings, because otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

Conclusions

27. The effects identified in respect of Appeal A are limited due to the nature of the land and its location, such that the benefits of the scheme outweigh the harm and the proposals accord with the aims of policies on energy saving and cutting emissions. The proposal is sustainable development with a positive economic role, through the benefits to local employment and economic activity; a social role of reducing congestion and vehicle movement in the built-up area improving health and well-being; and an environmental role for the same reasons together with using natural resources prudently. The provisions of Policy DEV8 are sufficiently accorded with to overcome the more general restrictions in Policy GEN3, when considered together with the more recent guidance on the countryside and the rural economy in the Framework.

28. However, in Appeal B the additional proposal to breach the flint wall would represent poor design, removing an attractive vernacular feature, and would risk opening-up the site to greater view, changing the balance of harm and benefits to the point that the proposal is unacceptable in its effects.

29. For the reasons given above it is concluded that Appeal A should be allowed and Appeal B should be dismissed.

S J Papworth

INSPECTOR

ARUNDEL DISTRICT COUNCIL DEVELOPMENT CONTROL-27/01/2016

Schedule of Conditions Appeal A, APP/C3810/W/15/3130468

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1555/200, 201 and 4582/SPA/203.

3) The use hereby approved shall not begin until details of drainage works have been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been put in place and made operative, and the scheme shall be retained as such thereafter.

4) The use hereby approved shall not begin until details of a scheme for the control of car transporter deliveries has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include numbers/frequency, and measures to ensure that transporters unload/load only within the site boundary and enter and leave the site in forward gear. Only the approved scheme of transporter deliveries shall be operated thereafter.

5) No external lighting shall be provided on the site other than has first been submitted to and approved in writing by the Local Planning Authority. Any scheme submitted is to include details of the times of operation and the control of light spillage.

6) The premises shall be used for the open storage of vehicles associated with the use of the car dealership premises adjacent, and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

7) No vehicle movements shall take place on the site and no deliveries taken at or despatched from the site outside the following times 0800hrs to 1800hrs Monday to Friday and not at any time on Sundays, Bank or Public Holidays.

ARUNDEL DISTRICT COUNCIL DEVELOPMENT CONTROL-27/01/2016

LOCATION: **Hangleton Nursery Hangleton Lane Ferring**

SUBJECT: **Change of use of land from agricultural/compost production to B8 storage. This application is a Departure from the Development Plan**

Planning Application Reference: FG/46/15/PL

Appeal Decision: Dismissed **Date:** 31 December 2015

Appeal Procedure: Written Representations

Application Decision: Refused **Date:** 10 June 2015

Decision Process: D C Committee

Original Officer Recommendation: Refuse

KEY ISSUES

The issues identified by the Inspector were the same as for FG/45/15/PL, but in this case he considered there was additional harm which was not outweighed, even allowing for the additional benefit of the direct vehicle route through the boundary. He concluded the additional proposal to breach the flint wall would represent poor design, removing an attractive vernacular feature, and would risk opening-up the site to greater view, changing the balance of harm and benefits to the point that the proposal was unacceptable in its effects.

APPLICATION FOR COSTS MADE/REASON

None

COSTS AWARDED

N/A

Background Papers: FG/46/15/PL

Contact: Mrs A Gardner

Telephone: 01903 737529

ARUNDEL DISTRICT COUNCIL DEVELOPMENT CONTROL-27/01/2016

Appeal Decisions

Site visit made on 1 December 2015

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 December 2015

Appeal A: APP/C3810/W/15/3130468
Hangleton Nursery, Hangleton Lane, Ferring, Worthing BN12 6PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Guy Storey GRS Architects Ltd against the decision of Arun District Council.
- The application Ref FG/45/15/PL, dated 25 February 2015, was refused by notice dated 10 June 2015.
- The development proposed is change of use of land from agricultural/compost production to B8 storage.

Appeal B: APP/C3810/W/15/3130471
Hangleton Nursery, Hangleton Lane, Ferring, Worthing BN12 6PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Guy Storey GRS Architects Ltd against the decision of Arun District Council.
- The application Ref FG/46/15/PL, dated 25 February 2015, was refused by notice dated 10 June 2015.
- The development proposed is change of use of land from agricultural/compost production to B8 storage.

Decision Appeal A

1. I allow the appeal and grant planning permission for change of use of land from agricultural/compost production to B8 storage at Hangleton Nursery, Hangleton Lane, Ferring, Worthing BN12 6PP in accordance with the terms of the application, Ref FG/45/15/PL, dated 25 February 2015, subject to conditions 1) to 7) on the attached schedule.

Decision Appeal B

2. I dismiss the appeal.

Main Issue

3. The applications were for the same change of use. Appeal A makes use only of the existing access onto Hangleton Lane, whereas in addition Appeal B provides for an access to the existing dealership and the A259 road, involving the removal of a flint wall between the two. Having regard to the Council's reasons for refusal, the main issue is:

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- In both Appeal A and Appeal B, the effect of the proposal on the character and appearance of the Ferring area and the aims of policies on the protection of the countryside and a defined gap between settlements with, in Appeal B only, the effect of the removal of the flint wall on these considerations.

Reasons

Policy and Preliminary Findings

4. Saved Policy GEN3 of the Arun Local Plan concerns the protection of the countryside which will be safeguarded for its own sake, with development not being permitted unless meeting the operational needs of agriculture, forestry minerals or waste; for recreation; the diversification of the rural economy; or essential road schemes; and with provision for specific uses or types of development referred to elsewhere in the Plan. The policy seeks to avoid the extension of isolated groups of buildings or the consolidation of linear or sporadic development. Policy DEV8 provides for local firms to be granted permission outside built-up areas provided (i) that there is no alternative on the existing site or existing commercial premises and (ii) that (a) the proposal accords with requirements on the standard of design and (d) concerning its relationship with the built and natural environment among other matters, these being the items referred to by the Council.

5. The emerging Local Plan contains Policy C SP1 similar to GEN3 above; Policy D DM1 setting out aspects of form and design quality and referred to only in connection with the refusal notice to Appeal B; Policy SD SP3 listing gaps such as between Angmering and Worthing as referred to in the reasons for refusal, and the circumstance under which development would be permitted, including that it cannot be located elsewhere and the effect on the separation of settlements; and Policy EMP DM1 on the development management of employment land, stating at part 6 how planning permission will be granted to local firms proposing development on sites outside the built-up area, similar to Policy DEV8, and including at h. that the site is not within a gap between settlements.

6. The Ferring Parish Neighbourhood Plan 2014 – 2029 has been 'made' and is part of the Development Plan. The Proposal Map shows the appeal site to be in an area hatched as 'Land north of Littlehampton Road. This states the encouragement of existing rural business and that *'the Neighbourhood Plan will support:'* followed by statements as to expectations and outcomes and ending with the statement that *'the Neighbourhood Plan will resist any proposals for a change of use from an established agricultural, horticultural or equine use or any other unrelated uses'* although the significance of the last four words is not explained. The supporting text describes the land in question as being between the A259 and the boundary of the South Downs National Park, and that the policy enables the effective protection of the Park and the designated Highdown Hill heritage asset. The land is considered to be primarily open countryside forming the lower, south facing slope of Highdown Hill, an integral part of the landscape character and setting.

7. The National Planning Policy Framework states a presumption in favour of sustainable development, setting out the three dimensions of that at paragraph 7. Section 1 seeks to build a strong, competitive economy and section 3 supports a prosperous rural economy, including supporting the sustainable

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growth and expansion of all types of business and enterprise in rural areas. Paragraph 30 in section 4 on sustainable transport encourages solutions which support reductions in greenhouse gas emissions and reduce congestion.

8. The appellant puts forward the view that the use of the site could well be lawful by the passage of time and the site being used for storage since the nursery closed in 2000. There is no evidence of a Certificate of Lawful Use or Development having been applied for, and the lawful use of the site for the purposes of this s78 Appeal has to be taken as being horticulture as stated in the Council's Report.

Character and Appearance

9. In policy terms the site is within the countryside, being outside the defined built-up area. The Neighbourhood Plan describes the land north of the A259 as *'primarily open countryside'* although it is noted that the area covered by that Plan is a relatively narrow part of the land lying north of the A259 with the appeal site on the western edge, and consideration must be given to the situation beyond that Plan's boundary.

10. Looking further along the land north of the A259, taken between the two roundabouts, there is more evidence of open countryside and views of the downs, and it is clear from visiting the site that reverse views from the downs would be available over the coastal plain and including the appeal site. The emerging 'gap' policy SD SP3 seeks to protect gaps in order to maintain a 'sense of place' for settlements, as countryside and landscape considerations have their own policies, as they do in the adopted, but dated, Local Plan. Outside of the Neighbourhood Plan Policy 7 area and the suggested 'gap', there is on the south side of the A259 the sizeable parking and buildings of a supermarket and a site for housing presently being developed.

11. As a result, the truly open countryside land in both the wider 'gap' and the Policy 7 area does not visually include the appeal site, but is clear to the east and west beyond the farm buildings and garden-centre respectively, and to the north within the South Downs National Park area the swathe of open countryside is more coherent and is safeguarded separately by the National Park designation.

12. The site is within a predominantly developed area, bounded by built form and developed land. To the south is the recently extended parking, display and workshops/showrooms of the car dealership with residential uses to the south-east and south-west; to the west appears to be horticultural use although the Council Report does not refer to this, but there is a garden-centre on the A259 frontage to the west; to the north the Council Report refers to greenhouses and horticultural uses but the site inspection showed also some storage containers and a Certificate of Lawful Use or Development was granted in 2012 for storage; and to the east there is a farm, with some buildings near the mutual boundary.

13. The site is in what appears a limited use, with areas of open land where the glasshouses would have stood, as shown on the location plan extract, and a long low building running along much of the northern boundary that would have been associated with the formerly active horticultural use. Other areas are hardstanding and parking together with some temporary buildings. The impression is of unattractive and neglected land, the open nature of which does

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little to enhance the character and appearance of the area, the value of either the 'gap' or the aims of Policy 7.

14. The application is for B8 storage, described in the Use Classes Order as use for storage or as a distribution centre. The appellant gives details of the specific use connected with the car dealership to the south on the A259 frontage, the drawings, Design and Access Statement and the Grounds of Appeal all referring to 70 – 100 vehicles being stored preparatory to transfer to the dealership for sale. Whilst B8 use could entail storage of other items, the appellant's case is built around the more specific use described.

15. On that basis the storage of vehicles would be a low-level use, not able to be readily seen from the main road due to the existence of the flint wall retained in Appeal A, and would be hardly perceptible from viewpoints on Hangleton Lane or other ground level places nearby. The vehicles would be seen from the elevated viewpoints of the downs, but then in the context of the other development in the vicinity and more particularly the large area of car parking presently associated with the car dealership. Whilst the unattractive and unproductive nature of the existing land would appear vacant or open in those elevated views, the almost surrounding development would not allow it to contribute significantly to the setting of the downs or the designated Highdown Hill heritage asset, as sought in the Neighbourhood Plan. Use as proposed would not therefore undermine the reasons for the designation of either the National Park or the heritage asset and would not cause harm to either.

16. Similarly, the effect on the 'gap' designation would be limited due to the limited contribution that the site's almost vacant state makes to the perception of a there being a gap at or near the site. The settlements of Angmering and Worthing are kept apart by other land, and the use of the appeal site as proposed would not be seen as an encroachment of either vehicles or activity, or a consolidation of sporadic development.

17. Turning to Appeal B and the additional proposal to breach the flint wall and make the connection with the existing dealership for the movement of cars and transporters, this would open the site up more to view from the main road and the right-of-way that connects the bridleway on Hangleton Lane and the downs to residential areas south of the A259. Whilst the use of the site would hardly appear in views with the wall in place, the backdrop of more vehicles visible with the removal would visually enlarge the appearance of the dealership and car parking, adding to the significant frontage of car sales and parking alongside the buildings. The flint wall at present provides a pleasing vernacular boundary to the commercial premises and performs a useful role in containing through views. The loss of the wall in Appeal B would be contrary to the aims of good design in emerging Policy D DM1 and paragraph 56 of the Framework which states that the Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

18. To conclude on this main issue, the forgoing paragraphs have identified different levels of harm between the very limited effects of Appeal A and the more harmful Appeal B, added to which there remains the conflict with Policy GEN3 through being in the countryside and outside the built-up areas. However, Policy DEV8 provides for use such as this, in connection with a local

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firm, subject to criteria that will be explored further in the planning balance which follows.

Planning Balance

19. The car dealership has only recently benefitted from the grant of permission to extend to the corner of Hangleton Lane and the A259 and as such appears a thriving local business occupying a prominent sales position on a main through route. It is stated that new cars are presently stored on another site, having been received off of multi-car transporters, and are then ferried as and when required to the A259 site for handing over to the purchaser. It is said that this operation can involve 20 vehicle movements a day, and presumably the accompanying ferrying of drivers, adding to congestion and emissions. The appeal proposals would allow bulk delivery to the appeal site by transporter, the major part of that journey already occurring, but significantly less ferrying of individual vehicles and drivers. The result would be a reduction in congestion on the local roads and of emissions of greenhouse gases, in line with the aims of Framework paragraph 30.

20. There has been representation over the effect of transporter use of the junctions with the A259, but the highway authority has been reported in the Council Report as having given this proper consideration, including comment on the swept-path drawing supplied, forward visibility and the location of traffic lights nearby, so that any slight incursion into the second lane of the dual carriageway would be acceptable. It was noted at the site inspection that a large articulated lorry was emerging from the site on the west side of Hangleton Lane with no apparent difficulty.

21. Policy DEV8 provides for permission in the countryside for local firms, and such expansion here would have benefits to the viability of the business in avoiding wasteful activity. With regard to criterion (i) on alternatives, it appears clear that there is no alternative on the dealership site, otherwise the more distant site would not be in use. That other site is an alternative, but the balance lies in there being real advantages to both the local and global environment in storing more locally. The design in Appeal A would accord with criterion (ii)(a) on good design and (ii)(d) in its relationship with the built and natural environment. However, in Appeal B there is conflict with these latter two aims.

22. In the balance, the benefits of the proposal in Appeal A are such as to outweigh the limited effects and the conflict with the countryside policies of the 2003 Local Plan, having mind to the more up-to-date approach to rural matters in the Framework. The benefits in Appeal B are similar, but in this case there is additional harm which is not outweighed, even allowing for the additional benefit of the direct vehicle route through the boundary.

Conditions

23. The Council had not ticked the box on either Appeal Questionnaire to the effect that conditions were attached, and by letter dated 7 September 2015 informed the Planning Inspectorate that they would not be submitting a separate Statement, but would rely on the Officer's Report. That report in each case recommended refusal of the applications and so did not contain any conditions. That report did refer to the highway authority seeking a condition on the

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number and type of vehicle movements. The appellant has also referred to the acceptability of a condition covering hours of use.

24. With regard to traffic movements, this appears unregulated at present, but it is reasonable to seek control, although the appellant refers to an *average* of 1 transporter a day. In the event, some control would be exercised by the hours of operation and by the numbers of cars stored being limited by space, so as to safeguard the living conditions of neighbouring residential occupiers and the visual amenity of the area. A requirement for a scheme covering transporter deliveries would allow control of manoeuvring and access.

25. A condition is required limiting the use within B8 storage or distribution centre, in view of the particular reasons leading to the Decision in Appeal A and reliance on the provisions in Policy DEV8. In view of the existing planning use and nature of the site, a drainage scheme should be submitted to ensure any risks of fuel or oil run-off and additional hard areas are dealt with. Also, with reference to the rural policy designation of the area and the proximity of the National Park it is reasonable to seek control of any lighting, to ensure against light pollution.

26. Lastly a condition is required naming the drawings, because otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

Conclusions

27. The effects identified in respect of Appeal A are limited due to the nature of the land and its location, such that the benefits of the scheme outweigh the harm and the proposals accord with the aims of policies on energy saving and cutting emissions. The proposal is sustainable development with a positive economic role, through the benefits to local employment and economic activity; a social role of reducing congestion and vehicle movement in the built-up area improving health and well-being; and an environmental role for the same reasons together with using natural resources prudently. The provisions of Policy DEV8 are sufficiently accorded with to overcome the more general restrictions in Policy GEN3, when considered together with the more recent guidance on the countryside and the rural economy in the Framework.

28. However, in Appeal B the additional proposal to breach the flint wall would represent poor design, removing an attractive vernacular feature, and would risk opening-up the site to greater view, changing the balance of harm and benefits to the point that the proposal is unacceptable in its effects.

29. For the reasons given above it is concluded that Appeal A should be allowed and Appeal B should be dismissed.

S J Papworth

INSPECTOR

ARUNDEL DISTRICT COUNCIL DEVELOPMENT CONTROL-27/01/2016

Schedule of Conditions Appeal A, APP/C3810/W/15/3130468

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1555/200, 201 and 4582/SPA/203.

3) The use hereby approved shall not begin until details of drainage works have been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been put in place and made operative, and the scheme shall be retained as such thereafter.

4) The use hereby approved shall not begin until details of a scheme for the control of car transporter deliveries has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include numbers/frequency, and measures to ensure that transporters unload/load only within the site boundary and enter and leave the site in forward gear. Only the approved scheme of transporter deliveries shall be operated thereafter.

5) No external lighting shall be provided on the site other than has first been submitted to and approved in writing by the Local Planning Authority. Any scheme submitted is to include details of the times of operation and the control of light spillage.

6) The premises shall be used for the open storage of vehicles associated with the use of the car dealership premises adjacent, and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

7) No vehicle movements shall take place on the site and no deliveries taken at or despatched from the site outside the following times 0800hrs to 1800hrs Monday to Friday and not at any time on Sundays, Bank or Public Holidays.

ARUNDEL DISTRICT COUNCIL DEVELOPMENT CONTROL-27/01/2016

LOCATION: **Willowbank Cottages The Poplars Littlehampton**

SUBJECT: **Variation of condition 3 imposed under planning reference LU/203/13/ to enable the reorientation of plots 5 & 6.**

Planning Application Reference: LU/106/15/PL

Appeal Decision: Allowed+Conditions **Date:** 24 December 2015

Appeal Procedure: Written Representations

Application Decision: Refused **Date:** 16 July 2015

Decision Process: Delegated

Original Officer Recommendation: Refuse

KEY ISSUES

The main issue in this case was whether the living conditions of the occupiers of the proposed new dwellings would be unduly adversely affected as a consequence of the working of the nearby sewage pumping station. This application related to all 6 plots at the application site.

Southern Water had maintained an objection to the applications on the grounds of vibration, noise and potential odour. This was notwithstanding a recent planning permission LU/203/13/ with plots 1 to 4 in the same location and therefore with the same relationship as they were proposed in the application the subject of this appeal. Southern Water did not object to LU/203/13/, but wished to maintain its objection to the appeal application. Southern Water (SW) is a Statutory Consultee and as such its comments must carry considerable weight as a material consideration. The application was refused for the following reason:

By proposing to site plots 1, 2 & 3 within 15 metres of an existing Southern Water pumping station the plots would be unacceptably affected by vibration, noise and potential odour generated by the pumping station in conflict with policies GEN7, GEN32 and GEN34 of the Adopted Arun District Local Plan 2003 and policy QE SP1, QE DM1 and QE DM3 of the Emerging Arun Local Plan 2011-2013.

The Inspector noted the planning history and the previous recent planning permission. The Inspector also noted a previous noise report which indicated that disturbance from the pumping station as a result of noise and vibration would be limited. The Inspector also noted that the Council had more recently granted under LU/239/15/PL planning permission for the re-siting of plots 5 and 6 which are further away from the pumping station.

The Inspector concluded that whilst Plots 1 to 3 are situated near to the existing pumping station, the appeal scheme would not result in any change to the dwellings at Plots 1 to 3 in terms of what had been previously permitted. Further, that the appellant's survey evidence indicated that disturbance from the pumping station as a result of noise and vibration would be limited and the Inspector therefore concluded that the appeal should be allowed.

APPLICATION FOR COSTS MADE/REASON

An application for an award of costs was made on the grounds of unreasonable behaviour.

The Inspector concluded that had the Council consulted the applicant regarding Southern Water's objections, the applicant would have had the opportunity to bring an Assessment of Environmental Noise to the Council's attention. In the Inspector's view this may have contributed towards the

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Council deciding not to refuse planning permission, avoiding the need for an appeal. He considered that the Council's failure to consult the applicant, having already indicated that planning permission would be granted, was in these particular circumstances unreasonable.

It should be noted that Southern Water insisted on maintaining its objection notwithstanding officer advice that refusal was not likely to be sustainable given the planning history of the site and the recent planning permission. This position would not have changed should Southern Water have been approached by the applicant with the Noise Report. The Council was not in a position to disagree with Southern Water since they are a Statutory Consultee whose comments carry considerable weight.

The Inspector concluded that the cumulative effect of the Council's actions amounted to unreasonable behaviour and the applicant's need to take this matter to appeal could reasonably have been avoided had the Council taken a more consistent approach in reaching its decision and or consulted with the applicant. The Inspector found unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

COSTS AWARDED

The costs Award is for the Full Costs of the Appeal Proceedings.

Southern Water were previously made aware that this Council would look to Southern Water to be responsible for any costs award should the appeal be allowed and an award made.

Background Papers: LU/106/15/PL

Contact: Ross Leal

Telephone: 01903 737593

The Planning Inspectorate

Appeal Decision

Site visit made on 6 November 2015

by J A B Gresty MA MRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 December 2015

Appeal Ref: APP/C3810/W/15/3130650
Willowbank Cottages, The Poplars, Littlehampton, West Sussex BN17 6GZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Hargreaves Residential Developments Ltd against the decision of Arun District Council.
- The application Ref LU/106/15/PL, dated 20 March 2015, was refused by notice dated 16 July 2015.
- The application sought planning permission for a variation of Condition 3 following a grant of Planning Permission LU/203/13 to alter the list of approved drawings comprising relocation of 2 No garages forming part of the approved development, together with minor consequential amendments, without complying with a condition attached to outline planning permission Ref: LU/125/14/PL, dated 26 June 2014.
- The condition in dispute is No 3 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans:*
  Location Plan 023 001 L01 A
  Site Layout Plan 023 001 100C
  Floor Plans Plots 1-4 023 001 200A
  Floor and Roof Plans Plots 1-4 023 001 201A
  Floor and Roof Plans Plots 5 and 6 023 001 202
  Elevations Plots 1 to 4 023 001 300A
  Elevations and Sections Plots 1 to 4 023 001 301A
  Elevations and Sections Plots 5 and 6 023 001 302
  Site and Open Space Areas plan 023 001 101A
  Garage Elevations 023 001 303
- The reason given for the condition is: *For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.*

Application for Costs

1. An application for costs was made by Hargreaves Residential Developments Ltd against Arun District Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and outline planning permission is granted for a variation of Condition 3 following a grant of Planning Permission LU/203/13 to alter the list of approved drawings comprising relocation of 2 No garages forming part of the approved development, together with minor consequential amendments at Willowbank Cottages, The Poplars, Littlehampton, West Sussex BN17 6GZ in accordance with the application Ref LU/106/15/PL, dated 20 March 2015,

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without compliance with condition number 3 previously imposed on outline planning permission Ref: LU/125/14/PL, dated 26 June 2014, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:

(11) The development hereby permitted shall be carried out in accordance with the following approved plans dated 17.03.15:

Location Plan 023-001 L01 B
Plots 1 to 4 Second Floor & Roof Plans 023 001 201 D
Plots 1 − 4 East and West Elevations 023 001 300 C
Plots 5 to 6 Ground & First Floor Plans 023 001 202 E
Plots 1 & 4 End Elevations 023 001 301 C
Plots 5 to 6 Second Floor & Roof Plan 023 001 203 D
Plots 1 to 4 Ground & First Floor Plans 023 001 200 D
Plots 5 and 6 Elevations 023 001 302 D
Site Area Plan 023 001 101 B
Site Layout Plan 023 001 100 E
Garage Elevations (Pair of garages. Plots 1 & 2) 023 001 303 B

Main Issue

3. The main issue in this case is whether the living conditions of the occupiers of the proposed new dwellings would be unduly adversely affected as a consequence of the working of the nearby sewage pumping station.

Reasons

4. The appeal concerns the construction of six new houses on a new length of cul-de-sac on the edge of a larger area of residential development. Outline planning permission was given for the six house development on 4 November 2013, Ref LU/203/13/. A subsequent amendment to the plans to alter the position of two garages was made on 26 June 2014, Ref LU/125/14/PL. Development of the site is well under way, including the houses at Plots 1 to 4 which are substantially complete to floor slab level and a metalled access road has been built. However, it has become apparent to the appellant that under the approved scheme two of the proposed dwellings, Plots 5 and 6, would be situated too close to an underground mains sewer. The appellant now seeks permission to reorient Plots 5 and 6 so that the buildings would not impinge on the line of the sewer. To facilitate the repositioning of the two houses, a slight repositioning of the garage at the neighbouring house, Plot 4, is also proposed.

5. Except for the relocation of Plots 5 and 6 and Plot 4's garage, and a slightly larger area of public open space to the rear of Plots 5 and 6, the development would be largely unchanged. The Council considers that the changes to Plots 4, 5 and 6 would be in keeping with the character and appearance of the area and that it would accord with saved Policies GEN7, GEN32 and GEN34 of the Arun District Local Plan (LP). In this respect the proposed changes to the approved plans listed in Condition 3 would be reasonable and would accord with the tests listed in paragraph 206 of the National Planning Policy Framework (the Framework).

6. The Council refused permission for the proposed variation of the plans on the grounds that Plots 1 to 3 would be too close to the existing mains sewer

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pumping station and that these dwellings would not provide adequate living conditions for the occupiers of the new dwellings as a result of disturbance from noise, vibration and odours from the pumping station. In these respects the Council holds that the development would be contrary to the aims of saved LP Policies GEN7, GEN32 and GEN34. However, the proposed changes of layout do not include any alteration to Plots 1 to 3 and the appeal scheme would not result in any change in circumstance of the future occupiers of the dwellings at Plots 1 to 3 with regard to the pumping station.

7. The appellant's Assessment of Environmental Noise, dated 15 June 2012, identified that noise from the pumping station was not audible in the adjoining plots. Whilst there may be occasions when operations are carried out at the pumping station which would result in short-term noise and disturbance, the survey evidence indicates that the proximity of Plots 1 to 4 to the pumping station would not be reason to dismiss the appeal.

8. The matter of potential odours from the pumping station has not been addressed by the appellant. However, the appeal scheme would not result in any material change in the development of Plots 1 to 3 and as the matter of odour was not considered as a significant adverse factor by the Council or consultees when considering the granting of the extant planning permissions, I consider that the effect of odours on the living conditions of the occupiers of Plots 1 to 3 would not be sufficient reason alone to dismiss the appeal.

9. On 22 October 2015 the Council granted planning permission, Ref LU/239/15/PL, for construction of two dwellings and a garage which would appear to have a more or less identical layout to that of the dwellings at Plots 5 and 6, and the garage on Plot 4, proposed under the appeal scheme. This demonstrates clearly that the Council considers the material changes to the development which would result from the proposed change of approved plans sought by this appeal would accord with the aims of LP Policies GEN7, GEN32 and GEN34.

Planning Obligation

10. A planning obligation for contribution towards provision of affordable housing and provision open space was completed with regard to planning permission LU/125/14/PL and the financial contribution towards affordable housing has been paid. The appellant has provided a revised obligation, dated 26 May 2015, to reflect the modest change in the area of public open space and the payment of the contribution towards affordable housing already made.

11. Planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related to the scale and kind of development. I confirm that the obligation dated 26 May 2015 accords with the requirements of Framework paragraph 204.

Other Matter

12. The Council refers to policies from the Emerging Arun Local Plan 2011−2031. It is not clear how far this development plan document has got in the adoption process and I attach limited weight to it in considering this appeal.

ARUN DISTRICT COUNCIL DEVELOPMENT CONTROL-27/01/2016

Conclusion

13. I concur with the Council that the design and positions of the dwellings at Plots 5 and 6, and the proposed garage at Plot 4, would be in keeping with the character and appearance of the local area and would accord with development plan policies. Whilst Plots 1 to 3 are situated near to an existing pumping station, the appeal scheme would not result in any change to the dwellings at Plots 1 to 3. Further, the appellant's survey evidence indicates that disturbance from the pumping station as a result of noise and vibration would be limited. Therefore, for the above reasons, I conclude that the appeal should be allowed.

Conditions

14. In practical terms the development, of which the proposed change of location of Plots 5 and 6 forms part, is partly constructed and it is reasonable to assume that the reserved matters for the extant permissions have been approved. However, notwithstanding that the Council has proposed a limited list of conditions to be attached to the appeal scheme, it is unclear from the evidence presented which conditions of planning permission Ref: LU/125/14/PL, dated 26 June 2014 remain capable of taking effect. Therefore, for the sake of completeness and to ensure that the development is carried out as intended, I impose the same conditions contained in planning permission Ref: LU/125/14/PL, dated 26 June 2014, except for Condition 3 which is the subject of this appeal. I impose a further condition, number 11, requiring the development to be completed in accordance with the revised plans.

J A B Gresty

INSPECTOR

ARIDBSTRICTCOUNCIL DEVELOPMENT CONTROL-27/01/2016

The Planning Inspectorate

Costs Decision

Site visit made on 6 November 2015

by J A B Gresty MA MRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 December 2015

Costs application in relation to Appeal APP/C3810/W/15/3130650 Willowbank Cottages, The Poplars, Littlehampton, West Sussex BN17 6GZ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Hargreaves Residential Developments Ltd for a full award of costs against Arun District Council.
- The appeal was made against the refusal of grant of planning permission for a variation of Condition 3 following a grant of Planning Permission LU/203/13 to alter the list of approved drawings comprising relocation of 2 No garages forming part of the approved development, together with minor consequential amendments, without complying with a condition attached to outline planning permission Ref: LU/125/14/PL, dated 26 June 2014.

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. It took the Council some 15 weeks or so to issue its decision following acceptance of the planning application. Whilst this was longer than the target time scale for such applications, evidence has not been presented to indicate that the time taken by the Council to consider the application would have resulted in the applicant incurring unnecessary or wasted expense in its appeal.

4. One of the reasons for the time taken by the Council to issue a decision was its need to assess Southern Water's objections to the proposal. As a consequence of Southern Water's objections, the Council reversed its intended decision to grant planning permission without seeking to consult the applicant. The Council's refusal of planning permission was at odds with the extant planning permissions, references LU/203/13/ and LU/125/14/PL. In view of the site's planning history and the weight the Council attached to Southern Water's objections, it would have been reasonable for the applicant to have been consulted.

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5. The applicant has at appeal provided an extract of its Assessment of Environmental Noise, dated 15 June 2012, which refers to the issues of noise and disturbance raised by Southern Water. Had the Council consulted the applicant regarding Southern Water's objections, the applicant would have had the opportunity to bring the Assessment of Environmental Noise to the Council's attention. In my view this may have contributed towards the Council deciding not to refuse planning permission, avoiding the need for an appeal. I consider that the Council's failure to consult the applicant, having already indicated that planning permission would be granted, was in these particular circumstances unreasonable.

6. The Planning Practice Guidance advises that failure to grant planning permission for a scheme that is the subject of an extant permission where there is no material change in circumstances risks an award of costs against a Council. The appeal site is subject to two extant permissions and the proposed scheme would have resulted in no material change to the dwellings which the Council considered would be affected by the pumping station. Similarly, there would be no material change to the sewage pumping station and the dwellings on Plots 5 and 6, which were the subject of the main changes to the plans sought by the applicant, were judged by the Council to be unaffected by the pumping station. Whilst it was reasonable for the Council to consider Southern Water's objections, in view of the actual changes to the development which the applicant sought, the Council's decision was inconsistent with respect to the extant planning permissions.

7. Following lodging of the appeal, the Council granted planning permission for a pair of semi-detached houses on garages on Plots 5 and 6, Ref: LU/239/15/PL, dated 22 October 2015. This in effect resulted in permission for the change of plans which the applicant sought in the appeal scheme. This demonstrates that the Council did not object to the proposed changes to the plans sought by the appeal scheme and is a further indication of an inconsistency of assessment of the development proposals.

8. The decision to grant or refuse planning permission rests with the local planning authority. In this case, it appears that the Council did not take adequate account of the extant planning permissions, the fact that the proposed changes to Plots 5 and 6 would have no bearing on the effect of the pumping station with regards to Plots 1 to 3 and that the applicant's own technical report indicated that noise from the pumping station would not adversely affect the living conditions of the occupiers of the development. Had the Council consulted the applicant following Southern Water's objections, the appeal could have been avoided.

9. The Council considers that the applicant need not have submitted its appeal because permission for the changes sought would be granted, as per planning permission Ref LU/239/15/PL. However, it was reasonable for the appellant to protect its position by submitting an appeal. Therefore, I attach limited weight to the Council's contention in this respect.

10. In practical terms, the applicant sought to change the layout of Plots 5 and 6 only and the remainder of the approved development, would remain unchanged. Therefore, on balance and for the above reasons, I conclude that the cumulative effect of the Council's actions amount to unreasonable

ARUNDEL DISTRICT COUNCIL DEVELOPMENT CONTROL-27/01/2016

behaviour and the applicant's need to take this matter to appeal could reasonably have been avoided had the Council taken a more consistent approach in reaching its decision and or consulted with the applicant. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Arun District Council shall pay to Hargreaves Residential Developments Ltd, the costs of the appeal proceedings; such costs to be assessed in the senior Courts Costs Office is not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.

12. The applicant is now invited to submit to the body awarded against, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

J A B Gresty

INSPECTOR

ARUNDISTRICTCOUNCIL-DEVELOPMENTCONTROL-27/01/2016

LOCATION: **Stakers Farm North End Road Yapton**

SUBJECT: **Prior notification under Class MB for change of use of agricultural building to 2 No. dwellings (Use Class C3)**

Planning Application Reference: Y/108/14/PD

Appeal Decision: Dismissed **Date:** 10 December 2015

Appeal Procedure: Written Representations

Application Decision: Objection **Date:** 12 February 2015

Decision Process: Delegated

Original Officer Recommendation: Objection

KEY ISSUES

The main issue was whether the proposed change of use complies with the conditions relating to Class Q(a) development as set out in paragraph Q.2(1) of the GPDO, having particular regard to whether the location of the proposed dwelling would be impractical or undesirable.

Although the Inspector did not consider the location to be impractical, he did consider that the change of use would be undesirable on the grounds that the dwellings front onto an access-way frequently used by a commercial equestrian use. This would pose a safety issue to the future occupants of the dwellings. There was also concern as to the potential for the future use of the neighbouring agricultural building as a grain store or the potential reinstatement of an agricultural use on the adjoining property with similar safety issues.

APPLICATION FOR COSTS MADE/REASON

None.

COSTS AWARDED

N/A.

Background Papers: Y/108/14/PD

Contact: Mr S Davis

Telephone: 01903 737874

The Planning Inspectorate

Appeal Decision

Site visit made on 3 November 2015

by Roger Catchpole Dip Hort BSc (Hons) PhD MCIEEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 December 2015

Appeal Ref: APP/C3810/W/15/3029779
Stakers Farm, North End Road, Yapton, West Sussex BN18 0DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- The appeal is made by Mr DW Langmead against the decision of Arun District Council.
- The application Ref Y/108/14/PD, dated 18 December 2014, was refused by notice dated 12 February 2015.
- The development proposed is a change of use from agricultural buildings to two dwellings (C3 Use Class).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision, the Town & Country (General Permitted Development) Order 1995 (as amended) was superseded by the Town & Country (General Permitted Development) (England) Order 2015 (the GPDO), which came into effect on 15 April 2015. Consequently, the former Class MB enabling conversion of agricultural buildings to dwelling houses has become Class Q. The new, consolidated GPDO at Class Q does not introduce any new criteria or limitations and as such the Council's decision references to Class MB readily transfer to the same references under the new Class Q.

3. Class Q of Schedule 2 of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to use falling within Class C3 (dwellinghouses) ("Class Q(a) development"). Additionally, Class Q permits building operations reasonably necessary to convert the building to a Class C3 use ("Class Q(b) development"). Paragraph Q.1 sets out specific circumstances under which development is not permitted and paragraph Q.2 sets out conditions applying variously to Q(a) and Q(b) development.

4. The Council have accepted that none of the exclusion criteria, as set out in paragraph Q.1 of the GPDO, apply nor have they disputed the acceptability of the proposed Q(b) development of the existing buildings. After careful consideration of the facts I am inclined to agree. Consequently, this appeal shall focus on whether or not the change of use would comply with the necessary conditions.

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5. Sections of the Planning Practice Guidance 2014 (as amended) (PPG) relating to permitted development rights for change of use of agricultural buildings were revised on 5 March 2015. It is clear from the evidence before me that both parties are aware of these changes.

6. The appellant has modified the description of development on the appeal form. As this more accurately reflects the nature of the proposal and is not disputed by the Council, I have used it for the purposes of this appeal.

Main Issue

7. The main issue is whether the proposed change of use complies with the conditions relating to Class Q(a) development as set out in paragraph Q.2(1) of the GPDO, having particular regard to whether the location of the proposed dwelling would be impractical or undesirable.

Reasons

8. The appeal site is a steel frame grain store that includes a limited area of curtilage at the front and to the rear of the building. It is one of three closely situated agricultural buildings that are in the same ownership which face onto a hard-surfaced farm yard. A further agricultural building, an indoor ménage, lies a short distance to the north west. This is associated with stables and a nearby dwelling that lie a short distance to the south east of the appeal site, near the main access point onto the B2132. All of these buildings are in a different ownership. Consequently, the area immediately in front of the appeal site is required for regular access to the indoor ménage, dung heap and nearby paddocks. The proposed change of use would demolish the smaller, adjoining agricultural building but retain the one closest to the indoor ménage for which an unspecified alternative agricultural use will be sought.

9. The PPG advises that 'impractical' and 'undesirable' are not defined in the regulations and that a reasonable, ordinary dictionary meaning should be applied in decision-making when a change to residential use is being considered. It makes clear that impractical means that the location and siting would "not be sensible or realistic" and that undesirable means that it would be "harmful or objectionable". Bearing in mind the proximity of other residential development and access to local services that I observed during my site visit, I do not find that the location would be 'impractical'.

10. However, I find that the change of use would nevertheless be 'undesirable'. This is because the area immediately in front of the building would remain in use with the regular passage of farm machinery and horses associated with the neighbouring landowner. This would pose a significant safety issue for the future occupants of the proposed dwellings that would not be mitigated by the suggested enclosure. This is because passing machinery and horses would have less room to manoeuvre if a car or pedestrian were to suddenly emerge.

11. Moreover, whilst I accept that the appellant no longer intends to use the remaining building as a grain store or the farmyard to store equipment there is nothing to stop this from happening in the future in the event that the site is sold. Similarly, if the neighbouring land is sold there is nothing to stop the reinstatement of productive agriculture and an associated increase in the intensity of use of the farmyard. Even if this were not to occur the potential

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harm to the safety of future occupants would nevertheless remain from the daily movements of horses and machinery.

Other Matter

12. The appellant is of the opinion that the Council failed to determine the application within the necessary time limit as set from the point at which the application is validated, as required by paragraph W11(c) of Schedule 2 of the GPDO. In such circumstances case law[1] has established that permission is deemed to be granted and the development can go ahead. The parties agree that the application was validated on the 18 December 2014. The Council's decision notice is dated 12 February 2015 and the appellant has stated that the decision was issued on that date at 16:34. The parties have since confirmed that notification of the decision occurred on the 12 February 2015. As this was on the 56th day I am satisfied that the application was determined within the statutory time limit.

13. The appellant has relied upon a previous Inspector's decision (Ref APP/Z3825/A/14/2224715) to suggest that a precedent exists for a shorter time limit. However, whilst such decisions are a material consideration in planning decisions they do not set legal precedent. Consequently, I have determined this appeal on its individual merits with careful regard to the time limits as defined in the GPDO.

Conclusion

14. For the reasons given above I conclude that the proposal would fail to comply with the necessary conditions and that the appeal should therefore be dismissed.

Roger DJ Catchpole

INSPECTOR

[1] Murrell v SSCLG [2010] EWCA Civ 1367

ARUNDEL DISTRICT COUNCIL DEVELOPMENT CONTROL-27/01/2016

LOCATION: **The Old Coal Yard North End Road Yapton**

SUBJECT: **Construction of 4No. houses with associated landscaping & parking. This application is a Departure from the development plan**

Planning Application Reference: Y/12/15/PL

Appeal Decision: Dismissed **Date:** 03 December 2015

Appeal Procedure: Written Representations

Application Decision: Refused **Date:** 26 May 2015

Decision Process: Delegated

Original Officer Recommendation: Refuse

KEY ISSUES

The main issue was whether the proposed development would comply with development plan policies with regard to development outside the built-up area and accordingly represent sustainable development as sought by the National Planning Policy Framework.

The Inspector did consider that the scheme would be in keeping with the character & appearance of the neighbouring residential development, would result in a tidying up of the site, would make use of previously developed land and would make a modest contribution towards the supply of new housing in the district. However, the Inspector also considered that due to the location of the site, the occupiers of the new houses would be highly reliant on private vehicle use. The Inspector also noted the similarities between the site and a site discounted as part of the YNP process in that its development would reinforce existing ribbon development in this part of the parish with little prospect of achieving sustainable, well planned development.

The Inspector therefore concluded that the development would not comply with development plan policies and it would not represent sustainable development as sought by the NPPF.

APPLICATION FOR COSTS MADE/REASON

None.

COSTS AWARDED

N/A.

Background Papers: Y/12/15/PL

Contact: Mr S Davis

Telephone: 01903 737874

ARUNDISTRICTCOUNCIL-DEVELOPMENTCONTROL-27/01/2016

The Planning Inspectorate

Appeal Decision

Site visit made on 6 November 2015

by J A B Gresty MA MRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 December 2015

Appeal Ref: APP/C3810/W/15/3087240
The Old Coal Yard, North End Road, Yapton, West Sussex BN18 0ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Stephen Crossley against the decision of Arun district Council.
- The application Ref Y/12/15/PL, dated 27 June 2014, was refused by notice dated 26 May 2015.
- The development proposed is construction of 4 houses with associated landscaping and parking.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the proposed development would comply with development plan policies with regard to development outside the built-up area and accordingly represent sustainable development as sought by the National Planning Policy Framework.

Reasons

3. The appeal property is a semi-derelict, former coal yard, situated within a fragmented ribbon of residential development about a mile from the middle of Yapton. The site has various run-down sheds on it and, at the time of inspection, part of the site appeared to be used for informal storage and vehicle parking. Whilst within an area of residential properties, there is agricultural land to the rear and the site is not within the built-up area of the village as identified in the Yapton Neighbourhood Plan (YNP).

4. YNP Policy BB1 indicates that new development will not be permitted outside the built-up area of the village except in certain circumstances. The site is not identified as a site for residential development within the YNP and the proposed development would not represent any of the exceptions listed in YNP Policy BB1. Whilst the proposed development would in practical terms be an infill between two areas of housing, YNP Policy H1 indicates that infill development will only be permitted within the built-up area of the village. Accordingly, the proposed residential development would not comply with YNP Polices BB1 and H1.

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5. Saved Policy GEN3 of the Arun Local Plan (LP) indicates that, outside the defined built-up area, the countryside will be safeguarded for its own sake. The proposed development would not meet the requirements of any of the exceptions listed in LP Policy GEN3 for development outside the built-up area.

6. The design and layout of proposed development would be in keeping with the character and appearance of the nearby residential properties and the site, in its current condition, does not contribute positively to the character or appearance of the local area. However, the ribbon of development which runs along North End Road from the main body of Yapton is fragmented by agricultural fields in several places and there is farmland to the rear of the appeal site. Accordingly this part of North End Road has a semi-rural character and appearance. Development of the site would add to the ribbon effect of the development on the road and in this respect it would erode the semi-rural character of the local area, contrary to the aim of protecting the countryside for its own sake sought by LP Policy GEN3.

7. The appeal site is about a mile from the middle of Yapton where there are various shops and facilities. Whilst there is a bus stop close by, and it is proposed to improve pedestrian access to the bus stop by building a new section of path from the appeal site to link up with the pavement by the bus stop, because of the distance to the main body of the village, it is probable that occupiers of the proposed new houses would rely mainly on use of private vehicles for day to day activities such as gaining access to services and facilities and to getting to and from work. In this respect the development would not meet fully the aims of sustainable development as sought by the National Planning Policy Framework (the Framework).

8. The appeal site has a long history of other uses and is previously developed land. In this respect, reuse of the site for the proposed houses would represent sustainable development as sought by the Framework.

9. Paragraph 49 of the Framework requires housing applications to be considered in the context of the presumption in favour of sustainable development. Further, paragraph 49 indicates that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing. In this case the Council cannot demonstrate a five-year supply of deliverable housing and a windfall site such as this would contribute positively to the supply of housing in the district.

Other Matters

10. Although not one of the reasons for refusal, the proposal does not include any provision for affordable housing. The appellant has since provided a completed unilateral undertaking dated 19 October 2015 to contribute towards the cost of new affordable housing in the district. This is in keeping with the Council's interim policy, adopted on 18 August 2010, requiring financial contributions towards the provision of affordable housing in the district. The Council has evidence to demonstrate a need for affordable housing in the Yapton area and I consider that the proposed contribution would accord with the tests set out in paragraph 204 of the Framework.

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11. The Council refers to policies from the Emerging Arun Local Plan 2011–2031. It is unclear how far this development plan document has got in the adoption process and, therefore, I attach limited weight to it in considering this appeal.

Conclusions

12. Viewed in isolation, the design of the proposed development would be in keeping with the character and appearance of the neighbouring residential development and it would result in a tidying up of the site. Further, the development would make use of previously developed land and make a modest contribution towards the supply of new housing in the district. In these respects the proposed development would represent sustainable development as sought by the Framework.

13. However, the site is some distance from the heart of the village and, whilst it is on a bus route, it is probable that the occupiers of the new houses would be highly reliant on private vehicle use. Further, the Inspector when considering the YNP considered the site to have similar characteristics to that of the proposed Maypole Field site in that its development would reinforce existing ribbon development in this part of the parish with little prospect of achieving sustainable, well planned development. Therefore, on balance and for the above reasons, I conclude that overall the development would not comply with development plan policies and it would not represent sustainable development as sought by the Framework. Accordingly I conclude that the appeal should be dismissed.

J A B Gresty

INSPECTOR

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APPENDIX 3
BE/93/16/L COMMITTEE REPORT

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Committee Manager : Carrie O'Connor (Ext 37614)

25 August 2016

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton**, on **Wednesday 7 September 2016 at 2.30 p.m.** and you are requested to attend.

Members : Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Bower, Brooks, Charles, Dillon, Gammon, Hitchins, Maconachie, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Miss Rhodes, Mrs Stainton and Wells

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

A G E N D A

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating :
a) the application you have the interest in
b) whether it is a personal interest and the nature of the interest
c) whether it is also a prejudicial/pecuniary interest
d) if it is a prejudicial/pecuniary interest, whether you will be exercising your right to speak at the application

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You then need to re-declare your prejudicial/pecuniary interest and the nature of the interest at the commencement of the application or when the interest becomes apparent.

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process Procedure as laid down in the Council's adopted Local Code of Conduct for Members/Officers dealing with planning matters. A copy of the Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

To approve as a correct record the Minutes of the meeting held on 10 August 2016 (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

6. TREE APPLICATIONS
To consider the attached report. .

7. *PLANNING APPLICATIONS

To consider the attached reports.

NB : The applications will be heard in **REVERSE ALPHABETICAL** order.

8. *PLANNING APPEALS

To consider the attached report.

9. PLANNING REFUSAL A/162/15/PL – PROPOSED CAR SHOWROOMS AND WORKSHOP WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING, LAND NORTH OF ROUNDSTONE BYPASS, ROUNDSTONE BYPASS, 1259 ANGMERING, FOR CAFFYNS LTD, AUDI

To consider the attached report.

10. DEVELOPMENT CONTROL COMMITTEE – PROPOSED CHANGES TO PUBLIC SPEAKING FOR MAJOR APPLICATIONS

To consider the attached report.

Background Papers

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

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

Contact Officers :	Nikolas Antoniou	(Ext 37799)
	Neil Crowther	(Ext 37839)
	Daniel Vick	(Ext 37771)
	Juan Baeza	(Ext 37765)

Note: *Indicates report is attached for Members of the Development Control Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or accessed via the website at www.arun.gov.uk.

Note: Members are reminded that if they have any detailed questions would they please inform the Chairman and/or the Head of Development Control, in advance of the meeting. This is to ensure that officers can provide the best possible advice to Members during the meeting.

DEVELOPMENT CONTROL COMMITTEE

10 August 2016 at 2.30 p.m.

Present: Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Bower, Brooks, Charles, Dillon, Gammon, Hitchins, Maconachie, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Miss Rhodes and Mrs Stainton.

[Note: Councillor Oliver-Redgate was absent from the meeting during consideration of the matters referred to in Minutes 171 to 173 (up to Planning Application BR/100/16/PL).]

171. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a "Prejudicial Interest" this will, in the interests of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

Councillor Dillon declared a personal interest in Agenda Item 7, Planning Application BR/100/16/PL as a member of Bognor Regis Town Council's Planning & Licensing Committee.

172. MINUTES

The Minutes of the meeting held on 13 July 2016 were approved by the Committee and signed by the Chairman as a correct record.

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173. PLANNING OBLIGATION ASSOCIATED WITH FORTHCOMING INQUIRY FOR PLANNING APPLICATION WA/22/15/OUT

With the agreement of the Chairman, this item was dealt with as a matter of urgency as a decision was required in order to complete a legal agreement prior to the forthcoming Inquiry, which had been scheduled for November 2016 following the call-in of the application by the Secretary of State.

The Head of Planning Policy & Strategic Development reminded the Committee that in December 2015 it had determined that the application be approved subject to the Heads of Terms setting aside leisure related contributions to be spent locally and that the relevant Parish Councils of Walberton and Eastergate be requested to put forward their views as to how the money should be spent. The Parish Councils had been duly contacted and had submitted their proposals. However, following legal advice, it was considered that the facilities being requested failed to meet the strict tests set down by the CIL (Community Infrastructure Levy) Regulations. The view of the applicant was the same and they had stated they would not be willing to accept the request for unlawful contributions and would make that case, if necessary, at the forthcoming Inquiry.

Eastergate and Walberton Parish Councils had been informed accordingly and the Head of Planning Policy & Strategic Development now sought the Committee's agreement to give the two Parish Councils a further time limit of 26 August 2016 to submit proposals that would comply with the CIL Regulations. Should that not be forthcoming, then the Director of Planning & Economic Regeneration to be given delegated authority, in consultation with the Chairman, to approve the S106 Heads of Terms for Leisure Payments to be spent at Arun Leisure Centre and to not pursue Leisure Payments to the Parish Councils.

Following a brief debate, the Committee

RESOLVED – That

(1) Eastergate and Walberton Parish Councils be given until 26 August 2016 to submit their proposals that adhered to the CIL Regulations as to how contributions should be spent under the Heads of Terms; and

(2) should those proposals not adhere to the CIL Regulations, delegated authority be given to the Director of Planning & Economic Regeneration, in consultation with the Chairman, to approve the S106 Heads of Terms for Leisure Payments to be spent at Arun Leisure Centre and to not pursue Leisure Payments to the Parish Councils.

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174. PLANNING APPLICATIONS

AL/34/16/PL – Retention of pond & associated groundworks, Crunchy Cottage, Park lane, Aldingbourne Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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

BR/100/16/PL – Change of use of Ashley House from a care home (Class C2 use) to a House in Multiple Occupation (HMO) to provide team member accommodation on behalf of Butlin's, Bognor Regis, together with external alterations to the building, two car parking spaces (one disabled space), a minibus parking space, a designated cycle store for in excess of 40 spaces, a designated bin store & associated landscaping, 120 Aldwick Road, Bognor Regis Having received a report on the matter, the Committee received a presentation on the detail of the application from the Planning Team Leader, who advised that it was considered that the change of use would be less intensive than the previous C3 history and particularly highlighted conditions 3 and 8 relating to cease of use by Bourne Leisure and noise mitigation measures respectively. A written officer report update was also circulated at the meeting which summarised additional representations received and additional information provided by the applicant.

In discussing the matter, Members expressed views that the proposal did not sit well with the character of the area and was an unacceptable increase in residency. A view was expressed that Policy GEN7 would not be met as it was felt that the character of the area would be adversely affected and would contribute to an over-provision of HMOs. Further comments related to foul drainage; internal space standards; unneighbourliness; management of the premises; noise; and car parking, all of which were responded to at the meeting by the Planning Team Leader.

It was acknowledged that the premises had been empty for a long period of time and something had to be done to get it back into use. Comment was made that there appeared to be a lot of misinformation and speculation going on, which were not planning reasons for refusal.

Following consideration, the Committee

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RESOLVED

That the application be approved as detailed in the report.

CM/13/16/PL –New agricultural building, Hobbs New Barn, Gravetts Lane, Climping Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/12/16PL – Rationalisation of existing buildings to provide amended B1 (office & light industrial uses), B8 (Storage & Distribution) A1 retail & Café. Insertion of mezzanine level of office accommodation within rear building for Kingsley Roofing, together with revised opening hours and installation of parking barrier, 50 Ferring Street, Ferring Having received a report on the matter, concerns were raised relating to the proposal being out of character with the area; unneighbourly; and with the potential for noise nuisance. However, those concerns were addressed by the Planning Team Leader and, following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/95/16/PL – Polytunnels, outdoor growing beds, tree nursery, storage & welfare facilities for a horticultural enterprise, Land between Lansdowne Nursery & Highdown Vineyard, Littlehampton Road, Ferring Having received a report on the matter, together with the officer's written report update detailing an additional representation received, the Committee

RESOLVED

That the application be approved as detailed in the report.

K/11/16/PL – Demolition of existing dwelling & erection of new dwelling house, Spring Tide, Gorse Avenue, Kingston Having received a report on the matter, the Planning Team Leader advised Members that this proposal was a reduction to the original application and, due to the variety of designs in the street scene, was considered to be acceptable.

In discussing the matter, a concern was raised that the proposal constituted an overdevelopment and would be out of character with the area. The modern design was not liked. However, on being put to the vote, the Committee

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RESOLVED

That the application be approved as detailed in the report.

LU/131/16/PL – 3 No. terraced chalet bungalows with car parking. This application is a Departure from the Development Plan, Land adjoining Knightscroft, Toddington Lane, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

WA/25/16/PL – Conversion of 2 No. flats into 1 No. dwelling with two storey front & rear extensions, 1 & 2 Stafford Cottages, Yapton Lane, Walberton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

175. PLANNING APPEALS

The Committee received and noted the planning appeals that had been received.

176. DIVERSION OF FOOTPATH NO. 139 AT NORTH BERSTED

The Committee received a report from the Planning Solicitor which sought approval to the making of an Order to divert Footpath No. 139 at North Bersted.

Following consideration, the Committee

RESOLVED – That

(1) an Order be made and advertised for diversion of the Footpath in the essence of the terms of the Draft Order attached to the report, but allowing for delegated powers for the Director Planning and Economic Regeneration, and those whom he authorises, to make drafting and plan drafting amendments;

(2) if no objections are received to the Order, or if objections are withdrawn, the Director of Planning and Economic Regeneration will have delegated powers to adopt and confirm the making of the Order

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and may take all steps to advertise that, with any modifications to the Order; and

(3) if any objections are made and not withdrawn then the Order and objections be referred back to Committee for consideration.

(The meeting concluded at 4.30 p.m.)

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AGENDA ITEM 6

DEVELOPMENT CONTROL COMMITTEE

07 September 2016

PLANNING APPLICATIONS

LIST OF TREE APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION AT THE DEVELOPMENT CONTROL COMMITTEE

BOGNOR REGIS

Reference	Development Description	Location
BR/160/16/T	Repollard to previous points to 2 No. Holm Oak trees & crown lift to a clearance of 5.2m over vechicular entrance to1 No. Common Ash tree & 1 No. Silver Birch tree.	Chipley Court Hawthorn Road Bognor Regis PO21 2XA

Case Officer : Mr R Leal

Recommendation: Approve Conditonally

LIST OF APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION AT THE DEVELOPMENT CONTROL COMMITTEE

MIDDLETON

Reference	Development Description	Location
M/59/16/PL	1 No. replacement dwelling.	1 Deepdene Close Middleton on Sea PO22 6HX

Case Officer : Mr D Easton

Recommendation: Approve Conditonally

EAST PRESTON

Reference	Development Description	Location
EP/63/16/PL	Demolition of existing hotel & erection of 9 No. dwellings with associated parking.	Bradbury Hotel Station Road East Preston BN16 3FF

Case Officer : Mrs A Gardner

Recommendation: App Cond sub to S106

BERSTED

Reference	Development Description	Location

BE/77/16/OUT	Outline application with all matters reserved for up to 50 residential units, landscaping, amenity space, car & cycle parking, roads, service & drainage infrastructure & other associated works. Departure from the Development plan.	Land West of New Barn Lane Bersted

Case Officer : Mr D Innes

Recommendation: App Cond sub to S106

BE/93/16/PL	Construction of new vehicular/pedestrian/cycle route onto New Barn Lane for residential purposes	New Barn Lane Bersted Bognor Regis PO21 5DL

Case Officer : Mr D Innes

Recommendation: Approve Conditonally

ANGMERING

Reference	Development Description	Location
A/105/16/PL	Reconfiguration of existing car parking area for 1 No. flat with 5 No. car-barns below (resubmission following A/8/16/PL). This application affects the character & appearance of the Angmering Conservation Area.	Land at The Cottrells Angmering BN16 4AF

Case Officer : Mrs A Gardner

Recommendation: Approve Conditonally

ADJUDICATION CONTROL-07/09/2016_14:30:00

TREE WORKS CONSENT REPORT

REF NO: **BR/160/16/T**

LOCATION: **Chipley Court**
Hawthorn Road
Bognor Regis
PO21 2XA

PROPOSAL: **Repollard to previous points to 2 No. Holm Oak trees & crown lift to a clearance of 5.2m over vechicular entrance to1 No. Common Ash tree & 1 No. Silver Birch tree.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	Trees in grounds of Chipley Court.
SITE CHARACTERISTICS	Flats
CHARACTER OF LOCALITY	Generally residential

RELEVANT SITE HISTORY

BR/171/15/T	Reduce eastern lateral branches to 1No. Beech tree & 1No. Austrian Pine tree to provide a 3m buffer away from Chipley Court.	ApproveConditionally 21-10-2015
BR/82/13/T	Remove 2 No branches on the west side of the crown to 1 No Monterey Pine tree	Refused 09-05-2013 Appealed **Appeal: Dismissed 06 08 2013**
BR/313/12/T	Reduce most easterly limb of 1no. Corsican Pine by 4 metres from the tip. Reduce back the overhanging branches from driveway by 1-2 metres & remove any deadwood	ApproveConditionally 08-02-2013
BR/272/12/T	Remove one branch from 1 No Monterey Pine tree which is overhanging driveway	Refused 10-12-2012 Appealed **Appeal: Decline Jurdctn 26 02 2013**
BR/301/11/T	1 No Beech tree to be reduced by 3-4m from the North East to remove overhang and shade	ApproveConditionally 02-02-2012
BR/354/04/T	Removal of branches from two Pinus Radiata trees, overhanging 4 & 5 Woodend	ApproveConditionally 22-12-2004
BR/1045/80/T	To prune 16 trees	ApproveConditionally 18-02-1981

Site history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

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Bognor Regis Town Council

NO OBJECTION subject to the approval of the ADC Arboriculturist. It is recommended, if approved, that no work should be carried out if any birds or bats are nesting.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATIONS RESPONSES RECEIVED:

Arboricultural officer:-

For T1 the applicant has applied to re-pollard to the previous points. From the site inspection it is evident that the proposed pruning operation does emulate the previous pruning operations.

For T2, the applicant has applied to re-pollard to the previous points. From the site inspection it is evident that the proposed pruning operation does emulate the previous pruning operations.

For T3, the applicant has applied to crown lift to 5.2 meters over the car parking area.

For T4, the applicant has applied to crown lift to 5.2 meters over the car parking area.

For T1, I would have no objection to the proposed re-pollarding operation that has been proposed in this application.

For T2, I would have no objection to the proposed re-pollarding operation that has been proposed in this application.

For T3, I would have no objection to the proposed 5.2 meter crown raise as it designed to prevent conflict with users of the onsite car park.

For T4, I would have no objection to the proposed 5.2 meter crown raise as it designed to prevent conflict with users of the onsite car park.

Conditions required.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

Publication Version of the
Local Plan (October 2014):

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, are not specific to trees.

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DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 198 of the Town and Country Planning Act 1990 states:
"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

The tree officer has raised no objection to the application. It is therefore recommended that the application be approved subject to conditions.

HUMAN RIGHTS ACT

FOR APPROVAL
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 neutral 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).

RECOMMENDATION

APPROVE CONDITIONALLY

1 The crown clean should consist of deadwood and stub removal where all cuts should be made to the branch collar. Where crossing branches are encountered the weaker branch/branches should be reduced or removed to avoid contact between them. The remaining branch/branches should be shortened as appropriate to relieve "end weight" and sudden exposure by reducing the leaf bearing branch tips by no more than 30%.

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Reason: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

2 All side branches to be retained should be at least 1/3rd in diameter of the removed branch. Pruning cuts must be flat and smooth, kept as small as possible by cutting at an optimum angle and should not exceed 100mm in diameter.

Reason: In the interests of the trees continued health and vitality to accord with current industry guidelines and sound arboricultural practice.

3 Branches found within the clearance height having diameters greater than 100mm should be shortened and no more than 15% of the leaf bearing growth of that branch should be removed.

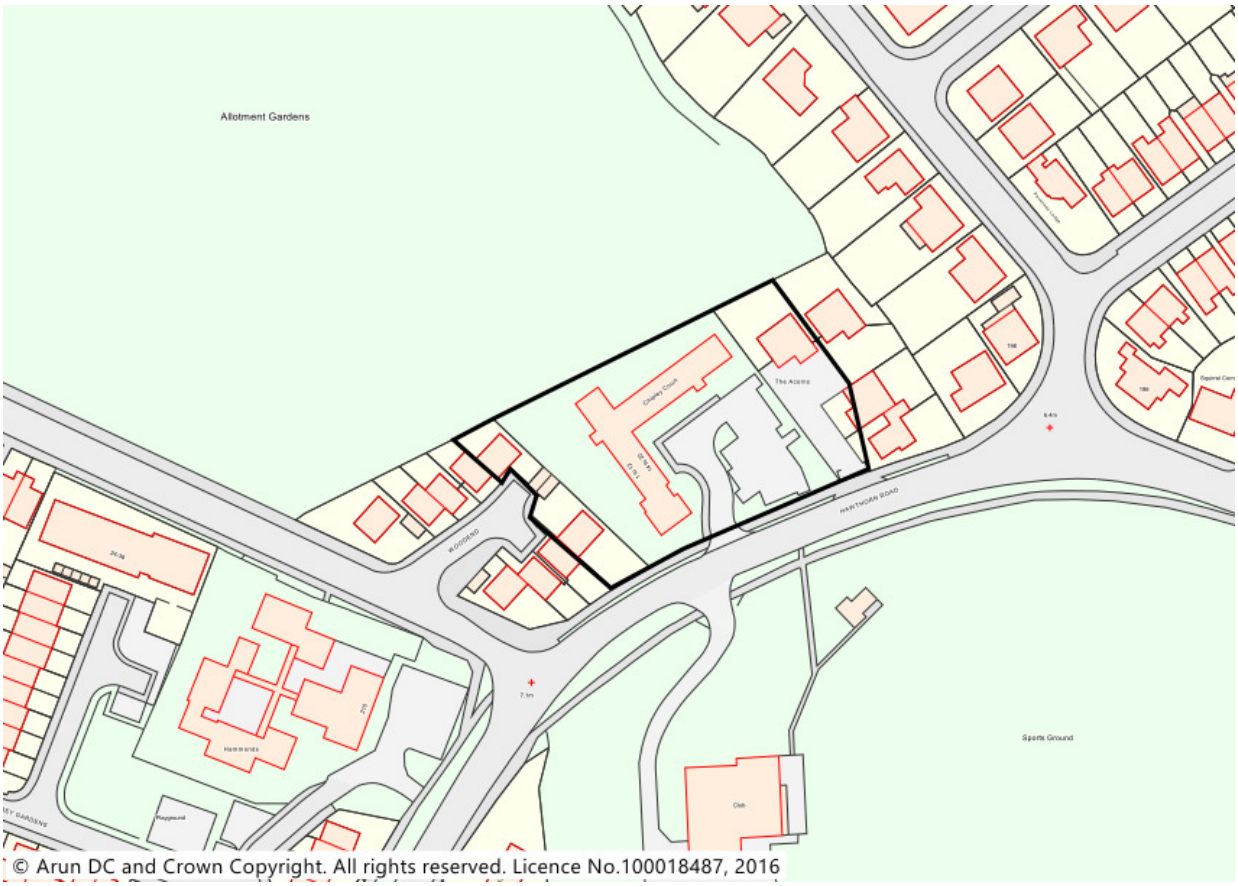
REASON: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

4 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.

5 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.

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BR/160/16/T Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a North Point)



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PLANNING APPLICATION REPORT

REF NO: **M/59/16/PL**

LOCATION: **1 Deepdene Close**
Middleton on Sea
PO22 6HX

PROPOSAL: **1 No. replacement dwelling.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Demolition of the bungalow and its replacement with a 2.5 storey dwellinghouse. The dwelling will measure 12m in depth, 7m in width, with an eaves height of 6m and a maximum ridge height of approximately 9.6m. The dwelling features pale grey standing seam roof and walls at first floor level with render to match adjacent properties at ground floor level.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The north, east and west boundary consists of 1.5m - 1.8m high close boarded fencing with the southern boundary of the site consisting of hedging to approximately 3m in height.
SITE CHARACTERISTICS	Detached bungalow with rendered elevation and a slate roof.
CHARACTER OF LOCALITY	Predominantly residential featuring properties of various designs and styles with semi-detached two storey properties constructed from brick and tile to the north and west; bungalows primarily featuring rendered elevations to the south; and a three storey block of flats to the east.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

Objection.

1) Overall mass, height and scale is out of keeping with surrounding properties
2) The proposed development is overbearing.

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27 letters of objection from 26 individuals:
1] Dwelling due to its height will give rise to overshadowing of neighbouring properties.
2] Dwelling would give rise to unacceptably adverse overlooking.
3] Replacing an existing dwelling and therefore needs to be of a similar height.
4] Will result in a loss of privacy.
5] Conflicts with the Human Rights Act (Protocol 1, Article 1).
6] The proposal is larger than the existing dwelling and as such is not a replacement.
7] The proposal in out of character with the locality.
8] The proposal results in a loss of views.
9] The proposed dwelling would have an adverse impact upon property values.
10] The proposed garage will measure 4.65m in height which is too high.
11] Construction vehicles would obstruct the road/restrict access to their driveways.
12] Drainage is an issue in Deepdene Close.
13] On street parking is restricted in this location.
14] Conflicts with policy GEN1 and GEN7(iv) & (v) of the Local Plan.
15] Proposal conflicts with the NPPF.

9 letters of support:
1] Will not appear out of character (when viewed against the existing "Villa Plage")
2] Proposal is of an aesthetically pleasing design and benefits the existing street scene.
3] The proposed dwelling will be an enhancement.
4] Proposal has been thoughtfully designed and does not impact on its neighbours in loss of light and does not restrict views.

COMMENTS ON REPRESENTATIONS RECEIVED:

Parish Council comments are noted and are considered further in the conclusion to this report.

In response to the 27 letters of objection:
1 & 2] The impact upon residential amenity of neighbours is considered further in the conclusion.
3] There is no requirement for a proposal to be of a similar design/size to what it replaces.
4 & 5] The impact of the proposal on the residential amenity, privacy and rights of neighbours will be considered in the conclusion.
6] The proposal is considered to constitute a replacement dwelling.
7] The impact of the proposal on the character of the locality is considered in the conclusion.
8 & 9] Loss of views and reduction in property values is not a material consideration.
10] The garage measures 2.95m in height as shown on the submitted plans.
11] Obstruction by vehicles is not a material consideration and is a private matter.
12] The dwelling replaces an existing dwelling. However, surface water drainage conditions have been recommended by the Council's drainage engineer.
13] The provision of parking will be considered in the conclusion to this report.
14 & 15] The proposals accordance with development plan policies will be considered in the conclusion.

Comments made in the 9 no. letters of support are noted.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

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Engineers (Drainage):
Infiltration to be investigated for new surface water drainage.

Please apply standard conditions ENGD2A.

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 30% 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 are also enclosed for information.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and condition included.

POLICY CONTEXT

Designation applicable to site:
Within built area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality
	D DM2	Internal Space Standards
	D DM3	External Space Standards
	D SP1	Design
	SD SP2	Built-Up Area Boundary

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework
	NPPG	National Planning Practice Guidance
Supplementary Guidance:	MDS	Middleton-on-Sea Village Design Statement by Middleton PC

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can

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carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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

Middleton Parish Council do not benefit from a made Neighbourhood Plan and as such there are considered to be no relevant Neighbourhood Plan policies 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 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

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PRINCIPLE
The site is situated in the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are GEN7 of the Arun District Local Plan; policies D DM1, D DM2, D DM3 and D SP1 of the Emerging Local Plan; and the NPPF.

DESIGN AND VISUAL AMENITY
The dwelling measures approximately 9.5m high which is not considered unacceptable given the character of the locality and scale of development in close proximity to the site - 7 and 8 Deepdene Close (to the west of the site) measure approximately 8.1m high with 1 and 2 Villa Plage and the main Villa Plage development exceeding 10m high. The dwelling exceeds the height of two storey dwellings in Deepdene Close by approximately 1.4m and will be lower than development in the wider locality and clearly visible within the street scene. Despite the proposals presence within the street scene it is considered that the spatial pattern and character of the locality will be retained - the distance the property is set back from the road will match that of dwelling on the western side of Deepdene Close. The proposed development is considered in keeping with the character of the locality and is deemed to retain the spatial pattern of Deepdene Close.

The dwelling will be clearly visible within the street scene but is not considered to adversely impact upon the established character of the locality. The ground floor of the dwelling features render to match properties in close proximity to the site, whilst the first floor and roof is intended to feature pale grey standing seam metal. It is acknowledged that the material at first floor level and above is unusual in the locality - however, the locality features a mixt of materials including bricks, tile and cladding and as such the materials are not considered to have an unacceptably adverse impact upon visual amenity or the character of the locality.

The development is considered an improvement over the existing dilapidated bungalow and it is considered that the proposal constitutes an enhancement on the site. Therefore, the development is considered to accord with policy GEN7(ii) of the Local Plan.

The detached garage is situated forward of the primary elevation and measures approximately 2.95m high. By virtue of its design, scale and location the proposed garage is not considered to have an adverse impact upon the established character of the locality.

RESIDENTIAL AMENITY
The dwelling at its closest point will be situated 6.9m from the north boundary; 1.1m from the east boundary of the site; 4.9m from the south boundary; and 3.5m from the west boundary of the site. The dwelling will be situated 19.4m to the south of 28-31 Villa Plage; 15.8m from development to the south of the site; and at its closest point 12m from development to the west of the site these distances are considered sufficient to prevent unacceptable adverse overbearing impacts upon neighbours to the north, south and west of the site.

The dwelling will be situated in closer proximity to Villa Plage to the south-east of the site than any other development in this locality. The dwelling will be located approximately 8m to the north-west of Villa Plage which in conjunction with the height of the proposed dwelling is considered to have the potential to give rise to adverse impact upon the residential amenity of neighbours. It must be acknowledged that at second floor level the floor will be set back 5.29m from the rear of the dwelling which is considered sufficient to protect the residential amenities of neighbours and prevent any unacceptably adverse overlooking to the south, west or east.

The balcony at first floor level measures approximately 2.4m deep but will not extend to the rear of the dwelling with the side of the balcony being screened by the walls of the dwellinghouse providing

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screening and protecting the residential amenity of neighbours to the east. Due to the orientation of the proposed dwelling in relation to Villa Plage it is considered that unacceptable overlooking will only be possible if standing in the south-eastern corner of the first floor balcony. The windows on the rear of the dwelling at first floor level will be set back 2.46m from the rear of the proposed dwelling and as such the design of the proposal prevents unacceptable overlooking when residents are inside the dwelling. The proposal is not considered to generate unacceptably adverse overlooking of Villa Plage to the south-east.

The windows proposed at first floor level on the north elevation of the dwelling are considered to have the potential to give rise to detrimental overlooking of properties to the north. As such a condition has been included requiring these windows are obscurely glazed and non-opening in order to protect residential amenity. The roof lights on the east elevation are shown approximately 2.4m above floor level - sufficient to prevent any unacceptably adverse overlooking.

The detached garage is located forward of the primary elevation abutting the boundary of the site. The garage measures approximately 2.95m in height which is not considered to result in any unacceptably adverse overbearing or overshadowing impacts on neighbours.

Therefore, subject to the proposed conditions it is considered that the development proposed is in accordance with policy GEN7(iv) of the Arun District Local Plan.

The dwelling has a gross internal floor area of approximately 142 sq.m which exceeds that specified within the Nationally Described Space Standards by 34 sq.m. The rear garden measures approximately 106 sq.m which exceeds the requirement specified by policy D DM3 of the Emerging Local Plan. Whilst, the proposal fails to deliver a rear garden depth of 10m due to the properties close proximity to the sea it is deemed to provide sufficient amenity space to ensure a good standard of amenity for future occupiers in accordance with para 17 of the NPPF. Due to the configuration of the amenity space and the limited depth of the rear garden a condition is included removing permitted development rights to ensure this amenity space is protected.

CONCLUSION
The development is considered to accord with relevant development plan policy and as such is recommended for approval subject to the below 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 for 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

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Duty under the Equalities Act 2010

In assessing this proposal no impacts have been identified upon any 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 Block Plan & Roof Plan - 512-1-001 Rev 00; Proposed Floor Plans - 512-1-002 Rev 00; Proposed Elevations - 512-1-004 Rev 01; and Proposed Garage/Bin Store Plans/Elevations - 512-1-005 Rev 01.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 Development shall not commence 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

4 Prior to the occupation of the dwelling hereby approved the windows shown on 'drawing no. 512-1-004 Rev 01' at first floor level and above on the northern elevation shall at all times be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: In the interest of amenity in accordance with policy GEN7(iv) of the Arun District Local Plan.

5 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions or alterations (including porches or dormer windows) to the new dwelling house shall be constructed or buildings, enclosure or swimming pools shall be

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erected within the curtilage of the new dwelling house unless permission is granted by the Local Planning Authority on an application in that behalf.

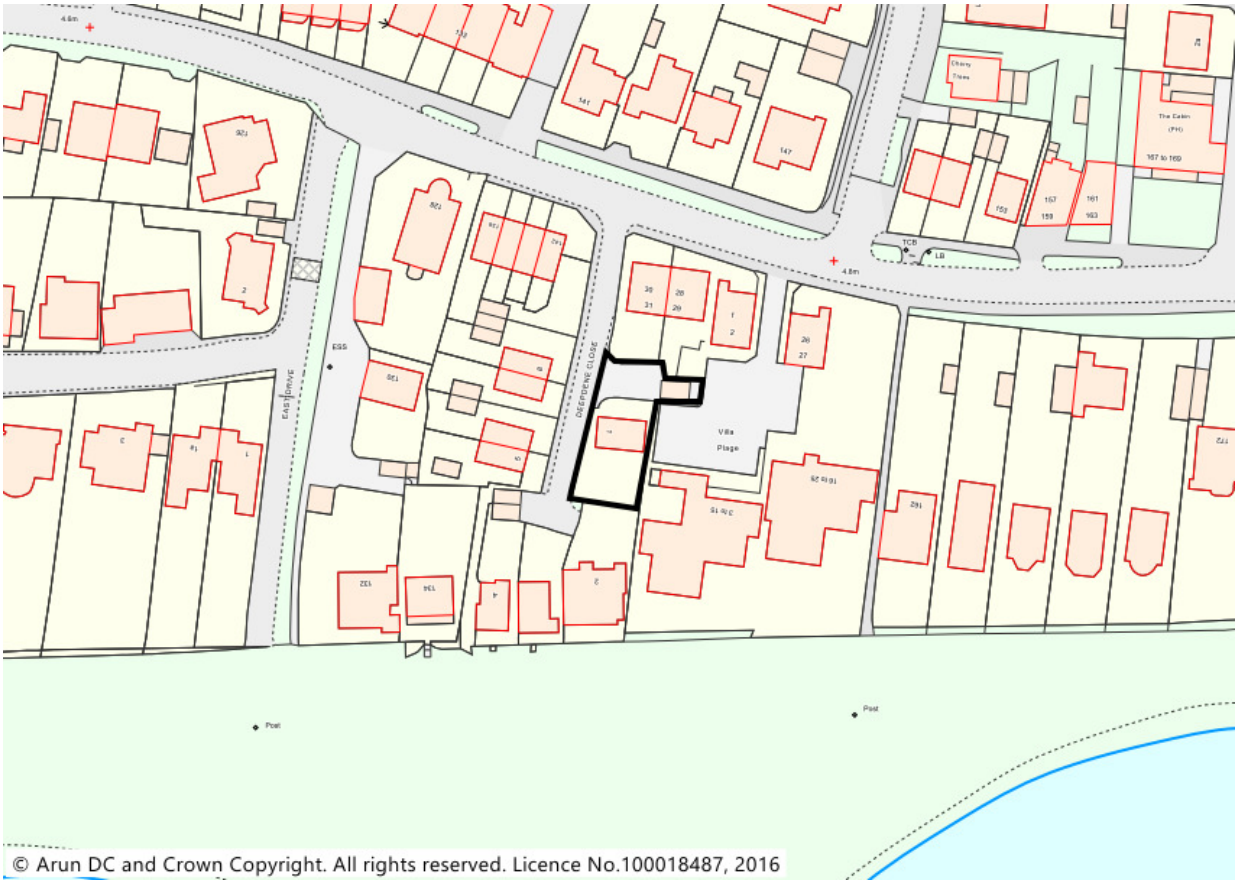
Reason: To maintain adequate amenity space, safeguard the cohesive appearance of the development and protect existing trees in accordance with policy GEN7 of the Arun District Local Plan.

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.

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M/59/16/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/63/16/PL**

LOCATION: **Bradbury Hotel**
Station Road
East Preston
BN16 3FF

PROPOSAL: **Demolition of existing hotel & erection of 9 No. dwellings with associated parking.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to demolition of the existing 2 storey home for the blind and the provision of 5 detached dwellings to the rear, 2 and a half storeys high and 2 pairs of 2 storey semi detached dwellings on the site frontage.
SITE AREA	2,334 q metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	38 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of significance affected by the development.
BOUNDARY TREATMENT	Rear to Langmeads 2m high close boarded fencing. Fencing to side boundaries. Frontage planting obscured by hoardings approximately 2.5m high.
SITE CHARACTERISTICS	Mock tudor style large detached property with single storey utilitarian extensions.
CHARACTER OF LOCALITY	Predominantly residential characterised by mainly new development to the north and south comprising flats and houses that are 3 storeys high with rooms in the roof.

RELEVANT SITE HISTORY

EP/98/16/DEM	Notification for prior approval for demolition of Bradbury Hotel	No Objection 25-07-2016
EP/45/15/PL	Redevelopment of the site & erection of 24No. retirement apartments for older persons with communal facilities & accociated parking & landscaping.	Refused 26-06-2015
EP/116/03/	Extension/Alteration of hotel accommodation for the blind & partially sighted	ApproveConditionally 22-12-2003

The previous application for sheltered accommodation was refused for reasons of an undesirable intensification of residential development and that given its height, width, depth, roof profile, footprin

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and excessive number of openings in the side elevation and dormer windows on the site frontage the proposal would be prominent and obtrusive and out of scale with the existing development in the locality and detrimental to the character and appearance of the street scene in conflict with policy GEN7 of the Arun District Local Plan.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

Rustington Parish Council

Rustington Parish Council

East Preston Parish Council - First response - Objection
Although there is no great opposition to the site hosting nine properties, the committee agreed unanimously it would object to this proposal on the following grounds.
At the front (western) side of the proposed development, the committee felt plots 3 and 4 were poorly designed looking too tall and narrow. The council would prefer these plots to be another pair of Type A properties.

The committee was concerned plots 5 to 9 are set too far east on the site and would prefer them to be shifted westwards slightly so the back of plot 5 is in line with the adjacent property in Langmeads Close, and the back of plot 9 to be in line with the back of no. 15 Churchfields. The committee applauded the fact plots 5 to 9 are not in a straight line front and back this stepped and staggered feel is more in keeping with the area.
The committee believes plots 5 to 9 are also too tall. Section 4.14 of the East Preston Neighbourhood Plan states new buildings that exceed two stories in height will rarely be acceptable. The committee felt the plots were definitely three storeys, confirmed by the table in section 1.3.2 of the Application's Transport Statement, and this would result in a top-heavy look for these properties.

The committee believes the amount of weatherboarding on the western elevations of several of the properties is too great and more variety would be appreciated. Section 4.12 of the East Preston Neighbourhood Plan asks that materials used in new or altered buildings should harmonise in both colour and texture with the materials used in adjoining buildings. Of course, this does not mean the materials need to be exactly the same as is seen in the applauded proposed use of clay tiles for the roofs. Perhaps some reference back to the existing building with its use of dark-stained wood would provide some welcome variety.

Until very recently, the site of this proposed development and the sites immediately to the north and south of this development comprised just four properties, three of which were single homes. This proposed development will complete an increase from those four homes to a total of thirty-five homes, almost an eight-fold increase. With such an increase inevitably comes an increase in parking required and traffic movements. Section 3 of the Transport Statement refers to Parking Standards and correctly states eighteen is the correct number of spaces for nine three-bedroom properties. This council would appreciate some provision for dedicated visitor spaces? Visitors unable to park on site will be forced to park in Station Road this council has already raised concerns to West Sussex County Council about existing parking problems in Station Road and the danger such parking poses to residents of Churchfields, Langmeads Close and ultimately this development in exiting those sites. Section 6 of the Transport Statement seems to assume the Bradbury Hotel was a traditional hotel and its traffic movements were standard for a traditional hotel. The hotel was a respite hotel for blind and partially-sighted customers and traffic movements were less than and not comparable with a standard hotel; therefore the assertion any increase in traffic flows would be negligible is perhaps founded on incorrect information.

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The site seems to be covered by a general Tree Preservation Order. Where mature trees cannot be incorporated into the scheme mature replacement soft landscaping should be provided.

Although broadly in favour of the proposal, this council would like Arun District Council to refuse Planning Permission for this development until all, or most, of the above concerns have been satisfactorily addressed.

Second response - Objection
The committee thanked the developers for having moved the eastern building line of plots 5 to 9 westwards and also for having changed the design for plots 3 and 4 on the western side of the proposal.
However, the committee believes plots 5 to 9 are still too tall. Section 4.14 of the East Preston Neighbourhood Plan states new buildings that exceed two storeys in height will rarely be acceptable. The committee felt the plots were definitely three storeys, confirmed by the table in section 1.3.2 of the Application s Transport Statement, and this would result in a top-heavy look for these properties. The Planning Officer's report for Demolition Notice EP/98/16/DEM on the same site refers to mainly new development to the north and south comprising flats and houses that are 3 storeys high confirming existing new development would now be considered contrary to the made East Preston Neighbourhood Plan.

The committee believes the amount of weatherboarding on the western elevations of several of the properties is too great and more variety would be appreciated. Section 4.12 of the East Preston Neighbourhood Plan asks that materials used in new or altered buildings should harmonise in both colour and texture with the materials used in adjoining buildings. Of course, this does not mean the materials need to be exactly the same as is seen in the applauded proposed use of clay tiles for the roofs. Perhaps some reference back to the existing building with its use of dark-stained wood would provide some welcome variety. We would prefer no weatherboarding at all as it is not a vernacular style for this part of Sussex, but if that is not possible, please could any weatherboarding come no lower than the first floor. A number of properties in adjacent Langmeads Close and Churchfields do not have any weatherboarding and that does not seem to have affected their desirability.

Until very recently, the site of this proposed development and the sites immediately to the north and south of this development comprised just four properties, three of which were single homes. This proposed development will complete an increase from those four homes to a total of thirty-five homes, almost an eight-fold increase. With such an increase inevitably comes an increase in parking required and traffic movements. Section 3 of the Transport Statement refers to Parking Standards and correctly states eighteen is the correct number of spaces for nine three-bedroom properties. This council would appreciate some provision for dedicated visitor spaces? Visitors unable to park on site will be forced to park in Station Road this council has already raised concerns to West Sussex County Council about existing parking problems in Station Road and the danger such parking poses to residents of Churchfields, Langmeads Close and ultimately this development in exiting those sites. Section 6 of the Transport Statement seems to assume the Bradbury Hotel was a traditional hotel and its traffic movements were standard for a traditional hotel. The hotel was a respite hotel for blind and partially-sighted customers and traffic movements were less than and not comparable with a standard hotel; therefore the assertion any increase in traffic flows would be negligible is perhaps founded on incorrect information.
Although broadly in favour of the proposal, this council would like Arun District Council to refuse Planning Permission for this development until all, or most, of the above concerns have been satisfactorily addressed.

Rustington Parish Council

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Objection. Support objections of East Preston Parish Council

East Preston and Kingston Preservation Society
Objection. The proposed development is of a disappointingly poor standard of design. The detached houses are excessively narrow for their height, so that their appearance would be badly unbalanced. The houses on the eastern side of the site are too near the boundary with Langmeads Field and the houses on the western side of the site are ahead of the building line and too near the road. The houses therefore need to be moved closer to the centre of the site. The use of weatherboard as the facing material on the houses fronting the road is an undesirable feature: synthetic weatherboarding is not a part of the historic character of the area.

The poor design and layout of the development and the inappropriate materials render it incompatible with Policy GEN7 of the Arun Local Plan, because it does not respond positively to the characteristics of the area to create an attractive place that enhances local distinctiveness; it is incompatible with Policy 1 of the East Preston Neighbourhood Plan, because the design and materials do not reflect and enhance the architectural and historic character of the surrounding buildings; and it is incompatible with paragraph 4.10 of the Neighbourhood Plan because it does not strengthen the present characteristics of the village. This application should therefore be refused. The development might be made acceptable if the detached houses were replaced by terraced or semi-detached houses, placed nearer the centre of the site, and if their materials were characteristic of the area.

Friends of Langmeads - No Objection to the principle of development, but have concerns over the height of the units to the rear which are significantly taller. They will therefore have an adverse overbearing impact on the park contravening policy 1i of the East Preston Neighbourhood Plan.

11 Objections - Having studied the revised plans for the Bradbury Hotel site, welcome the change to the build line on the Eastern side of the plot which is now in line with that of Langmeads Close and Churchfields. However, all other previous suggestions have been disregarded, namely:
- The building heights are still three storeys, not two. This recommendation was made to reduce the shadow over the surrounding areas and add to a variety of the adjoining properties
- There does not appear to be preservation of existing trees with preservation orders.
- There is no allowance for visitor parking. The increase in the number of properties and therefore visitors to this area has put a lot of pressure on Station Road and surrounding areas. There are problems in Langmeads Close because of this and this should be addressed at the planning stage in this new development. It is already dangerous turning out of Langmeads Close when cars are parked right up to the junction, as there are no yellow lines. This problem is only going to get worse and could lead to road traffic accidents.
- proposed materials are not in keeping.
- Concerns over congestion and access/egress to Hurst Road. It is already challenging and dangerous. Need reassurance that builders will not use Hurst Road. Measures to ban parking along this stretch of road should be considered.
- Not clear what landscaping is proposed and what trees are to be removed. Concerned that there would insufficient landscaping to soften the development. The front 4 properties should be set back.
- rear units should be no higher or closer to Langmeads Park than those neighbouring the site, but support their staggering.
- properties opposite in Station Road will be overlooked.
- a demolition and construction plan will be required.
- outlook from side windows of neighbouring dwelling to the north will be adversely affected and right to light.

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- adverse impact on infrastructure and the street scene.
- windows on the side elevations of plots 1,4,5 and 9 should be obscure glazed.
- The submitted tree survey is incorrect, the tree diameter of the preserved tree is inaccurate and does not adequately resolve the intrusion of plot 4 and the retaining walls within the Root Protection Area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comment on Parish Council representation - The substitute street scene illustrates that the ridge heights of the units to the rear are no higher than the adjacent dwellings to the south, although the dwellings to the south are sited on land levels which are slightly higher and these dwellings are therefore slightly shorter. The increase in overall height of proposed dwellings of 0.5m is negligible and does not result in development that is significantly different to its neighbours. Brick and timber effect cladding would be in keeping with materials used on the neighbouring development. County Highways have no objection to the proposal in terms of highway safety and parking numbers.

Additional comments on other representations - A demolition application has been submitted separately and approved outlining the method of demolition and a condition relating to means of construction has been included in the recommendation.
The proposal is not considered to adversely affect the residential amenities of adjoining properties by reason of adverse overlooking or over bearing impacts or loss of outlook. The properties on the opposite side of Station Road are a sufficient distance away from the development to prevent loss of privacy and the windows in the side elevation of the dwelling to the south are secondary.
The issue of the size of the Root Protection Area of the adjacent preserved tree has been discussed with the agents and a revised tree report and landscape plan have been submitted. When the amended RPA for Beech T1 is applied, the proposed dwellings are still situated outside of the RPA (i.e. no impact). A small area (i.e. less than 5m²) of the proposed driveway for Plot 4 is situated on the outer edge of the RPA for T1. Given this small incursion and the proposed use of a 'no dig' permeable hard surface (now detailed within the report) the impact on T1 will be minimal and/or acceptable and the proposals will therefore not have an adverse impact on the health of the tree. A condition is imposed to ensure the Root Protection Area is adequately controlled.

CONSULTATIONS

Engineers (Drainage)

Engineering Services Manager

WSCC Strategic Planning

Parks and Landscapes

Arboriculturist

Surface Water Drainage Team

CONSULTATION RESPONSES RECEIVED:

COUNTY HIGHWAYS - (First Consultation)
Background and Summary
The site currently has a C1 usage as a hotel with accompanying parking facilities. The proposals seek to demolish the existing hotel building and construct 9 dwellings with a new access onto Station Road and associated parking spaces. Station Road is a 'B' class road subject to a 30 mph speed limit. The application is supported by way of a Transport Statement (TS). In summary the proposals are considered acceptable from the highway point of view, further detail and justification is provided in the report below.
Access and Visibility
A new re-sited access is proposed onto Station Road. As the site accesses onto a residential

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road with a speed restriction of 30mph, it would be appropriate for the development to be considered alongside Manual for Streets (MfS) guidance. The proposed visibility splays, taken from a setback of 2.4m, is acceptable and achieve the required 43 metres. MfS does provide some allowance for occasional on-street parking within the visibility splay and it would appear that in this area, where most properties have some sort of off-street parking facility, that there is not an extensive demand for on-street parking particularly during peak movement time. The access should be a minimum of 4.8 metres in width with 6 metre kerb radii. The access proposals would be subject to a full Section 278 Agreement with the WSCC Implementation Team.

The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 3 years. There have been no recorded injury accidents at the proposed access onto Station Road. There is no evidence to suggest that the existing highway network is operating unsafely, or that the proposed change of use would exacerbate an existing safety concern. Capacity within the TS the applicant has provided a Transport Consultants report a comparison on the traffic the proposal will generate over the existing use and proposed uses, the report concludes that there will be a small increase in traffic movements over the existing uses. No data has been provided showing the assessment undertaken. The LHA have run our own assessment through the TRICS (Trip Rate Information Computer System) database based on the proposed and existing uses and consider the information provided is comparable to the TRICS outputs. It is considered that there will be no material increase in traffic movements over the existing use. In addition there are no known capacity and congestion issues within the immediate vicinity of the site. From a capacity perspective we are satisfied the proposal will not have a severe residual impact.

Parking and Layout
A total of 18 car parking spaces will be provided on site. This provision has not been considered against the WSCC Parking Demand Calculator, rather the superseded PPG13 standards which have since been replace by the PDC in 2010. However having assessed the number of spaces against the PDC, the proposed provision does exceed the requirement generated by way of the PDC. Cycle parking is provided; this should be secure and covered.
In line with MfS principles the access road will take the form of a 4.8 metre wide shared surface arrangement, this can narrow to 3.7 within the site. This is considered suitable as this will be a low speed, low traffic environment.
Refuse collection will take place from within the site. The waste collection authority should be consulted to obtain their views on the suitability of this arrangement. Within the TS there has been a swept path analysis provided showing how a larger vehicle including a refuse vehicle can safely turn within the site.

Construction
Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from Station Road. A comprehensive construction management plan would be sought through condition should permission be granted. The construction management plan should amongst other things set out how deliveries are to be managed along Station Road in light of the carriageway width and presence of other vulnerable road users.

Sustainability
The submitted Travel Survey does suggest that persons using the site could arrive on foot, cycle, bus, train or by car. Directly opposite the site and a short walking distance to the north there is a bus stop which provides regular series to local facilities. Station Road does have footway links that lead to Station Parade which is within short walking distance of the site. The Parade includes a Post Office and Co-operative food store. Further to the north is Angmering Station which

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provides travel along the coast to Brighton and north to Gatwick Airport and London Victoria.
The station is accessible via the existing footway links.
Although the site and surrounding area does not benefit from an established local cycle network, the wide roads and low speeds enables cycling to be a viable alternative for shorter journeys. The main roads connecting to the larger urban centres tend to be relatively narrow and unlit, appealing more to experienced and confident cyclists.

Conclusion
The proposed development is forecasted to generate a small increase in the number of vehicular movements than has been previously developed by the C1 usage. These movements will be spread across the day with only negligible movements during the peak hours.
A review of the Station Road junction indicates there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that this area of highway has been operating unsafely.
The Local Highway Authority (LHA) does not consider that the proposed would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

Second Consultation response - The previous comments issued by the LHA on the 8th June would still apply to this latest consultation response. The proposed parking available within the site is considered is acceptable. We are aware there have been local and Parish concerns regarding further on street parking in the local area as a result of these proposals; therefore we have provided some further comments:
The area is not subject to enforceable waiting restrictions along the carriageway restricting parking. It is therefore not an offence to park on Station Road and given the good visibility in both directions it is not considered that parking would be detrimental to highway safety the carriageway is circa 7.2m in width and provides ample space for another vehicle to pass a parked vehicle. It may result in vehicles having to wait for a few moments while giving way to an oncoming vehicle before pulling out to pass the parked vehicle however, this is not considered to be a severe impact.
What the LHA is not able to control through planning is whether drivers choose to commit an offence. It wouldn't be possible to insert a condition on a planning consent that prevented drivers parking on the footway, as this is outside the control of the Applicant and is an offence in its own right. There are legal mechanisms for action to be taken to discourage this behaviour, enforced by either Civil Enforcement Officers or the Police. Parking on the footway can be considered to be a wilful obstruction of the free passage of a highway, contrary to section 137 of the Highways Act 1980.

PARKS AND GREENSPACE OFFICER
Developments of 7 dwellings or more are expected to provide open space provision on site. The Council's SPG guidelines which apply to developments of houses and are based broadly upon the National Playing Fields Association's (NPFA) "Six Acre Standard". Under superseded Fields in Trust guidelines (FIT) this requires that 3.2 hectares of open space are provided for every 1,000 people ie 32 square metres of open space per person. As this is not indicated on the layout plans we would require a sum of £1000 per property to offset this. Whilst no formal play is required, this would be a commuted sum towards play provision facilities, this would be for offsite provision for local play area improvements.
Trees
These proposals indicate the development of buildings in close proximity to the site boundaries. The site is bounded by significant tree cover particularly to the southern boundary and neighbouring properties. Any considered tree works either within the site or to the boundaries must be in consultation and agreement with Arun District Councils Tree Officer.

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Before construction, a tree protection scheme must be in place for all retained trees including and particularly the significant trees whose root protection areas fall within the construction zone from neighbouring land. This should be in accordance with BS 5837:2012 'Trees in relation to construction' The layout of the proposed new buildings would appear to be in conflict with the existing site tree cover.
Landscaping
A full landscape scheme would be required to be submitted for approval, detailing species choice, position, densities and size at time of planting. This should be plotted in plan and list form and in relation to the trees and vegetation to be retained so that a clear picture of the proposals can be seen. These details are required to assure the adjacent properties privacy is maintained and the development setting is uncompromised.

ARBORICULTURAL OFFICER - (First Consultation response) Objection.
The applicant has failed to submit any documentation relating to the trees that could potentially be affected by the development process that has been proposed. It is evident that the Root protection Area from an offsite tree will protrude into the development area (this tree also being subject to an active TPO order TPO/EP/1/71). This does mean the applicant has failed to meet the BS 5837:2012 Trees in relation to design, demolition and construction Recommendations.

Second Consultation response - The applicant has submitted a tree survey ref. CCFEP.0207.TS01 Rev A, and a tree survey EP-96-07. It is evident that there is an inconsistency between both submitted documents, namely in relation to the stem diameter of the offsite mature beech tree.

·I would also question the accuracy of the data provided within arboricultural repot to accompany application at site of Bradbury hotel, station road, East Preston (29/06/2016) in relation to the stem diameter of the offsite beech tree. The applicant has stated a stem diameter of 755 mm. I actually recorded a measurement of 2800 mm, giving a RPA circle of 33.6 m2 or a square with side of 59.6 m2.
Recommendation:

·I would object to this application as the applicant has failed to meet the BS 5837:2012 Trees in relation to design, demolition and construction Recommendations

Third Consultation response - The applicant has submitted a tree survey ref. DPA69909-BRADBURY HOTEL, STATION ROAD, EAST PRESTON-AIS-REV2. This document accurately outlines the Root Protection Area to be protected for the duration of the development operation.

Recommendation:

· I would have no objection to this application as it has met the requirements of the BS 5837:2012.

· The following condition must be adhered to when completing the proposed development operation:

If any root structures with a diameter over 25mm are exposed during the excavation of the foundations for the development then these should be retained unless otherwise agreed in writing with the Local Planning Authority. Any removal of roots over 25mm in diameter that has been agreed with the Local Planning Authority shall then be carried out under the supervision of the Council's Arboricultural Officer.

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DRAINAGE ENGINEER
Soakaways to be investigated. Please apply ENGD2A, ENGD5A and ENGD5B
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 BRE 365, 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 30% 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.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. A tree survey was submitted with the original application, but was not initially scanned. The tree officer was re-consulted when the error was noted. The agent's were advised of the inaccuracies in the tree report and have submitted a revised plan and tree report which the Council's Arboricultural officer now has no objection to.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Class B road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
Publication Version of the Local Plan (October 2014):	ECC SP2	Energy and climate change mitigation
	D SP1	Design
	D DM1	Aspects of Form and Design Quality
	D DM2	Internal Space Standards
	D DM3	External Space Standards
	W DM1	Water Supply and Quality
	W DM2	Flood Risk
	W DM3	Sustainable Urban Drainage Systems
East Preston Neighbourhood Plan 2014 Policy 1		Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 4		Design in Character Area Three

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. Policies 1 and 4 of East Preston Neighbourhood Plan 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.

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CONCLUSIONS

PRINCIPLE
The site lies within the built up area boundary where redevelopment of the site is acceptable in principle subject to usual development control criteria being met.

RESIDENTIAL AMENITY
The site is currently occupied by a former home for the blind which is to be demolished and replaced with 9 dwellings located along the rear boundary and on the site frontage in a similar layout to the recent development at the former site of Malvern and Kerria to the south of the site. Residential cul-de-sacs of detached dwellings/flats adjoin the site to both the north and south. The dwellings to the north are 3m from the shared boundary to the front of the site and 2.8m to the rear and on the southern Churchfields boundary they are 4.2m from the boundary to the front of the site and 1.8m to the rear. The proposed development is 12m from the site frontage and 10m from the rear Langmeads boundary.

The dwellings to the rear replicate the pattern of development either side and retain an acceptable distance to the existing adjacent dwellings to ensure no materially adverse overbearing effects result. The rear and front elevations of each development are similarly positioned with a relatively small extent of projection and will not result in material harm. Any secondary windows on the side elevation would be obscure glazed to prevent any adverse overlooking resulting. Following negotiation Unit 5 has been moved 1m further from the rear boundary to better align with the rear elevation of the dwelling to the north.

The proposed semi detached units to the front of the site would reflect the position of the dwellings to the north and retain an adequate distance to the adjoining dwellings to the north to prevent a materially adverse impact on neighbouring residential properties resulting from overbearing effects. In addition, whilst there are windows on the side elevation of the dwelling which would lose their outlook these are secondary windows and no materially adverse impact on residential amenity would result. The windows on the side elevation of the proposed dwellings are conditioned to be obscure glazed to prevent overlooking and loss of privacy.

VISUAL AMENITY AND CHARACTER OF THE AREA
The site lies between 2 recent residential developments which are two and a half storeys high and comprise mainly detached dwellings with space around them. The proposal would demolish the existing 2 storey property and replace it with two and two and a half storey development which retains a reasonable space around the development and is comparable in ridge line height and layout with the developments to the north and south of the site.

Through negotiation the application has been amended and revised plans received which have moved the proposed southern dwellings approximately 2m further from the site frontage and altered them from detached to a pair of semis. They are now better aligned with the dwellings to the south and the appearance of the development is more balanced and symmetrical in the street scene. The type of development proposed comprising detached and semi detached dwellings is in keeping with the style and pattern of development in the locality and breaks up the built form and creates a perception of space. The current structure on the site has the appearance of a large detached residential dwelling. The proposed residential accommodation is therefore in keeping with the existing character of the area.

The front roof form of Churchfields, the neighbouring new development, when viewed from the frontage contains velux windows and the Langmead Close development to the south has roof lights to the frontage and small dormers facing forward on the units to the rear. The built form proposed provides accommodation in the roof of the units to the rear with velux windows in keeping with adjacent developments which have a similar two and a half storey height.

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To the rear from Langmeads the development to the south has rooms in the roof area with a triangular form and this proposal would incorporate windows at second floor level of similar design which is considered to be acceptable in terms of visual amenity.

The front boundary treatment includes some rebuilding of the existing wall and the inclusion of railings to match the development to the south with landscaping behind. This ensures continuity along the road frontage and aid the assimilation of the development in the street scene.

The proposed materials include timber effect boarding, bricks and clay tiles would reflect the palette of materials in the locality. The details of materials are to be controlled by condition.

EAST PRESTON VILLAGE DESIGN STATEMENT AND NEIGHBOURHOOD PLAN
The village design statement and Neighbourhood Plan have been endorsed as a material planning considerations. Station Road lies in Character Area Three of the Village Design Statement. The criteria for this area states applications will be supported provided the scale is in character with the area. Increasing density is only acceptable where the character of the road isn't altered.
The Village Design Guide has been incorporated into the Neighbourhood Plan. The proposal does not conflict with Policy 1 as the scale, density, height and layout reflect the architectural style, height and scale of the surrounding buildings and would therefore be in keeping with the character of the area and compliant with Arun District Local Plan policy.

HIGHWAY SAFETY
County Highways have no concerns in relation to highway safety or the level of parking proposed.

IMPACT ON TREES AND LANDSCAPING AND OPEN SPACE PROVISION
No trees on the site are intended to be retained but additional landscaping is indicated which would help to soften the impact of the development. The trees to be removed are not considered to be worthy of retention. Landscaping and tree protection could be dealt with by conditions, but the Local Planning Authority has sought to ensure that the protected tree on the adjoining site would net be adversely affected by the development.

COMPLIANCE WITH INTERNAL AND EXTERNAL SPACE STANDARDS
The proposal complies with the General Internal floor areas for three bedroom semi detached a detached dwellings. The detached units comply with the standards for a 6 person 3 bedroom house and the front units with the standards for a 4 person 3 bedroom house.

The proposal does not fully accord with the Emerging external space standards policy EDDM3 in that the units require rear garden sizes of 85 sqm and 10m depth. Whilst the 10m depth is provided most of the garden sizes are below the standard area (ranging from 52sqm to 86 sqm). However the sizes are directly comparable with those on the site to the north and refusal of the application on this basis could not therefore be justified.

CONCLUSION
The application is recommended for approval subject to the following conditions and a S.106 legal agreement covering Public Open Space.

However, if the S.106 legal agreement has not been signed within 3 months of the date of the resolution to approve then the application should be refused under delegated powers for the following reasons:

(1)The application fails to make a financial contribution towards the cost of providing accessible natural open green spaces and the proposal is therefore not in accordance with Policy ENV DM2 of

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the Arun Local Plan 2011-2031 (Publication Version);

(2) The proposed development makes no contribution towards public open space or children's play equipment and is thereby contrary to the aims and objectives of Policy GEN20 and the Supplementary Planning Guidance of the Arun District Local Plan;

HUMAN RIGHTS ACT

FOR APPROVAL
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

The scheme is of a size and nature that generates a requirement for commuted sum payments in respect of open space of £1000 per unit. An agreement is in the process of being signed.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

2 The development hereby approved shall be carried out in accordance with the following approved plans PO46-01a, 02A, 04C, 05B, 06A, 07B, 08B, 09B, 10A, 11, 12B, 13, 14B

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and 15B.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

4 No development above damp proof course (DPC) level shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

5 The windows at first floor level and above on the side elevations of the buildings hereby approved shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m above internal floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the side walls of the buildings at first floor level and above without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policy GEN7 of the Arun District Local Plan.

7 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 GEN7 of the Arun District Local Plan.

8 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period

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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 GEN7 of the Arun District Local Plan.

9 Development shall not commence 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

10 Development shall not commence until full details of the maintenance and management of the SuDS 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 (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

11 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system

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and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

12 No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of road safety

13 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
· the anticipated number, frequency and types of vehicles used during construction,
· the method of access and routing of vehicles during construction,
· the parking of vehicles by site operatives and visitors,
· the loading and unloading of plant, materials and waste,
· the storage of plant and materials used in construction of the development,
· the erection and maintenance of security hoarding,
· the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
· details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

14 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 cycle spaces so provided shall be retained in perpetuity.

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

15 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Station Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

16 The development shall proceed in accordance with the submitted Tree Report. DPA69909-BRADBURY HOTEL, STATION ROAD, EAST PRESTON-AIS-REV2. If any root structures with a diameter over 25mm are exposed during the excavation of the foundations of plot 4 then these should be retained unless otherwise agreed in writing with the Local Planning Authority. Any removal of roots over 25mm in diameter that has been agreed with the Local Planning Authority shall then be carried out under the supervision of the Council's Arboricultural Officer.

Reason: To ensure the retention and maintenance of trees and vegetation; which is an important feature of the area in accordance with sound arboricultural practice.

17 No development above damp proof course (DPC) level shall take place until details of bat

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and bird box provision referred to in the Bat Presence/Absence Survey submitted with the application have been submitted to, and approved by, the Local Planning Authority. No occupation of the development shall take place until the agreed provision for bats and birds have been secured/provided and they shall thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy GEN7 of Arun District Local Plan

18 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a commuted sum in lieu of open space provision.

19 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.

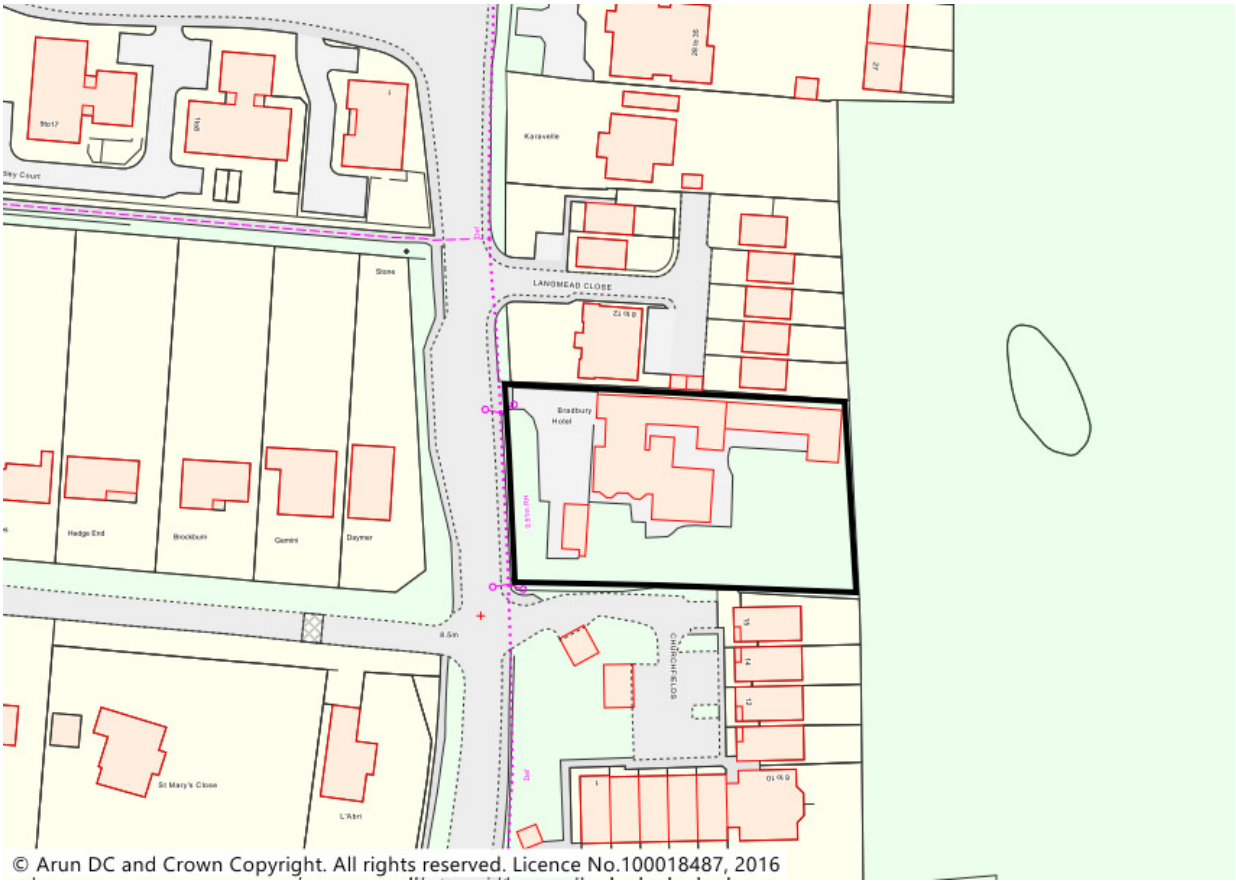
20 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to
contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

21 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.

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EP/63/16/PL Indicative Location Plan (Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: **BE/77/16/OUT**

LOCATION: **Land West of New Barn Lane**
Bersted

PROPOSAL: **Outline application with all matters reserved for up to 50 residential units, landscaping, amenity space, car & cycle parking, roads, service & drainage infrastructure & other associated works. Departure from the Development plan.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is for an Outline application for up to 50 residential units, associated open space, access and car parking.

The included Masterplan indicates a layout of 50 units comprising:

- The indicative housing mix shown includes 13 x 2 Bed; 20 x 3 bed and 17 x 4 bed dwellings.
- Public Open Space equates to 0.52ha.

The indicative development layout is set out in a figure of eight road layout. Detention ponds are shown located in the north-east corner near to the New Barn Lane access point and one indicated in the south-east corner near the Jubilee Recreation Ground.

An indicative access point for the proposal is shown from New Barn Lane via the Public right of way. This is the same access as approved by DC Committee in January for the Landform development - Application reference BE/142/15/OUT

The site is generally rectangular in shape and has been used for grazing. There is fencing along the field boundaries with trees and hedgerows beyond the fence line, forming the edge of the red line boundary of the site.

Public Footpath (PROW134) runs along the northern boundary of the site. It leads to the fields beyond the site linking to Lower Bognor Road to the west and Chalcraft Lane.

SITE AREA

1.94ha

RESIDENTIAL DEVELOPMENT

density of 37dph

AGENDA ITEM 7 DEVELOPMENT CONTROL-07/09/2016_14:30:00

DENSITY	
TOPOGRAPHY	Predominantly flat.
TREES	There are trees and hedging along the four site boundaries. However no Tree Retentions and Removals Plan has been submitted with the outline application. Two trees have been proposed for retention in a temporary Tree Preservation Order, This includes an Oak and Silver Birch located on New Barn Lane.
BOUNDARY TREATMENT	The site is enclosed by fencing around the rectangular enclosed field. The red line application site includes hedgerows and trees around the site.
SITE CHARACTERISTICS	This is an open site to the West of Bersted located within a medium/small scale agricultural landscape. The site and surrounding undeveloped land to the west is flat with fields separated by hedgerows, some boundary trees and drainage ditches.
CHARACTER OF LOCALITY	The nearby housing in Bersted to the west of Chichester Road is suburban in character, mainly 1950s and 60s single and two storey houses, often with open plan front gardens and low planting. To the south-east of the site is the Jubilee recreation ground.

RELEVANT SITE HISTORY

BE/142/15/OUT - Adjoining site to the north has been approved in February 2016 for 90 residential units subject to a s106 agreement. This application established the principle of residential development to the west of Bersted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted PC - Object
The above Outline Planning application does not comply with this vision according to policies in the BNDP:
- Policy ES3 Protecting the Strategic Gap- The proposed development falls within the strategic gap outlined in the BNDP. The boundary is defined in the 2003 and emerging ADC Local Plan.
- Policy ES7 The proposed development is outside the built up area as per BNDP Appendix F map.
- Policy HDQ5 the proposed development does not reflect the character of the location. It does not incorporate any bungalows in its design. Bungalows are the predominant street scene of New Barn Lane and Winston Crescent. The height of the proposed town houses (2.5) is an overdevelopment of the area.

The following Arun DC planning policies:
- GEN2 and GEN 3 - the proposed development site lies outside the built up area and the proposal being unrelated to the needs of agriculture, forestry, recreation, the extract of minerals or disposal of waste, conflicts with these policies which seek to protect the

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countryside and ensure that the amount of land taken for development is kept to a minimum.
- GEN2 - the proposed development site is not allocated in any Local Plan or otherwise identified by the Local Authority for residential development. The proposed development would constitute infilling, so conflicts with this policy.
- GEN7 - contrary to policy GEN7, the application is an unneighbourly form of development which would be detrimental to the character and amenities of the surrounding residential area

The PC does not consent to the proposed bridge over the ditch linking the development to Jubilee Field. Access to the field already exists off Winston Crescent.

The Parish Council has concerns about:
Highway safety & traffic with the outline planning permission given for 90 houses under BE/142/15/ OUT, the proposed development will significantly increase the level of traffic through New Barn Lane and Brazwick Avenue onto the Chichester Road. A WSCC modelling review of traffic and access to and from the proposed site is requested.

Should Arun District Council grant Planning permission for this application the Parish Council would like the following criteria for design, planning and open space to be considered as a minimum on the proposed development:-
- CLW4: Provision of Allotments where proposed developments exceed 20 houses a CIL contribution is required to fund allotment space.

ES8: Renewable Energy both Bersted and Arun Council s support and encourage the use of renewable energy schemes and this scheme should include it.

HDQ2 Integration of new housing with a sympathetic housing mix suitable to reflect the character of Bersted. The Parish Council would prefer bungalows are considered especially fronting onto the existing dwellings in New Barn Lane. The answer to question 53 of the public BNDP consultation ranks the housing desire as:
1st: 2/3 bedroom houses
2nd: 1/ 2 bedroom bungalows
3rd: 1/ 2 bedroom flats
4th: sheltered bungalows
5th: Sheltered housing and
6th: 4+ bedroom houses.

HDQ4: Housing Mix
The Bersted NP states that a proposal for new housing must deliver a range of housing types and tenures with a proportion required to meet Lifetime Home Standards so that homes are suitable for households whose needs change. The Parish Council would like to see a reduction in the number of 4-Bedroom houses allocated, as per GL Hearn s Objectively Assessed Need for Housing March 2015 commissioned by Arun District Council where 2 -3 bedroom housing has been identified as most needed. Table 6.20 show 80% of requirement are in these two bands.

HSQ6: Outdoor space
A private outdoor garden or a shared amenity must be provided for all new dwellings. HDQ8: Car parking

The provision of parking to be in line with Bersted Neighbourhood Development Plan Policy i.e. a minimum of 2 per dwelling.

PUBLIC REPRESENTATIONS

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Representations
12 representations have been received objecting to the proposal. The following is a summary of the points made.

· Roads unsuitable for additional traffic
· Congestion at junction with Chichester Road
· Loss of oak tree and impact on wildlife
· Noise and disturbance
· Flood risk
· Reduction in quality of life
· Departure from the Development Plan
· Increased pressure on local schools
· Medical Services at near capacity
· Local infrastructure unable to cope
· Loss of outlook
· Lots of development in this area already
· Impact on local residents should be considered
· Green field site which is a local amenity
· Site is within the strategic gap between Bognor Regis & Chichester
· Contrary to the Bersted Neighbourhood Development Plan
· There is already a local parking problem causing congestion
· Unacceptable burden on the surrounding area when taken in conjunction with the adjacent approval of planning permission for 90 homes
· Disturbance to bats
· The Neighbourhood Plan required bungalows and open plan development to fit in with the local area
· Erode rural ambience and visual amenity of the area
· Land is not allocated in the Local Plan and conflicts with housing policies
· Overshadowing
· Design does not integrate with the semi-rural nature of the surrounding area
· Dangerous access
· Sewage pipe cannot accommodate any further properties

COMMENTS ON REPRESENTATIONS RECEIVED:

Many of the points raised by the Parish Council and public representations are covered in the application assessment. Specifically the current planning policy position relating to housing and the loss of a greenfield site; encroachment into the gap between settlements; and, the BNDP.

Traffic, highways, and parking concerns are addressed in the assessment.

Comments have been received regarding the oversubscription of services. As with all major residential applications there is a requirement for the developer to enter into a legal agreement to make contributions towards infrastructure.

The comments relating to flooding and drainage are addressed by consultee responses from Southern Water, and WSCC flooding and ADC Flooding.

Concerns are also raised regarding the form of the development and the site layout - This is an application for Outline planning permission. An illustrative master plan has been submitted which provides a layout but if the development principle is accepted by members the detailed design would be submitted with the Reserved matters application.

A number of representations refer to the recently adopted Bersted Neighbourhood Plan and

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the loss of a greenfield site within the strategic gap. This is assessed later in the report.

The potential loss of the oak tree is raised. At this time the applicant has not indicated the loss of any trees. However following a request from a member of the public to review the trees at this location, the council's tree officer has made recommendations that the oak and silver birch are worthy of protection. A temporary TPO has been granted and landowners notified.

The PC raise the policy requirement for the provision of allotments. The PC were previously asked by officers to provide details of the site and justified costs for allotment provision. If the PC cannot justify the request for a developer contribution that is acceptable in terms of the CIL regulations, the request cannot be included in the s106. The case officer directed the PC to plan for allotment provision following the 90 unit proposal earlier this year.

CONSULTATIONS

Highways England
Ecology Advisor
Archaeology Advisor
Sussex Police-Community Safety
Planning and Housing Strategy
Parks and Landscapes
WSCC Strategic Planning
Environment Agency
Surface Water Drainage Team
Arboriculturist
Southern Water Planning
Engineering Services Manager
Engineers (Drainage)
Economic Regeneration
Environmental Health

CONSULTATION RESPONSES RECEIVED:

WSCC
Education Contributions
Primary - £191,653 - South Bersted Primary School
Secondary - £206,266 - Felpham Community College
6th Form - 48,320 - Felpham Community College

Libraries - £17,196 - Bersted
Fire & Rescue - £1,634 - Bersted

Total £465,069

WSCC Highways
The LHA raises no objection to the principle of development.

Vehicular site access, particularly compatibility with the adjacent scheme, will need to be considered in greater detail as part of the resolution of access matters. An indicative access is shown in the north east corner of the site. Access for both the proposed development and the consented to the north should either have junction spacing in accordance with current guidance, or be consolidated into a single point of access.

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Internal details, such as the layout of the estate roads and the provision of parking, would need to be considered as part of any layout reserved matter submission. It is anticipated that conditions may be required as part of any subsequent reserved matters submission - this would include conditioning of visibility splays, number of parking spaces etc.

Housing Strategy
The applicants have provided a revised dwelling mix for the affordable proposing the 15 units being delivered as follows: 5 x 1 bed units, 8 x 2 bed units, 1 x 3 bed and 1 x 4 bed, which is acceptable.

I would recommend that the affordable housing tenure split comprises of 8 x Affordable Rent and 7 x intermediate housing as prescribed by the NPPF, with the specific dwelling mix for each tenure type to be agreed and defined in the S106 Agreement.

WSCC Flood Risk Management Consultation - No objection

The site is at low risk from surface water flooding however the surface water management strategy should consider this risk and any suitable mitigation measures if appropriate. Any surface water flow paths across the site should be maintained or appropriate mitigation strategies proposed.

The site is at high risk from ground water flooding. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exists around the site. If present these should be maintained and highlighted on future plans.

No development should take place within 5m of any ordinary watercourse. If works are undertaken within, under, over or up to an Ordinary Watercourse, even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District or Borough Council.

The FRA/drainage strategy included with this application proposes that a SuDS system, porous paving and attenuation ponds with outfalls to the existing ditch system, would be used to restrict the run off from the development to pre-development Greenfield rates.

Ground water monitoring and percolation testing during the winter period would be required to determine the feasibility of using infiltration methods as the primary solution. Should infiltration not be suitable the original strategy of attenuation would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus 30% for climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the

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SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Sussex Police

The Design & Access Statement (DAS) failed to mention crime prevention measures to be incorporated into the design and layout.

The development in the main has good active frontage. Where communal parking occurs this must be in view of an active room with direct visual connection. Gable ended windows can assist in observation opportunities.

Dwelling frontages should be open to view with low boundaries between public spaces and private areas. The post and wire fencing shown in the DAS should be replaced with wooden post and rail fencing. Perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing robust barriers 1.8m high. Gates providing side or rear access should be robust, the same height as the fence and lockable.

Active rooms should overlook public open space and play areas with low foliage. Play areas should be fenced and landscaped and provide consideration for all age ranges.

Lighting throughout the development should conform to BS 5489:2013.

Highways England - No objections, however concerned with the cumulative impact of other applications in the area. Consider at what point housing in this location will affect the strategic road network and how such development may contribute to appropriate mitigations.

Archaeology Adviser - Field evaluation by trial trenching having proved negative, no further archaeological intervention or mitigation measures are justified.

Engineers (Drainage) - Comments in respect to surface water drainage:
Attenuation is proposed for surface water drainage. We allow storage immediately above the peak level. Please apply standard conditions ENGD2B, ENGD3A, ENGD4A, ENGD5A, ENGD5B, ENGD6A.

Percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or similar and cater for the 1 in 10 year storm between the invert of the entry pie to the soakaway and the base of the structure. There must also be capacity in the system to contain below ground level the 1 in 100 year event plus 30% allowance for climate change. Adequate freeboard must be provided between the base of the 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.

Watercourses/ditches must retain a three metre easement for access and maintenance. Any redundant field crossings must be removed. Any culverting would require land drainage consent. A maintenance manual for the surface water drainage system must be drawn up and ditches

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maintained in line with riparian responsibilities.

Environment Officer -

We agree the findings of the ecological report and support the enhancements suggested also we wish to see the following from said report implemented before determination: "4.13 In order to determine the assemblage of bats present further surveys are recommended. The site is deemed to be of low habitat quality for bats in accordance with the Bat Conservation Trust's guidance18. Therefore, it is recommended that seasonal bat transects (spring, summer and autumn) are carried out and on each survey occasion a single static detector will be deployed. The static detector will be positioned at a different location on each occasion and will be left insitu for a minimum of five nights."

The following will need to be conditioned: "4.31 No dormouse records have been identified following consultation. However, the hedgerows on site provide suitable habitat for dormouse and contain several species of value including hazel, sessile oak, bramble and blackthorn. These species provide nesting and foraging opportunities for dormice in the form of fruit, flowers and insect provision. It is also accepted that the south east and west of the UK are a stronghold for this species and they are thought to be under recorded in such areas. Due to the severance of hedgerow H1 for access, precautionary presence/absence surveys are recommended to determine dormouse status within the site.

Reptiles
4.32 All common UK reptiles species are partially protected under Schedule 5 (Sections 9(1) and 9(5)) of the Wildlife and Countryside Act 1981 (as amended).
4.33 Habitats for reptiles were restricted to the hedgerow bases, ditches, ruderal vegetation, scrub and narrow field margins which provide habitat suitable for commuting, foraging and for refuge.

Records of adder, common lizard and slow-worm have been identified, with all three species recorded within 500m of the site boundary. It is considered that further surveys are not necessary due to the limited area of suitable habitat available for reptiles on site. These habitats are restricted to the site boundaries and are to be retained and enhanced as part of the GI; therefore the development is likely to enhance the site's value for reptiles. A precautionary Method Statement will be written at the detailed planning stage, when a finalised design has been confirmed, this will detail measures to ensure if reptiles are present within the retained habitats that they are protected from harm, injury or death. Such measures will include passive displacement from areas where there will be potential temporary or permanent losses of habitat.'

The proposed development is also within the SPA zone of influence for Pagham harbour SPA zone of influence, with any net increase in the number of dwellings resulting in a payment needing to be paid the Pagham harbour disturbance mitigation scheme. Clearance of suitable nesting bird habitat (i.e. removal of trees, hedging, dense shrubs and dismantling / demolition of any building) should ideally be undertaken outside the breeding bird season, i.e. should be undertaken in the period September to February inclusive.

Should it prove necessary to clear bird nesting habitat during the bird nesting season, then a pre-works check for nesting birds should be undertaken, by a CIEEM ecologist (with 24 hours of any works). If any active nests are found, activities (e.g. tree felling / vegetation clearance / building dismantling / demolition) should cease and an appropriate buffer zone should be established. This buffer zone should be left intact until it has been confirmed that the young have fledged and

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the nest is no longer in use.

We would like to see the placement of nesting opportunities for birds (species such as swallows, swifts, housemartins, house sparrows and starlings). Along with bat roosting structures being put on/around the new building. Appropriate designs can be found in the publication "Designing for Biodiversity: A technical guide for new and existing buildings". Ecological advice should be sort in when deciding where and which of these structures should be placed for maximum effectiveness, because thermal tolerances of each species are very important. Other ecological enhancements that could be put in place reptile refugia, new ponds/ditches and ecologically sympathetic planting schemes. Lighting will need to be kept to a minimum, as lighting levels have a effects on nocturnal species such as bats, flying invertebrates and various mammal species.

Southern Water -

There is no capacity for the development without additional infrastructure.

SW request a condition to be added that requires a drainage strategy detailing the means of foul drainage and an implementation timetable.

An informative should also be added that requires the applicant/developer to enter in to a formal agreement with SW to provide the necessary sewerage infrastructure.

There is a requirement for SuDSscheme and the ongoing management of the SuDS.

Greenspace

Developments of 10-200 dwellings or more are expected to provide open space on site. The Council's SPG guidelines which apply to developments of houses and are based broadly upon the National Playing Fields Association's (NPFA) "Six Acre Standard". Fields in Trust guidelines (FIT) requires that 3.2 hectares of open space are provided for every 1,000 people ie 32 square metres of open space per person. We would require confirmation of the areas of public open space being proposed with this development. As there are 50 dwellings proposed for this site, then provision of LAP and LEAP would be sought on site with the addition of Multi- Use Games Area (MUGA) contribution being sought.

Landscape/Tree protection
LVIA and Landscape strategy information would need to be submitted to provide details of the proposed landscaping including proposals for the long term maintenance and management. Forming part of the application and prior to any consent being given a full landscape scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting. This should be plotted in plan and list form and in relation to the trees and vegetation to be retained in the locale, so that a clear picture of the proposals can be seen. These details are required to assure the adjacent land setting is maintained, the setting is uncompromised and the proposals are appropriate to its setting. The illustrative masterplan does set back the dwellings from New Barn Lane and details a central open space area which would create a useable and desirable space. The retained vegetative areas to the periphery of the site would create wildlife corridors and for the retention of valuable established vegetation. Any trees or vegetation that fall within the proposed or periphery of the development, may provide significant aesthetic impact to the location. Any trees in particular along the boundaries, which adjoin neighbouring land, in particular is the vegetation cover to be seen to all boundaries particularly to the north, south and west of this site and T1 in the North (proposed access road) corner could provide potential valuable screening and should be retained particularly any adjoining/bordering the settlement

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boundary. Any considered tree removal from this site should be agreed with Arun District Councils Tree Officer. Root protection Areas (RPA) should extend into the development site and to those in neighbouring land. Before construction, a tree protection scheme must be in place for any retained trees including trees whose root protection areas fall within the construction zone from neighbouring land. This should be in accordance with BS 5837:2012 'Trees in relation to construction' Any removed trees should be mitigated for allowing for inclusion of native species for biodiversity purposes and fitting to the semi-rural setting.

An ecological report detailing biodiversity and habitat, an LVIA and full tree survey should be submitted for approval, along with the proposed landscaping including proposals for the long term maintenance and management.

ADC Parks & Greenspace Arboriculture - Recommendation:
I would advise the relocation location of the proposed site access road to a location where it does not have an intrusion into the outlined Root Protection Area for T1.
Conditions:
Roots with diameter above 25mm - LAW17
If any root structures with a diameter over 25mm are exposed during the excavation of the foundations for the .....then these should be retained unless otherwise agreed in writing with the Local Planning Authority. Any removal of roots over 25mm in diameter that has been agreed with the Local Planning Authority shall then be carried out under the supervision of the Council's Arboricultural Officer.
Reason: To ensure the retention and maintenance of trees and vegetation; which is an important feature of the area in accordance with sound arboricultural practice.

Environmental Health - The Desktop Study Report indicates that the contamination risk is low. Apply the following condition:

ENV 5 Unsuspected Contamination
If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason - To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policy DEV1 of the West Sussex Structure Plan and policies GEN7 and GEN31 of the Arun District Local Plan.

NHS

Views Awaited
COMMENTS ON CONSULTATION RESPONSES:
Comments noted.
Additional comments and conditions from WSCC Highways have been sought. The proposed site access has been through a Stage 1 Road Safety Audit and designer's Response and there is no safety objection to the design. The access was approved under BE/142/15/OUT.

An update on these matters will be provided to planning Committee Members.

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POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	DEV17	Affordable Housing
	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	AREA11	Local Gaps
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN20	Provision of Public Open Space within Nev Development
	GEN12	Parking in New Development
	GEN11	Inland Flooding
	GEN14	Public Transport
	GEN15	Cycling and Walking
	GEN25	Water Resources
	GEN18	Crime Prevention
	GEN26	Water Quality
	GEN9	Foul and Surface Water Drainage
	GEN28	Trees and Woodlands
	GEN29	Nature and Conservation Across the District
	GEN32	Noise Pollution
	GEN33	Light Pollution
	DEV37	Existing Caravan Sites

Publication Version of the Local Plan (October 2014):	C SP1 Countryside
	D SP1 Design
	ENV DM4 Protection of Trees
	H DM1 Housing Mix
	H SP1 Strategic housing, parish and town council allocations
	H SP2 Affordable Housing
	SD SP2 Built-Up Area Boundary
	SD SP3 Gaps Between Settlements
	W DM1 Water Supply and Quality
	W DM3 Sustainable Urban Drainage Systems

Bersted Neighbourhood Plan 2014 Policy CLW3	Sport and Leisure Provision
Bersted Neighbourhood Plan 2014 Policy CLW4	Provision of Allotments
Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES3	Protecting the Strategic Gap/Green Infrastructure Corridor
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy HDQ1	Housing Site Allocations
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ4	

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	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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

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 the Development Plan in that it proposes residential

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development outside the village development boundary, however there are material considerations that justify the officer recommendation.

OTHER MATERIAL CONSIDERATIONS

Neighbourhood plans are an important part of the plan-led system. The Government's policy intention when introducing neighbourhood planning was to provide a powerful set of tools for local people to ensure they get the right types of development for their community, while also planning positively to support strategic development needs.

Decision makers may find themselves considering applications in an area with a neighbourhood plan that has passed referendum and been "made", and thus forms part of the development plan, but where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
In such instances paragraph 49 of the Framework is clear that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." Paragraph 49 applies to policies in the statutory development plan documents which have been adopted or approved in relation to a local planning authority area. It also applies to policies in made neighbourhood plans.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the Framework states that the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

This includes paragraphs 183-185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

CONCLUSIONS

PROPOSAL

The application site is currently an agricultural field which sits to the south-west of New Barn Lane. The outline proposal is for 50 dwellings (of which 30% = 15 units are affordable). The site is 1.94ha with 0.52ha of Public Open Space.

The site is generally contained by the trees and hedgerows/vegetation that forms the boundaries to the site. The predominantly flat site sits 5.0m AOD.

PRINCIPLE:

The site lies in a countryside location outside the built-up area boundary where the principle of development is considered to be unacceptable. Development Plan policies seek to exert strict control over development in the countryside to protect it for its own sake. Development will only be permitted where there is a strong justification for a countryside location. The Government's advice indicates that planning authorities should continue to ensure that the quality and character of the

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wider countryside is protected and where possible enhanced.

Arun District Local Plan policies GEN2 and GEN3 seek to focus development within built up areas however these boundaries have reduced weight as they are time expired since they do not relate to housing provision beyond 2011. The Arun Local Plan 2011-2031 Publication Version reflects the need to provide housing on land outside of the defined built up areas. It sets out allocations for future housing for Parish and Town Councils that they should bring forward over the plan period. Policy H SP1 of the Emerging Plan requires Neighbourhood Plans to bring forward proposals for housing delivery.

The Bersted Neighbourhood Development Plan (BNDP) now forms part of the development plan, having been adopted on 4 November 2014. As set out in the introduction to the BNDP all Neighbourhood Plans must be in line with the NPPF and local policy (ADC Local Plan). There is a housing allocation for the Bersted Parish of 50 dwellings. The BNDP has a defined settlement boundary for Bersted and designates the area to the west of New Barn Lane as "Gap Between Settlements". This is in general conformity with the emerging Arun Local Plan.

The Bersted NDP does not support development outside the built up area, however, as the Council is currently unable to demonstrate a 5 year National Planning Policy Framework compliant supply of housing and with the current objectively assessed housing need for the District at 845 dwellings per year and completions below the required rates, it is clear that housing supply needs to be increased. This means that the Council should not be refusing applications for development outside of the built up area boundary solely on the grounds of principle.

This position has been further endorsed by the Secretary of State in a recent decision which confirms that where there is a lack of 5 year housing land supply this renders the policies relating to housing allocations within a Neighbourhood Plan out of date. Planning Policy Guidance has also been updated, as set out in the material considerations section above. This confirms how planning applications should be determined where there is a made neighbourhood plan, but where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.

The NPPF states "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites". NPPF Para 49.

The site is in a sustainable location and has a positive relationship to the built up area to the east. It is near to shops, services, existing major routes for good public transport links and would be physically and visually connected to the existing built up area. This outline planning application demonstrates that this site is available and deliverable. It can assist with the delivery of new housing of new housing in the short term at a time when new housing is required to address a significant supply shortfall.

DESIGN

Planning Policies and Central Government Advice support the efficient and effective use of land. Policy GEN7(i) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Furthermore new development should be well integrated with and complement the local area in terms of, for example, layout.

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Policy GEN7 also sets out a requirement for schemes to display high quality design and layout. The NPPF also attaches great weight to the design of the built environment and states that good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 7 of the NPPF states that one part of the sustainable development principle is a high quality built environment and para 9 expands by confirming that this is through seeking improvements to the quality of the built environment and widening choice of high quality homes. One of the 'core planning principles' at para 17 is securing high quality design and a good standard of amenity.

Section 7 of the NPPF relates to 'requiring good design'. The section states good design is a key aspect of sustainable development (para 56), that developments should establish a strong sense of place and be visually attractive as a result of good architecture (58). Para 64 confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

The indicative layout of the development with access from the north-east corner of the site would be acceptable and the location of the public open space along the edges of the site and a commitment to provide a financial contribution for improvements at Jubilee Field. This is on the basis that there would be new formal play areas within the consented scheme to the north a requirement for a LAP within the development and it may be better to contribute to a play area at Jubilee Field that serve the wider community.

The PC refer to the policy HDQ5 of the Bersted NDP which requires proposals for new housing development to be of high quality and designed to reflect the local character. The PC sets out that as the predominant street scene includes bungalows, bungalows should be incorporated into the design. The application is an outline and while the indicative layout does not included single storey dwellings this would be a design matter for the reserved matters application.

NEIGHBOUR AMENITY

Arun District Local Plan Policy GEN7 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. The NPPF states that new development should contribute positively to making places better for people. These guiding principles are also contained in the Bersted NDP.

The proposed layout for the site would likely ensure that there would be no undue harm to the residents of the proposed dwellings; however the development of this open area would result in some residents on New Barn Lane and Winston Crescent no longer having the benefit of views of open countryside. While a view is not a planning consideration the development proposed has carefully considered the New Barn Lane frontage.

The detailed design will be a reserved matter, however the general principles of the indicative layout are in accordance with Policy GEN7 of the Arun LP and Policy SDP1 of the emerging Local Plan. The indicative layout also seeks to be in accordance with Bersted NDP policy ES1

AFFORDABLE HOUSING

The applicant has discussed the proposals with the Housing Strategy and Enabling Manager and an agreed residential mix and tenure have been proposed. The development proposes 30%

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affordable housing which amounts to 15 units. The recommended affordable housing tenure split comprses 8 x affordable homes for rent and 7 x intermediate housing units as prescribed by NPPF.

HIGHWAYS, TRANSPORT AND PARKING

Highways England had no objections to the proposal. WSCC as Local Highway Authority has provided detailed comments. The LHA has no objections to the proposal subject to detailed design. As this is an outline application WSCC cannot comment on the internal site layout as this would be a reserved matter.

Access

The LHA raises no objection to the principle of development.

Vehicular site access, particularly compatibility with the adjacent scheme BE/93/16/PL and BE142/15/OUT, will need to be considered in greater detail as part of the resolution of access matters. An indicative access is shown in the north east corner of the site. Access for both the proposed development and the consented to the north should either have junction spacing in accordance with current guidance, or be consolidated into a single point of access.

Internal details, such as the layout of the estate roads and the provision of parking, would need to be considered as part of any layout reserved matter submission. It is anticipated that conditions may be required as part of any subsequent reserved matters submission - this would include conditioning of visibility splays, and number of parking spaces.

There is a requirement in the Bersted NDP for a minimum of 2 car parking spaces per unit.

A number of objection letters referred to the potential congestion that this development would create. All three junctions demonstrated no noticeable impact occurring as a result of the development proposals. This was demonstrated by the approved 90 unit scheme and the additional 50 units does not make any significant difference that would warrant a highway objectior

Should the principle of residential development be accepted conditions can be added that require the submission of additional details which would be considered as part of the detailed design of the layout.

Access to the site is a reserved matter, the applicant has demonstrated that the approved access (Access A) for the Landform development for 90 units can be a shared access to the site. The potential impact of the development has been assessed and is not considered to be significant, with junctions continuing to operate within capacity.

Implications of Alternative Access (BE/93/15/PL)

The alternative access proposed at New Barn Lane is a separate application proposed by Landform. It proposes a replacement access for the 90 dwelling scheme to the north of the application site. The proposal is accompanied by a unilateral Undertaking - a legal agreement that sets out that, if approved, that one of the 2 access points will be built, the other access would no longer proceed. The Church Commissioners or their successors in title will have the option to use the alternative access without having to pay a 'ransom' cost, but would be required to pay their share of the design and build cost.

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The council has met with both parties and a negotiated agreement can be reached. While this is in part a civil matter between two landowners, the council need assurances that two controlling landowners within the West Bersted housing expansion area can reach agreement in order that if permission is granted the development can be built in the short term without potential legal delays.

FLOOD RISK AND DRAINAGE

The proposed site is at low risk from surface water flooding. A small amount of higher level risk is shown associated with the exiting watercourses/drains along the perimeter of the site.

The area of the proposed development is shown to be at 'high risk' from ground water flooding based on the current mapping. This risk and appropriate mitigation should be considered in any future design especially with regard to underground structures and utilities. Conditions covering drainage, SuDS and percolation testing is required along with winter monitoring.

The Environment Agency has no objections to the proposal. Environment Agency mapping shows that the site is not within flood zone 2 or 3.

Some of the objection letters referred to the site's potential to flood, WSCC has no records of historic flooding within the site boundary or nearby. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

There are issues with the ditches adjacent to the site. Clearance and desilting of the ditches would be required. Ditch connectivity should be ascertained, especially at the south western corner of the site. If infiltration isn't feasible for the SUDS system, a suitable outlet should be provided. Some ditches drain to Southern Water surface water sewers, and Southern Water may not want extra land drainage being connected to the system. Some work has been done by adjacent landowners on the other side of the proposed access route in. Any ditch crossings will require land drainage consent.

Any SUDS or soakaway design will need to include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. An objector was concerned that the trial pits had been dug during the summer months and there would be a need to carry these out during the winter period. This is a requirement and would be added as a condition.

Ditches will require easements for access and maintenance. No development should take place within 5m of any watercourse. Maintenance details for the surface water drainage system should also be provided.

FOUL DRAINAGE

There is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public system and existing properties and land may be subject to a greater risk of flooding as a result.

If approved the Developer would enter into a formal agreement with Southern Water to provide the necessary infrastructure. Additional off site sewers or improvements to existing sewers will be required.

NOISE/LIGHT POLLUTION

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Residents have raised concerns as to the potential for noise/disturbance from the new houses/cars, and for light pollution from street lighting and air pollution from exhaust fumes. If this site is developed, there will be increased noise/disturbance/light pollution to existing residents. It is not considered that these impacts will result in significant harm. Street lighting will be controlled by condition. There has also been a request from the ecologist that lighting is considered in relation to the location of street lights and security lights due to the existence of bats near the site.

IMPACT ON TREES

There are no Tree Preservation Orders on the trees around the periphery of the site and a detailed tree survey showing the location of trees to be retained and any to be felled. This updated document has been accepted by the Council's Tree Officer. A condition has also been included that requires a full landscape scheme to be submitted for the site as a reserved matter. A condition is also proposed that protects existing trees during the construction phase.

A temporary TPO has been prepared for 2 trees to the north of the site outwith the site boundary.

ECOLOGY

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed as detailed within the survey, a new hedgerow should be planted. Conditions are included to ensure this.

The lighting scheme for the site will need to take into consideration the presence of bats.

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 notice of any work).

SUMMARY

It is considered that the this application is acceptable on the basis that it creates a residential development in a sustainable location near to services, main routes which offer public transport opportunities. The addition of this residential development on local infrastructure can be accommodated as demonstrated in this report. There will be a requirement to upgrade foul drainage as there is currently no capacity. The developer would also be required to make significant contributions for education, library and fire and rescue.

The applicant has demonstrated that the traffic associated with the 50 dwelling proposal can be accommodated on the local road network but as the access is to be a reserved matter all the conditions that would relate to access and parking would be considered and added to the Approval of Reserved matters should the application be approved.

The developer has also agreed to a housing mix and tenure as set by the Housing and Enabling Manager which delivers 15 affordable housing units to the area.

The undersupply of housing within the area means that there is an urgent need to find sustainable housing sites that can be delivered in the short/medium term to assist Arun DC meet its housing

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target.

It is considered that the application should be approved subject to conditions and a s106.

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 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 neutral 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).

SECTION 106 DETAILS

The s106 will need to include:
· Open Space;
· Amenity Spaces;
· Management and Maintenance Commuted Sum;
· Affordable Housing;
· Education Contributions;
· Fire and Rescue contribution;
· Library Contribution;
. NHS Contribution;
. Pagham Harbour SPA contribution
. Allotments contributions; and
· Public Right of Way improvement contributions.

Developer contributions for the heads of terms above can only be included within the s106 where there is justification and that the request is in line with CIL regulations.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

1 The permission hereby granted is an outline permission under s92 of the Town and

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

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

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

2 The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before expiration of 1 year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

4 Development shall not commence 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

5 Development shall not commence until full details of the maintenance and management of the SUDs 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 manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and on going operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The SuDs Manual' CIRIA

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publication ref: C753 Chapter 32.

6 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

7 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

8 No development 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 GEN7 of the Arun District Local Plan.

9 No development including site access, or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by 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 however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be

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exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. 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 GEN7 of the Arun District Local Plan.

10 No development shall be carried out 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 development.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with policy GEN7 of the Arun District Local Plan.

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

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

Reason: In the interests of highway safety and the amenities of the area.

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Local Plan.

13 Prior to the commencement of construction works on each phase of the development of any preparatory works a detailed ecological enhancement scheme (which shall include the installation of bat boxes and bird boxes throughout the site) shall be submitted to the LPA for approval and will be based on the recommendations within the supporting ecological statement and as appropriate. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

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

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the site in line with national guidance and Policy GEN23 and GEN29 of the Arun District Local Plan (2003).

14 No operational or construction vehicles shall be operated on the site except between the hours of:

7.00 and 19.00 on Mondays to Fridays inclusive
7.00 and 13.00 on Saturday
Not at any time on Sundays or Public Holidays

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.

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

Reason: In the interest of amenity and the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

16 No development shall take place until details of laying out, timetable for provision and future maintenance of Public Open Spaces has been submitted to and approved by the local planning authority. The layout details submitted in compliance with Condition 1 shall define the boundaries of such areas, their proposed use, the items of equipment, means of enclosure and all other structures to be installed. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the informal open space, which is considered a necessary part of the development, is provided to an acceptable standard within an agreed timescale in accordance with policies GEN7 and GEN8 of the Arun District Local Plan.

17 No demolition, ground clearance or vegetation clearance works shall take place within the bird nesting season (between 1 March and 31 August inclusive in any year). If such works cannot be undertaken outside of the nesting season, a nesting bird check shall be required, which should be undertaken by a suitably qualified ecologist immediately prior to the works taking place. Subsequently if any active nest sites are identified, these nests should remain undisturbed until all the young have fledged naturally.

REASON: To minimise disturbance to nesting birds.

18 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. 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 [as a part of the reserved matters submissions required by condition 2]. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the NPPF.

19 No development shall take place until a street lighting scheme has been submitted and

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approved in writing by the Local Planning Authority. This must comply with the Institute of Lighting Engineers Guidance Notes for the reduction of obtrusive light.

Reason: To enable the LPA to control the development in detail in the interests of residential amenity and in accordance with GEN7 of the Arun District Local Plan and also to ensure there is no impact on Bats within the vicinity of the site.

20 Prior to the commencement of the development details showing the proposed location of one fire hydrant (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. These approvals shall not be unreasonably withheld or delayed.

Prior to the first occupation of any dwelling unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of fire fighting. The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004).

Reason: In the interests of amenity and in accordance with policy GEN7 of the Arun District Local Plan 2003

21 INFORMATIVE

Please note that related to this permission there is an agreement under Section 106 of the Town & Country Planning Act 1990.

22 INFORMATIVE:

The reserved matters application will provide full details of all roads and footpaths associated with the development. In the event that neighbouring land is approved for development at some point in the future this layout must include footpath and pedestrian links right up to the boundary to ensure access.

23 INFORMATIVE:

If there is a requirement for security lighting during construction or proposed at any dwelling prior to installation the lighting details must be provided to and approved by the Local Planning Authority.

24 INFORMATIVE:

Section 59 of the 1980 Highways Act - Extra-ordinary Traffic
The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

25 INFORMATIVE:

Section 278 Agreement of the 1980 Highways Act - Works within the Highway

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The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

26 INFORMATIVE:

Section 38 Agreement of the 1980 Highways Act - Provision of Adoptable Highway
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

27 INFORMATIVE:

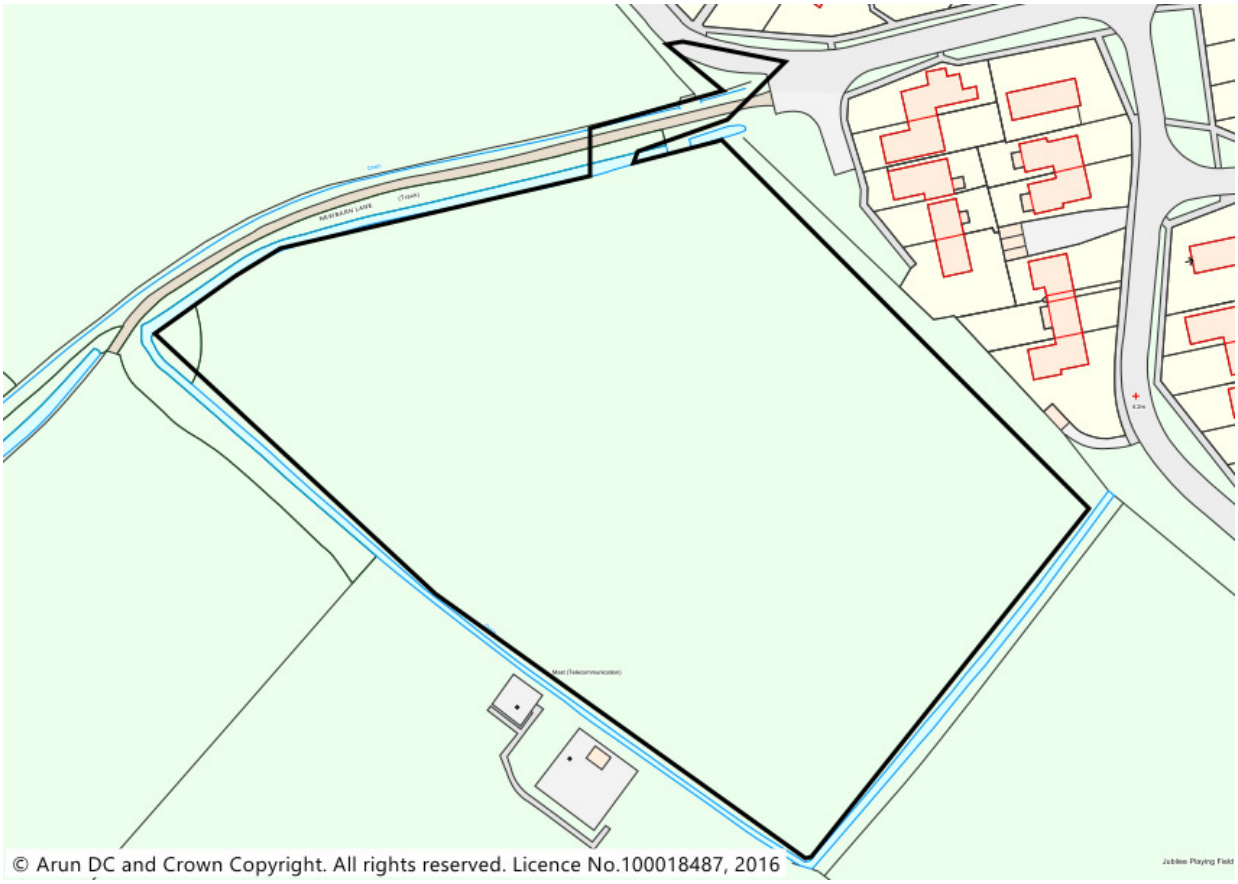
The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

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BE/77/16/OUT Indicative Location Plan (Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: **BE/93/16/PL**

LOCATION: **New Barn Lane**
Bersted
Bognor Regis
PO21 5DL

PROPOSAL: **Construction of new vehicular/pedestrian/cycle route onto New Barn Lane for residential purposes**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	0.12HA
TOPOGRAPHY	Predominantly flat.
TREES	There are three trees within the vicinity of the proposed access. T1 - Elder, T2 - Silver Birch and T3 Sycamore. All are to be retained. It is proposed to prune the lower branches of the sycamore T3.
SITE CHARACTERISTICS	The application site form part of a field that has been granted planning permission for 90 residential units. The field is located to the west of Bersted where the nearby housing to the west of Chichester Road is suburban in character, Mainly 1950'sand 1960's single and two storey housing, often with open plan front gardens.

RELEVANT SITE HISTORY

BE/142/15/OUT	Outline application with some matters reserved for a mix of up to 90 No. residential units, associated open space, landscaping, access & car parking. This application is a Departure from the Development Plan.	App Cond with S106 24-02-2016

The application for 90 dwellings was granted planning permission for outline planning consent in February 2016.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted Parish Council - OBJECT for the following:
Highway safety - Visibility and the proximity of the driveway of 38 New Barn Lane being directly opposite and the narrow opening for HGV vehicles, not just refuse collection vehicles, making deliveries.

Conflicts with policy GA1 of the Bersted Neighbourhood Plan Pedestrian and cycle connections;

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The new access conflicts with the sus trans cycle route.

The original vehicle access is preferred and the parish feels this should not change.

The parish also suggests that an alternative option that was previously considered for access to be at the north of the site from Brazwick Avenue should be looked at again, now that the strip of land at the front of the development has been bought by the developer.

Representations
12 representations have been received objecting to the proposal. The following is a summary of the points made.

· Danger to traffic
· Congestion
· Hazard to cyclists and pedestrians
· Original access should be used
· Hazard to residents
· Loss of trees
· Noise and disturbance
· Flood risk
· Wildlife survey required
· Reduction in quality of life
· Not in accordance with Neighbourhood Plan

COMMENTS ON REPRESENTATIONS RECEIVED:
The Comments are noted and considered in the assessment below.

CONSULTATIONS

WSCC Strategic Planning
Highways England

CONSULTATION RESPONSES RECEIVED:
Highways England - No objection

WSCC Strategic Planning -
First Response 5 July 2016
West Sussex County Council, in its capacity as the Local Highway Authority, has been consulted on the proposed access of New Barn Lane. This proposed access is to replace the access approved through BE/142/15, associated with the development of 90 units to the south of New Barn Lane.

It is proposed to relocate the access slightly to the north, away from the route of the PROW. The access itself remains fundamentally the same as permitted through BE/142/15. The Applicant has reviewed the revised access against the recommendations of the Road Safety Audit: Stage 1 and it is considered that the RSA recommendations are still relevant given the minor change in location. A Stage 2 Audit will be required as part of any future detailed design and S278 submission.

Second response also made on 5 July where the Highway Authority were asked to consider the adjoining proposal and the potential of two access points.

The introduction of a separate access at the location shown would not be compatible with the proposed access to BE/77/16, which proposes to intensify the usage of the existing agricultural

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field access/PROW. The presence of two accesses in close proximity which experience regular and frequent use could lead to confusion between drivers looking to emerge and drivers indicating to turn into one of the accesses. Drivers indicating to turn left into the second access could be confused with the intention to turn into the first access, with vehicles emerging into their path as they continue to the second access to turn in, thus resulting in the risk of side-impact collisions. Similarly, there is an increased chance of rear-shunt collisions where vehicles may slow to turn unexpectedly if the following driver assumes that they are indicating to turn into the second access. It is understood that the Applicant is now in ownership of the land between New Barn Lane and the application site, which was not previously owned as the time of the original submission. It is recommended that the access is relocated further north, towards Brazwick Avenue, and a separation of approximately 43m between junctions on the southern side of New Barn Lane. The formation of a crossroads with Brazwick Avenue should also be avoided. An updated RSA1 would be required, as the relocation would represent a material change from the previously agreed access arrangements.

Alternatively, the existing access location should be retained and the access shared to provide a single point of access from both BE/142/15 and BE/77/16.

COMMENTS ON CONSULTATION RESPONSES:

The above highways comments indicates that in relation to a single access point to the residential developments to the west of Bersted the replacement Access A (approved) could be replaced by Access B (proposed BE/93/16/PL). However the replacement access cannot co-exist should Access A be constructed. Access A provides both a Public Right of Way (PROW) and vehicular access to the field to the south, between the Landform 90 dwelling site and the Jubilee Field which is the subject of a proposal for 50 dwellings. Full assessment in the conclusions below.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN14	Public Transport
	GEN15	Cycling and Walking
	GEN28	Trees and Woodlands
	GEN33	Light Pollution
Publication Version of the Local Plan (October 2014):	D SP1 Design ENV DM4 Protection of Trees	
Bersted Neighbourhood Plan 2014 Policy ES1		Design of new development
Bersted Neighbourhood Plan 2014 Policy ES7		Development outside of the Built Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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

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.

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CONCLUSIONS

Application BE/142/15/OUT was approved by DC Committee earlier this year. The access (access A) was submitted in detail, all other matters were reserved. Access A forms a continuation of New Barn lane, using the Public Right of Way (PROW).

This proposal is for a replacement access (Access B) which is around 8m north of Access A.

The applicant has explained that there was a 1m strip of land the length of the New Barn Lane frontage that had formed a ransom strip. Following the approval, Landform purchased the strip and are proposing to relocate the access location.

The relocation of the access in principle would be an acceptable proposal, however in this instance the planning considerations are:
Highways;
Trees; and
The implications for application BE/77/16/OUT - 50 dwellings

Highways Considerations

The Local Highway Authority have made two consultation responses. One indicated Access B itself remains fundamentally the same as permitted through BE/142/15 (Access A). The Applicant has reviewed the revised access against the recommendations of the Road Safety Audit: Stage 1 and it is considered that the Road Safety Audit (RSA) recommendations are still relevant given the minor change in location. A Stage 2 Audit will be required as part of any future detailed design and S278 submission.

This suggests that the design and operation of a single access in this location would not cause a highway safety issue. Therefore the objections from the parish Council and objections from residents relating to highway safety are not supported by the Highway Authority, on the basis of a single access.

The Highway Authority were then requested to take Access B and Access A into account. While the access in relation to BE/77/15/OUT is reserved, the application indicates in the Transport Assessment that Access A would be used, an access that has already been approved.

The introduction of a separate access (B) at the location shown would not be compatible with the proposed access to BE/77/16, which proposes to intensify the usage of the existing agricultural field access/PROW. The presence of two accesses in close proximity which experience regular and frequent use could lead to confusion between drivers looking to emerge and drivers indicating to turn into one of the accesses. Drivers indicating to turn left into the second access could be confused with the intention to turn into the first access, with vehicles emerging into their path as they continue to the second access to turn in, thus resulting in the risk of side-impact collisions. Similarly, there is an increased chance of rear-shunt collisions where vehicles may slow to turn unexpectedly if the following driver assumes that they are indicating to turn into the second access. It is understood that the Applicant is now in ownership of the land between New Barn Lane and the application site, which was not previously owned as the time of the original submission. It is recommended that the access is relocated further north, towards Brazwick Avenue, and a separation of approximately 43m between junctions on the southern side of New Barn Lane. The formation of a crossroads with Brazwick Avenue should also be avoided. An updated RSA1 would be required, as the relocation would represent a material change from the previously agreed access arrangements.

Alternatively, the existing access location should be retained and the access shared to propose a

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single point of access from both BE/142/15 and BE/77/16.

To address this, the applicant has provided a draft layout plan that indicates that Access B can include an arm leading south into the adjoining site.

The applicant has also provided a unilateral undertaking (legal agreement) that confirms that (subject to both applications being approved) (1) only one Access A or B can proceed; and (2) that the use of either access can be used by the Church Commissioners, to serve the residential use of the land to the south.

While this suggests that a workable single access point can be provided that serves both sites, the right to connect by the Church Commissioners will require a separate agreement to address various matters, such as determination of the construction costs, which are not appropriate for the Undertaking.

This is not a planning matter as it is an agreement between two adjoining landowners, however the council would not wish to have housing sites which are intended to provide short term housing land supply needs delayed as a result of landowner negotiations/ransom situations. The applicant has confirmed that the landowner has agreed not to seek a premium in respect of any benefit arising from the provision of such rights to connect.

The advice from the council's planning Solicitor will be available at DC Committee.

Trees

The location of the revised site access is between mature trees. T1 - an Elder; T2 a Silver Birch; and T3 a Sycamore. Initially the applicant confirmed that all three would be retained, subject to pruning of T3. This was later clarified by the applicant's aboriculturist:

T1: C Category elder - This tree is a poor species and was shown for removal for development purposes on our Preliminary AIA which forms part of the now consented proposals. It is a large multi-stemmed bush with a 7.2 m RPA and will not fit on the narrow strip shown on the revised drawing without extensive root loss. It will still need to be removed to achieve the revised layout.

T2: B Category silver birch - The bell mouth encroaches slightly into the RPA and pre-emptive root pruning is recommended to minimise root damage. The footpath through the RPA will need to be of No-Dig construction. The canopy height is currently 1m and some minor facilitative pruning will be necessary.

T3: The footpath shown through the RPA must also be No-Dig. It must not extend closer than 0.5 m towards the tree.

To summarise trees; T2 and T3 would be retained and protected in line with BS5837:2012 as long as No-Dig construction is used for the paths. T1 still needs to be removed for development purposes.

The council's Tree Officer has following a request from a member of the public been asked to consider a TPO on a group of Sycamores, T2 - Silver Birch and an Oak which sits to the south of New Barn Lane PROW. In the approved application BE/142/15/OUT these trees were not shown to be removed so all were assessed. The advice is that the sycamores are not worthy of a TPO. The Oak and Silver Birch qualify and a Temporary TPO has been issued.

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The Oak is unaffected by this proposal. The Silver Birch will require, as stated above root pruning. This has implications for the Silver Birch and potential damage from having the tree located in a narrow parcel of land between the edge of the highway and the proposed footpath/cycleway.

The implications of this application on BE/77/16/OUT

The Church Commissioners(CC)application for 50 dwellings is seeking permission in principle for a residential development of up to 50 dwellings. All matters including access are reserved. The CC application has provided a transport statement that considers traffic impact but as no access is included in the current application there are no compatibility issues at this time. This proposal is seeking to relocate the access and it is deemed to be acceptable in highway safety terms. The applicant has included a Unilateral Undertaking to only build one access A or B; while making provision to grant to the CC the right to connect to and have access over Access A or Access B, as relevant, from the Church Land.

The applicant/landowner and the CC are continuing legal discussions regarding the Undertaking and the rights of connection.

The Council requires the Unilateral Undetaking to allow for deliverability of both developments should the Committee approve BE/77/16/OUT. Following the submission and approval of all reserved matters, The council would not want to have any issues regarding deliverability.

An update is to be provided to members at Committee.

HUMAN RIGHTS ACT

FOR APPROVAL
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.

FOR REFUSAL
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),

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Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

Unilateral Undertaking that confirms that only one access can be built either Access A or Access B; right for adjoining landowner to connect and to have access over the Access A or B. No impediments to deliverability where a shared access is used.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Drawing No 01084_SK_005 - Site Plan
507-021 Rev A - Revised Access
507-017 - tracking plan
507-018 - agricultural tracking plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 The use of the new access shall not commence until visibility splays of 2.4m by 43m have been provided at the proposed site vehicular access onto new Barn Lane in accordance with the approved drawing 507-021 Rev A. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.
Reason in the interests of road safety.

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

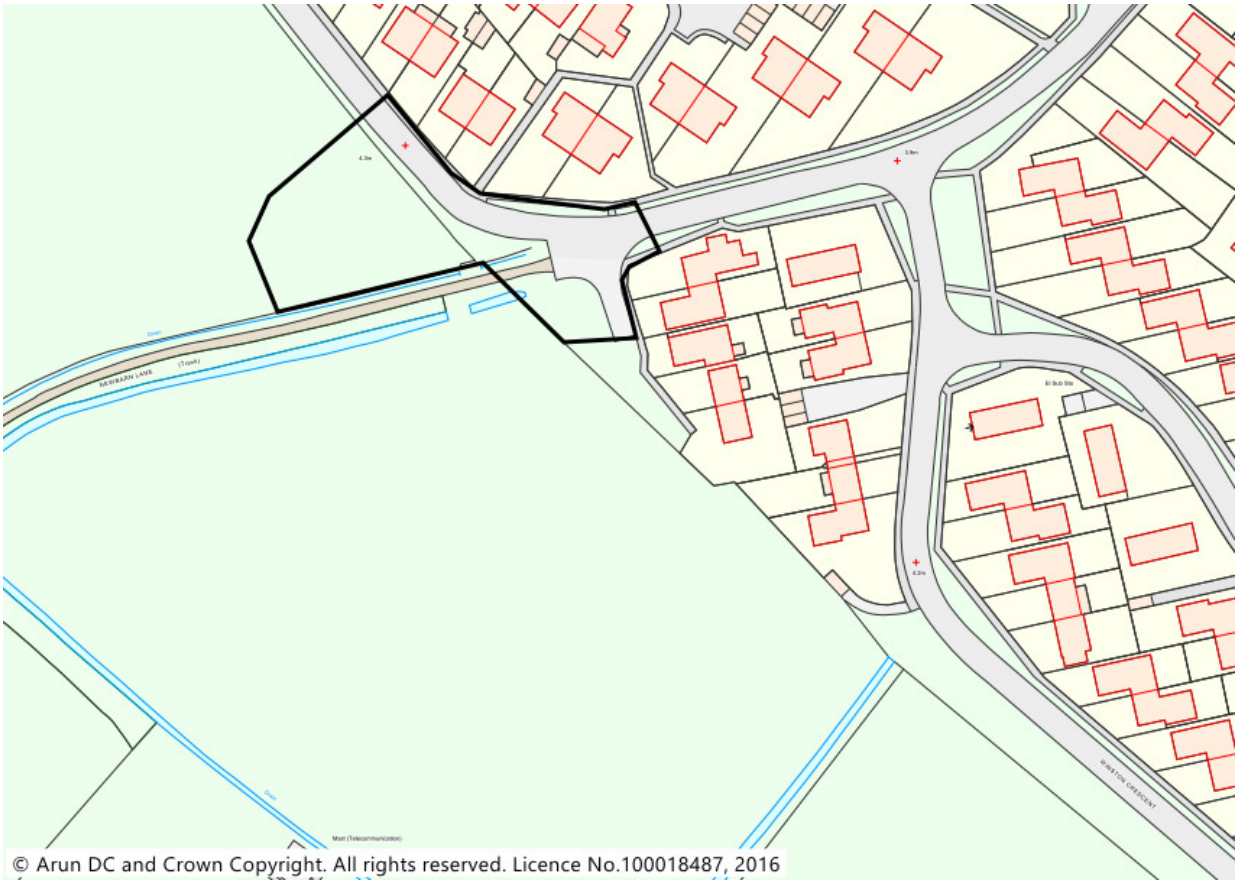
· the anticipated number, frequency and types of vehicles used during construction,
· the method of access and routing of vehicles during construction,
· the parking of vehicles by site operatives and visitors,
· the loading and unloading of plant, materials and waste,
· the storage of plant and materials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

Reason: In the interests of highway safety and the amenities of the area.

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BE/93/16/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: **A/105/16/PL**

LOCATION: **Land at**
The Cottrells
Angmering
BN16 4AF

PROPOSAL: **Reconfiguration of existing car parking area for 1 No. flat with 5 No. car-barns below (resubmission following A/8/16/PL). This application affects the character & appearance of the Angmering Conservation Area.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal is for a detached 2 storey development of modern design. The property has a height of 6.8m and is L shaped with a rear length of 14.3m and a side length of 10m. It would be constructed of timber cladding, red stock bricks and a grey slate roof. 5 car ports are provided at ground floor, together with a hallway, garden store and refuse/cycle store to serve the 2 bedroom flat above. A rear garden area of 35 sq m is being provided.
SITE AREA	0.03 hectares
RESIDENTIAL DEVELOPMENT DENSITY	33 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Walling enclosing part of frontage and side boundary to approx. 1.5m height and close boarded fencing to the rear to approximately 1.8m height on top of flint walling to rear. Small section of flint walling to 2m in height in rear corner of site.
SITE CHARACTERISTICS	Area is currently hard surfaced and used for car parking. A single detached garage is located within it.
CHARACTER OF LOCALITY	Predominantly residential characterised by a mix of dwelling type and design. The site is located within the Conservation Area which is defined as the historic core of the village. Adjoining garage/annexe building has timber clad elevations.

RELEVANT SITE HISTORY

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A/8/16/PL	New single 2-bedroom dwelling. This application affects the character and appearance of Angmering Conservation Area	Refused 24-03-2016
A/158/01/	Erection of 3 no. dwellings with 2 no. integral garages and access thereto and 1 no. detached garage and access thereto.	ApproveConditionally 10-01-2002

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Angmering Parish Council - Objection on the following grounds:
- Adverse impact on highway safety in The Cottrells and High Street
- Loss of existing parking provision (which runs contrary to the aims of section 9 of the Angmering Neighbourhood Plan)
- Adverse impact on the surrounding area

The opinion of ADC's planning solicitor on the compliance with the existing s106 agreement is based on inaccurate information in the application regarding the existing number of parking spaces on the site, which is understood to be 8 or 9 rather than the 6 stated.

16 letters of objection - There are 2 deeds relating to the land requiring it to be surfaced and made available only for the parking of private motor vehicles belonging to residents of The Cottrells dating from when the bungalows opposite were built 20 years ago. The agents have misrepresented the facility provided by the current car park stating there are 6 spaces at present when there are 8. Up to 10 cars can use the parking area at the moment. Resident parking will be forced out of the car park onto the surrounding public highways and impact on those residents. Allocated parking is not appropriate. How will parking area be managed?
Amendments to the application have been suggested including a differing footprint shape and the provision of a balcony.
Impact on the loss of undeveloped space and built form on the character and appearance of the Conservation Area.
Impact of visual intrusion and overbearing nature of the buildings. The roof lights have a minimum height above floor level of 1.5m which will result in loss of privacy to adjoining gardens.
Don't need an additional dwelling.
The upheaval to residents will be horrendous.
Additional fencing will restrict access. Light will be reduced to neighbouring properties as well as gardens.
The proposal would be detrimental to the Conservation Area. The chalet style dwelling is not in keeping.
Potential adverse impact on property values.
Issue of unstable and unsafe existing garage.
The Cottrells is a very compact close, a cul-de-sac with primarily two bedroom terraced houses built as workers cottages 100 years ago. There are 22 cottages with no off road parking and the road is not wide enough to accommodate parking on both sides of the street. Contractors and tradesmen also have to be considered.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comment on Parish Council representation - The proposal is considered acceptable in terms of highway safety. County Highways have no objection. The loss of car parking is not considered significant in terms of overall provision since parking is still maintained for use by

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The Cottrells in accordance with the Agreement. It is agreed that the current parking provision is probably 8 spaces and that 6 spaces are being provided for The Cottrells resulting in a net loss, however, the Council's Solicitor has concluded that regardless of the number of spaces retained the development accords with the existing Agreement in that parking provision for The Cottrells is retained.

The proposal would improve the appearance of the Conservation Area by upgrading and improving the existing hard surfaced parking area and deteriorating garage. The design and appearance of the proposed building are considered to be in keeping with the appearance of the Conservation Area.

Comment on other representations - The management of the parking area is not a planning matter. The retention of car parking accords with the requirements of the legal agreement. Devaluation of property is not a material planning consideration.
The proposal is not considered to have a materially adverse impact on the appearance of the area or residential amenity. Whilst the lower height of the roof lights is 1.5m, realistically the amount of overlooking that would result is limited since the windows are angled and cannot be looked through below 1.7m given the frame depth and roof slope.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Conservation Officer

Planning Solicitor

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - The application is for fewer than two properties outside of the Lidsey WWTW catchment area. Please apply standard condition ENGD2A if required.

County Highways - (First Consultation)
West Sussex County Council, as the Local Highway Authority (LHA), was consulted previously on Highway Matters for this location under planning application A/8/16 which highways raised an objection to due to the land in question being subject to a S106 Agreement that stated that the land must be available for parking for no 1-6 The Cottrells. The application was refused by the District.
This resubmission has reconfigured the building to contain 5 x car barn spaces with a 2-bedroom flat above and two additional car parking spaces on the land. The two additional spaces will be accessed via a new dropped kerb crossover which would need a licence, obtained from WSCC Highways. The seven total spaces will serve 1-6 The Cottrells and the new flat by providing one space each. The LHA note that the Application Form states that Arun Legal Department has now confirmed that these proposals are in accordance with the S106 Agreement.
From an inspection of the plans the car barn spaces do appear to be short of the required 3m by 6m per parking space. Ideally the spaces should meet WSCC requirements to enable the parking provision to be met. However it is appreciated that there is limited space on site. Therefore, it is requested that a Swept Path Analysis is provided to demonstrate that parking and turning is achievable on site. This should use a family sized car and show that the spaces are large enough for a car each and demonstrate turning on site. It is appreciated that turning may warrant a multipoint manoeuvre.

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Second Consultation -

Vehicle Tracking - The applicant has provided a swept path tracking plan (Drawing No: 290) which demonstrates how a family sized vehicle can access each of the spaces and turn within the confines of the site while not using the other parking spaces provided. A multi-point manoeuvre will be required to facilitate the turn on site and given the context of the site I would view this to be in accordance with guidance set out within Manual for Streets paragraph 8.3.53. It should be noted that it is likely that not all of the spaces will be occupied at any one time and this would provide additional space for manoeuvring. There may be situations whereby a vehicle has to reverse out onto The Cotterells, however given the context of the location it would be difficult to substantiate that this would result in a highway safety issue.

Vehicle Parking Provision - It is noted there have been significant representation made with regard to the loss of the existing parking provision and the increased pressure this will place onto on street car parking. The application form states that 6 spaces are existing and 7 will be proposed. Scaling form the plans provided and Ordnance Survey mapping this does appear to be an accurate assessment of the existing provision, though up to 8 spaces could be provided on site at present.
Consideration is given that the proposed flat will attract some parking demand. Using the WSCC Parking Demand Calculator it would be anticipated that the flat would create the demand for one space, this has been allocated on site. On this basis it would be assessed that the proposal will result in a net loss of two car parking space.
The site is sustainably located and within walking and cycling distance to services and amenities within Angmering, with longer trips achievable by use of bus or train. Given this and the small scale nature of the proposal it would be difficult to substantiate that the loss of parking provision would result to a severe highway safety issue.
If the Local Planning Authority feel there is an amenity issue with the loss of the existing parking provision it would be advised that a car parking capacity survey is conducted, in accordance with current WSCC guidance, to demonstrate that on street car parking is available within a reasonable distance of the site.

Visibility - Visibility would appear adequate, although visibility plans have not been provided. The LHA would advise that any boundary wall/fence/planting to the front of the proposed dwelling is no higher than 0.6m. To allow good pedestrian visibility for pedestrians using the footway and also to vehicles exiting the site to be able to see pedestrians and other road users using highway.

Conclusion - On balance the Local Highways Authority does not consider that this proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal. If the LPA are minded to grant planning consent conditions and an informative note would be advised.

Planning Solicitor - Provided the application doesn't prevent car parking as per Schedule 2 the application complies with the s106 Agreement.
I have seen nothing to suggest it doesn't.

The application is for "retention of existing car parking provision with associated single flat only"---which implies that "the application would meet the terms of the existing Sec 106".
Only the area edged blue is reserved for "cars belonging to residents of ....Cottrells "
Puzzlingly it also refers to "area "edged green" -and the wording may not be that clear or effective because it reads as if para 1 allows car carking for any cars ----not just residents cars ----and para 2 refers to residents cars but to 2 areas -blue and green ---which suggests ---to me that :-

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On blue land ----any cars can be parked On green land -residents cars only can be parked.
There is no mention in the s106 deed of houses numbered 1-6. There may be a private arrangement among residents about this That said , I think that in any event , the s106 deed could be subject to an application to vary at any time and the "does it still fulfil a useful purpose" within s106A would still need to be applied. I add this for fullness and completeness. If such an application were received the WSCC as highway authority could comment.
In any event a previous s106 can always be amended/changed and this is a material consideration.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Drainage for a single dwelling is covered by Building Regulations so the suggested condition has not been imposed.

POLICY CONTEXT

Designation applicable to site:
Within designated Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	GEN12	Parking in New Development
	AREA2	Conservation Areas
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality D DM2 Internal Space Standards D DM3 External Space Standards HER DM3 Conservation Areas HER DM1 Listed Buildings HER SP1 The Historic Environment	

Angmering Neighbourhood Plan 2014 POLICY EH1	Development in the Conservation Area
Angmering Neighbourhood Plan 2014 POLICY HD4	Materials
Angmering Neighbourhood Plan 2014 POLICY HD5	Built Form
Angmering Neighbourhood Plan 2014 POLICY HD6	Housing Layout & Design
Angmering Neighbourhood Plan 2014 POLICY HD8	Parking for New Developments

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can

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carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. Policies HD4: Materials, HD5: Built Form and HD6: Housing Layout& Design, HD8: Parking for New Developments and EH1: Development in the Conservation Area of Angmering Neighbourhood Plan are considered relevant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that 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 areaSection 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 Act states:
In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character of the Conservation Area.

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OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE
The proposal relates to the provision of a dwelling above car ports on an area of hard standing currently used for car parking within the Conservation Area. The site lies within the built up area boundary where the principle of residential development is acceptable.

PLANNING HISTORY
The proposal follows an earlier refusal for a detached 2 bedroom dwelling on the site of modern design located adjacent to the site frontage. It was refused for reasons relating to the lack of affordable housing contributions, the adverse impact of the proposal on the Conservation Area by reason of its size, height, design and materials and unsympathetic and obtrusive appearance in the locality to the detriment of the visual amenities and character of the area and that the site is used for car parking and no permission has been granted to its lifting. The proposal would have resulted in displaced vehicle parking adversely affecting the residential and visual amenities of the locality and highway safety in conflict with policy.

This proposal has retained some parking for The Cottrells to accord with the Agreement and the affordable housing policy is no longer being applied. The design and appearance of the development has also been altered to incorporate a more traditional design and the building is located towards the rear of the site.

VISUAL AMENITY AND IMPACT ON THE CHARACTER OF THE COBNSERVATION AREA

The area currently provides a visual gap to development in the locality and serves to provide a relatively open, but enclosed and defined area. To the north of the site is an ancillary garage building. The site occupies an elevated position in relation to development to the North. The proposed dwelling would be sited in approximately the same position as the garage to the North, 9m from the road frontage. The property would be L shaped with the rest of the development set back 19m from the site frontage. This footprint and layout would retain the open area and sense of space which is a contributory factor to the character of the area and the Conservation Area.

In addition the revised design of the dwelling is more in keeping with the surrounding development. A front gable feature is now incorporated reflecting the design of nearby properties. The hipped roof also assists in reducing the length and prominence of the roof. The use of roof lights, rather than dormers, produces an uncluttered appearance to the roof and reduces the visual impact of the first floor.

The proposal would no longer dominate the appearance of the street scene. It would not sit at odds with the adjoining development, slate roofs are dominant within the Conservation Area.

Part 12 of the National Planning Policy Framework (NPPF)(2012) refers to Conserving and enhancing the historic environment. It is considered that the proposal complies with paragraphs 131 to 133. Para 132 of the Framework requires that 'great weight should be given to an asset's conservation' and where its significance is affected any harm or loss should require clear and convincing justification. In this case, the removal of a dilapidated garage and the replacement of hard surfacing with block paving would enhance the appearance of the Conservation Area and be in compliance with the NPPF.

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The proposal contains limited detail in relation to design and materials. Policy HD6 of Angmering Neighbourhood Plan requires new development to demonstrate high quality design, reflect local distinctiveness and seek to incorporate local design features evident in the surrounding area. It is considered that the design and materials proposed would adequately reflect their surroundings and a condition is imposed to ensure that the quality of materials is acceptable.The impact of the displaced car parking, which amounts to 2 spaces, on the visual amenities and character of the area can be considered as part of this application. The requirement for this limited additional on street car parking in the area, resulting from the use of the site for residential purposes would not have a materially adverse impact on the appearance of the area. The area is already dominated by car parking and restricted access.

There is a lack of housing supply demonstrated by the Local Planning Authority and the NPPF infers this site should be granted planning permission provided the proposal makes a positive contribution to local character and distinctiveness.

The economic, social and environmental roles identified in the NPPF should not be undertaken in isolation, because they are mutually dependant. Economic, social and environmental gains should be sought jointly and simultaneously. The environmental role includes protecting and enhancing the historic environment. There are policies protecting the historic environment throughout the NPPF, with a specific section covering conserving and enhancing the historic environment (paragraphs 126 to 141).

Consideration of the historic environment and its heritage assets is a principal objective of sustainable development and hence of the NPPF and all development plans that conform to it. Therefore, harm to the historic environment is not sustainable development. In addition, as stated above harm to the historic environment is not outweighed by issues such as Housing land supply. However in this particular case it is considered that the proposal does make a positive contribution to the appearance of the Conservation Area and therefore represents a sustainable form of development.

RESIDENTIAL AMENITY
The 2 storey dwelling would be located at the end of gardens fronting The Cottrells and High Street. It would have an eaves height of 3m and a ridge height of 6.67m. The roof would pitch away from the site boundaries and given the design, siting and height of the structure it would not result in materially adverse overbearing impacts. In addition the roof light windows would have a lowest outside height of 1.7m which is considered adequate to prevent any materially adverse overlooking effects and loss of privacy to adjoining gardens. The main living/kitchen window faces over the parking area and views would be towards to The Cottrells road frontage where there would be no loss of privacy.

SPACE STANDARDS
The proposal accords with policies relating to internal and external space standards in the Emerging Plan policies DDM 3 and DDM 4. The rear garden size of 35sqm and internal floor space of 66sqm meets the guideline for a 3 person 2 bedroom flat and the proposal is therefore considered acceptable.

PLANNING OBLIGATION
The site is the subject of a planning obligation to provide the land for car parking by residents of some of the properties in The Cottrells and for no other purpose. This is on the basis that the application previously approved A/65/96 did not contain sufficient on site parking for the approved dwellings and the area was accordingly designated as car parking for the dwellings. No application has been made to remove/discharge this obligation prior to submission of this application, but the

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proposal retains some car parking for these properties in accordance with the Agreement as agreed by the Council's planning solicitor.

HIGHWAY SAFETY AND PARKING
County Highways have raised no objection to the proposal on highway grounds. The parking area is heavily used but it is now intended that it would remain available for car parking for properties in The Cottrells, albeit that the total number of spaces is reduced.

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

HUMAN RIGHTS ACT

FOR APPROVAL
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 neutral 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).

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 MP-01 01revA, 02revA and E6613 290

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

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3 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. A 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

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 GEN7 of the Arun District Local Plan.

4 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) or alterations to the dwelling house shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers and maintain adequate amenity space in accordance with policy GEN7 of the Arun District Local Plan.

5 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.

6 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 approved drawing.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

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

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

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

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

9 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

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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 GEN7 of the Arun District Local Plan.

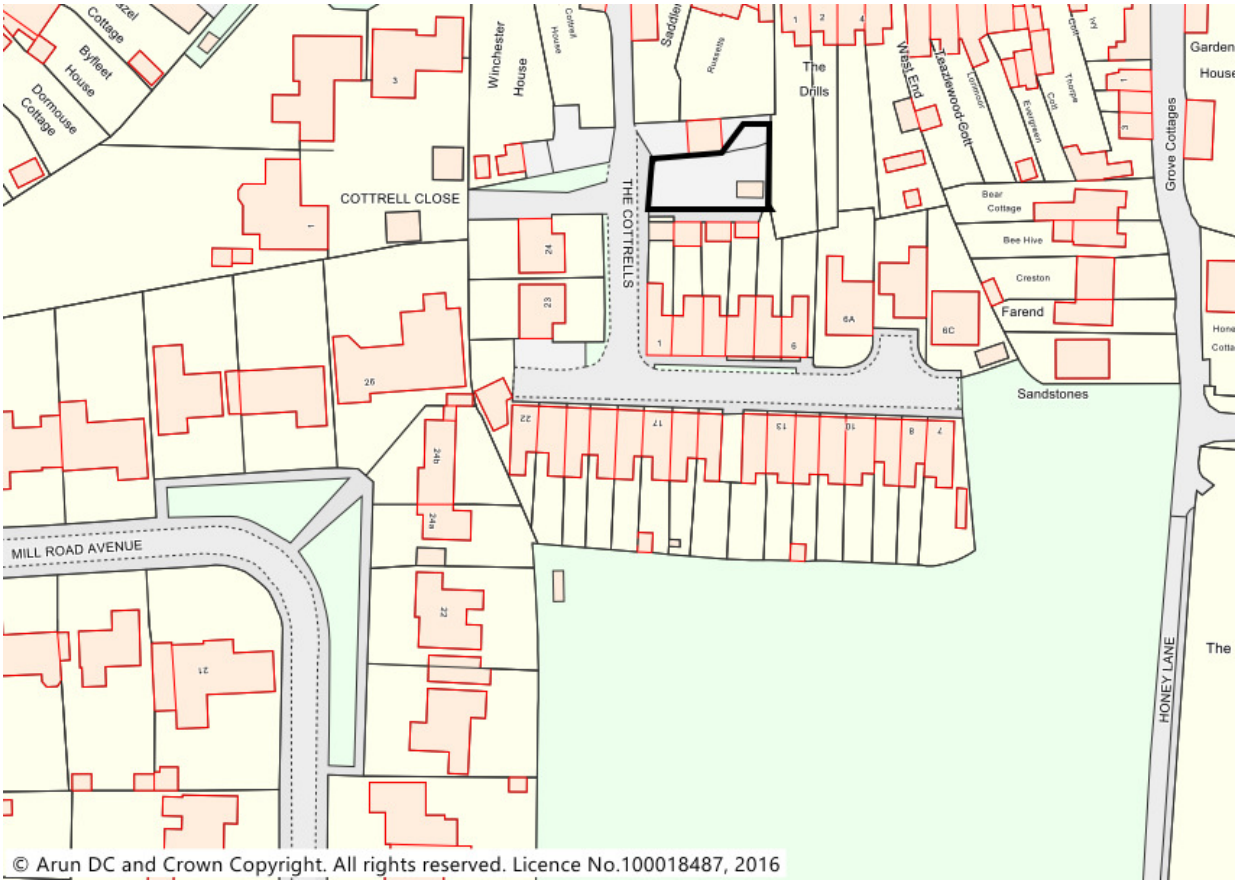
10 INFORMATIVE:
Minor Highway Works - The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works
on the public highway.

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

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A/105/16/PL Indicative Location Plan (Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

07 September 2016

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

A/162/15/PL
Received: 30-06-2016

Land North of Roundstone-By-Pass Roundstone By Pass Angmering

Car showroom & workshop with associated access, car parking & landscaping.

Public Inquiry ***11-10-2016***

PINS Ref: APP/C3810/W/16/3151980

AB/115/14/OUT
Received: 24-02-2015

12 & 14 Canada Road Arundel

Outline application with some matters reserved for 2 No. 3 bed semi detached houses

Written Representations

PINS Ref: APP/C3810/W/15/3003824

AL/16/16/HH
Received: 07-07-2016

2 Meadow Way Westergate Street Westergate

Remove existing hedging & fit Larch lap fencing

Written Representations

PINS Ref: APP/C3810/D/16/3152551

AW/367/15/PL
Received: 06-07-2016

Brus Lodge 28 Kingsway Aldwick

Erection of 1 No. dwelling. This application affects the characte & appearance of the Craigweil House Conservation Area.

Written Representations

PINS Ref: APP/C3810/W/16/3146804

BR/163/15/PL
Received: 24-05-2016

Royal Norfolk Mews West Street Bognor Regis

Phase II development of Norfolk Mews to provide 4 new dwellin (a terrace of 3 & a detached dwelling), associated car parking fc 8 cars & landscaping. Access will be through the existing acces of West Street - This application affects the character and appearance of The Steyne & Waterloo Square Conservation Area

Written Representations

PINS Ref: APP/C3810/W/16/3148376

BR/211/15/PO
Received: 07-04-2016

43 Rock Gardens Bognor Regis

Application to discharge planning obligation dated 19/4/84 reference BR/1078/83, restricting the occupation of the flat to persons of 65 years of age or over.

Written Representations

PINS Ref: APP/C3810/Q/16/3142811

BR/31/16/PL

Rear of 83 Pevensey Road Bognor Regis

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1 No. dwelling

Received: 06-07-2016

Written Representations

PINS Ref: APP/C3810/W/16/3152756

BR/84/16/OUT

Received: 04-08-2016

3 Southdown Road Bognor Regis

Outline application with some matters reserved for construction 2 No. 3-bed dwellings & associated works (resubmission following BR/291/16/OUT).

Written Representations

PINS Ref: APP/C3810/W/16/3153767

FG/171/15/PL

Received: 18-08-2016

1 Green Park Ferring

1No. chalet bungalow together with parking & landscaping. Resubmission of FG/24/15/PL

Written Representations

PINS Ref: APP/C3810/W/16/3154452

FG/26/15/OUT

Received: 03-11-2015

Eastlands Littlehampton Road Ferring

Outline application with all matters reserved for the erection of 1 No. four bedroom dwelling. This is a Departure from the Development Plan.

Informal Hearing ***14-06-2016***

PINS Ref: APP/C3810/W/15/3132939

FG/84/15/PL

Received: 03-11-2015

Eastlands Littlehampton Road Ferring

Temporary stationing of 1 No. residential caravan for 3 years.

Informal Hearing ***14-06-2016***

PINS Ref: APP/C3810/W/15/3135188

LU/55/15/OUT

Received: 10-05-2016

Land South of The Littlehampton Academy Littlehampton

Application for outline planning permission with some matters reserved for 68 No. dwellings (resubmission following LU/51/14/

Informal Hearing ***15-09-2016***

PINS Ref: APP/C3810/W/16/3147195

M/123/15/PL

Received: 06-07-2016

Byway House 1 The Byway Middleton-on-Sea

First floor & single storey extensions to South elevation.

Written Representations

PINS Ref: APP/C3810/W/16/3151935

WA/22/15/OUT

Received: 20-01-2016

Land to the East of Fontwell Avenue Fontwell

Outline application with some matters reserved to provide up to 400 No. new dwellings, up to 500 sqm of non-residential floorspace (A1, A2. A3, D1 and/or D2), 5000 sqm of light industrial floorspace (B1 (b)/(c)) & associated works including

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access, internal road network, highway works, landscaping, slected tree removal, informal & formal open space & play areas pedestrian & cyclist infrastructure utilities, drainage infrastructur car & cycle parking & waste storage. This application is a departure from the Development Plan & also lies within the paris of Eastergate.

Public Inquiry ***01-11-2016***

PINS Ref: APP/C3810/V/16/3143095

Y/60/14/OUT

Received: 17-11-2014

Land to the south of Ford Lane East of North End Road Yapton

Outline planning application with some matters reserved for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open spac and strategic landscaping and 2.2 hectares of public open spac and green corridors with vehicular access from Ford Lane and pedestrian/cycle access only from North End Road. This application is a Departure from the Development Plan.

Public Inquiry ***07-07-2015***

PINS Ref: APP/C3810/A/14/2228260

ENF/199/15/

Received: 03-11-2015

Eastlands Littlehampton Road Ferring West Sussex

Alleged unauthorised breach of Condition 1 of FG/41/14/PL

Informal Hearing ***14-06-2016***

PINS Ref: APP/C3810/C/15/3135180

ENF/192/14/

Received: 30-11-2015

Eastlands Littlehampton Road Ferring

Alleged unauthorised car ports and gazebo

Informal Hearing ***14-06-2016***

PINS Ref: APP/C3810/C/15/3132558

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AGENDA ITEM 9

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 7 SEPTEMBER 2016

Decision Paper

Subject: Planning refusal A/162/15/PL - Proposed car showroom and workshop with associated access, car parking and landscaping, Land North of Roundstone-By-Pass, Roundstone bypass, A259 Angmering for Caffyns Ltd, Audi.

Report by: Nikolas Antoniou Report date: August 2016

EXECUTIVE SUMMARY

The purpose of this report is two-fold. Firstly, to inform Members of the legal advice from Counsel received during the appeal process which advises not to defend the appeal and seek agreement from Members that this be the case. Secondly, Members are asked to agree that the amended plans received during the appeal process represent an improvement over those originally submitted upon which the refusal was based.

RECOMMENDATIONS

There are two options/recommendations

1a) Members agree not to defend the appeal.

b) Members agree to note the amended drawing and endorse the changes as an improvement.

Or

2) Members proceed with the appeal in support of their original decision in the light of the projected associated costs and additional information received

1.0 BACKGROUND:

1.1 On 30-03-2016 the application was presented to Committee (see appended officer report) and Members agreed the recommendation and accordingly the refusal decision was issued on 31-03-2016 for the following three reasons:

1) The site lies in a rural area and the proposal, which comprises an undesirable form and extent of commercial development unrelated to agriculture/horticulture, would

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be prejudicial and out of keeping to the rural character and visual amenities of an area where permission for development unrelated to an essential rural activity will not normally be granted. The proposal is therefore contrary to policies GEN3 and GEN7 of the Arun District Local Plan and the National Planning Policy Framework (NPPF).

2) Given the shape and size of the plot and the close proximity of the proposed layout to the neighbouring residential property Kelston House, the proposal would detract from the amenities and quiet enjoyment of the nearby residential property in conflict with policies GEN7 and GEN32 of the Arun District Local Plan and the NPPF.

3) The size, design, materials and appearance of the showroom, together with the amount of car parking would adversely affect the visual amenities and character of the area in conflict with policy GEN7 of Arun District Local Plan and the NPPF.

1.2 Subsequently the application has been taken to appeal with an Inquiry date set for 11-10-2016. Following receipt of the appeal documents an external consultant has been appointed to defend the appeal on the Council's behalf and legal advice has been sought to assess the robustness of the decision and the likelihood of the Appeal being successful.

2.0 PROPOSAL:

2.1 This report seeks to request Members agreement to endorse the amended plans and to not defend the appeal. Members are not being asked to re determine the application.

2.2 Following receipt of the appeal the council sought legal advice from Counsel who carried out a full review of the case and concluded there was little or no prospect of winning the appeal and advised to withdraw from the process. This view was also endorsed by external planning consultants. It is hoped to have available a report update for Members from the Council's legal representative further confirming this position.

2.3 In the light of this advice Officers have approached the agents acting for Caffyns Ltd to seek that the appeal is held in abeyance or withdrawn and that an application is resubmitted with additional information in relation to the business imperative, boundary screening and landscaping.

2.4 However the agents acting for Caffyns Ltd have advised that such an approach is not commercially acceptable to their client. The issue is one of timing. They are currently trading from premises in Broadwater Road, Worthing, which fall short of Audi's requirements in a number of ways. They have been granted a special dispensation to continue operating the Broadwater franchise pending a site search for replacement premises. That dispensation was extended to allow for determination of a Planning Appeal following the refusal of planning permission on the application site at Angmering. However, the current dispensation expires shortly and there is a very considerable risk that unless timely progress can be

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demonstrated, the franchise will be withdrawn by Audi and vacate their Worthing site with no replacement site in place. While agreements between Audi and Caffyns are private commercial matters on this occasion it does explain why Caffyns are not in a position to make a resubmission. For this reason, Caffyns are obliged to continue with the present appeal process, but they are prepared to work with the Authority to minimise our exposure to Appeal costs.

2.5 The appeal will therefore continue and the applicants agent has agreed in writing that if Members resolve not to contest the Appeal on the basis of the revised plans which are considered by Officers to be an improvement over the originals, Caffyns will undertake not to make an application for costs against this Authority at the Appeal hearing. Only wording of conditions will remain as a matter for discussion and it is hoped that the Inspectorate will agree to downgrading the appeal from a two day Inquiry to an Informal Hearing.

2.6 Officers have been negotiating hard as part of the appeal process to improve the site frontage of the application and ensure that the residential impact of the development on the neighbouring property 'Kelston House' is minimised. At the same time plans for the dualling of the A259 are progressing so that there is a clearer position of the precise site boundaries, the height and species of existing planting that is being retained and space available for landscaping. The submitted details will screen parts of the frontage and soften the overall appearance of the development. The agents have taken note of the approved landscaping scheme for Haskins and will be incorporating similar design details and planting within the scheme to ensure visual consistency. The fencing details to the shared boundary with the residential neighbour are to be finalised and discussions with the occupiers are ongoing with the agent.

2.7 The changes can be dealt with within the scope of the current Planning Appeal as they do not involve any fundamental change to the proposal, or any additional land outside the Application site boundary, nor does the nature of the changes prejudice any third parties.

3.0 OPTIONS/IMPLICATIONS:

3.1 Should Members not agree the proposed course of action the Local Planning Authority will have no alternative other than to continue with the appeal, (which is very likely to be allowed by the Inspector), utilising the services of external Consultants and legal representation which will incur significant costs potentially £40,000 minimum of consultancy fees and in addition possible meeting of the appellants significant appeal costs if the Council lose the appeal.

3.2 If Members agree to the first recommendation officers will approach the Planning Inspectorate (PINS) on the 8th September formally withdrawing our involvement and it is down to PINS to decide whether to proceed with an inquiry with the Inspector undertaking advocacy or whether the appeal is downgraded. Officers would still participate in negotiating appropriate conditions in the event the appeal is allowed.

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4.0 REASON FOR RECOMMENDATION:

4.1 As outlined above the Council has been advised that there are very low prospects for winning the appeal. Caffyns has set out its reasoning for not being able to withdraw the appeal. On the basis of the appeal continuing, Members are asked to endorse the revised plans for the reasons outlined. The appeal continuing is also the most efficient approach for the Local Planning Authority in terms of cost, time and resources.

Background Papers: None

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AGENDA ITEM 10

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 7 SEPTEMBER 2016

Decision Paper

Subject : Development Control Committee – Proposed Changes to Public Speaking for Major applications.

Report by : Nikolas Antoniou Report date: August 2016

EXECUTIVE SUMMARY

Recent changes to the Scheme of Delegation have reduced the numbers of applications referred to the Development Control Committee (DCC). The DCC now considers a smaller number of more complex applications. This paper proposes an increase in the numbers of objectors/supporters able to speak on major applications from two to three persons. It is felt that the additional public speaking slot will allow the public a greater opportunity to have their say and contribute towards a more informed debate on larger development proposals.

RECOMMENDATIONS

There are two options:

1) Members agree in principle to increase the numbers of public speakers for major applications and the matter is referred to the Constitutional Review Task and Finish Working Party for consideration and necessary changes to the constitution.

2) Members vote not to accept the proposals and the public speaking arrangements remain unchanged.

1.0 BACKGROUND:

1.1 In June 2016 Members agreed proposed changes to the Scheme of Delegation which has resulted in only the larger more significant applications being heard by Committee. Given that the DCC Agendas are now smaller in size with a fewer number of more complex applications it is felt appropriate to increase the number of speakers both for objectors and supporters on major applications as set out below:

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2.0 PROPOSAL(S):

2.1 Existing Rules concerning public speaking are set out in Part 5 – Rules of Procedure for Meetings Section 3 – Public Speaking. The number/order of speakers table is replicated below for convenience:

Order	Speaker	Time Allowed
1	**Planning Officer** to present and if necessary update the report, particularly regarding further written representations received	
2	**Town or Parish Council/Meeting** One Representative only	3 minutes
3	**Objectors to the Application** Two Representatives only	3 minutes
4	**Applicants/Agents/Supporters** Two Representatives only	3 minutes
5	**Ward Councillors**	In the interest of fairness the Chairman will request Ward Councillors to limit their presentation to 3 minutes.
6	**Planning Officer** to deal with any errors of fact which have arisen or any necessary clarification of policy or other issues	
7	**Committees** to debate and determine the application, involving officers as necessary	
8	**No Further Right for Public Speaking**	

2.2 The proposal is to increase the numbers of objectors in 3) above from two speakers to three speakers and also increase the numbers of applicants/agents/supporters in 4) above from two speakers to three speakers for major applications only. Major development is defined as the provision of 10 dwellings or 0.5 hectares or more. The provision of building/s where the floor space created by development is 1000 square metres or more or development carried out on a site of 1 hectare or more.

2.3 The purpose of this change is to allow the public more time to convey their views to Members before entering into debate about the merits of an application. Making this change does not undo any of the efficiency measures achieved through the recent changes to the Scheme of Delegation as the number of applications, presentation preparation etc. will not change. The only difference is the potential for one additional supporter or objector to speak on a major application. Given that the agendas are now more focused, the offer of an additional supporter/objector can only be seen as of benefit.

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3.0 OPTIONS/IMPLICATIONS:

3.1 Should Members agree the proposed public speaking changes a paper will be prepared for consideration by the Constitutional Review Task & Finish Working Party.

4.0 REASON FOR THE DECISION:

4.1 As outlined above changes to the scheme of delegation have reduced the number of committee items and it is therefore possible to increase the amount of public speaking beneficial to all participating in the process.

Background Papers: None

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