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Committee Manager : Carrie O'Connor (Ext: 37614)

13 December 2017

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton** on **Wednesday 13 December 2017 at 2.30 p.m.** and you are requested to attend.

Members : Councillors Bower (Chairman), Hitchins (Vice-Chairman), Mrs Bence, Mrs Bower, Brooks, Cates, Dillon, Gammon, Mrs Hall, Haymes, Maconachie, Mrs Oakley, 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 pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officer should make their declaration by stating :

- a) the application they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest
- d) if it is a prejudicial or pecuniary interest, whether they will be exercising their right to speak to the application

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process 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 15 November 2017 (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

There are no applications to consider

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.

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 : Neil Crowther (Ext 37839)
 Daniel Vick (Ext 37771)
 Juan Baeza (Ext 37765)
 Claire Potts (Ext 37698)

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

15 November 2017 at 2.30 p.m.

Present: Councillors Bower (Chairman), Hitchins (Vice-Chairman), Mrs Bence, Mrs Bower, Brooks, Charles (substituting for Councillor Dillon), Gammon, Mrs Hall, Haymes, Maconachie, Mrs Oakley, Miss Rhodes and Mrs Stainton.

Councillors Ambler and Cates were also in attendance at the meeting.

283. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Dillon.

284. DECLARATIONS OF INTEREST

Declarations of interest were made by:-

- Councillor Bower – (1) Personal interest in Planning Application A/132/17/OUT as a member of the Angmering Steering Group, where the matter was discussed and he had reserved his position; (2) personal interest in Planning Application LU/182/15/PL as the Chairman of the North Littlehampton Steering Group where the matter was discussed and he had reserved his position; and (3) a personal and prejudicial interest in Planning Application EP/69/17/PL as the site was in close proximity to where he lived – he stated he would leave the meeting during its consideration and the Vice-Chairman would take the chair.
- Councillor Mrs Bower - personal and prejudicial interest in Planning Application EP/69/17/PL as the site was in close proximity to where she lived – she stated she would leave the meeting during its consideration.

285. MINUTES

The Minutes of the meeting held on 18 October 2017 were approved by the Committee and signed by the Chairman as a correct record.

286. PLANNING APPLICATIONS

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

information had been provided in relation to boundary treatment at the site and a bus stop within the site. As the S106 was in the process of being prepared, it was requested that authority be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, to sign off the S106 in the event of the application being approved.

In the course of considering the application, a concern was raised that no lighting was proposed for the lane leading to the allotments and it was agreed that Condition 22 would be amended to ensure that omission was rectified. In addition, the MUGA (Multi Games Use Area) contribution was not considered to be appropriate for use at the Palmer Road, Angmering site and should, instead, be directed to Rustington, which was much nearer. It was agreed that this S106 allocation be redirected to Rustington, with authority being delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, to agree the precise location.

Following consideration, the Committee

RESOLVED - That

(1) the application be approved as detailed in the report and the officer report update, subject to Condition 22 being amended to include provision of details of lighting to footways to read :-

“No lighting shall be installed on any phase or sub phase 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, this shall include details of lighting to footways. The external lighting in association with this development shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for External Lighting Installations, Zone 3.

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.’

LU/249/17/PL – Demolition of the existing bungalow & redevelopment of the site with 5 No. detached houses. This application is a Departure from the Development Plan, Directors Cottage, Toddington Lane, Littlehampton Having received a report on the matter, together with the officer's written report update detailing a correction to the ridge height of the dwellings being 7.5m rather than 15 as detailed in the report, the Committee

RESOLVED

That the application be approved as detailed in the report.

287. PLANNING APPEALS

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

288. UPDATED GUIDANCE ON DEALING WITH NON-MATERIAL AMENDMENTS

The Group Head of Planning presented this report which set out an updated criteria against which the validation of applications for Non-Material Amendments would be accepted and/or applications determined.

Following consideration, the Committee

RESOLVED

That the Council will not accept any of the following as Non-Material Amendments if:-

- The proposal would amend the use or intensity of the original planning permission, would result in a change to the description of the application or conflict with any conditions of the permission;
- The application site area (red line) differs from the original application
- Adopted planning policy is breached
- The planning obligation on the original permission is affected
- Windows are introduced that could potentially permit overlooking of other properties
- The proposal would result in changes to the external details that would materially alter the appearance of the building
- Amendments that would warrant re-consultation either of neighbours, Council departments or statutory bodies

Subject to approval at the next Committee meeting

270

Development Control
Committee – 15.11.17.

- The proposal results in an increase in height of the building of more than 0.3 metres
- The proposal results in an increase in width/length of more than 1.0 metre
- The development moves more than 1 metre in any direction.

(The meeting concluded at 4.35 p.m.)

AGENDA ITEM 6

DEVELOPMENT CONTROL COMMITTEE

13th December 2017

PLANNING APPLICATIONS

Case Officer: Mr S Davis
Recommendation: Approve Conditonally

BOGNOR REGIS

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
<u>BR/220/17/PL</u>	Change of use of first & second floors to form 2 No. dwellings & reversion of ground floor area to retail use. This application affects the character & appearance of The Steyne, Bognor Conservation Area.	Central House 18 Waterloo Square Bognor Regis PO21 1SU

Case Officer: Mr S Davis
Recommendation: Approve Conditonally

BERSTED

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
<u>BE/63/17/OUT</u>	Outline planning application with some matters reserved (Access only) for 20No. houses & flats, 1No. replacement dwelling (21No. units in total) with car parking, landscaping & associated infrastructure & access off Shripney Road (A29), following the demolition of the existing dwelling & outbuildings. This application is a Departure from the Development Plan	The Cottage Shripney Road Bognor Regis PO22 9PA

Case Officer: Mr S Davis
Recommendation: App Cond sub to S106

BERSTED

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
<u>BE/102/17/OUT</u>	Hybrid application comprising Outline application for development of employment units, warehouse, hotel, 2No. drive-thru units, public house, gym plus engineering works, landscaping & associated works. Full application for a Warehouse (class B8), fuel island, car parking, access roads with new entrance from Shripney Road plus engineering works, open space, landscaping & associated works. Departure from the Development Plan.	Salt Box Field Land Off Rowan Way Bersted PO22 9NW

Case Officer: Michael Eastham
Recommendation: App Cond sub to S106

ANGMERING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
<u>A/168/17/PL</u>	Change of use from agricultural land to recreational & activity school uses, enclosed with a timber & green chain link fence.	Land North of William Older Playgroup Building Arundel Road Angmering BN16 4LP

Case Officer: Mr D Easton

PLANNING APPLICATION REPORT

REF NO: LU/267/17/PL

LOCATION: Chilgrove House
Kimberly
Littlehampton
BN17 7JD

PROPOSAL: Change of use of ground floor from community centre (D2 Assembly & Leisure) to 2 No. flats (C3 Dwelling Houses), single storey rear extension with renewal of existing windows to match existing, remodelling of existing entrance of East elevation including new front & rear doors & new canopy.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The applicant in this case is the housing department of Arun District Council. The proposal relates to a single storey rear extension measuring 6.9m wide by 3m deep and has a height of 2.8m and a canopy extension at the front measuring 2.4m high, 3m wide and 2.3m deep to create 2 flats comprising one no 1 bed and one no 2 bed flat.
SITE AREA	0.12 hectares
RESIDENTIAL DEVELOPMENT DENSITY	16 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Varied. Some walling, hedging/fencing/verges.
SITE CHARACTERISTICS	Detached block of flats 3 storeys high with painted rendered elevations in a communal landscaped/grassed area with car parking area to west. Garage compound to north.
CHARACTER OF LOCALITY	Predominantly residential. Mix of houses and flats. Varying in height and design. Funtington House opposite is similar in appearance.

RELEVANT SITE HISTORY

LU/51/12/	Fitting of external wall insulation to flats.	ApproveConditionally 30-05-12
LU/47/98	Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for enclosing of existing external staircase (Re-submission of LU/123/97).	Deemed Perm Cnd 21-04-98

LU/123/97

Enclosing of existing external staircase

Deemed Perm Cnd
31-07-97**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Littlehampton Town Council

No Objection - Whilst satisfied that the current use of the premises was exhausted, Members would like to see the accommodation adapted for occupation by people with disabilities. It is also requested that steps are taken to minimise the impact of the construction phase on neighbouring residents. No planning notice was observed at the site.

2 Objections

Health will suffer as a result of the building works. The associated noise will be a disturbance.

Soundproofing to ceiling should be carried out before works start.

A crack has appeared in the wall since cladding took place.

Severe sleep deprivation means I often need to sleep at 8am. Consideration of the start time of work should be given.

Parking is limited and parking facilities should not be eroded. The building has a design fault since noise travels easily through it.

COMMENTS ON REPRESENTATIONS RECEIVED:

The application was advertised in accordance with procedure and 2 notices were displayed at the site. A condition is recommended relating to a construction management plan which will cover measures to restrict noise and disruption to residents from building works. One of the flats has disabled access.

Damage to property is a private matter and not a material planning consideration.

No additional car parking is proposed. The car parking demand for 2 spaces resulting from the 2 flats needs to be offset against the existing use as a community centre and is not considered to be significantly greater than that or to generate a demand that cannot be met on adjoining roads without causing harm to residential amenity.

Sound insulation between flats is covered by Building Regulations.

CONSULTATIONS

Environmental Health

Estates Manager

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection. Suggested conditions relating to submission of a Construction Management Plan and hours of operation.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Requested condition regarding hours of operation has been imposed, but a construction management plan is considered to be too onerous and unreasonable for a development of this limited scale.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Class C road

DEVELOPMENT PLAN POLICESArun District Local Plan (2003):

- GEN7 The Form of New Development
- GEN12 Parking in New Development
- GEN32 Noise Pollution

Publication Version of the Local Plan (October 2014):

- D SP1 Design
- D DM1 Aspects of Form and Design Quality
- D DM2 Internal Space Standards
- D DM3 External Space Standards
- D DM4 Extensions & Alterations to Existing Buildings
- QE DM1 Noise Pollution

Littlehampton Neighbourhood Plan 2014 Policy 1 The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 6 Residential development involving the loss of community facilities

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.

A new Local Plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was

completed in September 2017.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Policy 1 'The Presumption in Favour of Sustainable Development' and Policy 6 'Residential Development involving the loss of Community Facilities' of Littlehampton Neighbourhood Plan 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

PRINCIPLE

The site is located within the built up area boundary where development is acceptable in principle subject to development plans policy being met.

BACKGROUND

The application site is owned by the Council and the application is therefore being referred to Committee for a decision. The proposal is a Regulation 3 application under the Town and Country Planning General Regulations 1992.

The agent has advised that when Chilgrove House was first built it provided an element of temporary accommodation. The lounge was a communal area for the residents of Chilgrove House and included the wardens offices. The warden held coffee mornings and mother and toddler groups. The use later changed from temporary accommodation to general needs and a local group received charitable funding to run various community based activities from the lounge. The funding paid for a full time employee who ran different groups. After a year the group did not secure any further funding so the lounge was closed.

Later a local volunteer offered to run different groups from Chilgrove House. This included art groups, sewing classes, mother and toddler groups and a drug counselling service. During this time there were a number of noise complaints about the groups and regular intervention from Housing was necessary. In March 2016 a new volunteer agreed to take over responsibility for the Lounge. By this time most of the activities had ceased and the Lounge was being used on a very sporadic basis and was restricted to a mother and toddler group only. At the beginning of 2017, Age UK started to use Chilgrove House as the Tamarisk Centre was closing. They used the lounge twice a week. In June they decided the venue was not appropriate for their needs. A drug rehabilitation service, Smart Recovery used the Lounge for one afternoon per week.

This is all evidence of the redundancy of the site for community use.

LOSS OF COMMUNITY FACILITIES

The loss of a community facility needs to be considered in relation to policy 6 of Littlehampton Neighbourhood Plan which states "There will be a presumption against residential development that involves the loss of existing community facilities unless satisfactory proposals for the relocation of those community facilities have been implemented".

In this particular case The Keystone Centre and the Wickborne Centre are in close proximity to the site. The Wickborne Centre is professionally run and holds a variety of sessions for all sections of the community. Alternative provision is therefore available and from the information submitted by the agent in support of the application there is no unmet demand for the former facility and the proposal is not therefore considered to conflict with this policy. The application site has been under-utilised for a number of years and even professional organisations were unable to generate sufficient interest.

The Housing Management Team have concluded that additional housing is of far greater benefit to the local community than a lounge facility that risks duplicating the work of Wickbourne House. They have identified that there is a well-documented shortage of social housing in the Arun District. There are 1300 applicants with an identified housing need on the housing register. 31 households are currently in bed and breakfast accommodation. 750 homeless households applied to the Council for assistance in the last

financial year. This proposal would help to meet some of this demand and comply with policy 6 of the Littlehampton Neighbourhood Plan.

VISUAL AMENITY AND CHARACTER OF THE AREA

The design, scale and size of the single storey rear extension and front canopy are considered to be sympathetic to and in keeping with the existing building and would appear visually integrated. The elevation materials of the single storey extension are conditioned to match the existing to further help in this regard. The extensions would be at ground floor level only and the resultant built form building would not appear overly dominant in relation to the surrounding development. The proposal would make efficient use of land and would respond positively to the characteristics of the area. The application is therefore considered to comply with policy GEN7 of Arun District Local Plan.

RESIDENTIAL AMENITY

The proposal would provide 2 additional units of accommodation. The one bedroom flat would have a gross internal floor area of 51m² and the 2 bedroom flat would have an area of 70m². The Nationally described Space standards require 50m² for a 2person 1 bedroom flat and 70m² for a 2 bedroom 4 person unit. Accordingly both units meet the standards.

With regard to external space standards a one bedroom apartment requires 4 sqm of external space and a 2 bedroom flat 5 sqm. No outdoor space is being provided, but the properties would replicate the existing flat provision and would have access to the communal space surrounding Chilgrove House.

The rear extension would project 3m from the rear elevation, but would have a limited height of 2.8m. Given that it is generally accepted that boundary fencing up to 2m in height can be erected on a shared boundary and the position of the neighbouring ground floor window is more than 0.5m from the side elevation it is not considered that any materially adverse overbearing impacts would result to the adjoining flat. In addition given that the extension is single storey and there are no windows in either of the side elevations no materially adverse overlooking would result to neighbouring dwellings.

HIGHWAYS

Chilgrove House is located adjacent to a communal parking area. The proposal makes no provision for additional car parking. However, the parking demand generated by the previous use as a wardens flat and community use needs to be considered. The car parking demand for 2 spaces resulting from the 2 flats needs to be offset against the previous use and is not considered to be significantly greater than that or to generate a demand that cannot be met on adjoining roads without causing harm to residential amenity.

CONCLUSION

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

HUMAN RIGHTS ACT

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

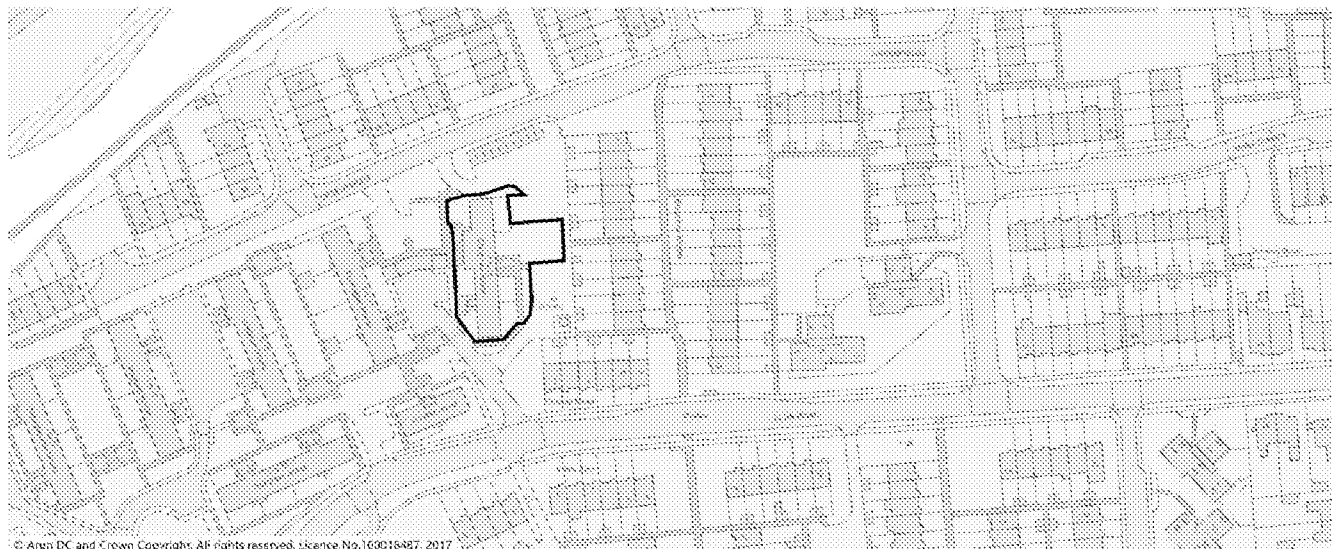
Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1

DUTY UNDER THE EQUALITIES ACT 2010

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

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

LU/267/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: LU/307/17/PL

LOCATION: Promenade Shelter
Sea Road
Littlehampton
BN16 2NA

PROPOSAL: Demolition of promenade shelter & construction of cafe & kite surfing school with roof terrace & associated works

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The existing shelter in the ownership of Arun District Local Council would be demolished and replaced by a timber clad and rendered building to form a kite surfing centre and restaurant. The building would be approximately 34m in width x 9m in depth x 4.5mm in height. It would include outside showers, takeaway facilities, cycle parking and an eatery providing seating for approximately 120 covers. It would comprise a single storey building with a roof top seating area. 10 bench seats are proposed to be provided on the shingle area adjacent to the south elevation of the building. This proposal relates to the first phase of the development. The area of the second phase is identified in this application and will include a kite store area, shower facility and watersports rigging area.

SITE AREA

480 sq m

RESIDENTIAL DEVELOPMENT DENSITY

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The boundary is open. 1m high wall to east on edge of promenade

SITE CHARACTERISTICS

The site comprises a brick, render and concrete public seating shelter (approx. 4m by 12m) with a cast concrete oversail flat roof on a concrete apron. The total footprint is approx. 13.5m by 4.5m and it is located on the foreshore, adjacent to the promenade and opposite the pumping station and Littlehampton swimming centre.

CHARACTER OF LOCALITY

The area is coastal in character with no neighbouring structures other than a seawall to the east along the edge of the promenade and beach huts to the west. Skateboard ramps and sewage works opposite (north) of the site. Littlehampton Swimming and Sports Centre and residential flats to the north-east of the site. The sailing club accesses the beach to the

LU/173/10/	Conversion of shelter to kite surfing centre (D2)	ApproveConditionally 08-10-10
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- 47 Support

- COMMENTS ON REPRESENTATIONS RECEIVED:**

- 26

- The height of the building can be accurately measured and the plans are to scale.
 - The beach foreshore in this area is accessed by the public and constantly changing at high tide.
 - There are no protected species affected by the development and the additional footprint area is considered to be an insignificant incursion when considered against the whole beach area.
 - Cycle parking is provided and conditioned.
 - There is no car parking provision, but there is plenty of public car parking available nearby.
- Enforcement of parking on double yellow lines is outside of planning control.
- The submitted application has resulted from selection at tender stage. Tenders for a long lease were invited by ADC on the basis of offering an opportunity to enhance the tourism and visitor offer of the seafront.
 - The building is large, but is designed to incorporate more than one facility.
 - Its design is considered to be in keeping with the seafront location.
 - The intention is to provide an additional eatery in this position to encourage visitors to travel further along the seafront and integrate the swimming centre and Mewsbrook Park better with the seafront.
 - Kitesurfing already takes place in this locality.
 - The open beach seafront with groynes is suitable for teaching kite surfing. It is dependant on tide times.
 - The building would not add unwanted clutter. The facility replaces an existing structure and would add to the range of facilities offered to visitors.
 - Services can be provided to the site.
 - The project represents a significant investment by the applicant and is planned to be viable in the long term when completed and operating.
 - Any disruption along seafront would only be short term.
 - The proposal will provide additional employment and services. Competition with the swimming centre is not a material planning consideration.
 - With the significant investment being made the business is considered to be viable. The applicant is experienced in running coffee shops and has several other similar premises which are profitable and successful.
 - The building cannot be relocated to the east since it is utilising the opportunity to encourage visitors to travel further along the sea front and move the kite surfing facilities further from the beach huts.
 - Access to toilets would meet the necessary building regulation requirements for disabled access.
 - The proposal is adapting to climate change. The Flood Risk Assessment is acceptable to the Environment Agency. The applicant is aware of potential storm damage and flooding.

CONSULTATIONS

Economic Regeneration
 WSCC Strategic Planning
 Environment Agency
 Southern Water Planning
 Engineering Services Manager
 Engineers (Drainage)
 Environmental Health
 Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection .
 Providing the number of customers is limited to a maximum of 200 then the proposals set out for the sanitary convenience are adequate, i.e. 2 female WC's with wash hand basins, 1 male wc and 2 urinals with wash hand basins and 1 unisex wc with wash hand basin.

Environment Agency - No Objection subject to the imposition of a condition to ensure the development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (September 2017) and the detailed mitigation measures.

Economic Development - Support. We are keen to see better facilities provided in this area. This proposal will provide those much needed facilities, including toilets.

Southern Water - No Objection. Informative advice provided concerning potential conflict with nearby sewers.

County Highways - No Objection

The site is accessed by foot as it is located alongside the beach promenade. Sea Road is the closest public highway and is located behind the site. Pay and display parking bays are located by the beach huts on Sea Road. There is also a pay and display car park next to the local swimming pool across the road from the beach, and an informal crossing point with a pedestrian refuge island is located opposite the swimming pool; which provides a safe crossing point for pedestrians.

A bus stop is situated a few meters from the site, and the train station is located within 1-2km on foot. There should be some form of cycle storage provision.

Request a Construction Management Plan is conditioned.

Coastal Drainage Engineer - No Objection

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and requested conditions have been imposed.

The comments of Southern Water have been discussed with Environmental Health and it has been determined that given the distance to the treatment plant, and the direction of the prevailing wind, that odour is unlikely to materially impact on the use of the restaurant/kite school.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Class B Road

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN3	Protection of the Countryside
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN10	Tidal Flooding and Coastal Defence
GEN33	Light Pollution
GEN34	Air Pollution
GEN32	Noise Pollution
DEV35	Tourism Development Requiring a Coastal Location

Publication Version of the Local Plan (October 2014):

C SP1 Countryside
 QE DM2 Light Pollution
 QE DM1 Noise Pollution
 QE DM3 Air Pollution
 W DM2 Flood Risk
 D SP1 Design
 D DM1 Aspects of Form and Design Quality
 TOU DM1 Tourism Related Development
 TOU SP1 Sustainable Tourism & The Visitor Economy

Littlehampton Neighbourhood Plan 2014 Policy 1

The Presumption in Favour of Sustainable 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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

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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 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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Whilst the change of use would also result in the loss of a covered public seating shelter, the proposal does incorporate a covered area to the north elevation of the building and thereby maintains a sheltered area for the public in this location even when the premises are closed. Alternative public seating is available along the promenade.

VISUAL AMENITY AND CHARACTER OF THE AREA

The existing shelter has not been maintained recently and has a negative impact on the street scene and the appearance of the seafront generally. It is of no architectural merit and dates from the 1970s. The proposed building although larger is to have timber clad elevations and grey silicon render with vertical cedar cladding and slatted cedar boards for the balustrade to the first floor decking and stairs which would reflect the materials used on the beach front and adjacent beach huts to the west of the site, albeit it would be of a greater scale. The proposed building given its seafront location and relatively low height is considered be in-keeping and would not detract from the appearance of this coastal area. Precise details of the colour of the cladding and render of the building are recommended to be secured by condition.

Policy GEN7 of Arun District Local Plan states that developments should demonstrate that they respond positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness. Paragraph 60 of the NPPF states that "planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to promote or reinforce local distinctiveness." It is considered that the timber clad structure proposed would reinforce the distinctive qualities of the seafront by reflecting the materials used on adjacent beach huts.

The re-developed kite surf school and eatery occupies a significantly larger footprint than that of the existing promenade shelter. The existing footprint of the shelter occupies approximately 96m² of gross internal floor space compared to the proposal where the gross internal floor area is approximately 219m². Whilst considerably larger the building has been designed to have a low profile with limited projection onto the beach and does not extend the built form to the east. It fills in a redundant existing gap between the sea wall adjacent to the existing shelter and the existing beach huts. The building has been designed to have a staggered frontage and the first floor seating area is only located in the central area of the roof reducing the extent of balustrading on the roof to a length of 20.5m. The indented frontage provides visual interest and reduces the overall bulk of the structure. It is not considered that the size of the structure would be excessively bulky or overly dominant on this part of the seafront.

The roof top decked area would not be in use outside the coffee shop hours and any paraphernalia associated with the provision of refreshments and deck (umbrellas, outdoor furniture) would be screened from view from outside the site and would therefore preserve the character and appearance of the area.

The lighting is proposed to be controlled by condition to ensure it is switched off when the premises are not used to reduce the impact on the visual amenities of the locality. It is also suggested that precise details of the proposed outside storage of benches on the seaward side of the building are submitted for consideration and that they are removed in the winter months to reduce the visual impact of the development outside of the main holiday season.

It is considered that the proposal is compliant with policy GEN7 and the NPPF in that it responds positively to local characteristics whilst providing a distinctive design.

TOURISM

Policy DEV35 of Arun District Local Plan states that outside the built up area boundary planning permission will not be granted for new tourism development along the coast other than for appropriate changes of use and small scale extensions to existing facilities, which do not detract from the character of their surroundings. Although the site is outside the built up area boundary it is not located in a visually isolated location. It is close to the swimming centre and pumping station and is only 0.2km from the built up area boundary on the opposite side of Sea Road. There is another building with A3 uses located to the west of this site which is also outside the built up area boundary. Given the size, footprint and design of the structure and that a kite school and enhanced kite surfing and water sports facilities are included in the proposal it is not considered to harmfully detract from the character of the area and the proposal would on balance, therefore comply with policy DEV35.

The proposal will provide a restaurant use throughout the year in an area where refreshment provision is currently limited and will support and enhance existing recreational uses locally. It would be sited within a kite surfing area, which has previously benefitted from planning approval, providing kite surfing tuition. Although the centre may lead to an intensification of the use of the area, the area has no restrictions to the hours of use and given its distance from the nearest residential areas it is not considered to impact upon private amenity. The area has a designation to ensure that kite surfing is restricted to this area of the beach only. This proposal is intended to encourage more activity to focus in the eastern portion of the site to avoid conflict with beach hut users to the west.

Paragraph 28 of the National Planning Policy Framework relates to promoting a prosperous rural economy and requires planning policies to support economic growth in rural areas to create jobs and prosperity by taking a positive approach to sustainable new development. This includes supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities. The proposal clearly complies with the NPPF in this respect.

FLOOD RISK

The site is located on the foreshore adjacent to the promenade in an area at high risk of flooding. The application includes a Flood Risk Assessment (FRA). The coastal engineer and Environment Agency have no objection to the proposal on the basis of the mitigation measures identified in the FRA.

CONCLUSION

The Council's Economic Development section has promoted this site in order to provide a re-development opportunity for the local area. In particular it has sought to provide all year round facilities in order to extend the tourism season beyond the usual peak months to support existing recreational facilities within the immediate vicinity. It is considered that the addition of a kite surfing school and A3 use (restaurant) will provide a welcome boost to the tourism and recreation facilities locally.

It is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans :
Location and Block C9/0103/00
Proposed Ground Floor Plan C9/0103/05A
Proposed First Floor C9/0103/06
Proposed Elevations C9/0103/04A

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 development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated September 2017 and the following mitigation measures detailed within the FRA and the proposed Ground Floor Plan 05A (07/11/17)

- Finished floor levels are set no lower than 5.6m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently 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 reduce the risk of flooding to the proposed development and future occupants. In accordance with policies GEN7 and GEN11 of the Arun District Local Plan.

- 4 The premises shall not be open for business except between the hours of 7:30 to 23:00 hours on any day Monday to Sunday including Bank Holidays and there shall be no external illumination on the premises except between the above-mentioned hours.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies GEN7, GEN32 and GEN33.

- 5 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 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. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access onto a classified road which could compromise highway safety in accordance with the NPPF.

- 6 The premises shall not be used until covered and secure cycle parking spaces have been provided in accordance with the details hereby approved by the Local Planning Authority.

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

- 7 The external seasonal bench seating and tables hereby approved shall be removed from the beach during the months of November to February.

Reason: To safeguard the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 8 No development above damp proof course (DPC) level shall take place unless and until precise details of the seasonal external bench seating and tables have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the seating and tables.

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

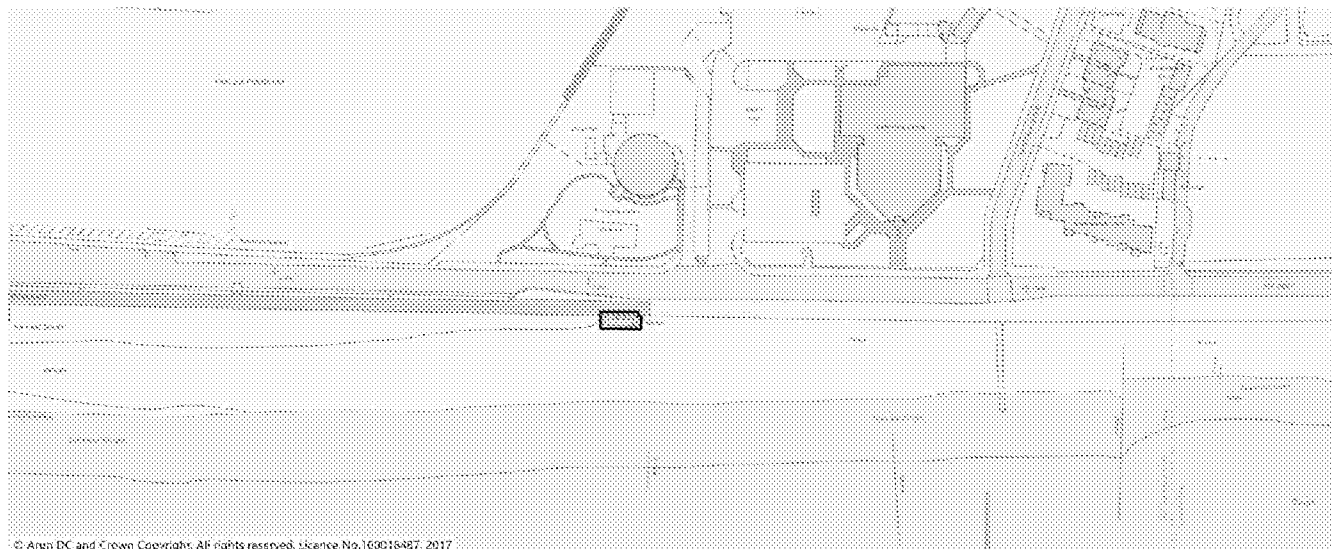
- 9 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used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

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

- 10 INFORMATIVE: Prior to the use commencing the applicant shall provide the Local Planning Authority with details of their proposed grease trap/separator in order to demonstrate design and installation will be in compliance with BS EN 1825-1:2004, & BS EN 1825-2:2004 and the development shall proceed in accordance with the details as approved.

- 11 INFORMATIVE: It is recommended that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan.
Please note that it is not the Environment Agency's role to assess any details on flood evacuation or emergency plans. We do not carry out these roles during a flood. Their involvement with this development during an emergency will be limited to delivering flood warnings to occupants/ users covered by our flood warning network.
It is recommended comments are sought from the Local Authority emergency planners.
Consideration should be given to use of flood mitigation measures to reduce the impact of flooding when it occurs. Flood mitigation measures include barriers on ground floor doors windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.
More information can be found in the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at:
<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>
- 12 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- 13 INFORMATIVE: The premises will require registration under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. The applicant is advised to contact Environmental Health for further information. The business would be required to submit a Food Registration Form to Environmental Health 28 days before opening. Should this premises be granted planning permission, it may be useful for the applicant to contact Environmental Health regarding the kitchen layout which should flow from the so called 'dirty' to 'clean' area without cross over. A hand basin together with proper supply of hot and cold water and proper drainage, should be provided at the kitchen entrance proximal to the bar. There must be at least 2 sinks one for washing vegetables and meat another for dishwashing. There should be a sink at any bar.
- 14 INFORMATIVE: Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.
The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- 15 INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway
- 16 INFORMATIVE: This permission does not purport to grant permission for any structures within the area of the second phase identified in this application which will include a kite store area, shower facility and watersports rigging area.
- 17 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority

LU/307/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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 100018487. 2015

REPORT UPDATE

Application No: FG/139/17/PL

Reason for the Update / Changes

Reason for Update:

The National Planning Policy Guidance has been added to the policy section of the report

The changes to recommendation, conditions and/or reasons show under Officers Recommendation at the end of the attached report.

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

PLANNING APPLICATION REPORT

REF NO: FG/139/17/PL

LOCATION: Existing Telecommunications Installation
Ferring Water Pumping Station
off Amberley Drive
Ferring

PROPOSAL: Replacement monopole & antennas & 1 No. replacement cabinet.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal relates to a 15m high mast with a 2.5m high and 1.4m wide head frame. The column and antennas and dish would be painted black/brown. The cabinet would be 0.7m long, 0.7m wide and 1.65m high and would be coloured steel/grey.

The equipment is required to upgrade both the EE and 3 UK networks in order to provide better 2G, 3G and 4G coverage and capacity. 4G is not currently available at this site. In addition, the applicants would like to add an installation for the Emergency Services Mobile Communications Programme called ESN (Emergency Services Network). ESN must be placed in locations that provide the widest coverage to the target area, and this site has been selected because it can provide the best coverage for the ESN network in this area.

The application includes an ICNIRP (International Commission on Non-Ionising Radiation) Certificate which demonstrates that the proposal meets the International Commission guidelines for exposure.

FG/39/06/TEL	Prior approval application for the installation of a radio base station comprising a 15m high telegraph pole, 3no. panel antennae, 1no. 300mm diameter transmission dish, radio equipment housing and ancillary development. (Resubmission of FG/82/05/TEL)	No Objection 25-05-06
FG/82/05/TEL	Proir Notification for the installation of a radio base station comprising 15m high telecommunications telegraph pole, three antennae ,one 300mm diameter dish, radio equipment housing and development ancillary thereto	No Objection 12-08-05

REPRESENTATIONS RECEIVED:

The proposed mast will have a significantly greater visual impact and be very intrusive in a rural area.

The concerns regarding the impact on visual amenity are shared. The prominence of the mast would materially increase. The site lies in an open rural area and the mast would be readily visible from the east, west and south. However, given that this is a site share and it has been satisfactorily demonstrated that there are no suitable alternatives the proposal is considered to accord with policy DEV41 and not be outweighed by its increased visual impact.

CONSULTATIONS

Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Strategic Gap
Gap between Settlements

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development
AREA10	Strategic Gaps
DEV41	Telecommunications

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
SD SP3	Gaps Between Settlements
TEL DM1	Telecommunnications

Ferring Neighbourhood Plan 2014 Policy 1A

A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

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

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

Policy 1A: Spatial Plan for the Parish is 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, whilst it would have a materially adverse effect on the visual amenities of the locality, the benefit derived from the upgrade and site share would outweigh this harm.

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.

In all applications, the Council must take into account other material considerations. This includes the Code of best practice, case law and appeal decisions which have emerged over recent years. By analysis of these considerations, the following are also relevant:

(i) Health concerns are material planning considerations. Whilst Government advice is that a planning system is not the place for determining health safeguards, Court cases and planning appeals show that

public responses on the issue must be weighted in assessing the merits of a site by comparison with alternatives.

(ii) The Planning Inspectorate consider zero health risk (or near zero risk) to be an unreasonable expectation or basis for a decision.

(iii) An ICNIRP Certificate, confirmation compliance with guidelines for the emission of electromagnetic energy, is essential. Sites should be secure by fencing with advisory notes attached.

(iv) Applications must include a thorough examination of alternative sites; this information must be included in the submitted information for public consultation.

(v) Government best practice advice to applicants expects pre-application consultation with organisations such as schools. The Council can look for evidence that this has happened.

CONSIDERATION OF ALTERNATIVE SITES

Given that the site development is principally for a significant technology upgrade and for an effective site share, the issue of searching for an alternative site would not normally be necessary but given the increased visual presence of the structure the agent has been asked to provide additional information regarding the possibility of sharing an alternative site.

The possibility of a site share utilising the installation at Greystoke Road is not considered feasible, particularly given that it is currently a small, low level, thin streetworks installation (and even if it were feasible, it will not provide adequate coverage).

CONCLUSIONS

BACKGROUND AND POLICY PRINCIPLE

The Code of Best Practice for Telecommunications Installations was revised in November 2016. It states that increasing consumer demand, especially for data is putting demands on mobile operators for improved connectivity and more capacity on their networks. This is driven by the widespread adoption of smartphones and the rapid uptake of tablet devices, and the way consumers are now using them, often choosing to do so when they have a fixed connection available. In addition, the Government has ambitious aspirations for improving connectivity and coverage, especially in rural areas. All these factors result in the need to continually upgrade and improve mobile networks, which will not function without the necessary infrastructure on which they rely. This increased consumer demand and need for improved connectivity and upgrading has resulted in the submission of this application, together with the need to facilitate the Emergency Services Network (ESN).

The site is an established telecommunications installation and the proposal is an upgrade of the existing facilities which represent a site share. It comprises a 3m increase in height of the mast and a 1.2m increase in width to the top of the mast.

The site is located outside the built up area boundary and in a settlement gap. The proposal therefore falls to be considered against policies GEN2, GEN3, GEN7, AREA10 and DEV41 of Arun District Local Plan, policies SDSP2, SPSP3, CSP1 and TEL SP1 of the Publication version of the emerging Local plan and policy 1A of the Neighbourhood Plan.

Policy GEN3 'Protection of the Countryside' states Development will not be permitted unless certain criteria are met. Criteria (v) refers to development being in accordance with a policy in Sections 2 and 3

of the plan referring to a specific use or type of development. In this particular case since the proposal relates to a telecommunications installation it can be considered against policy DEV41 in section 3 of the Plan. It is considered to accord with this policy, for the reasons set out below, and would therefore be acceptable in compliance with policy GEN3.

JUSTIFICATION FOR THE INCREASED HEIGHT AND PROMINENCE OF THE INSTALLATION

The ESN requirement at this site is primary. To that extent, the 4G coverage spectrum that ESN will use must be sufficient for it to function as a site capable of supporting ALL the emergency services. At a lower height, this would not be possible. The submitted coverage plots convey why the better coverage at 14m is essential.

The current installation has been in place since 2001. Although subject to some upgrades, the rapid change in technologies and growth in the use of smart devices is such that the site must be upgraded with modern, capable antennas, that can provide the best possible coverage to the local area, while, also providing sufficient capacity. This particularly includes the inclusion of 4G which is NOT currently installed at this site.

In terms of local tree cover (both those immediately located within the compound, and in a much wider, environmental context), while this can be an issue in the summer months, and was initially thought to be of some concern, this is very much a peripheral matter. The increase in height is required to give the best coverage overview, particularly in terms of 4G coverage.

Allied to this, and of critical importance, is the fact that ESN is required at this site, and this is a service that is not currently installed at this site, nor in the local area.

The increase in height is needed to provide both improvements to coverage and capacity, and to ensure that 4G coverage is available to the widest possible area.

In order to provide the required 4G coverage for both public users of the system AND for crucial ESN coverage, an increase in height is essential. This has been indicated on submitted coverage plots. The applicant has advised that this is the minimum height required to achieve both an acceptable commercial coverage (for normal mobile phone and other mobile device users), and for ESN coverage.

In terms of structure, the site is supporting not just 2 mobile phone operators (EE and 3 UK), but will also accommodate equipment to service the new ESN system. Given this, the slimmest structure and headframe available are proposed to ensure this can be accomplished.

Paragraph 45 of the NPPF states 'Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services'. It is considered that the justification given for the equipment is in accordance with these criteria.

GAPS BETWEEN SETTLEMENTS

The site is located outside the built up area boundary in what was previously a Strategic Gap and is now identified in the emerging plan as the Ferring to Worthing Settlement Gap. The development would take place in an area that is already developed within this Gap. It would not increase the footprint of the built form or contribute to visual coalescence of the settlements. Given that the integrity of the gap would not be compromised the proposal would be acceptable in this location and accord with policy AREA10 of Arun District Local Plan. Furthermore, it is considered to be necessary and accord with other policies of

the Arun District Local Plan.

VISUAL AMENITY AND CHARACTER

The proposed site is surrounded by flat open fields close to the bend in Sea Lane where it approaches and then runs parallel with the seafront and beach. The area to the west is residential, but the nearest dwelling to the mast is located 150m to the west.

The proposal at this increased height would be readily noticeable from all views along the seafront particularly the south and east. The increased bulk would be prominent and project above the horizon and intrude upon the generally uninterrupted views towards the sea from the west and towards the woodland known as Ilex Way to the north. However it would not appear as a new and alien element given the presence of the existing mast. The building and trees at the existing compound would visually screen the lower portion of the mast and cabinets and the existing telegraph poles assist in assimilating the existing pole against the sky line. It is accepted that the new structure increases the height and is bulkier than the existing installation. Whilst the area is largely open the sea vista and skyline are already interrupted by the 7m high trees on the site and the 5m high building within the existing compound.

Policy DEV41 of Arun District Local Plan states ' Planning permission will be granted for telecommunications development provided that it is demonstrated that careful consideration has been given to possible sharing of sites or use of existing buildings or structures, and that no satisfactory alternative sites are available'. This site is already used as site share by EE(UK) and 3UK and would facilitate use by ESN as well. However, given the resulting increased visual prominence, the Local Planning Authority has sought additional information regarding consideration of alternative sites in relation to site selection and options available for these providers to share facilities elsewhere in Ferring village. The additional submitted search information is considered sufficiently detailed and relates to exploration of another site in Ferring village in Greystoke Road. A scheme at this location is impractical. It is located some 1.15Km from the subject site, and could not act as an effective replacement for existing coverage. Further, this is an existing slim streetworks pole, designed to mimic a lamppost. In order to accommodate 3 new users on this site (EE, 3 UK and effectively, ESN), this would require complete redevelopment with a very large, tall intrusive structure, which would be entirely out of place, and hugely insensitive, being located on a small highway verge in the midst of a residential area.

The need for the installation together with this additional information relating to alternative site share location options is considered sufficient to address the visual impact concerns of the proposal.

CONCLUSION

The development is located in a visually prominent site but it is a site share and it has been demonstrated that there are no suitable alternative locations. It is not considered that the 3m increase in height of the existing mast and the increased head frame width of 1.2m are sufficient to warrant refusal of the application in terms of the resultant harm to visual amenity. The proposal therefore accords with policies DEV41 and GEN7 of Arun District Local Plan.

Policy1A of Ferring Neighbourhood Plan states 'Proposals for development located outside of the built up area boundary that do not accord with development plan policies in respect of control development in the countryside will be resisted.' Since the proposal is considered to comply with policy DEV41 of Arun District Local Plan the proposal would accord with policy 1A.

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

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (Right to respect private and family life), 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

APPROVE CONDITIONALLY

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

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

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

Location and Block100 revH
Block Plan
Existing Site Plan 101 revH
Proposed Site Plan103 revH
Existing Elevation 103 revH
Proposed Elevation 104 revH
Equipment Schedule 105 revH
Headframe Plans 106 revH
Feeder Loss Calc 107 revH

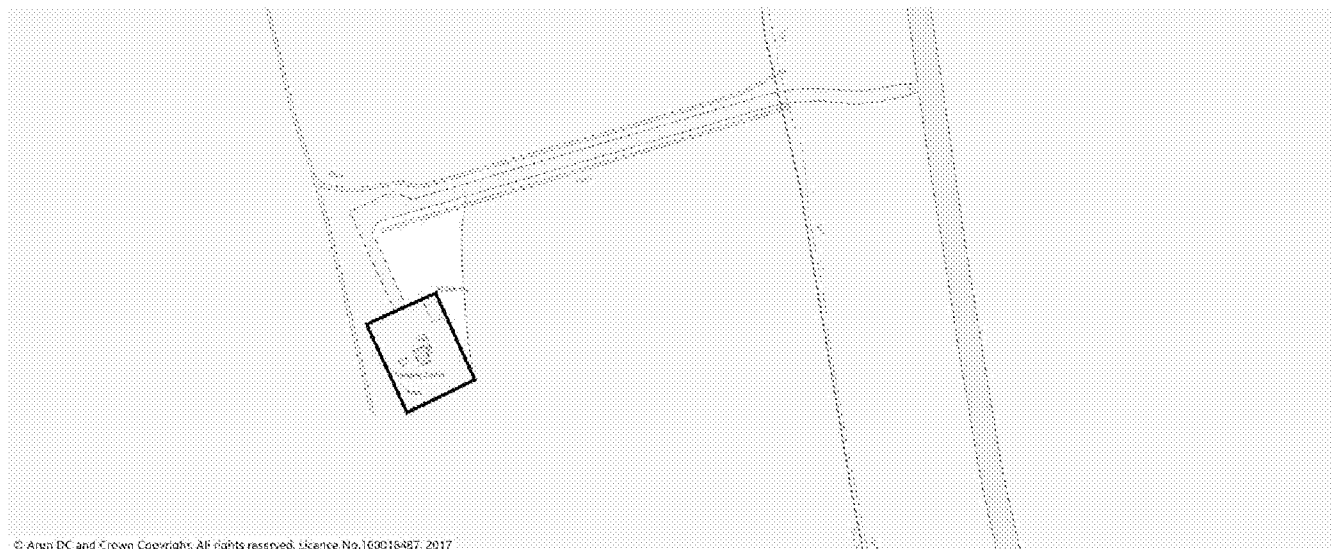
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Once the equipment hereby permitted ceases to be used for telecommunications purposes it shall be dismantled and permanently removed from the site.

Reason: In the interests of visual amenity in accordance with policies GEN7 and DEV41 of Arun District Local Plan.

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

FG/139/17/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: FP/203/17/PL

LOCATION: 7 Middleton Road
Felpham
PO22 6BL

PROPOSAL: Demolition of outbuildings & erection of 1 No. dwelling to rear (resubmission following FP/137/17/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to demolish the existing large triple garage/storage building located at the rear of the site and in its place, erect a new two storey detached dwelling. The new dwelling will have a low 20 degree roof pitch resulting in a ridge height of only 6.8m compared to an eaves of 4.7m. The dwelling will be 9.8m wide and 11.4m deep. A single pitched roof (2.7m high) garage is also proposed on the western side but behind the new dwelling. It is proposed to use the existing driveway alongside no. 7 to access the new dwelling. No. 7's existing rear garden will be shortened.
SITE AREA	0.1 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	10 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	One Birch tree within the application site close to the eastern boundary. One immature Horse Chestnut tree on the neighbouring land to the east but straddling the boundary.
BOUNDARY TREATMENT	The site has a part brick, part rendered wall fronting the road with other boundaries formed by 1.7-1.8m high close boarded timber fencing. No. 7's private garden has a 1-1.5m high brick wall surrounding it separating it from the areas of hardstanding. Planted trees and hedges along the eastern boundary.
SITE CHARACTERISTICS	Detached single storey dwelling with additional accommodation in the roof space (rear dormers). Rear conservatory and ground floor link to additional accommodation within a single storey pitched roof brick built building on western side of garden. Paint rendered elevations with a double pained window at first floor and two triple paned windows at ground floor of west elevation. Garden to rear separated by a wall from the areas of hardstanding elsewhere on the site. Existing large single storey, flat roofed white painted garage/storage building to the very rear of the site. Driveway runs along west boundary of the house leading to

CHARACTER OF LOCALITY

hardstanding for parking and turning.

Predominantly residential but within close proximity to a restaurant, public house and Tesco Local.

No. 7 itself has two rear dormer bedroom windows opening onto a rear balcony. No. 9 is not visible from the site due to existing planting along the boundary. No. 5 is two storeys with rear facing first floor bedroom windows. Nos. 4 & 6 Flansham Lane back onto the site of the dwelling. Both are two storeys with first floor bedroom windows. No. 6 has a two storey side/rear extension including a bedroom at first floor looking directly over the proposed garden. Beyond the proposed rear garden lies the rear garden of 8 Flansham Lane.

RELEVANT SITE HISTORY

FP/137/17/PL	Demolition of outbuildings & erection of a pair of semi detached 2-bed chalet bungalows to rear.	Withdrawn 31-07-17
FP/58/14/HH	Two storey rear extension and detached garage	Refused 03-06-14
FP/136/09/	Outline planning application for detached dwelling and garage	Refused 21-10-09

Outline planning permission for a single dwelling on the site was refused in October 2009 for the following two reasons:

(1) The proposal would constitute an unsatisfactory form of backland development which, together with the incidental use of the proposed means of access, would be unneighbourly and adversely affect the privacy and quiet enjoyment of neighbouring properties in conflict with policy GEN7 of the Arun District Local Plan; and

(2) The site by virtue of its size and shape, is considered unsuitable to accommodate a dwelling and private amenity space satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an unduly cramped form of development which would be detrimental to the character and appearance of the surrounding residential area, contrary to policy GEN7 of the Arun District Local Plan.

Planning Application FP/137/17/PL for two dwellings was withdrawn following concerns raised in respect of:

- (1) Contrary to internal space standards;
- (2) Contrary to external space standards;

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area boundary; and
Class B Road.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

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):

- D DM1 Aspects of Form and Design Quality
- D DM2 Internal Space Standards
- D DM3 External Space Standards
- D SP1 Design
- ECC SP2 Energy and climate change mitigation
- H DM1 Housing Mix
- SD SP2 Built -Up Area Boundary
- T SP1 Transport and Development
- W DM3 Sustainable Urban Drainage Systems

Felpham Neighbourhood Plan 2014 POLICY ESD1	Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD5	Surface water management
Felpham Neighbourhood Plan 2014 POLICY ESD8	Building design
Felpham Neighbourhood Plan 2014 POLICY ESD9	Tree protection
Felpham Neighbourhood Plan 2014 POLICY ESD10	Design details
Felpham Neighbourhood Plan 2014 POLICY ESD11	Increasing the energy efficiency of our buildings

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

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

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

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

The relevant policies of the Felpham Neighbourhood Development Plan have been considered in the determination of this application.

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

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 and nor would it have an adverse impact upon the established character of the surrounding area.

52

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 within the built up area boundary where development is acceptable in principle subject to other policies within the development plan relating to such matters as visual amenity, residential amenity, space standards, parking/highway safety, tree protection, drainage and energy efficiency.

The National Planning Policy Framework (NPPF) supports the effective and efficient use of land for sites in the built up area and advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

The Felpham Neighbourhood Plan does not contain any housing allocations nor windfall type policies and instead seeks only to control the design of new housing.

PLANNING HISTORY:

It is recognised that a previous application for one dwelling on this site (FP/136/09) was refused and that this decision was made in the context of the same Arun Local Plan. Also that the first refusal reason was a refusal in respect of the principle of development on the site. However, a significant amount of time has passed since that decision and the indicative plans supplied with the previous application showed a dwelling sited centrally within the plot with significantly less private garden than now proposed. It is therefore considered appropriate to consider this site afresh.

DESIGN AND CHARACTER OF THE AREA:

Local Plan Policy GEN7 (ii) requires that new developments 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.

Felpham Neighbourhood Development Plan policy ESD1 states that: "New development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location."

It is also necessary to consider policy ESD8 which includes the following: "The design of new buildings must reflect the design principles of their time so that the richness of varied character would continue and would be extended into the future."

In addition, policy ESD10 states that: "The following items must be considered early in the design process and integrated into the overall scheme:

- bin stores and recycling facilities
- cycle stores
- meter boxes
- lighting
- flues and ventilation ducts
- gutters and pipes

· satellite dishes and telephone lines"

The proposal seeks permission for one dwelling to the rear of the existing dwelling and as such would be termed backland development. It is considered that it is this which the Parish Council consider would set a precedent for other sites in the area. However, backland development is not in principle inappropriate unless there is also harm to the character of the area. An appeal decision concerning three dwellings in the rear garden of a property in Barnham (59 Elm Grove - APP/C3810/W/15/3133730) made it clear that back land development is not inappropriate in principle and therefore went on to consider whether there would be harm in respect of overdevelopment and overlooking.

The proposed dwelling will be located on a part of the site currently laid out as hardstanding and where there is an existing single storey garage/storage building of approximately 126m² in footprint. The proposed dwelling and separate garage meanwhile have a combined footprint of approximately 135m² which is not significantly greater. The new dwelling will be sited further to the south than the existing building in order to achieve an 11.6m deep rear garden whilst also ensuring a 20+m gap to the rear of no. 7. The proposed dwelling will not fill the entire width of the plot being set in from the western boundary by 3.3m and from the eastern boundary by 1.9m.

The dwelling will be significantly higher than the existing garage/storage building but with a low pitched roof, is not considered to be excessive in height. It will be glimpsed in views from Flansham Lane between the existing houses but at distance of at least 34m, is not considered to be so noticeable as to result in harm to the streetscene or the character of the area. Likewise, the dwelling may be glimpsed from the access drive onto Middleton Road but the distance from here would be around 45m.

The access is via an existing driveway already in use by the occupiers of no. 7 and as such its additional use by the new dwelling would not result in the creation of a new access which might then indicate the presence of an additional dwelling. Furthermore, the slight intensification of the access is not considered to result in such a degree of change so as to make it obvious to outsiders that a separate dwelling exists on the site.

It is acknowledged that a new driveway will be created on the western side of the dwelling leading to a new single storey garage. However, the site is already hardstanding with garaging and therefore this does not represent a material change in the use of the site.

Proposed materials include painted render, brick plinths and a slate roof. These are considered to be appropriate to the character of the area.

It is therefore considered that the proposed dwelling would not be particularly noticeable to surrounding viewpoints and would not overdevelop the area of the site. It would not therefore result in harm to the character of the surrounding area. It would therefore accord with Local Plan policy GEN7 (ii) and with policies ESD1 and ESD8 of the Neighbourhood Plan.

The proposal does not fully comply with policy ESD10 in that although an area is shown for the storage of bins, no cycle storage is shown and nor are the other required features. However, the missing details are not considered to be necessary at the planning stage and would instead be included at the Building Regulations stage. A condition requiring a secure cycle store will be included within the recommendation. It is not considered that non-compliance with this policy should result in a refusal.

RESIDENTIAL AMENITY:

Arun District Local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the Felpham Neighbourhood

Development Plan policies specifically refer to residential amenity issues. One of the 'core planning principles' of the NPPF is to secure high quality design and a good standard of amenity (paragraph 17). Both the adopted Local Plan Policy GEN7 and the emerging Local Plan policy require regard to be had to the amenity & living conditions of neighbouring properties.

The proposed dwelling would be side on to the rear elevations of two houses fronting Flansham Lane. It will be approximately 12.4m from the original rear elevation of no. 6 and 14.4m from the rear of no. 4. The drawings show that there will be two windows on this elevation but that these will be obscure glazed and permanently fixed shut. Therefore, these windows will serve only to provide light to the proposed dwelling and as such there will be no overlooking of the existing rear windows of 4 or 6.

It is also considered that given the low pitched nature of the proposed dwelling, the existing tree screening along the eastern boundary and the 12.4-14.4m interface distances that there is unlikely to be any harmful loss of light to the existing dwellings when the sun is to the east during the morning.

The occupier of no. 6 Flansham Lane is concerned that the proposed rear bedroom windows will allow overlooking of their rear garden. It is acknowledged that such views would be possible but only by residents leaning out of a window to look into this garden. Such oblique views of neighbouring properties are generally considered to be acceptable. Furthermore, the oblique views would be over the proposed garage and this would partially protect the privacy of no. 6's garden.

The proposed dwelling will look out to the north towards the rear garden of 8 Flansham Lane. However, the submitted plans indicate that there is a 3.5m high hedge on the neighbours side of this boundary and this is considered to adequately protect their privacy. It is considered that the proposed dwelling is far enough away other surrounding dwellings so as not to compromise their privacy or light.

Concern was raised with the previous scheme for two dwellings on the basis that the occupiers of 6 Flansham Lane could see straight into the proposed rear gardens. This has now been mitigated through the siting of the garage on this boundary thus enabling a part of the garden to be completely private.

As noted above, this part of the site is already part garage and part hardstanding. Therefore, the siting of a garage and driveway on the western side of the proposed dwelling alongside the boundaries with 4 & 6 Flansham Lane is similar to the existing situation and therefore vehicle movements adjacent to this boundary will not lead to new noise/disturbance impacts.

It is therefore considered that the proposal is in accordance with Local Plan policy GEN7 (iv) and the guidance on residential amenity within the National Planning Policy Framework.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The requirement for a two storey, four bedroom, 8 person dwelling is 124m² but the internal floor space proposed is 203m² and therefore well exceeds this requirement.

Policy D DM3 of the Arun Local Plan 2011 - 2031 (Publication Version) (October 2014) sets out the Council's external space standards and despite not being an adopted policy is currently being used for development management purposes and has been subject to testing at appeal. There are two requirements to the policy.

Firstly, a minimum rear garden depth of 10m. The rear garden depth serves to (a) ensure that rear gardens are usable spaces and (b) to provide for a 20m back to back distance between dwellings. This

depth standard may be relaxed if both of the following situations are in existence: (a) there is no back to back arrangement (and no realistic possibility of a future back to back arrangement); and (b) where the garden is sufficiently wide so as to exceed the area requirement.

The second requirement concerns the area of the private rear garden and in this case should be at least 100m². The proposed garden is to the rear and is 11.6m deep with an overall rear area of 130m². The existing rear garden to no. 7 will be reduced as a result of this development but would still be appropriate in size with a depth of 19.4m and an area of 182m². The proposal therefore complies with the external space standards.

PARKING PROVISION & ACCESS:

There are no adopted development plan policies which cover highway safety. Instead regard should be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". It is proposed to use an existing access which joins with a fairly low speed road. It is not considered that the greater use of this access would have a severe impact on highway safety or convenience.

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. The standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. This indicates that that the proposed development would generate a demand of 3 spaces.

The proposal includes a separate garage with space for 2-3 cars parked in tandem to the front of the garage. There would be additional turning space to the front of the dwelling. This therefore meets the anticipated demand. A planning condition will be imposed to ensure that secure covered cycle storage is also provided.

On this basis, it is considered that the proposal complies with the Local Plan.

TREE PROTECTION:

Felpham Neighbourhood Development Plan policy ESD9 states that:

"Development that damages or results in the loss of ancient trees or trees of arboricultural and amenity value will not be permitted. Development proposals must be designed to retain ancient trees or trees of good arboricultural and amenity value. Proposals should be accompanied by a tree survey that establishes the health and longevity of any affected trees and a management plan to demonstrate how they will be so maintained."

The application proposes to fell one existing Birch tree. This has been accepted by the Council's Tree Officer and following the provision of a tree protection plan detailing measures to protect the Horse Chestnut on the other side of the eastern boundary, no objections have been raised. The support of the Council's expert on trees and tree protection is therefore considered to satisfy the requirements of policy ESD9.

DRAINAGE:

Felpham Neighbourhood Development Plan policy ESD5 requires that development proposals provide a surface water management plan. In this case, Arun DC Drainage Engineers concur and have requested that a condition be imposed to require a surface water drainage scheme to be submitted post-decision.

This is an acceptable approach and therefore satisfies the requirements of policy ESD5.

ENERGY EFFICIENCY:

Felpham Neighbourhood Development Plan Policy ESD11 states that:

"The Plan will support development which contributes to both mitigating and adapting to climate change and to meeting the national targets to reduce carbon emissions through incorporating measures which are strongly linked to the measures set out in the Code for Sustainable Homes (CfSH), with regard given to achieving Level 4 CfSH. All new housing development, with the exception of the conversion of historic buildings should have a minimum energy efficiency standard equivalent to Level 3 of the CfSH."

The proposed house will be built to modern Building Control standards and will therefore achieve a high level of thermal efficiency. This is an appropriate solution and the proposal is therefore considered to comply with the policy.

IMPACT ON PAGHAM HARBOUR

The site is greater than 5km from the edge of the Pagham Harbour Special Protection Area and therefore falls outside of the Zone B area. There is thus, no requirement for a contribution towards the provision of accessible natural open green spaces to serve the Pagham area.

SUMMARY:

It is acknowledged that a previous application for one dwelling on this site (FP/136/09) was refused for the following two reasons and that this decision was made in the context of the same Arun Local Plan:

(1) The proposal would constitute an unsatisfactory form of backland development which, together with the incidental use of the proposed means of access, would be unneighbourly and adversely affect the privacy and quiet enjoyment of neighbouring properties in conflict with policy GEN7 of the Arun District Local Plan; and

(2) The site by virtue of its size and shape, is considered unsuitable to accommodate a dwelling and private amenity space satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an unduly cramped form of development which would be detrimental to the character and appearance of the surrounding residential area, contrary to policy GEN7 of the Arun District Local Plan.

It is considered that these reasons no longer apply as in terms of (1), having regard to previous appeal decisions, the principle of backland development is not considered to be in principle unacceptable and it has been shown that the proposal will not adversely affect the amenity of neighbouring properties.

In respect of reason (2), the scheme now proposes a two storey dwelling as opposed to the previous bungalow which better assimilates with the two storey dwellings to the west. Furthermore, the scheme is compliant with the Councils emerging internal and external space standard policies. It is also not considered that the plot size and depth of garden is out of character with surrounding plots particularly having regard to those to the west.

Although the previous decision was made in the context of the same Development Plan framework (the Arun District Local Plan 2003), this framework has now been supplemented by the more recent Neighbourhood Development Plan and the National Planning Policy Framework (NPPF). In addition, regard should be had to the emerging Arun Local Plan (Arun Local Plan 2011-2031 Publication Version

showing Modifications) which now has weight to be applied in the decision making process.

It is considered that the scheme accords with Neighbourhood Plan policies ESD1 and ESD8, with paragraph 17 of the NPPF in respect of having a high quality design and ensuring a good standard of amenity for all existing and future occupants of land and buildings. Furthermore, it has been shown that the scheme complies with the Councils internal and external space standards within the emerging Local Plan.

It is therefore considered that this proposed infill development would provide one new dwelling without overdeveloping the site, compromising the character of the area, adversely affecting the amenities of neighbouring properties or harming the safety of Middleton Road. It is also considered that the proposal complies with all relevant development plan policies.

The proposal will bring about localised economic and social benefits arising from the provision of a new family sized dwelling and the process of constructing it. The site is considered to lie in a sustainable urban location within walking distance of nearby shops, facilities/services and public transport links.

In the absence of any unacceptable harm, and given that the proposal represents sustainable development and in accordance with paragraphs 14 & 49 of the National Planning Policy Framework, it is recommended that permission be granted subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

date of this permission.

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

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

Drawing 1 "Location Plan";
 Drawing 2 "Block Plan";
 Drawing 3C "Proposed Site Plan";
 Drawing 05C "Proposed Elevations and Floor Plans";
 Drawing 6C "Site Section"; and
 Drawing 7D "Tree Protection 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 All demolition & construction works are to be carried out in strict accordance with the submitted Arboricultural Impact Assessment Report by Stephen Jupp dated 29/09/17 and the submitted Tree Protection Plan ref: Drawing 7D-1:200 @ A3.

Reason: To comply with BS5837 and the National Planning Policy Framework to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.

- 4 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. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 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 roof of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

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

- 6 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 and in accordance with the National Planning Policy Framework.

- 7 Details for the secure storage of at least 2 bicycles within the application site curtilage shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the new dwelling. The secure cycle storage so approved shall be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 8 The proposed first floor landing and en-suite bathroom windows on the western elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently shut as per the submitted drawing 05C.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with policy GEN7 of the Arun District Local Plan.

- 9 The proposed first floor bathroom and en-suite bathroom windows on the eastern and southern elevations shall all be permanently glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with policy GEN7 of the Arun District Local Plan.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order) the building shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and the locality in general in accordance with policy GEN7 of the Arun District Local Plan.

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

- 12 INFORMATIVE: Drainage Engineers advise that 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 available on request.

- 13 A formal application for connection to the public sewerage system may be required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

FP/203/17/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/220/17/PL

LOCATION: Central House
18 Waterloo Square
Bognor Regis
PO21 1SU

PROPOSAL: Change of use of first & second floors to form 2 No. dwellings & reversion of ground floor area to retail use. This application affects the character & appearance of The Steyne, Bognor Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The first floor flat will have 2 double bedrooms. The second floor flat will have one double and one single bedroom. The ground floor space shows two linked retail units with shared kitchen & toilet. These could be occupied separately or as one large retail space.

Bike storage is integrated into the building at the rear. Bin storage provisions would be as before (within the rear access passageway). Alterations to the building comprise a replacement dormer within the north roof plane which will match in scale and appearance to the existing dormer; the replacement / enlargement of 5 windows; removal of 1 window and 1 door; and the creation of a new door to the rear eastern elevation (opening into the rear passage). Proposed materials include PVCu doors, matching natural slate to dormer cheeks and matching painted render.

SITE AREA

107 square metres.

RESIDENTIAL DEVELOPMENT
DENSITY

187 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

None except to the western side where there is a low wall topped with railings. Otherwise, the building is the boundary.

SITE CHARACTERISTICS

Existing two and a half storey corner building, cream smooth rendered with a slate roof. Two existing leaded dormers on the northern roof plane each of different size & design. Further dormer on the western roof plane which matches the larger of the other two. The northern elevation of the building has a square bay type window and then several recessed windows. The western elevation has flush windows and includes a parapet roof on the gable. The buildings has two 'shop fronts'. The first onto Little High Street has a leaded

'canopy' above. The second is to Waterloo Square and there is a small forecourt area to the front. An access passageway runs along the back of the building providing service access. On-street parking is restricted by double yellow lines but there is a pay & display parking on the opposite side of Waterloo Square.

CHARACTER OF LOCALITY

The building sits within the Bognor Regis Steyne Conservation Area which has a mixed character of building heights, styles and designs. The area is also mixed in terms of land use with some retail shops, some restaurants & cafes, some pubs, some residential accommodation and some leisure uses. Neighbouring uses consist of a restaurant on Little High Street with no flat above, a two storey building on Waterloo Square which shares a party wall and has a pub at ground floor with a flat above. There is a further restaurant on the opposite side of Little High Street with a flat above.

RELEVANT SITE HISTORY

BR/128/00/A	1No internally illuminated projecting box sign	Refused 03-07-00
BR/339/92	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for residential property to be used as a Young Persons Drop In Centre.	File Closed 03-03-93
BR/373/89	Temporary Change Of Use (2 years, 1st September 1989 - 31st August 1991) from Elim Church to Amusement Arcade	ApproveConditionally 30-08-89
BR/102/55/B	Use Of Shop Premises As Place Of Worship	Approve 11-03-63
BR/102/55/A	Alts & Adds	ApproveConditionally 19-08-55

The property was previously occupied under ref BR/339/92 by a "young persons drop in centre" comprising of a cafe at ground floor with counselling rooms above. This would have had a sui-generis use. The shop fronting onto Little High Street was excluded from this application and so retains an A1 retail use class.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"No objection".

1 letter of support from the occupier of a flat on Little High Street almost opposite the site stating that this is a good use of the building but asking also that provision for bin storage within the property is provided. The writer also states that they assume the flat entrance will be from Little High Street.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

In response to the supporter, the entrance to the flats will be via the rear access passageway. Bin storage will be as existing (within the passageway).

CONSULTATIONS

WSCC Strategic Planning

Engineers (Drainage)

Engineering Services Manager

Economic Regeneration

Estates Manager

Conservation Officer

Environmental Health

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - No objection. Do not have any road safety concerns. In respect of parking comment that:

"A nil car parking provision is proposed for the new flats. Under the WSCC Car Parking Standards, two car parking spaces may be provided for the proposal. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detriment to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking."

Recommend a cycle storage condition.

ADC CONSERVATION OFFICER - No objection as subject to a condition re timber window frames, the proposal will enhance the host building.

ADC ECONOMIC DEVELOPMENT - Support on the basis that the ground floor retail space is retained thus creating an active frontage.

ADC ENVIRONMENTAL HEALTH - No comments.

ADC PRIVATE SECTOR HOUSING - No objection. Comment on fire safety and ventilation issues.

CONSERVATION AREA ADVISORY COMMITTEE (CAAC) - No objection. Materials to be submitted for approval. Sash windows would be better with four pane joinery.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The comments of CAAC are noted but outweighed by the Conservation Officer who does not request conditions about materials only that windows should have timber frames. A condition on materials to match (slate/render) will be imposed. The comment about four pane windows will be incorporated into an Informative. Parking will be discussed in the conclusions section.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary; and
Conservation Area.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

AREA2	Conservation Areas
AREA13	Sites of International Importance for Nature Conservation
DEV26	Criteria for Retail Development
DEV27	Retail Development Outside the Principal Shopping Areas
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN12	Parking in New Development
GEN32	Noise Pollution

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 DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
ECC SP2	Energy & Climate Change Mitigation
RET DM1	Retail Development
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development
ENV DM2	Pagham Harbour
QE DM1	Noise Pollution

<u>Bognor Regis Neighbourhood Plan 2015 Policy 1</u>	Delivery of the Vision
<u>Bognor Regis Neighbourhood Plan 2015 Policy 2</u>	Promoting the Seaside Identity
<u>Bognor Regis Neighbourhood Plan 2015 Policy 3</u>	Old Town Restaurant and Cultural Quarter

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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

The relevant policies of the Bognor Regis Neighbourhood Plan (policies 1, 2 & 3) have been taken into account in this determination. It is also noted that policy 4 supports the reuse of empty/underused properties along primary and secondary retail frontages. However, the site does not form part of a primary or secondary retail frontage within the Neighbourhood Plan and so this policy holds no weight in

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

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.

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.

PRINCIPLE:

The site is within the built up area boundary where development is acceptable in principle subject to normal development control criteria being satisfied such as visual amenity, highway safety and residential amenity.

It is considered that the proposal is acceptable in principle given its location in a highly sustainable town centre location. The National Planning Policy Framework (NPPF) supports effective and efficient use of land for sites in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

Furthermore, paragraph 23 of the NPPF suggests that town centres are the heart of a community and that local planning authorities should support their viability and vitality. As the proposal is partly to make more efficient use of existing space above commercial floorspace, it is considered that the proposal will support the town centre and therefore benefits from the advice in the NPPF.

IMPACT ON COMMERCIAL FLOORSPACE:

Part of the proposal is to change the ground floor cafe into a new retail unit under use class A1.

The site lies within the Town Centre Area as defined by the adopted Local Plan, emerging Local Plan and the Bognor Regis Neighbourhood Development Plan (BRNDP). However, it does not fall within a Principal Shopping Area and is neither primary nor secondary retail frontage. Adopted Local Plan policy DEV27 states that non-food retail outside the principal shopping areas will only be acceptable if:

- (i) the proposal does not adversely affect the vitality & viability of the Principal Shopping Areas and local shopping areas;
- (ii) it is easily accessible by the highway network and public transport;

- (iii) it includes provision for access by cycle and on foot; and
- (iv) it includes appropriate provision to enable access for people with disabilities.

It is not considered that the proposed retail space (either as two separate or one larger shop) is of a scale that could undermine the vitality & viability of the nearby principal shopping area. It is noted that there is support for the proposal from the Councils Economic Development team. The retail space is also considered to comply with the other criteria given its edge of centre location and existing level access.

The site also falls within the "Old Town Restaurant and Cultural Quarter" as designated within the BRNDP. Policy 3 states that "Changes of use from restaurant and cafe use (A3) to other uses will be resisted". It is considered that the ground floor cafe use was a part of the wider use of the building as a young person drop in centre and did not therefore have its own A3 use class. Further, the building does not appear to have any noise/odour extraction systems in place further supporting the integration of the cafe into the drop in centre use. Therefore, the loss of this cafe area is not technically contrary to this policy. However, in any case, it is not considered that the change from young persons cafe to retail would be so significant as to undermine the character or vitality of the Old Town area.

It is therefore considered that the proposal would be in accordance with the neighbourhood development plan, adopted Local Plan and with respect to paragraph 23 of the NPPF.

HERITAGE, DESIGN AND CHARACTER:

The building lies within the Bognor Regis Steyne Conservation Area and is therefore a designated heritage asset.

Policy AREA2 of the Arun District Local Plan states that: "Planning permission will be granted for development which preserves or enhances the character or appearance of a Conservation Area or its setting". Meanwhile, policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

Policies 1 and 2 of the Bognor Regis Neighbourhood Development Plan (BRNDP) require that great care is taken in respect of extensions and alterations to designated heritage assets.

The proposals in respect of the exterior of the building comprise a slightly larger replacement roof dormer and several changes to windows & doors. The replacement dormer is not significantly larger than the existing and will in any case match with the other two existing dormers. The fenestration changes are not considered to be significant either. Material's are proposed to match the existing. The Councils Conservation Officer considers that, provided the window frames are timber, the changes will enhance the building.

It is therefore considered that the proposal is in accordance with the relevant part of Policy GEN7, with AREA2 and with BRNDP policies 1 & 2.

RESIDENTIAL AMENITY:

Arun District Local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. One of the 'core planning principles' of the NPPF is to secure high quality design and a good standard of amenity (paragraph 17). Both the adopted Local Plan Policy GEN7 and the emerging Local Plan policy require regard to be had to the amenity & living conditions of neighbouring properties.

The new dormer will replace an existing and will be within a roof where there are existing dormers. However, there are no dormers within the roof of the building opposite and therefore no potential; for direct overlooking. It will be possible to look down towards the first floor windows of the flat above the property opposite but there is already overlooking between first floor windows across this narrow street, albeit that the existing building is not yet in residential use. It is noted that there are no objections from existing nearby residents and it is not considered that the new windows will materially exacerbate any existing overlooking between the two. All new bathroom windows will be obscure glazed.

It is therefore considered that the proposal is in accordance with Local Plan policy GEN7 (iv) and the guidance within the NPPF.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The following is a breakdown of the proposal versus the standards:

Flat	Size	Requirement	Actual GIA	Compliance?
1 (FF)	2B3P	61m ²	84.1m ²	Y
2 (2F)	2B3P	61m ²	74.1m ²	Y

The scheme exceeds the standards and is therefore in accordance with the internal space standards.

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 Policy states that 2 bed flats should have 5 square metres of private amenity space. It would not be possible to provide the flats with private amenity space without compromising the privacy of neighbouring properties (i.e. through the use of balconies). However, this is an edge of town centre location site and the site is only a short distance from a nearby public park plus the seafront. Therefore, it is considered acceptable to not require any private amenity space and on this basis, the proposal is in accordance with Policy D DM3.

PARKING:

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. The standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. This indicates a demand of 2 parking spaces. However, a nil parking provision has been proposed.

It is considered that the site is located in a highly sustainable edge of town centre location within only a short distance of the railway station, bus stops and food shops etc. Furthermore, that whilst on-street car parking is limited in the immediate vicinity, there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detriment to highway safety and therefore the nil parking provision would not be harmful to highway safety. It is considered that this proposal may result in some new demand for resident permit parking but that the proximity to nearby services means that the likely demand for the accommodation will be from non-car owning persons.

On this basis, it is considered that the proposal complies with the development plan policies.

IMPACT ON PAGHAM HARBOUR

Policy ENV DM2 of the Emerging Local Plan requires that all new residential developments within a

400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015 but this was revised down to £871 as of 10 April 2017. This contribution is now required for all new residential developments within Zone B.

Proposals that fail to provide the necessary contribution will be considered to be contrary to Policy ENV DM2 of the Emerging Local Plan. However, the Council is not able to enter into a legal agreement with itself and could not take itself to court if payment was not made. Furthermore, a planning condition cannot be used to secure a financial contribution. Therefore, it is not possible to secure the necessary contribution other than through the good will of the Council's Estates department.

SUMMARY:

This is an considered to be an acceptable scheme that will make more efficient use of an existing site providing new homes to help meet local needs whilst retaining a retail use on the ground floor. As the cafe was an integral part of the drop in centre use, it is not considered that its loss would be contrary to policy 3 of the Bognor Regis Neighbourhood Development Plan. However, in any case, it is not considered that the change from young persons cafe to retail would be so significant as to undermine the character or vitality of the Old Town area. It is also not considered that the proposal will result in any harm in respect of highway safety, residential amenity or the character of the area. It is therefore recommended that permission be granted subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
- Dwg. 699/07 "Site Location and Block Plans";
 Dwg. 699/06 "Proposed Floor Plans";
 Dwg. 699/05 "Proposed Elevations"; and
 Dwg 699/08 Existing and Proposed Roof Plans.
- Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies AREA2 and GEN7 of the Arun District Local Plan.
- 3 The materials and finishes of the altered external walls and roofs of the building shall match in colour and texture with those of the existing building.
- In the interests of preserving the character and appearance of the Conservation Area in accordance with Policy AREA2 of the adopted Local Plan and the National Planning Policy Framework.
- 4 The new/replacement windows and doors in the western and northern elevations shall have timber frames in accordance with details to be submitted to and approved by the Local Planning Authority prior to the occupation of any of the flats. The approved timber frames shall thereafter be permanently retained and maintained.
- Reason: In the interests of preserving the character and appearance of the Conservation Area in accordance with Policy AREA2 of the adopted Local Plan and the National Planning Policy Framework.
- 5 No part of the development shall be first occupied until the internal bike store as shown on drawing 699/06 Rev B has been provided. The bike store shall thereafter be permanently retained for the storage of bicycles.
- Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and the National Planning Policy Framework.
- 6 The ground floor of the building shall be used for retail purposes only under Class A1 and for no other purpose (including any other purpose in Class A of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).
- Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities of the area in accordance with Arun District Local Plan policies GEN7, GEN32 and GEN33.
- 7 The first and second floor bathroom windows on the eastern elevation shall at all times be glazed with obscured glass.
- Reason: To protect the amenities and privacy of future occupiers 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: It is recommended that new/replacement sash windows have a four pane joinery design.

10 INFORMATIVE: Please note the following comments of our Private Sector Housing Team:

Fire Safety

- Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document - "Housing - Fire Safety, Guidance on fire safety precautions for certain types of existing housing"; and
- There should be adequate fire separation between the commercial unit on the ground floor and the residential flats above.

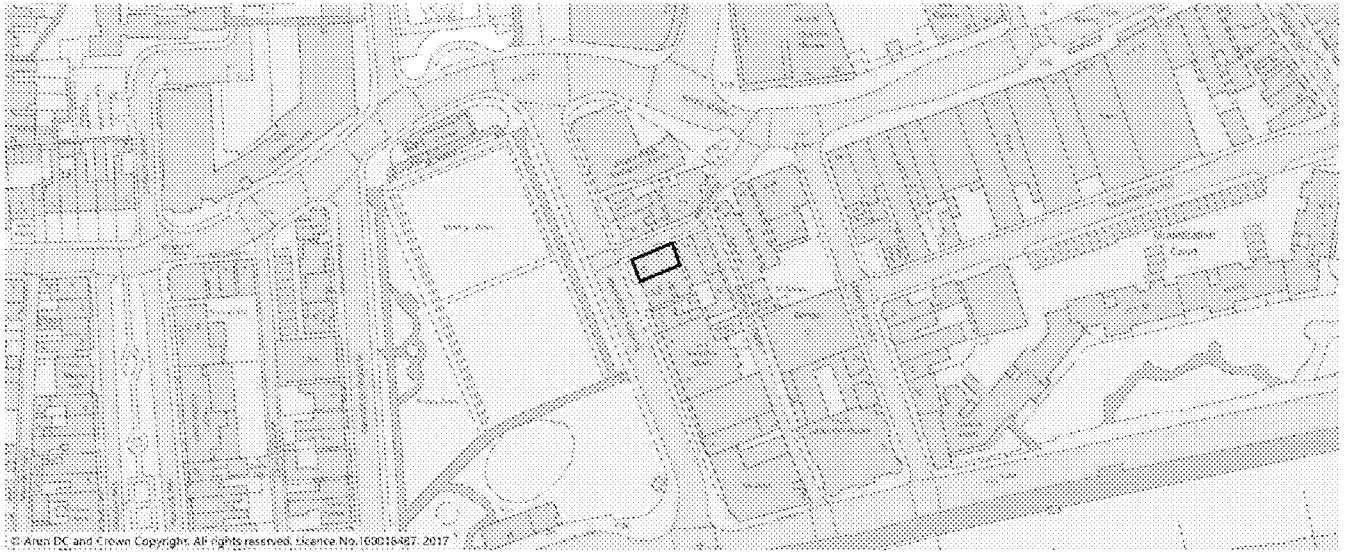
General

- Must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 Hazards.

- Must meet the requirements of the Arun District Council Houses in Multiple Occupation Standards (2016).

11 INFORMATIVE: The applicant is advised that this application would have resulted in the requirement for a contribution of £1,742 towards the provision of accessible natural open green spaces to offset the impact on the Pagham Harbour Special Protection Area. The applicant should make arrangements to transfer this sum to the relevant part of the Council in order to discharge this requirement.

BR/220/17/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/63/17/OUT

LOCATION: The Cottage
Shripney Road
Bognor Regis
PO22 9PA

PROPOSAL: Outline planning application with some matters reserved (Access only) for 20No. houses & flats, 1No. replacement dwelling (21No. units in total) with car parking, landscaping & associated infrastructure & access off Shripney Road (A29), following the demolition of the existing dwelling & outbuildings. This application is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The scheme is in outline with all matters reserved except for access. It is proposed to demolish the existing dwelling & associated outbuildings and then redevelop the northern part of the site with 20 dwellings and site a replacement dwelling for the applicant on the southern part (south of the footpath).

There is already access to the southern part and this will be modified to improve visibility/radii. The existing access to the northern part will be stopped up and a replacement 4.8m wide access constructed approximately 30m to the south of the existing. This will have visibility splays of 71m to the north and 120m to the south. The scheme also proposes a new section of footway between the new access and the existing improved access for the replacement dwelling. Furthermore, new footway access is to be provided within the central reservation between Shripney Road and the service road to assist people crossing the road.

The supplied illustrative layout for the northern part suggests a scheme of:

- * 2 x 2 bed houses;
- * 9 x 3 bed houses;
- * 4 x 4 bed houses; and
- * A building comprising of 2 x 1 bed flats & 4 x 2 bed flats.

The scheme also includes 41 parking spaces (30 allocated spaces for residents & 11 unallocated spaces for residents/visitors), a landscaped buffer zone along the eastern boundary (6-8m wide) and a communal green (public open space) in the south western corner.

The scheme proposes to fell 32 trees as well as two tree groups and part of a third group. Landscaping is a reserved matter and the Council would seek replacement tree planting as part of that process. However, the illustrative layout suggests a number of new trees shown as dark green circles.

The footpath is outside of the application site area and no works are proposed to it.

The replacement dwelling in the southern part will have 3 bedrooms, space for turning and two separate parking spaces.

Members should note that following the advice of WSCC Highways and the Councils Tree Officer, the drawings have been amended to: (a) relocate part of the access road to better respect two Cedar trees; (b) adjust the siting of buildings to respect those trees to be retained; and (c) to increase the northern visibility splay from 53m to 71m.

SITE AREA

0.89 hectares.

RESIDENTIAL DEVELOPMENT
DENSITY

23.6 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

There are 71 surveyed trees or groups of trees on or near the site. It is proposed to remove 32 trees as well as two groups and part of a third group.

Two Tree Preservation Orders (TPO) have been made in respect of the site.

The first, TPO/BE/1/17 refers to T1 -a Common Ash Tree located west of the existing dwelling/close to the existing site access; T2 - a Pedunculate Oak Tree located on the eastern boundary; and G1 - a group of two Lebanon Cedars to the south of the existing dwelling. This TPO was confirmed on the 20th September 2017.

The second, TPO/BE/2/17 refers to T1-T3 - three Sycamore Trees located on or immediately adjacent to the footpath which crosses the site; and T4 - a Beech Tree located in the rear garden Royce Cottage to the immediate south of the site. This TPO will be confirmed on or after the 8th of November and may therefore be confirmed by the date of the Committee meeting.

BOUNDARY TREATMENT

Mixed. Part wall, part close boarded fencing to the Hotel. Close boarded fencing to the road. Post & wire fencing on either side of the footpath. Hedging to Royce Cottage. Hedge or otherwise open to the eastern boundary.

SITE CHARACTERISTICS

The site is split into two parts. The larger half borders the hotel site to the north and comprises of the existing one and a half storey dwelling surrounded by land formerly used for

horticulture and currently grazed by some sheep. There is a touring caravan and several existing single storey buildings on the land including three disused greenhouses, a detached garage and sheds. There is also a half built two storey building in the south east corner. There is a dry ditch and bund to the eastern boundary and the remains of a dry pond within the site. There is gated access from Shripney Road.

The smaller half is separated from the former by a public footpath which connects Shripney Road on its western side to a further footpath crossing the field on the eastern side and enabling access to Sack Lane to the north east. This footpath crosses a small footbridge over the ditch on the eastern side. To the south of this lies the second part of the site which is a rectangular grassed site devoid of structures and with its own access from Shripney Road.

CHARACTER OF LOCALITY

The area is considered to be semi rural in character but with detached dwellings on both sides of Shripney Road. To the north lies the Robin Hood Pub & Hotel. There is car parking situated between the hotel and the shared boundary. To the south lies Royce Cottage, a two storey detached dwelling with a large bedroom window on the side facing the site. However, this is partially screened by existing planting. To the east, lies open arable fields. On the western side is Shripney Road with houses beyond.

RELEVANT SITE HISTORY

BE/145/07/	Outline planning application for 2no. 2 storey new dwellings within the garden of 'The Cottage' This application affects a Public Right of Way and is a Departure from the Development plan.	Refused 11-01-08
BE/51/94	Retention of Log Cabin for Agricultural Worker.	Refused 11-01-95
BE/67/92	Proposed site for agricultural caravan to replace existing caravan	ApproveConditionally 07-10-92
BE/61/90	Outline application for erection of agricultural dwelling	Refused 04-07-90 Appeal: Dismissed 29-04-91
BE/13/90	Outline Application for erection of agricultural dwelling	Refused 19-03-90

Pre-application advice was given in July 2013 for a scheme of 9 detached dwellings and the response was that the site lies outside the built up area boundary and as such was contrary to the adopted plan and harmful to the countryside.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

"Bersted Parish Council wishes to object to the proposed development at The Cottage, Shripney Road, on the following grounds:

- 1 The site is outside the designated built up area boundary both in your current and emerging Local Plans.
- 2 The access is directly onto the A29 and, even with the proposed entrance change, it will still be dangerous for traffic entering and emerging, and would be exacerbated due to the proximity of the exit from the Robin Hood Public House restaurant and hotel.
- 3 Residents of Shripney village are already finding it difficult to get onto the A29 and a significant number of properties must access it from the service road which emerges at a difficult angle not far from the proposed site entrance. In order to get onto the A29 at this point, it is necessary to accelerate and this is likely to cause collisions.
- 4 The volume of traffic along the road is expected to increase by a significant amount due to the housing proposed just to the north in the Local Plan and this will make matters even more hazardous for both local residents and all road users.
- 5 The location of the site is not in any way a sustainable location and presumably this is why it is outside of the built up area boundary. There is no walkway on this side of the road (and only a narrow one from the village south towards Bognor Regis which is unsuitable for prams or mobility scooters). There is no safe cycleway in the vicinity of Shripney at all. The bus service runs hourly (first bus to Bognor Regis leaves at 8.08am and the last bus back leaves Bognor Regis at 5.40pm) and there is no service whatsoever on a Sunday.
- 6 The section of Shripney Road (A29) where the entrance to the proposed development will be has historically been the point of the deepest flooding. When the A29 has remained even partially open, the main carriageway at this point is completely impassable and traffic has always been diverted along the service road. Therefore, the exit/entrance to this proposed estate would be unusable.
- 7 Whilst the inclusion of a play area for resident children is a definite asset, because of the danger of the road, it may well encourage other children in the locality to attempt the crossing.
- 8 There is a character house on the site which epitomises the rural nature of the village and this will be lost."

In addition, 27 letters of objection raising the following concerns:

- (1) Site lies in the countryside;

- (2) Not allocated in the emerging Local Plan or Neighbourhood Plan;
- (3) Listed as not being developable within the HELAA report;
- (4) Shripney is not a sustainable location;
- (5) Shripney Lane is not suitable for safe cycling to Bognor due to dangerous crossing over the Bersted bypass, blind bends, local fly tipping and drug dealers cars being driven fast;
- (6) Lack of local pavements and road crossings;
- (7) There is a bus only once every 2 hours not once every hour;
- (8) Increased road safety danger particularly with the increase in traffic as a result of the BEW development & people not observing the 40mph speed limit;
- (9) History of road accidents on this road;
- (10) Richmond Lodge development to the south is already adding danger to the road with refuse vehicles trying to reverse in;
- (11) Increase in parking along the Shripney Road service road causing conflict with residents;
- (12) Sussex police do not enforce the speed limit;
- (13) The A29 should be re-routed to the east of the Robin Hood Pub;
- (14) Too dangerous to have a children's play area within the new development;
- (15) Proposed fencing will not prevent balls from leaving the public open space and landing on the A29;
- (16) Affects the public footpath;
- (17) Increase in local noise;
- (18) If the road floods then residents will not be able to exit the site;
- (19) Loss of green soakaway will increase flooding elsewhere;
- (20) Loss of frontage ditch to accommodate the footway;
- (21) Loss of birdlife if hedgerow/brambles are removed from the eastern buffer zone;
- (22) Loss of mature trees & bat roosts;
- (23) Loss of characterful building;
- (24) Impact on local rural character;
- (25) Lack of local infrastructure & service connections;
- (26) Impact on local power supplies;
- (27) Lack of mains drainage;
- (28) This will create a precedent for further development of Shripney Road; and
- (29) Draft legal agreement on the file appears to pre-determine the application.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are offered in response to the points made by the Parish Council:

- 1 - This will be discussed in the report conclusions section;
- 2-4 - Highways issues will be discussed in the report conclusions section and regard will be had to the observations of WSCC Highways who do not raise any objections;
- 5 - Sustainability will be discussed in the report conclusions section;
- 6 - It is noted that this point is echoed by many of the local residents. Drainage matters will be discussed within the report conclusions section but Members should be aware that it would be difficult to justify a refusal reason based on the inability of people to enter/depart the site by motor vehicle particularly as the site itself lies in a safe area and as such there would be no threat to property;
- 7 - Although an area of public open space is shown, there is no suggestion that this will be a children's play area or that it will be suitable for ball games particularly as two trees are shown in the centre of the space. The developer will also be required to pay a contribution towards the development of an existing play area elsewhere in Bersted; and

The following comments are offered in response to the local resident objections:

- 80

(26) There is no evidence to support this and it is not considered to be a material planning consideration.

(27) Southern Water raise no objection and this will be discussed in the report conclusions section;

(28) Although precedent is capable of being a material planning consideration, in practice, all applications are determined having regard to their own merits. Furthermore, although other houses on the road have large gardens, these vary in size and not all would be suitable for backland development or be acceptable in other respects; and

(29) Applicants proposing major developments are required to provide a draft agreement in order for the application to be validated but this does not pre-determine the application.

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - Raise no objection on the basis that the trip generation will not adversely affect the safe and efficient operation of the A27.

SOUTHERN WATER - Note that there is insufficient local infrastructure in place to serve the development and therefore require the development to provide its own infrastructure. No objection is raised subject to a foul drainage scheme condition and also a condition to protect any sewer that might be found on the site.

NHS COASTAL WEST SUSSEX COMMISSIONING GROUP - No response received (two reminders sent).

SUSSEX POLICE - Have no concerns with the site layout/design other than with the public footpath running through the site. Requests that the footpath be improved with lighting, widening and devoid of potential hiding places. Also request that the cycle store be relocated to a position with better natural surveillance. Lighting across the site should conform to BS5489:1-2013.

WEST SUSSEX HIGHWAYS - Initially responded with an objection on the grounds of the safety of the proposed pedestrian access works and the visibility splays for the vehicular access. There has followed a series of negotiations with the applicant's transport consultants which have resulted in three further responses culminating in a letter dated 25/08/17 withdrawing the initial objections. WSCC has stated

that the Design Manual for Roads and Bridges (DMRB) standards have been met and that the visibility splays are appropriate. Further, that the pedestrian crossing point can be dealt with through a planning condition. Conditions are required in respect of pedestrian access works, implementation of the access, implementation of visibility splays and implementation of the Stage 1 Road Safety Audit recommendations.

WEST SUSSEX FLOOD RISK MANAGEMENT - Note that there is a low risk of surface water flooding within the site but that there is high risk shown in the adjacent carriageway at the site's access. State that any existing surface water flow paths across the site must be maintained and that there should be no wholesale site level raising via the spreading of excavated material.

WEST SUSSEX LOCAL DEVELOPMENT DIVISION - Require that financial contributions be secured for education (primary/secondary/6th form), library and fire & rescue infrastructure.

COUNCIL ECOLOGIST - Raise no objections. Is satisfied with the proposed measures to mitigate the impacts on bats, reptiles, mammals and require conditions to enforce these mitigation measures and also implement additional measures specified by the officer. This includes the retention of on-site hedgerows. Conditions are also requested to ensure proposed lighting is sensitive to the requirements of bats and to restrict tree works during the bird breeding season.

ADC ENVIRONMENTAL HEALTH - No response received.

ADC LANDSCAPE OFFICER - Require a contribution of £1,600 per dwelling (index linked) towards off-site local play.

ADC DRAINAGE ENGINEER - Request that infiltration needs to be investigated for surface water disposal and that land drainage consent will be required for any culverting or alteration to watercourses. Raise no objection subject to six drainage conditions.

ADC HOUSING STRATEGY & ENABLING OFFICER - Raise no objection as the applicant is proposing to deliver 6 affordable dwellings on-site to meet the requirements of the Council's Affordable Housing policy.

ADC ARBORICULTURIST - The application has been subject to 5 separate arboricultural responses which have detailed various slight concerns with the site layout. The applicant has amended the scheme to resolve these concerns and the final response dated 21/09/17 raises no objection subject to two conditions. The changes to the layout have been such that the Arboriculturist now considers that the Tree Preservation Order trees 34, 35, 36, 37 & 45 are all now fully respected.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted and all conditions and informatives are included in the recommendation.

In respect of the Sussex Police comments, the public footpath is an existing feature and is not within the applicants ownership such that they could not make any alterations to it. The cycle store would need to be relocated at a future time as layout is a reserved matter.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary:

Class A Road;
Special Control of Adverts;
Tree Preservation Orders (TPO/BE/2/17 & TPO/BE/2/17); and
No Public Sewer.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN18	Crime Prevention
GEN20	Provision of Public Open Space within New Development
GEN29	Nature and Conservation Across the District
GEN32	Noise Pollution
GEN33	Light Pollution
DEV17	Affordable Housing

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
H DM1 Housing Mix
INF SP1 Infrastructure provision and implementation
LAN DM1 Protection of Landscape Character
OSR DM1 Open Space, Sport & Recreation
QE DM1 Noise Pollution
SD SP1 Sustainable Development
SD SP2 Built -Up Area Boundary
T DM1 Sustainable Travel and Public Rights of Way
T SP1 Transport and Development
W DM3 Sustainable Urban Drainage Systems

<u>Bersted Neighbourhood Plan 2014 Policy ES1</u>	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy GA1	Pedestrian and Cycle Connections
Bersted Neighbourhood Plan 2014 Policy HDQ1	Housing Site Allocations

Main Modifications of the Local Plan (April 2017):

PLANNING POLICY GUIDANCE:

SUPPLEMENTARY POLICY GUIDANCE:

December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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

The relevant policies of the Bersted Neighbourhood Plan have been taken into account in this determination.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with adopted Local Plan (GEN2, GEN3), Neighbourhood Development Plan (ES7) and emerging Local Plan policies (SD SP2, C SP1) in that the site lies outside the built up area boundary where development is generally not allowed. However, the proposal is considered to comply with all other development plan policies relating to design, residential amenity, parking, drainage, trees, ecology, affordable housing, local infrastructure, public open space/play and landscape.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section. These include the National Planning Policy Framework (NPPF) and associated Guidance, the lack of a 5 year housing land supply provision for Arun, the Secretary of State's two recent decisions concerning the Call-in Inquiries for the Fontwell and Burndell Road applications; the CIL Regulations 2010 (as amended) and an appeal decision concerning three live/work units at Sack Lane, Aldingbourne (ref APP/C3810/W/16/3148035).

CONCLUSIONS

PRINCIPLE:

The development plan for Arun District currently comprises the Arun District Local Plan (2003) (saved policies) and the Bersted Neighbourhood Development Plan (November 2014).

Arun District Local Plan 2003

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun District Local Plan (ADLP). Policy GEN2 states that outside of the built up area boundary (BUAB), development will not be permitted unless it is consistent with other ADLP policies.

ADLP Policy GEN3 "Protection of the Countryside" states that except for various categories of development (of which none apply to the application proposal), development within the countryside will not be permitted. As this site lies outside the nearest BUAB, it is categorised as being within the countryside and the scheme would therefore conflict with ADLP Policies GEN 2 and GEN 3.

Bersted Neighbourhood Development Plan

The Bersted Neighbourhood Plan (BNDP) was made (adopted) in November 2014 on the basis of the saved policies in the ADLP and the draft policies in the 2014 publication version of the emerging Arun Local Plan (eALP).

Appendix F of the BNDP includes a BUAB drawn around the edge of the larger settlement of Bognor Regis (of which North & South Bersted are a part) which broadly compares with that provided by the ADLP. There is no separate BUAB drawn around the settlement of Shripney. The site lies some distance outside of this BUAB and the application site is therefore classified as countryside. Policy ES7 states that development outside of the BUAB will not be supported. It is noted that policy HDQ3 "Windfall Sites" states that permission will be granted for small residential developments on infill and redevelopment sites within the Parish but this is to be subject of the other policies in the Plan (including ES7). Furthermore, this is not considered to be a small site and therefore, policy HDQ3 would not apply.

As set out above, the scheme conflicts with the ADLP policies GEN2 and GEN3 and therefore conflicts with policy ES7 of the BNDP as it fails to protect countryside in accordance with those policies.

Emerging Development Plans

This includes the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified March 2017 ('the modified eALP').

The eALP was submitted for examination in January 2015. However, following a material increase in the Objectively Assessed Need (OAN) for housing, the eALP examination was suspended to allow ADC to review potential additional locations for housing development. The proposed Modifications were approved by Full Council and consultation took place on the new document ("Arun Local Plan 2011-2031 Publication Version showing Modifications") between 10 April and 30 May 2017.

The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector has since written to the Council to set out his 'Interim Views following the Hearings'. The Council is currently preparing a composite Schedule of Proposed Main Modifications (MMs) to be provided to the Inspector.

Policy H SP1 "Housing Allocation" of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional allocations for small sites being made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans.

Policy H SP2 "Strategic Site Allocations" is split into 3 sections covering different areas of the District. An allocation is proposed by Policy H SP2a on land west of Bersted for 2,500 dwellings but the application is actually closer to the allocation concerning the settlements of Barnham, Eastergate and Westergate under policy HP2c for 2,300 dwellings. The application does not form part of either of these two allocations.

Policy SD SP2 "Built up Area Boundary" states that outside the BUAB, apart from Strategic, Site Specific

and Broad Allocations, development will not be permitted unless consistent with other plan policies. In addition, Policy C SP1 "Countryside" states that residential development in the countryside outside of the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. As the proposed site does not form part of a proposed allocation and is not in accordance with another policy within the eALP, the exception would not apply and the proposal would be contrary to eALP policies SD SP2 and C SP1.

The proposed development is not located in a strategic, site specific or broad allocation in the eALP, so the application will need to be considered alongside other plan policies.

Planning Balance

For reasons given above, the application is not in accordance with ADLP Policies GEN2 & GEN3 or policy ES7 of the BNDP. As set out below, these policies are all out-of-date and carry limited weight.

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

There has been an almost doubling of the objectively assessed need (OAN) for the Arun District to 919 dwellings per annum (dpa) and the current reported housing land supply figure for Arun District is only around 2.07 years (as at 31/03/17). This demonstrates that there is a pressing need to identify and bring forward deliverable sites for housing and that ADC cannot demonstrate a 3 or 5 year supply of deliverable housing sites.

In recognition of this, the Local Plan Sub-Committee resolved in December 2016 to invite planning applications for the first phases of sites being investigated at potential strategic allocations. It was also resolved to invite planning applications on sites identified as being 'deliverable' within the Housing and Employment Land and Availability Assessment (HELAA) where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery.

The 2017 HELAA report assesses the application site (Ref 143) as not currently being developable due to its low landscape capacity for development and its location outside of the settlement boundary.

Given the absence of a 5 year housing land supply, paragraph 14 of the NPPF is engaged and planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted. As the Council cannot demonstrate a 3 year supply of deliverable housing sites, the Written Ministerial Statement on Neighbourhood Planning (12 December 2016) does not apply. Paragraph 49 of the NPPF is also engaged, which states that the relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a 5-year housing land supply.

Given the significant shortfall in housing supply, only limited weight can be given to the conflict with out-of-date ADLP Policies GEN2 & GEN3 and policy ES7 of the BNDP. Policy GEN2 is clear that the boundaries of the built-up area were defined 'for the purposes of the West Sussex Structure Plan and this District Local Plan'. The built-up areas were drawn for the purposes of defining the extent of the built-up areas and countryside. This was done with the background of the required number of dwellings for the plan making period being provided within the built-up areas or on allocated sites (up to 2011).

The Inspectors decision for the called-in Inquiry concerning 108 residential dwellings at Burndell Road (Ref APP/C3810/V/16/3158261) stated that policies GEN2 & GEN3 are out of date in that the aLP does not plan for housing beyond 2011, that they pre-date the NPPF and do not seek to establish an

Furthermore, in allowing the Burndell Road call-in, the Secretary of State confirmed that policies GEN2 & GEN3 are out of date and given that the housing land supply is only 1.9 years, that these policies carry limited weight.

Presumption in favour of Sustainable Development

Paragraph 7 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

The site is within the small settlement of Shripney but some distance from the nearest built up area boundaries (BUAB) of either Bognor Regis or Westergate.

The nearest schools are:

- None of these are within the maximum walking distance of 2000m but they could also be reached by bus. There are however, several potential workplaces within only 2km of the site.

88

- The following facilities are available in the local area are within a walking distance (using footways alongside local roads) of between 400m and 1200m from the proposed site entrance:

- The following facilities are located further afield:

- There is a footway along the west side of the Shripney Road service road in the vicinity of the site which benefits from street lighting. It is proposed to provide a crossing point across the A29 between the site and this service road. This footway allows safe walking to the northern edge of Bognor Regis. There is also a public footpath 151 crossing the site which provides access to Sack Lane and on to Barnham and Yapton.

The applicant has provided a Technical Note on Site Sustainability which asserts that the site is sustainably located and therefore in accordance with the NPPF. These assertions are based on the standards given in "Planning for Walking" (2015), "Planning for Cycling" (2015), "Manual for Streets", "Design Manual for Roads and Bridges" and the DfT "Local Transport Note 2/08 - Cycle Infrastructure Design". It is stated that employment and food shopping areas are all within the 1.6km distance recommended by Planning for Walking while employment, education, health and food shopping are all within the 8km distance recommended by Planning for Cycling.

Paragraph 29 of the NPPF states that: "The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas."

It is also considered that regard should be had to an appeal decision concerning three live/work units at Sack Lane, Aldingbourne (ref APP/C3810/W/16/3148035). This site lies 645m due east of the site (as the crow flies) and is significantly further away by road from local shops, services and facilities.

The Inspector noted that Sack Lane intersects with the A29 thoroughfare and that there are bus stops on the A29 (1km from the site) plus a holiday park, understood to have a convenience shop on site (1.1km from the site). He considered that it would not necessarily be an insurmountable task for the future

The Inspector therefore ruled that the appeal site is not particularly well located to promote methods of travel other than by private motor car. However, he then had regard to paragraph 6 of the NPPF which states that the policies in the NPPF must be taken as a whole in order to ascertain what sustainable development means in practice - and he had regard therefore to paragraphs 28 and 34 which seek to promote a strong rural economy.

The other environmental aspects of sustainable development (impact on trees, ecology) are considered in detail in the report below but it is concluded that there are no adverse environmental impacts associated with these

It is considered that the proposal could support the local community by providing up to 20 new homes including 6 affordable dwellings to help meet future needs. These factors weighs in the scheme's favour.

It is considered the proposal would likely result in economic benefits to the local area in the form of the following:

- ## Assessment of Sustainable Development

The definition of sustainable development does not simply relate to accessibility of services and facilities and it is considered, on balance, that the proposal would be environmentally, socially and economically sustainable and would therefore benefit from the NPPF presumption in favour of sustainable development.

Conclusion on Matters of Principle:

Overall, the principle of development on this site is contrary to the development plan, however, as Arun District Local Plan policies GEN2 and GEN3 and the intention of the BNDP to protect countryside (policy ES7) are out of date, in accordance with paragraph 49 of the NPPF they carry reduced weight. The material considerations set out above are considered to weigh in favour of granting permission.

The proposed development would provide an additional 20 houses which are needed in Arun District. The proposed development should be considered in the context of the presumption in favour of sustainable development. It is considered that the development would have a positive effect upon the supply and location of housing and therefore, the principle of residential development on this site would, in current policy circumstances and as set out in the NPPF, be acceptable. The assessment will now consider other policy considerations and whether this gives rise to any adverse impacts.

Some policies of the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to landscape, flooding, access/highway safety and the natural environment. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of the content of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions, content of the Section 106 agreement or because the public benefit outweighs the harm in respect of any such issues.

It is therefore considered that the objections on the grounds of principle raised by both the Parish Council and by local residents have been resolved by the above analysis..

HOUSING MIX:

Policy HDQ4 of the BNDP requires that proposals deliver a range of house types & tenures and that applications demonstrate how the development addresses the needs of current and future households.

The illustrative layout sets out the following mix of house types:

2 x 1 bed flats @ approx. 58 sq. metres each (Affordable);
 4 x 2 bed flats @ approx. 73 sq. metres each (Affordable);
 2 x 2 bed terraced houses @ approx. 87 sq. metres each (Market);
 4 x 3 bed terraced houses @ approx. 100 sq. metres each (Market);
 4 x 3 bed semi-detached houses @ approx. 105 sq. metres each (Market);
 2 x 4 bed detached houses @ approx. 120 sq. metres each (Market);
 2 x 4 bed detached houses @ approx. 145 sq. metres each (Market); and
 1 x 3 bed detached house @ approx. 162 sq. metres (Market).

It is considered that the proposed mix is varied and does reflect the varying needs of the District such that policy HDQ4 of the Neighbourhood Development Plan is complied with. There are no adopted Local Plan policies relating to housing mix.

LANDSCAPE:

Although the site is neither within a protected landscape nor likely to impact on the setting of the South Downs National Park, the protection of landscape character is still an important consideration.

Policy GEN7 of the ADLP requires that (vi) new development retain significant open or wooded areas

which, in their own right, make a material contribution to the local environment. There are no landscape based policies within the BNDP however regard should be had to Policy LAN DM1 of the modified eALP which states that:

"Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas."

It is noted that 2017 HELAA report stated that the site had a low landscape capacity and that any development would have an effect upon the local landscape.

A Landscape Statement has been submitted which seeks to assess the impact of the proposal on the landscape and to determine what mitigation measures are appropriate. This states that:

- * The scheme proposal has been developed to address in landscape and visual terms, how the site could be developed in a way that retains significant vegetation on the site whilst minimising the visual implications of development on the limited views from the A27 road corridor and the wider countryside to the east;
- * The site is considered to offer a good opportunity to deliver a modest and attractive redevelopment embedded within the established framework of Shripney; and
- * The development proposals would not be widely visible from the open countryside to the east and the range of landscape measures identified would contribute positively to landscape integration and the perception of a well vegetated settlement edge.

The illustrative layout plan shows that the planting along the eastern boundary will be strengthened in order to screen the development from the open fields to the east. This planted area would then be left as a buffer zone. The layout also retains a number of trees within the site and suggests that these would be supplemented with new tree planting across the site and to the site frontage.

Arun DC Landscape Officers have not raised any objections to the scheme on landscape or visual grounds.

The proposal is therefore considered to accord with policy GEN7 of the ADLP and policy LAN DM1 of the modified eLP.

DESIGN & CHARACTER:

Both the Parish Council and local residents object to the loss of a characterful building and to the impact of the development on rural character.

Arun Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

Bersted Neighbourhood Plan policies ES1, HDQ2, HDQ5 and HDQ7 are all relevant. Policy ES1 states that: "New development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to it's location".

Policy HDQ2 states that "Proposals for new housing must ensure that the new homes are well connected to the surrounding area and visually integrated with their surroundings." Furthermore, HDQ5 requires that new housing is of a high quality and is designed to reflect the local character.

Policy HDQ7 requires that certain features are integrated into the design at an early stage but this would not apply to this outline scheme as such matters would only be applicable to the reserved matters of scale, appearance and layout.

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 7 states that good design is a key aspect of sustainable development (paragraph 56), and that developments should respond to local character & history, reflect the identity of local surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 60 advises that local planning authorities should promote or reinforce local distinctiveness. Paragraph 64 then confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

A Design and Access Statement (DAS) has been submitted with the application. This states that the illustrative layout has been inspired by the unique features of the site and in particular, those mature trees which are to be retained. The need to improve visibility and protect trees has also influenced the position of the access and the route of the new roadway. The layout has also been designed with smaller units situated to the front of the site, with main aspects facing the communal open space, and the larger, detached dwellings situated to the rear, with generous spacing providing views through the proposed buffer zone to the countryside.

Scale is a reserved matter but it is envisaged that the buildings will be two storeys although some will have dormers within the roof space to facilitate additional attic level accommodation.

It is considered that the layout design is functional having regard to the size and shape of the site and in respect of the need to retain trees. The dwellings are also set well back from the road frontage as per the existing site and this, alongside the existing/proposed planting will minimize any impact to the streetscene. The proposed density is around 24 dwellings per hectare and this is considered to be appropriate in this semi-rural area.

The proposed replacement dwelling within the southern part of the site will have a similar site position to both the current dwelling and to the neighbouring property to the south with deep front and rear gardens and off-street parking to the front.

It is therefore considered that the proposal would be in accordance with policy GEN7 of the ADLP, policies ES1, HDQ2 & HDQ5 of the BNDP and the guidance on design in the National Planning Policy Framework.

HIGHWAY SAFETY & PARKING:

Both the Parish Council and local residents object to the application on the grounds that the A29 in Shripney is already dangerous, that access from the site will increase that danger and that traffic along the A29 will increase in the future due to other developments thus worsening the situation further. Concerns are also raised in respect of pedestrian safety and parking conflicts with existing residents.

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. This indicates a total demand for the development of 41 spaces and the proposed illustrative layout satisfies this requirement with 30 allocated spaces for residents & 11 unallocated spaces for residents/visitors. This is also in accordance with the requirement for 2 off-street spaces per dwelling set out within policy HDQ8 of the BNDP. The illustrative layout also shows a secure, covered cycle store for the flatted building.

Policy GEN7 (vii) requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Regard should also be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

West Sussex Highways originally raised an objection to the application on the grounds of insufficient visibility based on the use of Manual for Streets parameters as opposed to the standards of the Design Manual for Roads & Bridges. However, over the course of several weeks, negotiation took place between the applicant and WSCC Highways which resulted in the objection being withdrawn. The final comments stated that:

"The LHA have now reviewed this information and after discussions with our Principal Engineer we are satisfied with the proposed visibility as shown in drawing no:160818-07. As detailed below once a wet weather reduction is deducted from the recorded 85th percentile speed, the LHA are in agreement that DMRB Desirable Minimum standards are met. The LHA are satisfied with the splays proposed of 120m to the south and 71m to the north from a 2.4m set back."

The application has also been subject to a Stage 1 Road Safety Audit and one of the outcomes of this is a proposal for a new crossing point on the A29 adjacent to the site. In addition, it is proposed to provide a footway between the new site access and the existing access to the site of the replacement dwelling.

It is noted that BNDP policy GA1 states that support will be given to proposals which increase or improve the network of footpaths/footways. The proposed new footway linking the two accesses will provide safe access by the new residents to the public footpath which crosses the site. The new crossing point will assist persons crossing the A29 to access the footpath on the western side which links to Bognor Regis to the south. It is considered that these initiatives would be supported by the BNDP. WSCC Highways consider that the new crossing point can be detailed and implemented by way of a planning condition.

It is therefore considered that the proposal is in accordance with the relevant development plan policies and in respect with the guidance with the NPPF.

TREES:

Local residents have raised concerns as to the potential loss of mature trees within the site.

Policy ES6 of the BNDP states that:

"Development that damages or results in the loss of ancient trees/trees of arboricultural and amenity value or loss of significant ground cover and habitat will be resisted. Development proposals must be designed to retain wherever possible ancient trees or trees of good arboricultural and amenity value. Proposals should be accompanied by a tree survey that establishes the health and longevity of any affected trees and a management plan to demonstrate how they will be so maintained."

Following an initial objection from the Councils Tree Officer and the imposition of two separate Tree Preservation Orders, the applicant has amended the layout drawing in order to now gain support from the Tree Officer. The changes to the layout were primarily to better respect existing trees of high value.

The application is also accompanied by a Planning Integration Report which includes a Tree Survey, a Tree Protection Plan and guidance on protective fencing & no dig construction methods. The decision will be conditioned in order that demolition & construction works are carried out in strict accordance with these documents.

On this basis, it is considered that the proposed development complies with policy ES6 of the BNDP.

ECOLOGY:

Local residents have raised concerns as to the loss of birdlife from the eastern buffer zone and the loss of any existing bat roosts.

Arun Local Plan policy GEN29 states that development will only be permitted on sites which contain semi-natural habitats, features of nature conservation interest, or within wildlife corridors, where these can be largely retained and sympathetically incorporated into the scheme. There are no policies in the BNDP relevant to ecology. Consideration should also be given to policy ENV DM5 of the modified eALP which requires that existing habitats are protected, that detailed surveys of protected species will be required and that mitigation measures will be incorporated into the development scheme.

The application was accompanied by a Preliminary Ecological Appraisal and subsequently by the addition of a Bat Activity Survey. These documents have been carefully appraised by the Councils ecologist and no objection is raised to the proposals. A number of the proposed mitigation measures will be secured by condition and the developer will also require a Natural England species licence to carry out works on the site.

It is noted that existing hedgerows will be retained (this is the subject of a planning condition) and the mix of any new planting/management of existing within the eastern buffer zone will be considered within a reserved matters application.

Overall, subject to the mitigation measures secured by planning condition, it is considered that the proposed development accords with policy GEN29 of the ADLP and policy ENV DM5 of the modified Local Plan in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible and provide enhancements.

FLOODING & DRAINAGE:

Both the Parish Council and local residents have raised a number of concerns in respect of the flooding of the local highway, the impact of development on the site on existing flood levels and the loss of part of the ditch to the frontage.

Bersted Neighbourhood Plan policy ES2 requires surface water management measures for development proposals to ensure that the risk of flooding both on-site and downstream is not significantly increased. Arun Local Plan policy GEN9 states that:

"Planning permission for development which will materially increase foul and/or surface water discharges will be refused unless the Local Planning Authority is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development. Consideration should also be given to the use of Sustainable Urban Drainage Systems (SUDS) as alternatives to conventional drainage where appropriate."

Both WSCC and ADC Drainage Engineers have commented on the application. However, neither raise any objection to the principle of development and instead require details to be provided at a later stage in respect of surface water drainage, the culverting of the ditch. WSCC comment specifically on the flooding situation and note that the site itself is not subject to flooding. They require that existing surface water flows across the site are maintained and that there is no site level increases. These issues would be subject to discussion at the reserved matters stage.

Members should be aware that it would be difficult to justify a refusal reason on flooding based on the inability of people to enter/depart the site by motor vehicle particularly as the site itself lies in a safe area and as such there would be no threat from flooding to property.

It is therefore considered that the proposal is in accordance with the relevant development plan policies.

FOUL DRAINAGE:

A local resident has stated that there is a lack of mains drainage capacity within the local area.

Arun Local Plan policy GEN9 also requires that either adequate foul drainage capacity exists or appropriate foul drainage capacity can be provided to serve the development. Southern Water have commented on the application. They consider that there is inadequate local infrastructure in place to serve the development and that therefore, the development would be required to provide additional on-site infrastructure. A condition is recommended to require that a drainage strategy is submitted and agreed to detail the proposed means of foul disposal or prove a discharge no greater than the existing.

Subject to the satisfactory resolution of this condition, the proposal would be considered to comply with the relevant development plan policies.

RESIDENTIAL AMENITY:

Arun District Local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the Bersted NDP policies refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

It is not considered possible to make a detailed assessment of residential amenity at this stage given that layout, scale and appearance are all reserved matters. However, in principle it is not considered that any of the proposed dwellings shown on the illustrative layout would be sited in such a way as to result in any harm to the privacy, outlook or amount of light to existing neighbouring properties (including temporary residents of the hotel).

SPACE STANDARDS:

Residential development proposals must be assessed against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). It is not possible to make an assessment at this time as there are no floorplans. However, the submitted Design and Access Statement does state that the indicative gross internal areas are fully compliant with the national internal space standards.

Policy D DM3 of the modified eALP sets out the Council's external space standards and despite not being an adopted policy is currently being used for development management purposes and has been subject to testing at appeal.

There are two requirements to the policy. Firstly, a minimum rear garden depth of 10m. The rear garden depth serves to (a) ensure that rear gardens are usable spaces and (b) to provide for a 20m back to back distance between dwellings. This depth standard may be relaxed if both of the following situations are in existence: (a) there is no back to back arrangement (and no realistic possibility of a future back to back arrangement); and (b) where the garden is sufficiently wide so as to exceed the area requirement.

The second requirement concerns the area of the private rear garden and in this case should be at least 50m² for 2 bedroom terraced houses, 65m² for 3 bedroom terraced houses, 85m² for semi/detached properties of no more than 3 bedrooms and 100m² for larger semi/detached properties. Flats are dealt with differently and would require a small private space such as patio, roof garden or balcony.

The illustrative layout has been assessed and 10 of the 15 houses are considered to accord with the standards. None of the 5 flats comply but only because there is no detail as to whether they have ground level patios or balconies. As layout, appearance and scale are reserved matters, it would not be possible to raise this as an objection.

AFFORDABLE HOUSING:

For all developments over 15 residential units, the Council requires the minimum provision of 30% affordable housing on site, as set out in Policy AH SP2 of the modified Local Plan and in the Interim Affordable Housing Policy (2010).

The proposal includes 30% affordable housing - equating to 6 units - and indicates that the detailed mix of affordable house types & tenures will be confirmed at the reserved matters stage.

The proposed provision of affordable housing is supported by the Council's Housing Strategy and Enabling Manager. Therefore the proposal accords with Policy DEV17 of the ADLP, as updated by the Interim Affordable Housing Policy and Policy AH SP2 of the modified Local Plan.

SUPPORTING INFRASTRUCTURE:

Local residents have stated that there is a lack of local infrastructure within the area.

Policy INF SP1 of the modified eLP includes the following statements:

"The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community"

And

"Off-site measures will require planning obligations or financial contributions, to secure the necessary provision. Where a contribution towards other, district wide, infrastructure improvements or provision is needed and viable this will be achieved through planning obligations (where they meet the statutory test for planning obligations)"

WSCC have requested financial contributions in respect of primary education, secondary education, 6th form education, libraries and fire & rescue. The level of these contributions will be based on a formula to allow the contribution amounts to be based on the housing mix at the reserved matters stage. The contributions will be spent on additional Equipment at Aldingbourne Primary School, Westergate, additional Equipment at Ormiston Six Villages Academy, additional Equipment at St Phillip Howard Catholic School 6th Form, a Proposed Tier 7 Library within a Community Space for Bersted and the supply & installation of additional fire safety equipment/smoke alarms to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Bersted.

Having regard to the recent Burndell Road, Yapton Call in appeal decision (ref APP/C3810/V/16/3158261), it is not considered that the requested fire safety contribution is compliant with the CIL Regulations. However, the S.106 has already been signed and completed with this

contribution included. Members should note however that this recommendation is not supported by the inclusion of this fire safety contribution within the agreed legal agreement.

An off-site play contribution is also required in respect of improvements to the Berghestede Play area on the Trees Estate in North Bersted. This contribution is based on a sum per net new dwelling and will therefore be £32,000.

Sussex Police were consulted on the application and did indicate in June 2017 that a request for funding might be forthcoming but no communication has since been received. It was not considered appropriate to delay the application due to this non-response so the Section 106 was drawn up without any Police contribution.

A Section 106 agreement has been completed, dated and sealed (10/11/17).

The NHS were originally consulted on the application in May 2017 and eventually responded in late November just after the completion of the S.106 Agreement with a request for a contribution of £24,308 to "The Croft Practice - treatment rooms project" for the infrastructure needs of providing "Treatment Rooms" either at the practice site or the LCN main site. This contribution is subject to a deed of variation to the S.106 Agreement as completed on the 10th November.

CONCLUSION:

The application site is outside the defined built-up area boundaries of both Westergate and Bognor Regis is therefore contrary to policies GEN2 & GEN3 of the ADLP and policy ES7 of the BNDP which intends to protect the countryside from non-related development. As set out above, these policies are out-of-date and carry limited weight. Very much on balance, the proposals are considered to be in a sustainable development. It is therefore considered that the principle of development on this site is acceptable.

The development will make a contribution towards market housing & affordable housing in the local area, provide new pedestrian improvements and contributions towards local infrastructure.

Some policies of the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to landscape, flooding, access/highway safety and the natural environment. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of the content of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions, content of the Section 106 agreement or because the public benefit outweighs the harm in respect of any such issues.

It is recommended that the application is approved subject to the following conditions and the Section 106 Agreement as dated 10 November 2017 but as amended by the deed of variation relating to the NHS contribution.

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

DUTY UNDER THE EQUALITIES ACT 2010

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

Formula for calculation at the reserved matters stage to be spent on the supply and installation of additional fire safety equipment/smoke alarms to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Bersted. On commencement of development.

It should be noted however that this is not considered to be compliant with the CIL Regulations and any decision on this application will not be supported by its inclusion within the signed S.106 agreement.

OFF SITE LOCAL PLAY

A contribution of £20,000 (index linked - £32,000 at current prices) to be spent on the Berghestede Play area - The Trees Estate, North Bersted, for improvements/additions to children's play equipment. On commencement of development.

NHS

A contribution of £24,308 to "The Croft Practice - treatment rooms project" for the infrastructure needs of providing "Treatment Rooms" either at the practice site or the LCN main site. On commencement of development.

OTHER

It should be noted that the s.106 contains a viability review mechanism which allows for the contributions to be varied depending the outcome of a future viability exercise.

CIL POOLING CHECK

Members should note that there are no other existing signed S.106's contributing to (a) additional Equipment for Aldingbourne Primary School, Ormiston Six Villages Academy or St Phillip Howard Catholic School 6th Form, (b) a Tier 7 Library within a Community Space for Bersted or (c) the supply & installation of additional fire safety equipment/smoke alarms to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Bersted. There is only one contribution so far (ref AL/61/13) towards the Croft Practice Surgery.

Therefore, all of these provisions comply with the CIL Regulations in respect of pooling as there are no more than 5 contributions aligned to a specific project.

There are two existing signed S.106's which allocate contributions to public open space and child play area equipment at Berghestede Play Area. However, the addition of this new permission would not result in more than 5 contributions and so this is also in accordance with the 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 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 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

Dwg. 334/P/01 Rev A "Site Location Plan";
Dwg. 334/F/03 Rev C "Proposed Site Plan",
Dwg. 160818-07 Rev A "Site Visibility";
Dwg. 160818-06 "Proposed Footway Arrangement"; and
Dwg. 160818-TK02 Rev A "Swept Path Analysis.

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 All demolition & construction works are to be carried out in strict accordance with :- Arboricultural Method Statement Report Ref: Arbortrack Systems Ltd. jwmb/rpt5/thecottage/PI and Tree Protection Plan ref: Rev D Sept 2017.

Reason: To comply with BS5837 and the National Planning Policy Framework to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.

- 5 The development must be carried out in accordance with the recommendations and mitigation measures as set out within the 'Mitigation', 'Licence Application', 'Badgers', 'Reptiles', 'Other Species' and 'General Site Enhancements' sections (pages 33 to 41) of the Preliminary Ecological Appraisal (September 2016) - as amended/updated by the relevant sections of the Bat Activity Surveys Report (June 2017). The enhancements and mitigation measures shall be retained and thereafter maintained as fit for purpose.

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

- 6 Prior to any demolition or construction works or changes in site levels taking place or the introduction of machinery and plant to the site the following issues must be resolved to the complete satisfaction of Arun District Council :-

A pre-commencement site meeting is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan - Arbortrack Systems Ltd. - Appendix A - Rev D Sept 2017.

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

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

Reason: To comply with BS5837 and the National Planning Policy Framework to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. This is required to be a pre-commencement condition as it is necessary to protect the trees prior to any operations starting on site.

- 7 No development excluding the access shall commence until the vehicular access serving the proposed site has been constructed in accordance with the approved planning drawings 334/F/03 Rev C "Proposed Site Plan", 160818-07 Rev A "Site Visibility" & 160818-TK02 Rev A "Swept Path Analysis".

Reason: In the interests of road safety and in accordance with Policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because the access should be in place before the commencement of works to the site and because road safety is at the heart of a planning permission.

- 8 No development shall commence until such time as plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety and in accordance with Arun District Local Plan policy GEN7 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because road safety is at the heart of a planning permission.

- 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.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

- 10 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. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

- 11 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. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the planning permission.

- 12 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. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the planning permission.

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

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policy GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a foul drainage scheme once development had been completed.

- 14 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 and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

- 15 No part of the development shall be first occupied until such time as the pedestrian access footways/crossing points on Shripney Road serving the development have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: In the interests of road safety and in accordance with Policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 16 No part of the development shall be first occupied until visibility splays of 2.4 metres by 120 metres to the south and 2.4 metres by 71 metres to the north have been provided at the proposed site vehicular access onto Shripney Road, in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Reason: In the interests of road safety and in accordance with Policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 17 Prior to occupation of any of the dwellings, an electric vehicle charge point shall be installed to serve each dwelling and this shall then be permanently retained and maintained in working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy GEN7 of the Arun District Local Plan, policy QE DM3 (c) of the Arun Local Plan 2011-2031 Publication Version showing Modifications and the National Planning Policy Framework.

- 18 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained 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.

- 19 Should any sewer be found during construction works then all development activities shall cease and not recommence until full details of the proposed measures to be undertaken to protect the existing public sewer have been submitted and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policy GEN9 of the Arun District Council Local Plan.

- 20 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats

using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

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

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policies GEN7 and GEN29 of the Arun District Local Plan.

- 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 decision has been granted in conjunction with a Section 106 legal agreement (including a deed of variation) relating to:

AFFORDABLE HOUSING

6 units with the final mix to be determined at the reserved matters stage - to be provided not later than 50% occupation of the development.

PRIMARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on Additional Equipment @ Aldingbourne Primary School, Westergate. On commencement of development.

SECONDARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on Additional Equipment @ Ormiston Six Villages Academy, Westergate. On commencement of development.

6TH FORM EDUCATION

Formula for calculation at the reserved matters stage to be spent on additional Equipment @ St Phillip Howard, Catholic School 6th Form, Barnham. On commencement of development.

LIBRARIES

Formula for calculation at the reserved matters stage to be spent on the supply and installation of additional fire safety equipment/smoke alarms to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Bersted. On commencement of development.

NHS

OFF-SITE LOCAL PLAY

24 INFORMATIVE: Drainage Engineers advise that 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 available on request.

- 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; and
- To provide a sense of flow and cohesion between the different elements of the landscape, buildings, open areas and surrounding environment.

The provision of landscaping for the development must be conditioned with any permission. Some indicative landscaping particularly trees detailed have been illustrated with the masterplan. Forming part of any decision consideration or as a minimum reserved matters 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 landscape scheme should maximise the biodiversity of the site with the inclusion of native species and the retention of a variety of habitats. The long term management of the developing landscape would need to be considered.

- 26 INFORMATIVE: Please note the comments of Sussex Police:

The existing public footpath provides access to the rear of 6 houses. As this path is unavoidable, it should be as wide as possible, adequately lit, as straight as possible, devoid of potential hiding places and overlooked by surrounding dwellings.

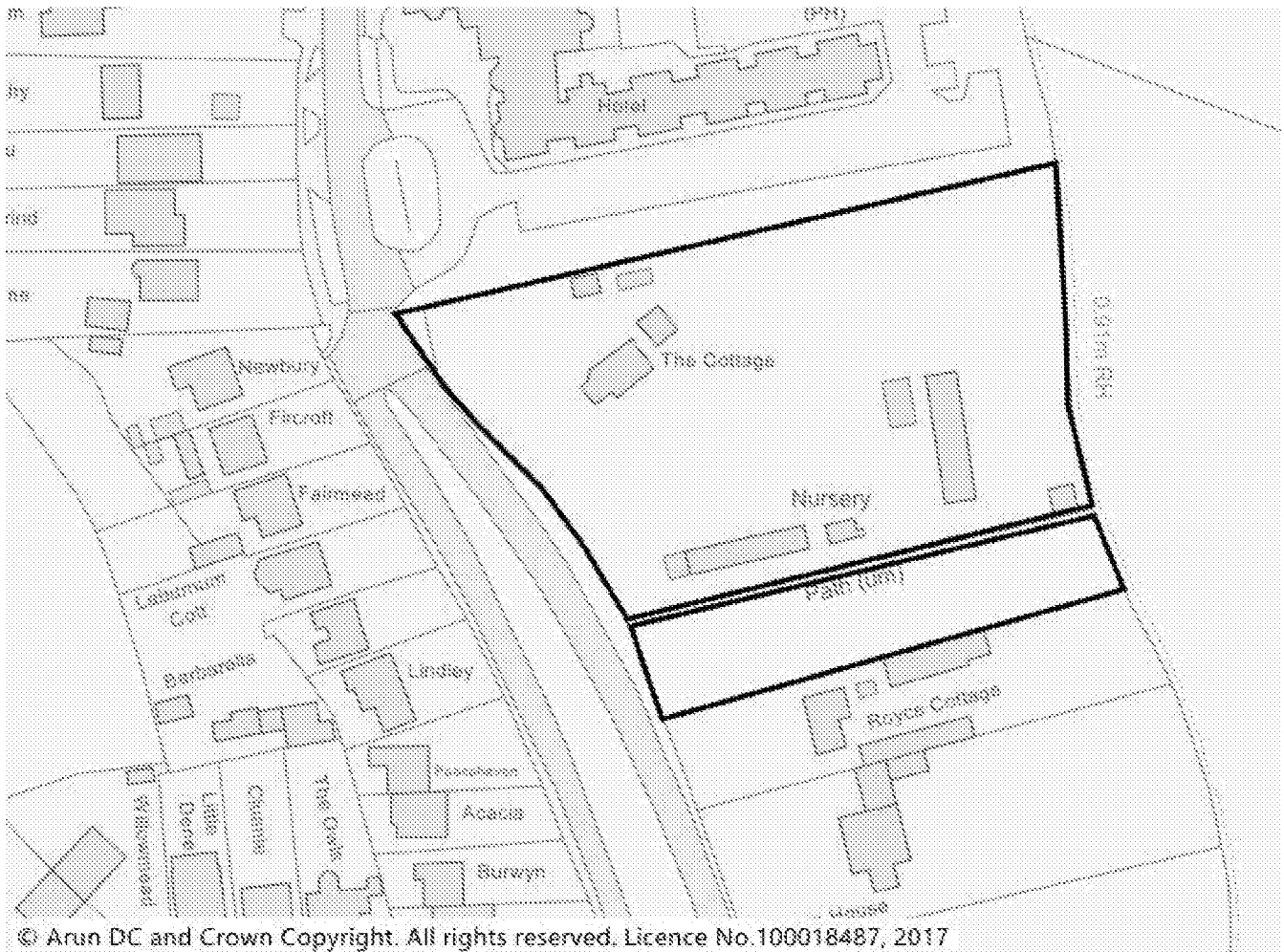
The flatted building should be provided with lockable gates and fencing to the sides to remove easy access to the vulnerable ground floor windows and the cycle store. Consideration could be given to the relocation of the cycle store from its present location to the front of the block adjacent to the refuse store. This would enable the store to have natural surveillance over it as well as observation from active rooms from within the flats. It will make accessing the cycles easier for the residents by being at the front of the block.

- 27 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.

- 28 INFORMATIVE: Existing surface water flow paths across the site must be maintained. A wholesale site level rise via the spreading of excavated material should be avoided and therefore any excavated material kept on site should be located in areas designed and designated for that purpose. This is in accordance with the National Planning Policy Framework paragraph 103.

- 29 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) or building(s) for which work is planned, you should take further advice and apply for a licence from Natural England before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

BE/63/17/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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 100018487. 2015

Instruction for Planning S106 Agreement/Deed of Variation/Supplemental Agreement
This instruction also gives authority and acts as a heads of terms & a completion statement

Planning Application Ref: BE/63/17/OUT	Today's date: 14/08/17
Date of Agreement (or original deed/agreement if variation/supplemental):	
Completed Deed relating to:	Seal Register Number:
Legal Ref:	Statement completed by:
Delegated authority: <i>N. Cantwell</i> (please sign)	Please refer to instructions on SharePoint regarding authority. If the signing authority is from a committee decision, please attach the relevant committee minutes to this form as evidence.
Full name of Freeholders/Leaseholders: (ideally the developer will have completed a recent land registry search which can be attached as well)	Mr Maurice Phillip Baillie, The Cottage, Shripney Road, Bognor Regis, PO22 7PA (Freeholder) Agent has said they will draft the Agreement - tim@rodwayplanning.co.uk , 01273 465240, 07818 061220.
Please attach a plan with the site outlined in red and complete a brief description of the development: Instructing Planning Officer to complete this box.	
The Cottage, Shripney Road, Bognor Regis, PO22 9PA	

PL10 – S106 Instruction Form and Completion Statement
Please distribute completed statement to: Sue Loveday (Deed Store), Ros Bentley (s106 Monitoring Officer), Nicola Spencer (TSU), Claire Rowlands (Finance) and landcharges@arun.gov.uk

Instruction for Planning S106 Agreement/Deed of Variation/Supplemental Agreement

This instruction also gives authority and acts as a heads of terms & a completion statement

This table sets out the Heads of Terms for the S106 Agreement, Deed of Variation or Supplemental Agreement (amend as appropriate)

In the case of complex strategic developments this table may initially be only partially completed upon instruction to legal. A fully completed version will be sent before completion of deed.

FINANCIAL Obligation or Change to existing obligation	Due to (ADC, WSCC, NHS, other)	Amount Due (or formula)	Trigger Point	Project	Spending restriction
Primary Education Contribution	WSCC	DfE Figure x Additional Child Product = See attached WSCC Response for full text	Commencement of Development	Additional Equipment @ Aldingbourne Primary School, Westergate	
Secondary Education Contribution	WSCC	DfE Figure x Additional Child Product = See attached WSCC Response for full text	Commencement of Development	Additional Equipment @ Ormiston Six Villages Academy, Westergate	
6 th Form Education Contribution	WSCC	DfE Figure x Additional Child Product = See attached WSCC Response for full text	Commencement of Development	Additional Equipment @ St Phillip Howard, Catholic School 6 th Form, Barnham	
Libraries	WSCC	L/1000 x AP = See attached WSCC Response for full text	Commencement of Development	Proposed Tier 7 Library within a Community Space for Bersted	
Fire & Rescue Services	WSCC	Y x (Z / M) = See attached	Commencement of Development	The supply and installation of additional fire safety	

PL10 – S106 Instruction Form and Completion Statement

Please distribute completed statement to: Sue Loveday (Deed Store), Ros Bentley (s106 Monitoring Officer), Nicola Spencer (TSU), Claire Rowlands (Finance) and landcharges@arun.gov.uk

Instruction for Planning S106 Agreement/Deed of Variation/Supplemental Agreement

This instruction also gives authority and acts as a heads of terms & a completion statement

		WSSC Response for full text	equipment/smoke alarms to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Bersted	
Off-site Local Play Contribution	ADC	£20,000 Index Linked	TBC	
NHS Health Contribution	NHS	TBC	TBC	

NON-FINANCIAL Obligation Summary	Due To (ADC, WSSC, Other)	Trigger Point	Department/Officer to Confirm Compliance
Affordable Housing (final mix to be determined at reserved matters stage) - 6 UNITS	ADC	Not to occupy or cause to allow to occupy more than 50% of the market housing units in the development until the affordable housing is provided on the land	

NOI	n/a	n/a
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PL10 -- S106 Instruction Form and Completion Statement
Please distribute completed statement to: Sue Loveday (Deed Store), Ros Bentley (s106 Monitoring Officer), Nicola Spencer (TSU), Claire Rowlands (Finance) and landcharges@arun.gov.uk

Instruction for Planning S106 Agreement/Deed of Variation/Supplemental Agreement
This instruction also gives authority and acts as a heads of terms & a completion statement

Planning Application Ref: BE/63/17/OUT	Today's date: 27/11/17
Date of Agreement (or original deed/agreement if variation/supplemental): Deed of Variation to Agreement completed 10/11/17	
Completed Deed relating to: Castle Property Developments - The Cottage Shripney Road Bognor Regis PO22 9PA - BE.63.17. OUT - S106 Agreement	Seal Register Number:
Legal Ref: 6374	Statement completed by:
Delegated authority: Development Control Committee 13/12/17 Signed: 	Please refer to instructions on SharePoint regarding authority. If the signing authority is from a committee decision, please attach the relevant committee minutes to this form as evidence.
Full name of Freeholders/Leaseholders: (ideally the developer will have completed a recent land registry search which can be attached as well)	Mr Maurice Phillip Baillie, The Cottage, Shripney Road, Bognor Regis, PO22 7PA (Freeholder)

PL10 – S106 Instruction Form and Completion Statement
Please distribute completed statement to: Sue Loveday (Deed Store), Ros Bentley (s106 Monitoring Officer), Nicola Spencer (TSU), Claire Rowlands (Finance) and landcharges@arun.gov.uk

Instruction for Planning S106 Agreement/Deed of Variation/Supplemental Agreement
This instruction also gives authority and acts as a heads of terms & a completion statement

Please attach a plan with the site outlined in red and complete a brief description of the development:
Instructing Planning Officer to complete this box.

The Cottage, Shripney Road, Bognor Regis, PO22 9PA

Same plan as before.

This table sets out the Heads of Terms for the S106 Agreement, Deed of Variation or Supplemental Agreement (amend as appropriate)

In the case of complex strategic developments this table may initially be only partially completed upon instruction to legal. A fully completed version will be sent before completion of deed.

FINANCIAL Obligation or Change to existing obligation	Due to (ADC, WSCC, NHS, other)	Amount Due (or formula)	Trigger Point	Project	Spending restriction
NHS Health Contribution	NHS	£24,308	Commencement of Development	"The Croft Practice - treatment rooms project" for the infrastructure needs of providing "Treatment Rooms" either at the practice site or the LCN main site.	

LOCATION: Salt Box Field
Land off Rowan Way
Bersted

PROPOSAL: Hybrid application comprising Outline application for development of employment units, warehouse, hotel, 2No. drive-thru units, public house, gym plus engineering works, landscaping & associated works. Full application for a Warehouse (class B8), fuel island, car parking, access roads with new entrance from Shripney Road plus engineering works, open space, landscaping & associated works. Departure from the Development Plan.

DESCRIPTION OF APPLICATION	A hybrid planning application has been submitted to develop the site known as 'Salt Box', in Bersted for a two phased scheme for employment and commercial uses.
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Full planning permission is sought for the Phase 1 development of 6.492 ha of land including Unit 2, which would accommodate a warehouse with processing, packaging and dispatch (B8 use measuring 2,810 square metres gross internal area) and offices (B1 use measuring 460 square metres gross internal area) at second and third floor. Unit 2 would be sited on a parcel of land to the rear of the application site, where Warburtons has a requirement for the storage and distribution of bread and products.

Unit 2 would comprise a modern functional industrial building with 'hamlet grey' and 'anthracite grey' clad walls and 'goosewing grey' clad pitched roof. The building would measure 13.5 metres high to the ridgeline and 11.5 metres high to the eaves. A refuelling point (fuel island with fuel tank, screen wash and oil storage) will be provided, constructed of Armco barrier protected above ground mid/dark green coloured tanks with access ladder and walkways. Unit 2 would be enclosed within 2.4 metre high galvanised steel fencing, with matching vehicle and personnel gates, and 0.6 metre high rodent barrier panels. A 4.0 metre high timber acoustic fence will be constructed along the north eastern corner of Unit 2. A fenced bin enclosure measuring 3.2 metres by 1.5 metres with a concrete pad base is to be constructed within the site compound of Unit 2.

Unit 2 would also include 70 car parking spaces, parking spaces for 60 vans, together with sheltered cycle parking.

The full application provides for all the necessary site access and highway works and landscaping infrastructure (including a planting strategy) together with drainage works including an on-site water treatment plant and attenuation ponds on the Salt Box site. The full application includes a 100 metre

deep Village Buffer to Shripney on the northern boundary of the site to help retain a sense of separate identity and contribute to the setting for the village. The Village Buffer will be retained as farmland, which is crossed east to west by electricity transmission lines.

The full application would provide a serviced site to allow for the delivery of the remainder (Phase 2 Development) as tenant interest is identified.

Access to the Salt Box site is being applied for in the Phase 1 Development and would be from a fifth arm of the A29 Shripney Road / A259 / Rolls Royce warehouse roundabout. There would be potential for a future access to the Rowan Park Caravan Park to the south which is also part of the employment allocation in the modified emerging Arun Local Plan (eALP) and in the draft Enterprise Bognor Regis Local Development Order (LDO). Associated access works will include street lighting, signage and highway drainage including all necessary service diversions.

PHASE 2 DEVELOPMENT (OUTLINE PLANNING APPLICATION) to be implemented 2020 - 2024:

Outline planning permission is sought for the Phase 2 Development on 5.512 ha of land, with a scheme that provides for the flexible delivery of employment space within the Salt Box site. An indicative layout plan has been submitted with the Phase 2 Development and includes the following:

- An 80 bed hotel (C1 use measuring 2,430 square metres gross internal area);
 - A public house (A3 and A4 uses, measuring 540 square metres gross internal area);
 - Unit 1 (B1 use measuring 1,860 square metres and B8 use measuring 9,750 square metres);
 - Unit 1 extension (measuring 4,640 square metres);
 - Unit 3 (B8 use measuring 1,420 square metres gross internal area);
 - A Drive-thru restaurant (A3 use in Unit 4 measuring 120 square metres gross internal area);
 - A second Drive-thru restaurant (A3 use in Unit 5 measuring 160 square metres gross internal area);
 - Unit 6 (B1 use measuring 1,590 square metres and B8 use measuring 1,590 square metres);
 - Unit 7 (B1 use measuring 1,170 square metres and B8 use measuring 1,170 square metres);
- Units 6 and 7 could be sub-divided to provide facilities for small businesses; and
- A gym (D2 use measuring 870 square metres gross internal area).

Each unit would be provided with car parking facilities for cars, cycles, motorcycles and service/heavy goods vehicles, in addition to service yard areas where required. The following quantum of car parking spaces is indicative: The Hotel and Public House = 126 spaces, Unit 1 = 200 spaces, Unit 3 = 110 spaces, Units 4 and 5 = 36 spaces, Units 6 and 7 = 58 spaces, Unit 8 = 21 spaces.

ECONOMIC DEVELOPMENT

The proposed development would deliver £33.7 million of capital investment and deliver approximately 30,520 square metres of new floor-space. The Salt Box site will deliver between 500 and 1000 new private sector jobs once both Phases 1 and 2 Developments are complete. The number of jobs is based on employment-floor-space ratios assuming 100% occupancy from 2022/2023. The broad range of jobs will help to increase labour market containment in Arun, potentially also reducing out- commuting to other areas.

GRANT FUNDING

Work undertaken to support the application for grant funding to contribute towards the delivery of the Salt Box development estimates that:

- The development is expected to generate £119,656 of additional business rate income, equating to £34,700 in indirect spending in the local economy each year; and
- A £15.8 million annual economic impact to the area.

SITE AREA	12.004 ha.
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site boundaries have hedgerows interspersed with trees.
SITE CHARACTERISTICS	The site comprises agricultural land. The site is generally flat.
CHARACTER OF LOCALITY	The Salt Box site is located on the northern edge of Bognor Regis, approximately 3.0 km north of the town centre, 2.5 km east of North Bersted and less than a kilometre south of the village of Shripney. To the north of the application site lies the village of Shripney which has a Conservation Area. To the east is the A29 Shripney Road and beyond is the Oldlands Farm employment site which has been developed by Rolls Royce and has planning permission (BE/61/13/ and BE/114/17/PL) for additional employment uses on Phase 1 to the front of the site, including 2 car showrooms, a bulky goods retail unit and B8 trade counter warehouses. To the south is Rowan Park Caravan Park and to the west and south west is the Bersted Brooks Local Nature Reserve (LNR).

RELEVANT SITE HISTORY

PAA/33/17/	A pre-application enquiry was submitted earlier in the year for employment units, warehouse and office space, with hotel on the Salt Box site.
COMMENTS ON PLANNING HISTORY	Pre-application correspondence sent from Arun District Council on 13 April 2017 which concluded that an application would be considered favourably provided that it meets the requirements of Policy EMP DM2 and other relevant development plan policies and the NPPF.

REPRESENTATIONS

Bersted Parish Council

Objection - The proposed development does not comply with Policy EE3 of the Bersted Neighbourhood Plan as far as B8 use is concerned. Appendix G of the Neighbourhood Plan says that B2 and B8 uses are incompatible with the rural / residential areas outside of the agreed zone due to size / number of vehicles and the relatively low number / value of jobs being created which is not the diverse range of industry which would be encouraged. The proposed development does not comply with Policy GA3 of the Neighbourhood Plan as it will cause more traffic on the already congested road network around Rowan Way and the A29 through Shripney. The highway safety of other vehicles using these roads, especially around the Bognor Regis Retail Park and Southern Cross Trading Estate are a major concern, which makes egress from Halfords dangerous and congestion, at times,

tails back to Bognor Memorial Hospital roundabout. The planning application does not provide any mitigation measures to ease congestion. The Parish Council considers a road bypassing Rowan Way from the roundabout at the entrance to the site, through the proposed site to join up with the relief road would mitigate the traffic problems, making the site more attractive to potential businesses wishing to come to this site.

Bognor Regis Town Council

Objection - Although the Town Council support the growth and the development of the Salt Box field, it is with reluctance that members object to this application on the grounds that the road plan has been ill thought out with no mitigation measures to ease current or future congestion and the application goes against Bersted Neighbourhood Development Plan Policy GA3. Members have grave concerns over the traffic and request that ADC and WSCC Highways investigate options for a road through Salt Box field, bypassing Rowan Way to ease the impending effect of further development / road congestion.

Middleton Parish Council

Raised no objection - The Parish Council recognises the benefits of the Salt Box development in terms of job creation. Notwithstanding this, the site is the key to developing a direct link road between the eastern and western Bognor Regis Ring Roads which will have the effect of stopping the need for vehicles to use Rowan Way. The route is already becoming congested and this will only get worse in the future. Whilst funding for the link road is not immediately available, it is essential that the Salt Box site is designed in such a way that the Link Road can be built, running through the site in an east-west direction. Some re-design of the site will be required albeit this will have significant benefits in the future.

The Campaign to Protect Rural England (CPRE Sussex)

Objection - The application site lies outside the built up area boundary (BUAB) in open countryside where development will be strictly controlled, as indicated in policies GEN2 and GEN3 of the Arun Local Plan and Policy ES7 and Appendix F of the Bersted Neighbourhood Plan. As such, the proposed development is a "departure from the development plan" requiring reference to the Secretary of State to see if the proposal should be called in for his determination after a public inquiry. The application site serves to maintain an important gap of approximately 350 metres between the wider built-up area of Bognor Regis and the settlement of Shripney. The proposed development acknowledges this issue by retaining an 100 metre wide Village Buffer of open land on the north side of the development. However, if planning permission was granted, this buffer would not be sufficient to maintain the separate identity of Shripney. If planning permission is granted, conditions should be imposed for a comprehensive, well designed, landscaping scheme to soften the appearance of the large buildings on the site and to break up the large expanses of car parking, both of which are alien to the rural character of the area. The right place to consider the allocation of strategic employment sites, which might include the Salt Box site, is in the Local Plan, which went through a resumed examination in September 2017; rather than through a speculative planning application. It would be premature and prejudicial to the Local Plan process to grant planning permission now for such a major development, with significant impacts over a wide area, in advance of the Inspector's report. The proposed development is also contrary to Policy EE3 and Policy GA3 in the Bersted Neighbourhood Plan and CPRE Sussex echoes Bersted Parish Council's concerns on these matters; and for consideration to be given to a road bypassing Rowan Way from the roundabout at the entrance to the site, through the application site to join up with the relief road.

COMMENTS ON REPRESENTATIONS RECEIVED:

Seven letters of representation have been received from five residents objecting to the proposed development on the following grounds:

- The application site is a greenfield site located outside the built up area boundary (BUAB).
- There is a move to promote commercial use of the Salt Box site but the emerging Local Plan and the Enterprise Bognor Regis project are not yet formalised.

- The Salt Box site is included and assessed on the HELAA as available for employment use, but this does not automatically release the land for development.
- Whether this proposed development would bring prosperity to Bognor Regis town centre or hasten its decline by taking business out of town, is questionable.
- The proposed development is in close proximity to Shripney Village, which includes a Conservation Area.
- The proposed development will undoubtedly bring more commercial heavy goods vehicle traffic onto the roundabouts at Halfords and the relief road junction with the A259. The Shripney/North Bersted area is already a traffic bottle neck.
- If this land was available for development, then why was it not used for the route of the bypass, linking the new roundabout on the A29 westwards to the new dual carriageway to the A259, instead of clogging up Rowan Way?
- In the event of the A29 being re-routed, local residents were led to believe that a recommendation would be made by Bersted Parish Council to bypass Shripney Village on the eastern side, joining the Bognor Regis bypass opposite the Rolls Royce site. This is one of the proposed routes on the original plan for the A29.
- The WSCC traffic counter on the A259 at Flansham is showing that traffic movement has increased by about 1.4 vehicle movements annually since 2015 - the proposed development will further increase traffic levels.
- If the intention is to regenerate Bognor Regis, make the traffic flow more easily and improve the living conditions of those residents along Rowan Way.
- The proposed development will generate a lot of traffic, noise and disturbance to an area adjacent to the Bersted Brooks Local Nature Reserve, which will not only destroy the peace and tranquillity of the area, but deter wildlife. The Local Nature Reserve will be surrounded on three sides by a main road, a caravan site and the proposed development on Salt Box Field.
- There will be an increase in air pollution from more traffic, especially a rise in diesel particulates. Local Air Quality Management has an obligation to review and assess air quality in this area, especially since the opening of the Bognor Relief Road.
- There is a much needed section of cycle route missing along the eastern side of the A29. How will the site link up with existing cycle routes adjacent to the site? How will cycling be accommodated within the application site.
- No consideration is given in the planning application to the pedestrians that use the Halfords roundabout.
- The Salt Box site will have 24 hours commercial activity.
- There will be an increase in noise and light pollution.
- There are already several fast food outlets in the neighbouring trading estates. Apart from encouraging poor eating habits, additional fast food outlets will increase the existing nuisance of litter being left down Shripney Lane.
- Although the farmland is not of the greatest ecological value, it is used by Lapwings and Gulls especially during the winter. The proposed development would result in yet another piece of land being made unavailable for wildlife.
- Once the site is developed, the land would be of less value as a potential flooding resource, despite any possible flood alleviation proposed as part of the development. The site is located within Flood Zones 1, 2 and 3; with all built development in Flood Zone 2. The Environment Agency map shows a projected increased warning of future river flooding, which enlarges the Flood Zone 3 area to include the Salt Box site. There is a real risk of altering the land drainage in the surrounding areas resulting in flooding of local homes and major roads. Salt Box field is slightly higher than its surroundings.
- The potential environmental impact of the site is being underplayed by the developers. This needs to be balanced against the provision of a relatively small number of low grade, service industry jobs. The real financial gain will go to the developers.

One letter of support has been received from the Bognor Regis Regeneration Board as the hybrid planning application will enable the development of the Salt Box site within the strategic Enterprise Bognor Regis initiative. Salt Box is one of three sites (Oldlands Farm, Salt Box and Rowan Park) identified in Arun District Council's (ADC's) draft Local Development Order (LDO). It is located on the A29 opposite the Oldlands Farm development and is planned to generate 677 net FTE jobs from the 340,000 square feet of mixed development. An anchor tenant has been identified for a 35,000 square feet facility, employing 135 staff. It is estimated that the development will generate £20.7million gross Gross Value Added annually to the area over the next 10 years. The timeline for occupancy is early 2019 and construction activity needs to commence by spring 2018. Landlink Estates have applied for

support from Coast to Capital's (C2C's) Local Growth Fund (LGF) to successfully develop the rest of the site. The LGF funding will specifically contribute to the necessary road and infrastructure costs which will enable both the Salt Box development and the future development of the adjacent site at Rowan Park, which is owned by the District Council.

CONSULTATIONS RESPONSES RECEIVED:

HIGHWAYS ENGLAND - No objection raised to the hybrid planning application. This is on the basis that having examined the application, it is noted that Highways England were not consulted with regard to the Transport Assessment methodology, and that evidence to back up the trip distribution have not been provided. Having assessed the evidence provided Highways England do not entirely agree with the Transport Assessment methodology. However, it is noted that the proposed development is a Strategic Employment site (number 1) within the emerging Arun Local Plan, and the site's trips assessed within the associated Arun Transport Study are higher than those included in the supporting Transport Assessment for this application. Likewise, while there has been good progress to date, not all matters regarding the Local Plan and the Arun District Council led "managed approach" to co-ordinating and delivering the required Strategic Road Network mitigation have been agreed. Therefore, as part of the "managed approach" it is for the Council to determine and, as appropriate negotiate any proportionate contribution from this application towards the improvements at the Bognor Road Roundabout on the A27 Chichester Bypass.

LOCAL HIGHWAY AUTHORITY - No objection raised, subject to the imposition of conditions regarding the construction of the internal roads, footways and casual parking areas, car parking spaces, provision of cycle parking, the submission of a Construction Management Plan and a detailed Travel Plan. The Local Highway Authority is also requesting a Section 106 Agreement relating to off-site highway works to provide a new access into the site from Shripney Road roundabout; a contribution towards accessibility improvements on the A29 and A259 in the vicinity of the site including the provision of improved foot/cycleways on the A29 Shripney Road and A259 Rowan Way; and a contribution towards the A29 / A259 Felpham Relief Road Roundabout improvement scheme.

Based on the additional modelling work submitted by the applicant testing the traffic impact of the proposed development against other housing and employment growth included as part of the emerging Arun Local Plan, WSCC are satisfied that no further mitigation beyond that already identified is required as a direct consequence of the additional modelling work.

ENVIRONMENT AGENCY - No objection raised in principle to the proposed commercial development. The site is located within Flood Zones 1, 2 and 3; with effectively all built development in Flood Zone 2.

ADC ENVIRONMENTAL HEALTH - No objection raised. No contamination issues are anticipated at the site. The Environmental Health Officer requested clarification and confirmation from the applicant on the submitted Noise Report including its assessment of Unit 2 only; the location of loading bays at Unit 2; the number of HGVs travelling to and from the site; and the assessment of the nearest properties. Environmental Health also requested justification on the choice of the proposed lighting luminaires on the site and whether the lights could be turned off during the night time. The applicant responded to the questions raised by Environmental Health in terms of noise and lighting and covered in the 'Conclusions' section of this report.

SOUTHERN WATER - No objection subject to the imposition of conditions. The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this planning application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing areas, contrary to paragraph 109 of the NPPF. The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The District Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

ARCHAEOLOGY - No objection subject to the imposition of a condition. The potential for this site to contain archaeological interest should be evaluated by trial trenching ahead of development in order that measures to ensure appropriate preservation might be put in place.

ECOLOGICAL ADVISOR - No objection raised subject to conditions. The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced, including having a buffer strip of 5 metres around the hedgerows and during construction fencing should be used to ensure this area is undisturbed. The lighting scheme for the site will need to take into consideration the presence of bats in the local area through the use of directional light sources and shielding. A precautionary approach to reptiles would be suitable. Site clearance should be conducted during the season reptiles are active and the vegetation should be cut down to 10cm prior to any works taking place. Any dead wood, or rubble piles should be dismantled by hand and relocated. Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site. There are high levels of water vole activity in the area so a precautionary approach should be undertaken. A 5.0 metre buffer is required around the Shripney Manor Ditch, with fencing used to ensure this area remains undisturbed. If works are required within the Shripney Manor Ditch area then an updated water vole survey will be required. Planting within this area should be improved to benefit water voles. 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 and 1st October. A condition should be imposed to ensure that the proposed mitigation measures are implemented to ensure that Bersted Brooks LNR adjacent to the site is not adversely affected from the proposed development. There are a number of enhancements required on-site including any trees removed should be replaced at a ratio of 2:1; a wildflower meadow should be planted; filling any gaps in tree lines or hedgerows with native species; bat and bird boxes installed on the site; grassland areas managed to benefit reptiles; and log piles provided on-site.

ADC ARBORICULTURE - No objection subject to imposition of conditions. The applicant has submitted an Arboricultural Impact Assessment (AIA) with Tree Constraints Plan and Tree Protection Plan in support of the proposed development. The submissions accurately assessed the tree content in line with BS5837: 2012 recommendations and are a fair assessment.

ARND ISITROT-GODINCHL GEMENB/NN CONTROL-13/12/2017 14:30:00

area provides potential easy access to the staff car parking areas and the back of the industrial units (Units 6 and 7).

COMMENTS ON CONSULTATION RESPONSES:

- comments noted, together with recommended conditions.

POLICY CONTEXT

Designation applicable to site:
Outside the Built Up Area Boundary (BUAB)
Located in the countryside
Bognor Relief Road area of investigation /road re-alignment

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003	<u>AREA 15</u>	Sites of Local Importance for Nature Conservation
	<u>GEN2</u>	Built Up Area Boundary
	<u>GEN3</u>	Protection of the Countryside
	<u>GEN6</u>	Amount of New Commercial Development
	<u>GEN7</u>	The Form of New Development
	<u>GEN8</u>	Development and the Provision of Infrastructure
	<u>GEN9</u>	Foul and Surface Water Drainage
	<u>GEN11</u>	Inland Flooding
	<u>GEN12</u>	Parking in New Development
	<u>GEN14</u>	Public Transport
	<u>GEN15</u>	Cycling and Walking
	<u>GEN18</u>	Crime Prevention
	<u>GEN23</u>	The Water Environment
	<u>GEN25</u>	Water Resources
	<u>GEN26</u>	Water Quality
	<u>GEN32</u>	Noise Pollution
	<u>GEN33</u>	Light Pollution
	<u>GEN34</u>	Air Pollution
Publication Version of the Local Plan October 2014 (as updated March 2017)		D DM1 Aspects of Form and Design Quality
		D SP1 Design
		ECC SP1 Adapting to Climate Change
		ECC SP2 Energy and Climate Change Mitigation
		EMP DM1 Employment Land: Development Management
		EMP DM2 Enterprise Bognor Regis
		EMP SP1 Employment Land Provision
		EMP SP3 Strategic Employment Land Allocations
		ENV DM1 Designated sites of biodiversity or geological importance
		ENV DM4 Protection of Trees
		ENV DM5 Development and Biodiversity
		ENV SP1 Natural Environment
		HER SP1 The Historic Environment
		HER DM3 Conservation Areas
		HER DM6 Sites of Archaeological Interest
		LAN DM1 Protection of Landscape Character
		QE DM1 Noise Pollution
		QE DM2 Light Pollution
		QE DM3 Air Pollution
		QE DM4 Contaminated Land
		QE SP1 Quality of the Environment
		SD SP1 Sustainable Development
		SKILLS SP1 Employment and Skills

SO DM1 Soils
 T DM1 Sustainable Travel and Public Rights of Way
 TEL SP1 Strategic Delivery of Telecommunications Infrastructure
 TOU DM1 Tourism Related Development
 T SP1 Transport and Development
 W DM1 Water Supply and Quality
 W DM2 Flood Risk
 W DM3 Sustainable Urban Drainage Systems
 W SP1 Water

Bersted Neighbourhood Plan 2014 Policy EE3 Encourage a diverse range of commerce in the Parish
 Bersted Neighbourhood Plan 2014 Policy EE6 Communications infrastructure
 Bersted Neighbourhood Plan Policy ES1 Design of New Development
 Bersted Neighbourhood Plan 2014 Policy ES2 Surface water management
 Bersted Neighbourhood Plan 2014 Policy ES7 Development outside of the Built-Up Area Boundary
 Bersted Neighbourhood Plan 2014 Policy GA1 Pedestrian and Cycle Connections
 Bersted Neighbourhood Plan 2014 Policy GA3 Traffic calming and shared space features
 Bersted Neighbourhood Plan 2014 Policy HDQ8 Car Parking

PLANNING POLICY GUIDANCE: NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE: SPD6 Archaeology

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.

A new Local Plan is in preparation and constitutes a material consideration when determining planning applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was suspended whilst Arun District Council addressed matters raised by the Inspector but it resumed on 17th September 2017 and has now concluded. The District Council is awaiting the Inspector's report which is due out in Spring 2018.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taken place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

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 (Regulation 14).

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

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 (Regulation.14).

The Bersted Neighbourhood Plan was made on 5th November 2014 and is relevant to the consideration of this hybrid planning 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 proposed development is located outside the built up area boundary (BUAB) of Bersted and it is therefore considered to be contrary to the relevant Development Plan policies. However, there are significant material considerations that would weigh in favour of the proposals and the policies within the development plan that relate to the supply of employment land are out-of-date.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusions section of this report. These include the National Planning Policy Framework (NPPF) and associated Guidance, the modified emerging Local Plan and the draft Enterprise Bognor Regis Local Development Order (LDO) which was prepared in 2015, to last for a period of 15 years, but has not been 'made'.

CONCLUSIONS

As this is a hybrid application for part full planning permission and part outline, the assessment is in 2 parts.

FULL PLANNING APPLICATION

The applicant has applied for full permission for a parcel of land to the rear of the site where Warburtons has a requirement for a Class B8 warehouse for the storage and distribution of bread and products; and offices (B1). This unit (Unit 2) had been designed to meet their required specification and, as such, detailed design information is submitted in full for this aspect of the proposal including a fuel island and car parking; as well access roads and a new entrance from Shripney Road, plus infrastructure works, open space provision, landscaping, drainage works and attenuation ponds for the wider site. This will provide a serviced site to enable the delivery of the remainder of the site as tenant interest is identified.

PRINCIPLE

Arun Local Plan 2003:

The site lies in a countryside location (Policy GEN3 of the Arun Local Plan, ALP 2003) outside the Built-Up Area Boundary (Policy GEN2 of the Arun Local Plan) where the principle of development is considered unacceptable and would not be supported. Outside the built-up area boundaries, development or re-development will not be permitted unless it is consistent with other Local Plan policies. Development Plan policies seek to exert a strict control over new 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 planning advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected, and where possible enhanced. Policy GEN6 deals with the amount of new commercial development up to the year 2011.

Bersted Neighbourhood Plan (2014):

Policy ES7 of the Bersted Neighbourhood Plan says that development or redevelopment outside the built-up area boundary (BUAB) will not be supported. The supporting text to Policy EE3 says that 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 (paragraph 5.3.3 of the Bersted NP).

Modified Emerging Local Plan (eALP 2017):

The site is identified in Policy EMP SP3 of the modified emerging Local Plan (eALP 2017) as part of the Enterprise Bognor Regis Strategic Employment Land Allocation. The gross site area of land identified at Salt Box amounts to 11.7 hectares in Policy EMP SP3. The proposed modifications to the emerging Local Plan have recently been approved by Arun District Council and the Salt Box site continues to be an important part of the Enterprise Bognor Regis area which it is anticipated would be delivered in two phases, with Phase 1 Development running from 2015 to 2019 and Phase 2 Development from 2020 to 2024.

Policy SD SP2 of the modified eALP says: "Outside the Built-up Area Boundaries, apart from the Strategic, Site Specific and Broad Allocations, development or redevelopment will not be permitted unless it is consistent with other Local Plan policies". The Salt Box site falls within the strategic allocations definition, therefore an exception applies.

The detailed policy for Enterprise Bognor Regis is Policy EMP DM2, which states that a mix of B1, B2 and B8 uses will be supported provided that certain issues are addressed. The modifications to the emerging Local Plan provide an indicative gross floor-space of 25,130 square metres for the Salt Box site and an indicative Use Class of B1/B2. Policy EMP DM2 (criteria a. to k. inclusive) of the modified eALP recognises that there may be a need for an element of complementary uses for retail and services (Class A) and assembly and leisure (Class D2) to support the principal employment uses and to create and sustain an attractive location for business.

Enterprise Bognor Regis Local Development Order (LDO):

This approach is mirrored in the draft Enterprise Bognor Regis LDO, which is a material consideration. The site forms the North West quadrant of Enterprise Bognor Regis and draft Policy EMP DM2 in the eALP was used as the basis for the preparation of the LDO.

The aim of the LDO was to: "promote the strategic development opportunity at land located adjacent to the A29 Shripney Road, in Bognor Regis". Whilst not having LDO status, the draft provides an indication on the type of uses anticipated to be delivered on the site, as well as providing background evidence on the site and key constraints. The LDO would have created a 'permitted development' planning environment for proposals in the following use classes: Use Class B1 (office, light industry, research and development), B2 (general industrial) and B8 (storage and distribution). The LDO has not progressed to 'adoption' as the draft conditions in LDO required additional transport studies, which have been carried out as part of the evidence base to the eALP. The results of the transport studies will need to be included in the LDO and be presented to members of Arun District Council before it is 'made'.

Planning Balance:

For reasons given above, the application is not in accordance with ADLP Policies GEN2, GEN3, GEN6 and policy ES7 of the Bersted NP. As set out below these policies are out-of-date and carry limited weight.

The current status of the site as countryside outside the built-up area boundary in Policy ES7 of the Bersted Neighbourhood Plan needs to be accorded weight in line with paragraph 198 of the NPPF. The National Planning Policy Guidance (NPPG) states that the decision maker should favour the policy that is contained in the most recent document to become part of the development plan. The NPPG also states that a NP should not be used to constrain the delivery of a strategic site allocated

for development in the Local Plan. The Bersted Neighbourhood Plan was made in November 2014. These arguments will only come into play once the emerging Local Plan has been adopted.

However, given the under-performance by the District in the provision of employment land, identified in the NLP study, only limited weight can be given to the conflict with out-of-date ALP Policies GEN 2, GEN3 and GEN6 (provision of employment floor-space up to 2011) and Policy ES7 of the Bersted NP.

Policy GEN2 is clear that the boundaries of the built-up area were defined 'for the purposes of the West Sussex Structure Plan and this District Local Plan'. The built-up areas were drawn for the purposes of defining the extent of the built-up areas and countryside. This was done with the background of the required amount of employment land for the plan making period being provided within the built-up areas or on allocated sites (up to 2011). Policy GEN3 (Protection of the Countryside) seeks to ensure that outside the BUAB, the countryside will be safeguarded for its own sake.

Policy GEN6 (Amount of New Commercial Development) says that provision has been made within the District for 206,300 square metres of floor space for business, industry and warehousing. However, the ALP ran from 1996 to 2011 and has now expired; and the Nathaniel Lichfield and Partners (NLP) study set out below concludes that Arun has under-performed its growth potential in some B-class sectors over a long period of time. Therefore, this supports the position that the policies are out-of-date and can only be afforded limited weight.

Nevertheless, until adopted, the emerging Local Plan can only be given limited weight and taken into account as a material consideration therefore, until the emerging Plan is adopted, the principle of employment development at the site is not firmly established.

When the modified emerging Local Plan (eALP) is adopted there will be a conflict between the Local Plan and the Neighbourhood Plan (NP). The NPPF states that significant weight should be placed on the need to support economic growth through the planning system (paragraph 19 of the NPPF). This needs to be balanced in any decision with the social and environmental aspects of sustainable development, including social and environmental considerations including the impact on the local community and any effects on the landscape and biodiversity of the surrounding area.

Employment Land Figures in emerging Local Plan:

In October 2014, Nathaniel Lichfield and Partners (NLP) carried out a Viability Study on behalf of the District Council which included the take-up rates and the requirements for employment land up to the year 2031 in Arun as part of the background evidence to the preparation of the emerging Local Plan. Three different scenarios of future employment space requirements in Arun have been considered as part of the development of the emerging Local Plan, based on a number of approaches which reflect economic growth, past development trends and potential housing supply factors. All of these approaches reflect assumptions of higher future economic growth in Arun than the District has achieved in the recent past. The overall space requirements related to these three scenarios range from 37,770sq.m to 105,985sq.m of all types of employment space to 2031, implying in broad terms a need for between 7.1ha and 24.5ha of employment land. The majority of this spatial requirement relates to industrial (B1c/B2/B8) uses.

These three scenarios have been tested against the District's supply position. Arun has been under-performing economically in recent years, evidenced by limited levels of overall job creation and a reduction in traditional B class employment. This trend was evident before the onset of the recent recession, indicating that Arun has under-performed its growth potential in some B-class sectors over a longer period of time. The two higher growth scenarios represent a more aspirational trajectory of growth for the District. NLP recommended that ADC should consider planning to accommodate at least the baseline job growth requirement (69,015sq.m or 14.8ha) whilst providing capacity within the District to meet the slightly higher past take-up based requirement (105,985sq.m or 24.5ha to 2031).

The study concluded that the available employment space measuring 83,850 square metres of employment space represented the baseline supply position (i.e. past take-up); as either undeveloped

allocations or subject to extant planning permissions, these sites already have the necessary planning status which helps to provide greater certainty that they can come forward for development. Beyond this, the District's emerging Local Plan identifies and proposes to allocate a number of strategic employment sites to accommodate future employment needs. Some of these sites already benefit from allocated status. However, they are expected to deliver net additional employment floor-space (over and above the baseline supply position) in the order of 84,800 square metres, the majority (61%) for industrial uses.

Taken together, the addition of these proposed allocations in the emerging Local Plan – including the Salt Box site - would represent an increase of 101% of the total employment floor-space capacity/pipeline supply. This additional land is concentrated within the two locations of Bognor Regis and Angmering. This would increase the supply of available industrial space to 69,670sq.m (and increase the available supply of office space to 40,245sq.m). In other words, the LPA needs to identify and deliver more employment land to comply with its pro-growth agenda as set out in the emerging Local Plan and complement the quantum of housing development identified in the District to the year 2031. The development of the Salt Box site for employment uses will assist in the delivery of economic growth in Arun District and help to meet the current shortfall in the provision of industrial space.

Housing and Economic Land Availability Assessment (HELAA) – 2017:

The application site is identified in Appendix 4.2 of the HELAA 2017 as – Land West of Shripney Road (Salt Box) (HELAA reference PS1) – as a potential employment site. Consequently, the proposed employment development on the site would comply with the assessment in the latest HELAA for Arun District.

Prematurity

The Planning Practice Guidance (PPG) gives advice on assessing prematurity, which indicates that: "arguments that an application is premature are unlikely to justify a refusal of planning permissions other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both: (a) the development is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area". It is considered that this does not apply as the scale of the development is not so substantial, that to grant permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new development; and the eALP has not been adopted by the Council and is not yet formally part of the development plan.

Presumption in favour of Sustainable Development:

Regard should also be had to the policies contained in the National Planning Policy Framework (March 2012) (NPPF), which is a material consideration. In the event of conflicts between policies in these plans or with Government policy, it is the most recent policy which takes precedence. With this in mind the NPPF, which was issued in 2012, is materially relevant and should be afforded significant weight. Notwithstanding this, the Neighbourhood Plan was made in 2014.

As set out above, the policies in the development plan are out-of-date and can be afforded limited weight and this means that the presumption in favour of sustainable development set out in paragraph 14 of the National Planning Policy Framework (NPPF) applies. In relation to this proposal, the scheme would contribute to building a strong, responsive and competitive economy.

The Salt Box site is considered to be a sustainable location, opposite the Rolls Royce premises on the Oldlands Farm site, and in close proximity to a number of existing retail and commercial parks which are located on the east and west sides of Shripney Road immediately south of Rowan Way in Bersted.

Conclusion on matters of principle:

The principle of developing a B1/B8 use in Unit 2 on the Salt Box site complies in locational terms with Policy EMP DM2 as the site it is allocated (site 1) as part of the Strategic Employment Land Allocation. Whether or not the proposed industrial use complies with criteria (a) to (g) in terms of highways, flooding, drainage, design and landscaping and screening will be addressed in the requisite sub-sections under Technical Matters below.

Overall, the principle of development on this site is contrary to the development plan, however, as policies GEN2, GEN3 and GEN6 of the Arun District Local Plan and Policy ES7 of the Bersted NP are out-of-date, in accordance with the NPPF then they carry reduced weight. The material considerations set out above, including the employment land supply figures and the proposed strategic allocation of the site to contribute to supply, are considered to weigh in favour of granting permission. The sustainability of the site is considered to accord with paragraph 14 of the NPPF. Therefore, it is considered that significant weight in the planning balance should be given to the contribution to employment provision in the district, boosting the sustainability of Bersted and Bognor Regis even further, with the provision of strategic infrastructure - including junction improvements on the A29 - through developer contributions.

Some policies of the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to flooding, the natural environment, noise and the proximity to Shripney Village. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of the content of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions, content of the Section 106 agreement or because the public benefit outweighs the harm in respect of the issue at hand.

PROPOSED USES

Policy EMP DM2 of the modified eALP specifies that the areas constituting Enterprise Bognor Regis (including the Salt Box site) are allocated to promote economic growth in Bognor Regis and the wider Coastal West Sussex sub-region and a phased mix of B1, B2 and B8 uses will be supported, providing they meet a number of criteria (a to g) including highway junction improvements; the submission of suitable Transport Assessment; appropriate flood mitigation works; a sealed sewerage system; a suitable habitat assessment; a high standard of design and landscaping; and suitable screening to protect neighbouring residential amenity.

TECHNICAL MATTERS

Agricultural land

The site is identified as Grade 1 agricultural land and representations have raised the loss of agricultural land as an issue. Grade 1 is classified as 'best and most versatile' land which is the most flexible, productive and efficient. The NPPF (paragraph 112) requires that the Council takes into account the economic and other benefits of this type of land. The eALP Sustainability Appraisal recognised that most of the undeveloped coastal plain within the District is high grade agricultural land. There is no current Local Plan policy referring to the protection of agricultural land. The loss of BMV is one factor in the decision making process.

Policy SO DM1 of the modified eALP states that development will not be permitted on this type of land unless 'designated by this plan' or unless the need for the development outweighs the need to protect such land in the long term. Natural England has a statutory responsibility for advising local planning authorities about land quality issues but as the site is under the 20ha threshold, they have not commented in this instance. It is important to note that economic development in the District will inevitably involve the loss of best and most versatile land and that mitigation measures can be adopted to preserve the soil resource.

Overall, the loss of the agricultural land is permissible as there is an overriding need for economic development in the District. It also accords with the modified eALP Policy SO DM1, to which a limited amount of weight can be given, but the loss needs to be weighed in the balance along with other technical matters as part of the 'weighted balance' in paragraph 14. This is set out in the overall conclusion.

as it is a functional, modern industrial building on a strategic employment site, similar in appearance to the Rolls Royce complex of buildings already constructed on the Oldlands Farm site.

Consequently, the proposed development on the Salt Box site complies in general terms with Policy D DM1 and Policy QE SP1 of the modified eALP – “Quality of the Environment”.

DESIGN

The NPPF indicates that good design should contribute positively to making places better for people. Policy GEN7 of the ALP says: “planning permission will only be granted for schemes displaying high quality design and layout”. Policy D SP1 of the eALP requires “all development proposals should be of good quality and demonstrate a high standard of design”. Policy EMP DM2 (f) refers to a high standard of design and landscaping to maximise the ‘gateway’ location of the Salt Box site. Policy ES1 of the Bersted NP goes further by specifying that: “new development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to its location”.

The design of the proposed warehouse and offices on Unit 2 at the Salt Box site is a modern functional industrial building, measuring 13.5 metres high to the ridgeline, constructed of metal cladding in varying shades of grey. Unit 2 will measure 3,270 square metres gross internal area. The building on Unit 2 would be similar to those already constructed and occupied by Rolls Royce on the Oldlands Farm site.

A design and access statement has been submitted with the hybrid planning application demonstrating how it meets the high quality design aspirations set in the LDO.

Consequently, it is considered that the proposed development complies in general terms with Policy GEN7 of the ALP, Policies D SP1 and EMP DM2(f) of the eALP, Policy ES1 and Policy ES5 of the Bersted NP.

NEIGHBOUR AMENITY

Arun District Local Plan Policy GEN7 indicates planning permission will only be permitted if it takes into account impact on adjoining occupiers, land, use or property. The main consideration for this site is the potential visual and disturbance impact on Shripney village. Policy EMP DM2(g) of the eALP requires “suitable screening to protect the amenity of existing residents”.

The Village Buffer shown on the submitted layout plan, along the northern part of the site is fundamental to the overall design and layout of the proposed development on the Salt Box site as it maintains a sense of separation between the employment site and the Village (including the setting of its conservation area and listed buildings).

The creation of the Village Buffer, which will include additional planting along the northern boundary of the site and the retention of farmland between the employment and commercial buildings on the Salt Box site; and the inclusion of an extensive attenuation pond along the western boundary of the Village Buffer will enhance the appearance of the site when viewed from the north and from the east.

The visual impact of the proposed development on Shripney would be mitigated by the Village Buffer, in accordance with Policy EMP DM2(g) of the modified eALP.

Notwithstanding this, it is considered necessary to impose a condition requiring the submission and approval of a Construction Management Plan in the interests of neighbouring residential amenity due to the proximity of the site to Shripney Village to the north and to the Rowan Park Caravan Park to the south of the Salt Box site, in accordance with Policy GEN7 of the ALP.

FLOODING

Policies GEN23, GEN25 and GEN26 of the ALP require the protection of the water environment; and the NPPF requires that development does not give rise to an unacceptable risk of flooding detrimental to human health or property. Policy EMP DM2(c) of the emerging Local Plan requires “appropriate

Three main rivers are located in the vicinity of the application site:

- Aldingbourne Rife, 200 metres to the east;
- Lidsey Rife, 600 metres to the east; and
- Shripney Manor Ditch which forms the boundary to the north and most of the west of the site, before flowing (north east to south west) into the Aldinbourne Rife.

A FRA was submitted with the hybrid planning application, covering the whole site (Full application) which concludes that flood risk to and arising from the proposed development is classified as low to negligible. The surface water network for the site is designed to convey and store surface water from the site for all storms up to and including the 1 in 30-year storm event without flooding habitable spaces on site or to adjoining properties with controlled flooding during the 1 in 100-year storm event (plus a 30% allowance for climate change). It is proposed that the site discharge into Bersted Brooks. The submitted FRA demonstrates how the scheme works in relation to the implemented flood relief scheme at Oldlands Farm; and that the proposed development can be drained in a sustainable manner through attenuation and infiltration. The FRA demonstrates that the development is not at flood risk from all sources and will not increase flood risk to other parties. The site is located within Flood Zones 1, 2 and 3; with all built development in Flood Zone 2. The FRA concludes that the site can be drained in a sustainable manner through attenuation and infiltration and that the development is not at flood risk from all sources and will not increase flood risk to other parties. Consequently, the proposed development is considered appropriate in accordance with the NPPF Technical Guidance.

It is considered that, subject to the imposition of conditions, the proposed development complies with Policy W DM2 and Policy EMP DM2(c) of the modified eALP regarding appropriate flood mitigation works, Policy GEN11 of the ALP and Policy ES2 (Surface Water Management) of the Bersted NP.

GEN9 of the ALP deals with foul and surface water drainage: development which will materially increase foul and/or surface water discharges will be refused unless the LPA is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development. Policy EMP DM2(d) of the modified eALP requires “connection to the existing sewerage system off-site at the nearest point of adequate capacity and where located within a flood risk area a sealed sewerage system”.

132

It is proposed that the development will discharge foul water to the watercourse flowing along the western boundary of the site; Bersted Brooks (Ordinary Watercourse), via a package treatment plant. A package treatment plant would only be accepted if it was provided by alternative statutory sewerage undertakers (known as NAVs). In conclusion, there will be no increase in waste water flows in the sewerage system as a result of this development, nor would it require Southern Water's approval. The Phase 1 Development includes a foul water treatment plant site immediately north of Unit 2. It is considered that the proposed development complies with Policy GEN9 of the ALP, Policy EMP DM2(d) and Policy W DM1 of the modified eALP.

HIGHWAYS AND TRANSPORT

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

A Transport Assessment accompanied the hybrid planning application as required by Policy T SP1(e) and Policy EMP DM2 (b) of the modified eALP. The Transport Assessment included information on trip generation and traffic flows. The proposed access to the site will be taken from the west side of the A29 Shripney Road/ A259 roundabout as anticipated and planned for under the terms of the LDO.

Highway Junctions:

The proposed Phase 1 Development includes the implementation of off-site highway works to provide a new access into the site from the A29/A259 Felpham Relief Road roundabout and associated works to street lighting, signage and highway drainage, which will be delivered by means of a Section 106 Agreement (and Section 278 of the Highways Act). The A29 Shripney Road is a dual carriageway subject to a speed limit of 40 mph, northbound and southbound in the vicinity of the application site.

An assessment carried out as part of the Transport Assessment shows that the Unit 2 layout is designed to accommodate all types of vehicles and the internal access roads and turning areas proposed throughout the Salt Box site are adequately designed. The following four junctions were considered as part of the assessment:

- Junction 1: A29/A259 Felpham Relief Road Roundabout;
- Junction 2: A29/A259 Rowan Way Roundabout;
- Junction 3: A259/B2132 staggered junction; and
- Junction 4: A259/A27 Chichester Bypass Roundabout.

The assessment results illustrate that the Salt Box development has a potential to generate a total of 188 and 204 two-way vehicle trips during AM (8.00am-9.00am) and PM (5.00pm-6.00pm) peak hours respectively. These generated flows have been distributed onto the local road network based on 2011 Census origin destination. The threshold analysis shows that the maximum increase in traffic of up to 4% could occur on the A29 in the vicinity of the site. The increase in traffic on the A259/B2132 junction (i.e. Junction 3 in the Transport Assessment) and the A259/A27 Chichester Bypass roundabout (i.e. Junction 4 in the Transport Assessment) is in the range of 0% to 1.4%. The increase is considered to be very minimal and therefore, these junctions are not assessed for capacity.

The A29/A259 Felpham Relief Road roundabout (i.e. Junction 1 in the Transport Assessment) has also been assessed. The results show that the roundabout which operates above the theoretical capacity continues to operate above capacity with the proposed development in place. However, the maximum increase in queues as a result of the proposed development of only 10 pcus (i.e. cars in queue at roundabout) on the A29 (south) approach during PM peak hours. This increase is not considered to be severe for a peak hour scenario.

The Arun Transport Study 2016 (Stage 3) identifies a significant level of mitigation required at the A29/A259 Felpham Relief Road roundabout comprising:

- Widening of westbound, northbound and southbound arms; and
- Widening of circulatory to accommodate additional lanes at approaches.

The Enterprise Bognor Regis Transport Review Report 2017 identifies a third level of mitigation in addition to the two identified in the Arun Transport Study 2016 (Stage 3) which is:

- The removal of the Salt Box / Rowan Park access (re-located further north on the A29).

The over-arching issue here is whether the development at the Salt Box site would, after taking into account mitigation, give rise to a severe residual cumulative impact. This is the test as set out within the NPPF. Based on the information within the Transport Assessment for the current planning application, the County Council is satisfied that the development would not result in any severe highway issues. The complication here is that capacity issues result at the A259/A29 Felpham Relief Road Roundabout when all background traffic growth (resulting from planned growth in the Local Plan and general background traffic growth) is taken into account. This is not necessarily a consequence of the Salt Box site development. The assumptions, as included in the Systra EBR Transport Review 2017 Report and the Local Plan Transport Study for the Salt Box site, are not necessarily reflective of the development that is now proposed (there is more B8 proposed, whereas the Enterprise Bognor Regis Transport Assessment included predominantly B1 and B2, both of which are higher trip generators compared with B8). The EBR/LP Transport Study therefore takes into account a worst case.

Neither the Transport Assessment, submitted with the current hybrid planning application for the Salt Box site, or the Systra EBR Transport Review 2017 Report account for the actual development proposed at Salt Box and all the traffic growth envisaged in the emerging Local Plan. In order to move this forward, the LPA requested the applicant to undertake a sensitivity test for the year 2031 for the A259/A29 Felpham Relief Road Roundabout. This sensitivity test included all planned Local Plan growth with and without the proposed development at the Salt Box site. This further demonstrated what impacts this development would have when viewed against all other growth in the emerging Local Plan, and then whether further mitigation is justified as a consequence of this development.

The results of the sensitivity test showed that the maximum increase in the queue length on the A29 (south) approach was 13 vehicles, as a result of the proposed development. This increase in queue is not considered to be significantly severe in traffic engineering terms as it would spread over two lanes on this approach to the roundabout. Therefore, the proposed development is line with the NPPF guidance in that the impact is not severe.

The site access (Drawing Number H1194-130) has been revised to safeguard any future proposals to improve the A29/A259 Felpham Relief Road Roundabout. The off-site highway revisions to the roundabout to provide a safe and satisfactory access to the Salt Box site would be included in the Section 278 (Highways Act) Agreement and the Section 106 Agreement.

The third mitigation measure recommended in the EBR Transport Study 2017 to relocate the Salt Box site access to the north of the A29 is not relevant to the proposed development on the Salt Box site due to a significant difference in assumptions regarding traffic flows. The Salt Box development would be less traffic intensive than the assumptions made in the Transport Study. The proposed Salt Box flows are lower than the Transport Study's assessed flows by 151 vehicle trips in the morning peak hour and 59 vehicle trips in the evening peak hour; which will reduce the predicated impact on the capacity on the Felpham Relief Road Roundabout. The mitigation measures set out in the EBR Transport Study 2017 for the A29/A259 Felpham Relief Road Roundabout are not commensurate to the scale of the proposed development at the Salt Box site. No details have been provided in the EBR Transport Study 2017 for a re-located site access to the north of Felpham Relief Road roundabout and any access from the A29 is likely to have a severe impact on the proposed development on the Salt Box site. The current hybrid planning application has support from the Local Highway Authority.

The applicant has agreed with the Local Highway Authority's request to make a contribution of £65,000 towards the A29/A259 Felpham Relief Road Roundabout improvement scheme based on the two mitigation measures identified in the Arun Transport Study 2016 (Stage 3); not the Enterprise Bognor Regis Transport Review Report 2017 which recommends the removal of the Salt Box / Rowan Park access (re-located further north on the A29).

The A29/A259 Rowan Way Roundabout (i.e. Junction 2 in the Transport Assessment) has also been assessed using the same software. The results show that the roundabout which operates above the theoretical capacity continues to operate above capacity with the proposed development in place. However, the maximum increase in queues as a result of the proposed development of only 11 pcus

The total parking provision for the whole Salt Box site comprising Phase 1 Development (70 spaces) and Phase 2 Development (551 spaces), would be 621 spaces (including 32 disabled bays) will be 90% of the maximum allowed (i.e. 687 spaces) under WSCC's parking standards, which is considered to be acceptable to support the proposed development. Consequently, the proposed parking provision would be in accordance with Policy GEN12 of the ALP, Policy T SP1 of the modified eALP and Policy HDQ8 of the Bersted NP.

Cycling and Walking:

Policy GEN15 of the ALP says: "Where appropriate, new development will be required to provide safe and attractive facilities for cyclists and pedestrians, both within the site and in the form of links to the surrounding area". "Policy T SP1 of the modified eALP says: "The Council will support transport and development which gives priority to pedestrian and cycle movements". Policy GA1 of the Bersted NP goes further by saying: "support will be given to proposals which would increase or improve the network of footpaths, footways and cycleways either by making land available for that purpose or by means of financial contributions through legal agreements".

A public right of way (PROW) runs along the southern boundary of the Salt Box site from the A29 into the Bersted Brooks LNR, which the applicant is proposing to retain.

The applicant is proposing to link the footways on the western side of Shripney Road (the A29) into the Salt Box site via the proposed new site access road and to widen the footway from 1.0 metre to 3.0 metres to provide a shared cycle/footway along the site frontage, connecting to the cycle/footway south of the A29/A259 roundabout. A 3.0 metre wide cycleway/footway will be provided along the eastern boundary of the site which will run parallel to Shripney Road (the A29). The shared cycleway/footway will connect to the north with the existing cycleway/footway to Shripney Village.

The proposed development also includes the provision of a suitable pedestrian and cycle crossing facility across Rowan Way and will be delivered by means of a Section 106 Agreement. The exact location and type of crossing facility on Rowan Way will be explored at the detailed design stage (via Section 278 of the Highways Act).

In effect, the proposed off-site cycleway improvements will ensure that the Salt Box site will be linked into the wider cycle network that is being planned and implemented in Arun District including the shared cycle path along the A259 which is currently under construction and will start at the Hoe Lane Roundabout in Flansham and end at the Climping roundabout near Climping Cricket Club. This will link up with the existing shared cycle paths on Felpham Relief Road in the west and Littlehampton to the east.

The applicant has agreed to the Local Highway Authority's request for a financial contribution towards off-site footway/cycleway improvements on Shripney Road (the A29) and Rowan Way (the A259) in accordance with the recommendations in the Arun Transport Study 2016 (Stage 3) and the Enterprise Bognor Regis Transport Review Report 2017, which will be achieved by means of a Section 106 Agreement.

Highways England has requested a proportionate contribution from this planning application which is for industrial and commercial development towards the improvements at the Bognor Road Roundabout on the A27 Chichester Bypass (this junction is located in Chichester District). The Enterprise Bognor Regis Transport Review 2017 report (i.e. the Systra Study) identifies contributions for junction improvements from planning applications for residential development, not from industrial or commercial developments.

Consequently, the proposed cycleway and footway proposals along Shripney Road (A29) and Rowan Way are acceptable and the proposed development is in accordance with Policy GEN15 of the ALP, Policy EMP DM2(a), Policy T SP1 and Policy T DM1 of the modified eALP and Policy GA1 of the Bersted NP.

Public Transport:

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

The applicant submitted a Framework Travel Plan with the hybrid planning application, which sets out a series of practical steps for reducing car use by staff travelling to and from work at the Salt Box site.

As specified above, the capacity assessment demonstrates that the A29/A259 Felpham Relief Road roundabout and the A29/A259 Rowan Way roundabout operate above theoretical capacity in the 2031 (year) capacity scenario and continues to operate above capacity with the proposed development in place. As a result of these figures, a robust Travel Plan will be implemented to reduce the number of private car trips to the proposed development, thereby ensuring the traffic impact of the development on the A29/A259 Felpham Relief Road roundabout and the A29/A259 Rowan Way Roundabout is reduced.

The Travel Plan will be developed with the Local Highway Authority to promote a programme of sustainable transport measures. The aims of the Travel Plan are to encourage sustainable travel to work and home patterns by promoting car sharing, walking, cycling and the use of public transport.

The Local Highway Authority is requesting the imposition of a condition requiring the submission of a detailed Travel Plan, in accordance with Policy GEN14 and GEN15 of the ALP, Policy T SP1 and Policy EMP DM2(b) of the modified eALP and Policy GA1 of the Bersted NP.

LIGHT POLLUTION

Policy GEN33 of the ALP and Policy QE DM2 of the modified eALP emphasise the need to consider the impact of light on neighbouring uses and wider landscape, particularly with regard the South Downs International Dark Sky Reserve designation, light levels should be the minimum required for security and working purposes, and minimise potential glare and spillage.

It is considered that the Salt Box site is in a semi-rural area on the northern boundary of Bersted, in close proximity to the village of Shripney and that it is not a small town centre location or an urban location when viewed from the north, west or east. Consequently, it is considered that a lighting condition be imposed requiring the submission of details of luminaires that are more suitable to semi-rural areas on the fringes of built-up areas. This is reinforced by the Ecologist's request that the lighting scheme for the site will need to take into consideration the presence of bats in the local area through the use of directional light sources and shielding.

The applicant is proposing to install lighting columns on the site roads and in the parking areas measuring a maximum of 8.0 metres high. The required lighting should be designed in order to minimise the effect on the semi-rural character of the local landscape, particularly to the north-west and to minimise the impact on local views. Light spill outside the site should be minimised and carefully considered where it is adjacent to the Ecology Buffer and Village Buffer with the aim of having no or very little lighting in these locations.

Environmental Health requested that the applicant consider using reduced coverage lighting between 11.00pm and 7.00am in line with the World Health Organisation guidelines. The applicant replied referring to the submitted External Lighting Statement (item 1.6) which specifies that lighting will be photocell/timeclock controlled; and times can be added / adjusted to suit. The external lighting will be controlled to prevent operation during daylight hours; facilitating reduced coverage between midnight

BIODIVERSITY

The NPPF and development plan policies indicate that a development likely to have an adverse effect, either directly or indirectly on a Local Nature Reserve and Site of Nature Conservation importance such as ancient woodlands or wildlife corridors will not be permitted. The hybrid planning application was accompanied by an Ecological Appraisal which confirmed that no statutory or non-statutory nature conservation designations are present within the site itself. The extended Phase 1 habitat survey has established that the site is dominated by habitats of low to negligible ecological value, with the habitats of greatest ecological value in the form of the boundary vegetation, which will be retained and incorporated into larger ecological buffer areas.

The proposed development would provide pedestrian access routes to the Bersted Brooks Local Nature Reserve footpaths and footpath network which will be achieved by means of a condition; and the provision of landscaped attenuation ponds in the vicinity of the LNR. The Ecological Advisor has also requested the imposition of a condition ensuring that a number of enhancements are implemented on-site including any trees removed should be replaced at a ratio of 2:1; a wildflower meadow should be planted; filling any gaps in tree lines or hedgerows with native species; bat and bird boxes installed on the site; grassland areas managed to benefit reptiles; and log piles provided.

LANDSCAPE

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ADC Greenspace has requested a landscape scheme, by means of a condition which should maximise the biodiversity of the site with the inclusion of native species and the retention of a variety of habitats. These details are required to ensure that appropriate screening is provided, maintaining and uncompromising the setting and ensuring that the proposed development fits within the area of neighbouring development, the rural fringe and properties and the South Downs National Park, whilst benefiting the potential of the application site. The area of non-development detailed as Village Buffer on the northern part of the application site has been identified to be retained, allowing a wildlife corridor to be retained. Existing trees along the boundaries, which provide screening of the road and adjacent caravan park and the Bersted Brooks LNR could provide potential valuable screening and should be protected and retained wherever possible by means of condition.

Planting around the retention ponds and swales, structural planting along the north and north-west boundary and the planting of street trees along the primary and secondary roads within the Salt Box site are considered appropriate and will enhance the appearance of the site. The submitted information focusses on the soft landscaping. Further details are required on hard landscaping by means of a condition imposed on the planning permission.

Notwithstanding this, the landscape screen between the Salt Box site and Rowan Way Caravan Park will need to be permeable as access will be required over the long term between the two sites as they both comprise part of the strategic employment allocation in Policy EMP SP3 of the modified eALP.

Consequently, subject to the imposition of conditions, the proposed landscaping for the site is in accordance with Policy GI SP1 and Policy EMP DM2(e, f, and g) of the modified eALP.

TREES

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

The applicant has submitted an AIA identifying that the proposed development would only necessitate the loss of a small number of low quality trees to facilitate access to the site and accommodate the proposed industrial and commercial buildings. The proposed development would not result in the loss of any trees considered worthy of individual distinction; and the proposed removals will be mitigated in an appropriate scheme of quality replacement plantings.

The ADC Arboricultural Officer is satisfied that Tree Protection Plan shows adequate protection for the trees which are retained; and that the proposed tree removals and retentions are acceptable. Consequently, the proposed development complies with Policy ENV DM4(d), (e) and (f) of the modified eALP and Policy ES6 of the Bersted NP.

ARCHAEOLOGY

Policy HER DM6 of the modified eALP says that “where a site on which development is proposed has the potential to include heritage assets with archaeological interest (having consulted the Historic Environment Record) permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites”.

Archaeological remains are a fragile and finite resource. Permission will not be granted for development that would be harmful to the significant archaeological interest of the site. The Heritage Statement submitted by the applicant concludes that the development complies with the scale, form and type of development originally considered in the Heritage Statement in 2015 when the site formed part of the Enterprise Bognor LDO.

The proposed development will involve varying levels of ground disturbance to the arable land on the Salt Box site. No previous historical impact or activity is recorded, other than agriculture, and while this may have caused some truncation of below ground archaeological features, where still present

The clustering of the non-B class commercial buildings at the entrance to the site is acceptable, as these buildings will be highly visible from both the A29 and the A259 and they will be easily accessible from the site access by members of the public visiting the drive-through restaurants, the public house, the gym or staying at the hotel. The hotel and the public house could act as focal points for ease of navigation on entering the site.

The proposed siting of the largest industrial unit (unit 1) to the rear of the site is both functional and logical as it separates this unit from the non-B class commercial buildings which would be located along both sides of the access road into the development.

The proposed siting of industrial units 3, 6 and 7, to the north of the commercial buildings and orientated end-on with side elevations facing Shripney Road is not considered to be the optimum location for these units as they will form prominent industrial buildings along the road frontage. Notwithstanding this, the large size of unit 1 in the south west part of the site restricts the area of land available for the other three industrial units (i.e. 3, 6 and 7) to be sited away from the frontage with Shripney Way. Equally, the area of land available to develop within the site is constrained to the north by the Village Buffer, which is an essential element of the overall layout as it ensures neighbour amenity is maintained with Shripney to the north of the application site.

Service yards, staff car parks and refuse and storage structures will be screened either by buildings or planting from main circulation routes. Buildings will be set back a minimum of 2.0 metres from the edge of the plot boundary, forming a threshold space and will be designed based upon principles of 'Secured by Design' endorsed by Sussex Police, which includes segregated pedestrian and cycle routes that can be overlooked from adjacent buildings to assist safety and security.

It is considered that the Salt Box site could comprise an industrial and commercial complex located in a parkland setting as claimed by the applicant, but this has already been compromised by the scale of the B1/B8 units proposed on the site, the large areas of vehicle parking required and potential areas for extensions to Unit 1 measuring 50,000 square feet. Notwithstanding this, the creation of more than 500 jobs makes the site attractive in economic terms, which in part compensates for the lack of a parkland setting for the layout of the site.

Consequently, it is considered that the proposed development complies with Policy D DM1(11) and the guidance on layout provided in the draft LDO.

CHARACTER AND APPEARANCE

Policy D DM1(1) of the modified eALP requires the proposed development to "make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding areas, in terms of its scale massing, aspect, siting, layout, density, building materials (colour, texture), landscaping and design features". Policy GEN7(i) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

The proposed development on the Salt Box site will be primarily industrial (B1 office and B8 storage and distribution units), which will not be dissimilar to the Rolls Royce development on the Oldlands Farm site in terms of character and appearance.

As the non-B class commercial buildings and three of the industrial buildings (units 3, 6 and 7) are the subject of an outline planning application, there is a limited amount of detail available at this point in time on the material specification and design of the various buildings.

The applicant claims in the Design and Access Statement that the hybrid planning application will "provide major gateway buildings and marker buildings at nodal points; provide active built frontage to the A29; with potential for complementary uses located on the Shripney Road roundabout".

If the matters identified in the Design and Access Statement and referred to in the paragraph above are addressed in the reserved matters application, it is considered that the proposed development on the Salt Box site would comply with Policy D DM1 and Policy QE SP1 of the modified eALP – "Quality

The NPPF indicates that good design should contribute positively to making places better for people. Policy GEN7 of the ALP says: “planning permission will only be granted for schemes displaying high quality design and layout”. Policy D SP1 of the eALP requires “all development proposals should be of good quality and demonstrate a high standard of design”. Policy EMP DM2 (f) refers to a high standard of design and landscaping to maximise the 'gateway' location of the Salt Box site. Policy ES1 of the Bersted NP goes further by specifying that: “new development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to its location”.

A Design and Access Statement has been submitted with the hybrid planning application demonstrating how it meets the high quality design aspirations set out in the LDO.

NOISE POLLUTION

No Noise (Acoustic) Report was submitted with the outline planning application for the Part 2 Development. Consequently, it is considered necessary to impose a condition requested a noise report be submitted at the reserved matters stage, to ensure that the development complies with Policy QE DM1 and Policy EMP DM2(i) of the modified eALP and Policy GEN32 of the ALP.

The provision of car parking and cycle parking spaces for the units subject to the outline planning application, which are in compliance with the WSCC Parking Standards, is set out under the 'Highways and Transport' section in the assessment of the Full Planning Application above.

All of the site's landscaping is located in the full area of the application and is dealt with in the Landscape and Trees sections in the assessment of the Full Planning Application above.

The potential for on-site archaeology on the area subject to the outline planning application; and the recommended condition requiring trial trenching ahead of development in order that measures to ensure appropriate preservation might be put in place; is addressed in the Archaeology section in the assessment of the Full Planning Application above.

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The application site is located outside the defined built-up area boundary of Bersted and is contrary to Policies GEN2 and GEN3 of the ALP and Policy ES7 of the Bersted NP which intends to protect the countryside from non-related development. However, in determining the application weight also needs to be given to the following material considerations: the draft Local Development Order; the identification of the site as part of Enterprise Bognor Regis in the emerging Local Plan (Policy EMP DM2); and the presumption in favour of sustainable development in the NPPF. This would also be combined with the significant weight that should be placed on the need to support economic growth through the planning system. The proposed development would deliver £33.7 million of capital investment and deliver approximately 30,520 square metres of new floor-space; and deliver more than 500 new jobs. The site is in a sustainable location which is suitable for employment uses. It is considered that the principle of development on this site is acceptable.

Some policies in the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to flooding, the natural environment and noise. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions, the content of the Section 106 Agreement or because the public benefit outweighs the harm in respect of the issue at hand.

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 draft Section 106 Agreement is currently being agreed with the applicant and it requires developer contributions which will be required for:

Highway works:

1. Off-site highway works to be provided by the applicant to provide a new access into the site from the A29/A259 Felpham Relief Road Roundabout and associated works to street lighting, signage and highway drainage including all necessary service diversions.
2. A contribution of £132,500 towards accessibility improvements on the A29 and A259 in the vicinity of the development that includes the provision of improved footways/cycleways including

- crossing facilities on the A29 Shripney Road and A259 Rowan Way.
3. A contribution of £65,000 towards the A29/A259 Felpham Relief Road Roundabout improvement scheme, as set out in the Arun Transport Study 2016 (Stage 3).

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

SALT BOX FULL PLANNING PERMISSION CONDITIONS

- 1 The conditions below refer to the 'full' matters within the planning application.

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 planning permission relates to the following approved plans:
1744-PO5-B. Site Location Plan
1744-P01-C. Site Master Plan. Proposed Parameters Plan
1744-P02-D. Site Master Plan. Proposed Block Plan
1744-P03-B. Site Phasing Plan
1744-P04-C. Schedules
1744-P20-B. Salt Box Unit 2. Proposed Site Plan
1744-P21-B. Salt Box Unit 2. Proposed Ground Floor
1744-P22 Salt Box Unit 2. Proposed First Floor & Roof Plan
1744-P23 Salt Box Unit 2. Proposed Elevations & Sections
1744-P24 Salt Box. Unit 2 Fuel Island
5920/LS/ASP1-C Saltbox, Bognor Regis Landscape Strategy
5920/ASP06 Saltbox, Bognor Regis Attenuation / Ecology Buffer
5920/ASP06 Saltbox, Bognor Regis Gateway Corridor
5920/ASP06 Saltbox, Bognor Regis Spine Roads
H1194-130 Site Access Plan
H1194-201-A Proposed Estate Roads

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 Prior to commencement details of the materials and external finishes of the building on Unit 2 including the provision of samples of such materials and finishes as required should be submitted to the Local Planning Authority for approval in writing. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.
Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity, in accordance with Policy GEN7 of the Arun District Local Plan.
- 4 No part of the development shall be first occupied until such time as the vehicular access onto A259 Felpham Relief Road Roundabout has been constructed in accordance with the details indicatively shown on drawing no. H1194-201.
Reason: In the interests of road safety, in accordance with Policy GEN7 of the Arun District Local Plan.
- 5 No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.
Reason: To secure satisfactory standards of access for the proposed development, in accordance with Policy GEN7 of the Arun District Local Plan.
- 6 Unit 2 shall not be occupied until the car parking serving that Unit has been constructed in shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use, in accordance with Policy GEN7 of the Arun District Local Plan.

- 7 No development shall take place, other than works of site survey and investigation, 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 effective wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area. It is considered necessary for this to be a pre-commencement condition because the Construction Management Plan needs to be submitted and approved before work commences on site, in accordance with Policy GEN7 of the Arun District Local Plan.

- 8 Unit 2 shall not be occupied until a detailed Travel Plan covering that respective part of the development has been submitted to and approved in writing by the Local Planning Authority. The detailed Travel Plan once approved shall thereafter be implemented as specified within the approved document. The detailed 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.

Reason: To encourage and promote sustainable transport, in accordance with Policy GEN7 of the Arun District Local Plan.

- 9 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority, to include arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site. 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 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, in accordance with Policy GEN7 of the Arun District Local Plan. To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because the site needs to have adequate drainage.

- 10 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. This shall include details of its siting, design and subsequent management / maintenance. No unit shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To prevent pollution of groundwater, to ensure the satisfactory drainage of the site and to prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site in accordance with policies GEN7, GEN11 and GEN31 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because the site drainage needs to be approved and implemented before the unit is built and occupied.

- 11 Construction methods that include piling / investigation boreholes / tunnel shafts / ground source heat pump systems using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
Reason: To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution in accordance with the NPPF (paragraphs 120 and 144); and to prevent pollution of groundwater in accordance with Arun District Local Plan policies GEN7, GEN26 and GEN31.

- 12 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.
Reason: The site is of archaeological significance in accordance with Policy GEN 7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences.

- 13 Development shall not commence until full details of hard landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include:
 - (a) proposed finished levels and/or contours,
 - (b) boundary details and means of enclosure,
 - (c) car parking layouts,
 - (d) other vehicle and pedestrian access and circulation areas,
 - (e) hard surfacing areas,
 - (f) minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.),
 - (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.). Soft landscape works shall include:
 - (h) planting plans
 - (i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
 - j) schedules of plants noting species, planting sizes and proposed numbers/densities.
 All hard soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.
Reason: To ensure the provision and establishment of acceptable landscape in accordance with adopted Arun Local Plan Policy GEN7.

- 14 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 unless a nesting bird check is carried out. This shall, be undertaken by a suitably qualified ecologist immediately prior to the works taking place. If any active nest sites are identified, these nests shall remain undisturbed until all the young have fledged naturally.
Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition to protect the breeding birds during the construction works.

- 15 Prior to commencement a badger survey should be undertaken to ensure badgers are not using the site. If badgers are discovered on site, mitigation measures will need to be submitted and approved in writing by the LPA in liaison with Natural England and the approved works carried out by a professional ecologist.
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. It is considered necessary for this to be a pre-commencement condition because badgers are a protected species.
- 16 A Landscape and Management Plan is submitted for approval in writing by the Local Planning Authority, which details the ongoing management and aftercare of the site once construction is complete. The Landscape and Management Plan should include the following requirements:
- any trees removed should be replaced at a ratio of 2:1;
 - a wildflower meadow should be planted in around the attenuation ponds adjacent to the Brook Local Nature Reserve (LNR), in the Village Buffer (as identified in 1744-P02-D. Site Master Plan. Proposed Block Plan);
 - ensure that mitigation measures are implemented to ensure that Bersted Brooks LNR adjacent to the site is not adversely affected by the industrial and commercial development on the Salt Box site;
 - a 5 metre buffer, including planting to protect the water voles, is required around Shripney Manor Ditch;
 - any gaps in tree lines or hedgerows should be filled in with native species;
 - bat and bird boxes should be installed in the Village Buffer and the Ecology Buffer adjoining Bersted Brooks Local Nature Reserve (as identified in 1744-P02-D. Site Master Plan. Proposed Block Plan);
 - grassland areas in the Village Buffer and the Ecology Buffer adjoining Bersted Brooks Local Nature Reserve should be managed to benefit reptiles;
 - log piles should be provided in the Ecology Buffer adjoining Bersted Brooks Local Nature Reserve (as identified in 1744-P02-D. Site Master Plan. Proposed Block Plan).
- The approved details in the Landscape and Management Plan should be implemented in full prior to the occupation of Unit 2 and be maintained on site thereafter.
- 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.
- 17 Prior to the commencement of development of Unit 2 a CCTV strategy (to include details of the location cameras and type of system) shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to first occupation of Unit 2 and be retained and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.
- Reason: In the interests of public safety in accordance with adopted Arun Local Plan Policy GEN7. It is considered necessary for this to be a pre-commencement condition because the site security needs to be approved and implemented before the units are occupied.
- 18 Prior to the occupation of Unit 2, a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided including, where appropriate, lockable containers and details for how the recyclable materials will be collected from the site with timescales for collection.
- The approved scheme shall be implemented before the development hereby permitted is brought into use and no waste or litter shall be stored or disposed of other than in accordance with the approved scheme.
- Reason: In the interests of amenity and to promote recycling in accordance with adopted Local Plan Policy GEN7.

- 19 Prior to the commencement of construction works or any preparatory works, details of the 4.0 metre high acoustic barriers along the north eastern boundary of Unit 2, should be submitted to the LPA for approval. Only the approved acoustic barriers should be erected, maintained and retained at the site.
Reason: To avoid unacceptable high levels of noise and in the interests of residential amenity, in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure the acoustic barriers a visually acceptable and are installed before the unit is occupied.
- 20 Unit 2 shall not be occupied until details of the footpath connections between the Salt Box site and the Bersted Brooks Local Nature Reserve and the Rowan Park Caravan Site have been submitted to and been approved in writing by the Local Planning Authority.
Reason: To ensure connectivity between the Salt Box site, the Bersted Brooks Local Nature Reserve (LNR), and the public rights of way network, in accordance with Policy GEN7 of the Arun District Local Plan.
- 21 Prior to the occupation of development details of the proposed external lighting shall be submitted and approved in writing by the Local Planning Authority. The lighting details should include:
- a) Details of zone E2 lighting luminaires (lux levels);
 - b) Mitigation measures to minimise potential glare and spillage;
 - c) Location of lighting columns;
 - d) Design and appearance of lighting columns; and
 - e) Timings of lighting (reduced coverage between 11.00pm and 7.00am).
- The approved lighting system shall be implemented on site prior to first occupation and be retained thereafter.
Reason: To reduce light pollution, in the interests of amenity and the environment and to satisfy minimum security requirements, in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-occupation condition because the light levels for the site need to be approved and implemented before the units are occupied.
- 22 Prior to the commencement of development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a unit, the provision of the highest available headline speed of broadband service to that unit from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to units that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.
Reason: To safeguard the amenities of occupants in accordance with Arun District Local Plan Policy GEN7 and Policy EE6 of the Bersted NP. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

INFORMATIVES

INFORMATIVE: The Internal Drainage Board (as noted in the FRA) in this area has been dissolved and therefore ordinary watercourses come under Arun District Council's jurisdiction on behalf of WSCC (as the lead flood authority). There is an ordinary watercourse abutting the site whereby discussion will be required in terms of maintaining future access for maintenance. Any works in, over or under, or within 5 metres from any ordinary watercourses will need a land drainage consent from the local authority (i.e. ADC).

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

- 4 The planning permission relates to the following approved plans:

Location Plan

1744-P01-C. Site Master Plan Proposed Parameters Plan

1744-P02-D. Site Master Plan Proposed Block Plan

1744-P03-B. Site Phasing Plan

1744-P04-C. Schedules

5920/LS/ASP1-C Saltbox, Bognor Regis Landscape Strategy

5920/ASP06 Saltbox, Bognor Regis Attenuation / Ecology Buffer

5920/ASP06 Saltbox, Bognor Regis Gateway Corridor

5920/ASP06 Saltbox, Bognor Regis Spine Roads

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.

- 5 Within Part 2 of the Salt Box development hereby permitted, the quantum of all non B1, B2 or B8 (storage and distribution) internal floor space shall not exceed 4,120 square metres (Gross Internal Area).

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

- 6 The details referred to in condition 1 shall include details of the materials and external finishes of the buildings, surfaces for roads/footpaths, means of enclosure and the parking of vehicles, and the provision of samples of such materials and finishes as required. Development shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

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

- 7 The development hereby permitted shall not be carried out except in substantial accordance with the Design and Access Statement incorporating Design Guidance dated August 2017.

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.

- 8 No unit shall be first occupied until the car parking and the covered and secure cycle parking spaces serving that respective part of the development have been constructed in accordance with plans and details submitted to and approved by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking spaces and cycle parking for the use; and to provide alternative travel options to the use of the car in accordance with current sustainable transport policies, in accordance with Policy GEN7 of the Arun District Local Plan.

- 9 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. It is considered necessary for this to be a pre-commencement condition because the Construction Management Plan needs to be submitted and approved before development commences, in accordance with Policy GEN7 of the Arun District Local Plan.

- 10 No unit in Phase 2 shall be first occupied until a detailed Travel Plan covering that respective part of the development has been submitted to and approved in writing by the Local Planning Authority. The detailed Travel Plan once approved shall thereafter be implemented as specified within the approved document. The detailed 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.

Reason: To encourage and promote sustainable transport, in accordance with Policy GEN7 of the Arun District Local Plan.

- 11 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority, to include arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site. 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 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, in accordance with Policy GEN7 of the Arun District Local Plan. To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because the site needs to have adequate drainage.

- 12 Construction methods that include piling / investigation boreholes / tunnel shafts/ ground source heat pump systems using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution in accordance with the NPPF (paragraphs 120 and 144); and to prevent pollution of groundwater in accordance with Arun District Local Plan policies GEN7, GEN26 and GEN31.

- 13 Development shall not commence, other than works of site survey and investigation, until details of the proposed means of foul sewerage system have been submitted to, and

approved in writing by the Local Planning Authority in consultation with the statutory sewerage undertaker. This shall include details of its siting, design and subsequent management / maintenance. No unit 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. It is considered necessary for this to be a pre-commencement condition because the site needs to be effectively drained before construction commences. It is considered necessary for this to be a pre-commencement condition because the site drainage needs to be approved and implemented before the units are built and occupied.

- 14 No development shall take place, other than works of site survey and investigation, until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: The site is of archaeological significance in accordance with Policy GEN 7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences.

- 15 Development of a phase shall not commence until full details hard landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include:
- (a) proposed finished levels and/or contours,
 - (b) boundary details and means of enclosure,
 - (c) car parking layouts,
 - (d) other vehicle and pedestrian access and circulation areas,
 - (e) hard surfacing areas,
 - (f) minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.),
 - (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.). Soft landscape works shall include:
 - (h) planting plans
 - (i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
 - j) schedules of plants noting species, planting sizes and proposed numbers/densities.

All hard soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

Reason: To ensure the provision and establishment of acceptable landscape in accordance with adopted Arun Local Plan Policy GEN7.

- 16 No ground clearance or vegetation clearance works shall take place within the bird nesting season (between 1 March and 31 August inclusive) in any year unless a nesting bird check is carried out. This shall, be undertaken by a suitably qualified ecologist immediately prior to the works taking place. If any active nest sites are identified, these nests shall remain undisturbed until all the young have fledged naturally.

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition to protect the breeding birds during the construction works.

- 17 Prior to commencement a badger survey should be undertaken to ensure badgers are not using the site. If badgers are discovered on site, mitigation measures will need to be submitted and approved in writing by the LPA in liaison with Natural England and the approved works carried out by a professional ecologist.

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. It is considered necessary for this to be a pre-commencement condition because badgers are a protected species.

- 18 A Landscape and Management Plan is submitted for approval in writing by the Local Planning Authority, which details the ongoing management and aftercare of the site once construction is complete. The Landscape and Management Plan should include the following requirements:
- any trees removed should be replaced at a ratio of 2:1;
 - a wildflower meadow should be planted in around the attenuation ponds adjacent to the Brook Local Nature Reserve (LNR), in the Village Buffer;
 - ensure that mitigation measures are implemented to ensure that Bersted Brooks LNR adjacent to the site is not adversely affected by the industrial and commercial development on the Salt Box site;
 - a 5 metre buffer, including planting to protect the water voles, is required around Shripney Manor Ditch;
 - any gaps in tree lines or hedgerows should be filled in with native species;
 - bat and bird boxes should be installed in the Village Buffer and the Ecology Buffer;
 - grassland areas in the Village Buffer and the Ecology Buffer should be managed to benefit reptiles;
 - log piles should be provided in the Ecology Buffer.
- The approved details in the Landscape and Management Plan should be implemented in full prior to the occupation of Unit 2 and be maintained on site thereafter.

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.

- 19 Prior to the occupation of any building a CCTV strategy for that building (to include details of the location cameras and type of system) shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to first occupation of Phase 2 and be retained and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public safety in accordance with adopted Arun Local Plan Policy GEN7. It is considered necessary for this to be a pre-occupation condition because the site security needs to be approved and implemented before the units are occupied.

- 20 Prior to the occupation of the Part 2 Development, a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities for the Part 2 Development, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided including, where appropriate, lockable containers and details for how the recyclable materials will be collected from the site with timescales for collection.
- The approved scheme shall be implemented before the development hereby permitted is brought into use and no waste or litter shall be stored or disposed of other than in accordance with the approved scheme.

Reason: In the interests of amenity and to promote recycling in accordance with adopted Local Plan Policy GEN7.

- 21 A Noise Report shall be submitted with the application for reserved matters and its recommendations for approval in writing by the Local Planning Authority and its recommendations shall be implemented prior to first occupation on the Part 2 Development.

Reason: In the interests of amenity, in accordance with adopted Local Plan Policy GEN7.

- 22 At least 10% of the energy supply of each unit shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework, March 2012). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, in accordance with Policy GEN7 of the Arun District Local Plan.

- 23 Prior to the commencement of development details of the proposed external lighting shall be submitted and approved in writing by the Local Planning Authority. The lighting details should include:

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

The approved lighting system shall be implemented on site prior to first occupation and be retained thereafter.

Reason: To reduce light pollution, in the interests of amenity and the environment and to satisfy minimum security requirements, in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because the light levels for the site need to be approved and implemented before the units are occupied.

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

Reason: To safeguard the amenities of occupants in accordance with Arun District Local Plan Policy GEN7 and Policy EE6 of the Bersted NP. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

INFORMATIVES

INFORMATIVE: The Internal Drainage Board (as noted in the FRA) in this area has been dissolved and therefore ordinary watercourses come under Arun District Council's jurisdiction on behalf of WSCC (as the lead flood authority). There is an ordinary watercourse abutting the site whereby discussion will be required in terms of maintaining future access for maintenance. Any works in, over or under, or within 5 metres from any ordinary watercourses will need a land drainage consent from the local authority (i.e. ADC).

INFORMATIVE: In addition to any other permission(s), e.g. planning permission, the applicant may need an Environmental Permit for Flood Risk Activities (formerly known as Flood Defence Consent

BE/102/17/OUT – Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Hybrid planning application BE/102/17/OUT – Salt Box Field, Land off Rowan Way, Bersted				
Obligation	Indicative assumption for viability purposes	Trigger point	Payment / delivery method	Notes
Highways and Transport				
Off-site highway works to provide new access into the site from the Shripney Road roundabout and associated works to street lighting, signage and highway drainage including all necessary service diversions.			To be provided by the developer	
A contribution towards accessibility improvements on the A29 and A259 in the vicinity of the application site that includes the provision of improved foot/cycleways including crossing facilities on the A29 Shripney Road and A259 Rowan Way.	£132,500		Commutated sum payable to the Local Highway Authority (WSCC)	
A contribution towards the A29/A259 Felpham Relief Road Roundabout improvement scheme, as set out in the Arun Transport Study 2016 Stage 3.	£65,000		Commutated sum payable to the Local Highway Authority (WSCC)	

PLANNING APPLICATION REPORT

REF NO: A/168/17/PL

LOCATION: Land North of William Older Playgroup Building
Arundel Road
Angmering
BN16 4LP

PROPOSAL: Change of use from agricultural land to recreational & activity school uses, enclosed with a timber & green chain link fence.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks planning permission for the change of use of agricultural land to provide recreational and activity school uses enclosed by a timber and green chain link fence. It has been confirmed by the agent that the proposed site will only be used by William Older Playgroup and St Margaret's Church of England School.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The existing northern and eastern boundaries of the site are open with the southern and western boundaries featuring timber and green chain link fencing of approximately 1.275m high.
SITE CHARACTERISTICS	The site is existing agricultural land situated to the north of William Olders Playgroup and St Margaret's Church of England Primary School. The pre-school is a single storey building with brick and timber clad elevations and a pitched steel roof with a fence area to the rear to provide an outside play area.
CHARACTER OF LOCALITY	Semi-rural in character with residential development to the south and west of the site with an open field to the north. There are mainly two storey semi-detached and terraced properties in the immediate locality. School adjacent to site and St. Margaret's primary school within the same educational compound.

RELEVANT SITE HISTORY

A/45/15/PL	Construction of timber shed & timber play shelter.	ApproveConditionally 10-07-15
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A/97/14/PL	Change of use from agricultural use to play school activity/play area & provision of security fence & field drain. This is a departure from the development plan	ApproveConditionally 09-12-14
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Planning permission was previously granted for use of a section of land for associated school uses under planning reference A/97/14/PL and a subsequent planning application under reference A/45/15/PL allowed the erection of a timber shed and activity shelter on the site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Objection -

On the grounds that the extent of the change of use is unacceptably broad in scope and needs to be clearly limited in the conditions as it had been with the previous application, A/97/14/PL.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted - use of the land will be restricted by condition. In addition the use proposed by this application is the same as that previously approved under reference A/97/14/PL.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

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
SD SP2	Built -Up Area Boundary

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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

The Angmering Neighbourhood Plan has been made but there are considered to be no relevant policies in the determination of this application. However, it should be noted that paragraph 7.18 of that plan states that;

"The parish supports and endorses the aspirations of the Arun Local Plan calling for the district's residents to be 'better educated' and in this respect for the expansion of the range and quality of local educational opportunities."

Paragraph 7.20 goes on to state that;

"It is justified from the evidence base gathered in support of the NDP and the demonstrated need

and demand to make adequate and satisfactory provision for education facilities in Angmering."

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that it would be located outside of the built up area boundary of Angmering. However, it is considered that the proposed development would have no materially adverse effect on the visual amenities of the locality; 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 other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The application site is situated outside of the built up area boundary but abuts the built up area boundary and the existing playing fields of St Margaret's Church of England Primary School. Due to the sites location outside of the built up area boundary the proposed change of use would conflict with policy GEN2 of the Arun District Local Plan.

Policy GEN3 of the Arun District Local Plan seeks to protect the Countryside for its own sake and development is not permitted unless;

- i) it meets the operational needs of agriculture, forestry, the extraction of minerals or the deposit of waste; or
- ii) for quiet, informal recreation; or
- iii) for the diversification of the rural economy; or
- iv) for essential road schemes;
- v) it is in accordance with a policy in Section 2 and 3 of the plan referring to a specific use or type of development.

The proposed development will therefore fail to accord with the limitations of policy GEN3 of the Arun District Local Plan.

However, there are other material considerations that outweigh this conflict and warrant permission being granted in this case.

DESIGN AND VISUAL AMENITY

Development in relation to the school has already extended to the north of the built up area boundary with the car park and a portion of land measuring approximately 270 sqm for school activities present. Similarly, the St Margaret's Primary School playing fields are identified as falling outside of the built up area boundary. Therefore, it is considered that the proposed change of use will not give rise to any

unacceptably adverse harm to the character of the area or adversely impact upon the countryside.

The play area will be laid to grass and so will not introduce any artificial materials into the countryside and will therefore not give rise to any unacceptably adverse visual harm to the established semi-rural character given its countryside designation. It is considered that any hard surfacing in this area would have an adverse visual impact and as such a condition has been included removing permitted development rights for the creation of hard surfacing, and so retain it as a grassed area in perpetuity.

The proposed post and rail fencing with green chainlinks will match in appearance that seen around the existing school and so will suitably blend in and will not have any unacceptably adverse impacts upon the established character and appearance of the area.

It is therefore considered that the proposed change of use is acceptable in visual amenity terms and will accord with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

There are no residential properties within the immediate area and the site is situated within an established educational compound. Therefore, the proposed change of use is deemed to accord with policy GEN7(iv) of the Arun District Local Plan and will not adversely impact upon residential amenity.

SUMMARY

Whilst, there is an on principle policy objection by virtue of the sites location outside of the built up area boundary there are other material planning considerations which mitigate against this and the proposal is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

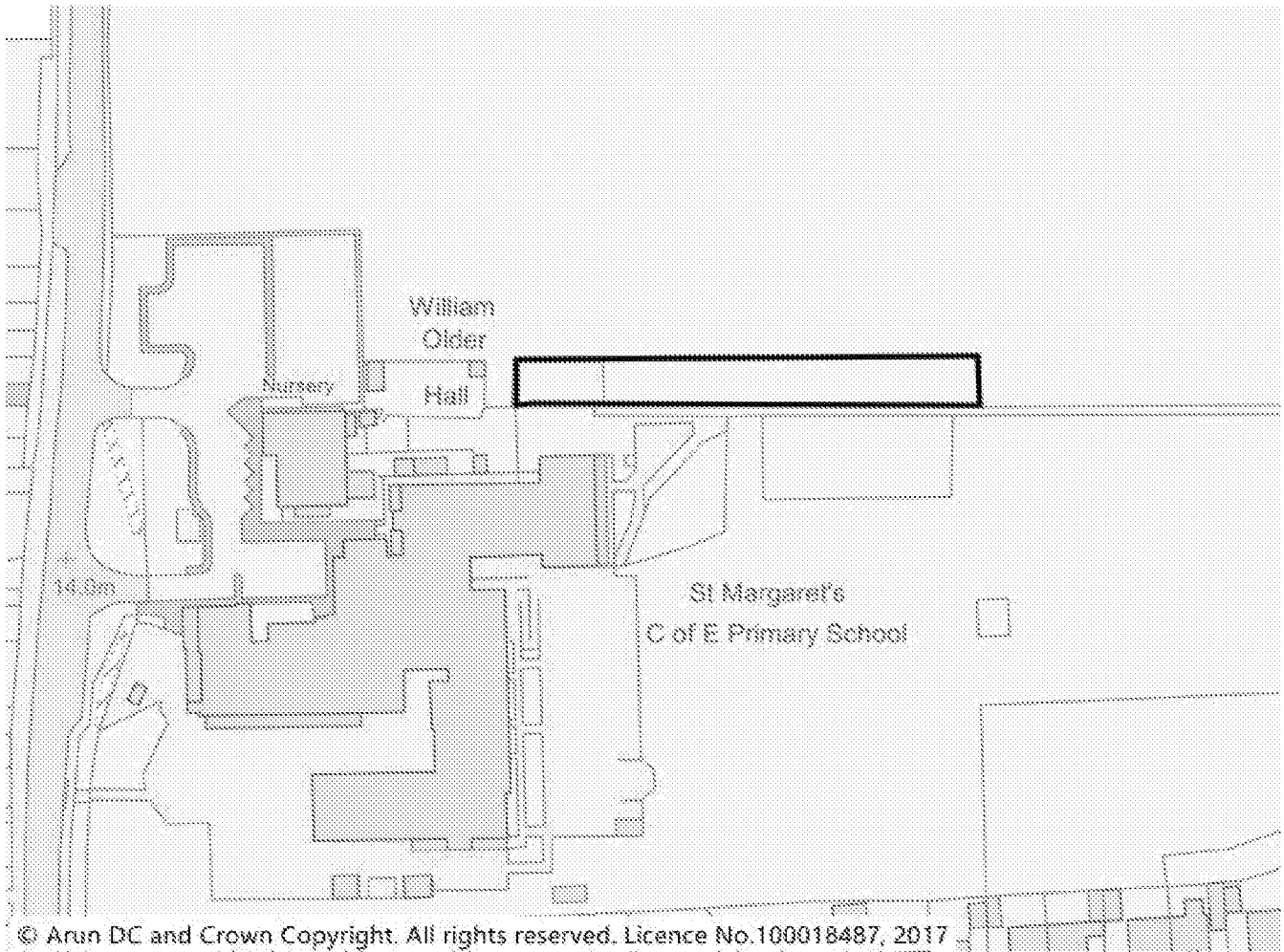
The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
- Site Location Plan - 4917.SP01
 - Site Layout Plan - 4917.SP02
 - Fence Details & Specification - 07/09/2017
- 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 Notwithstanding the provisions of Schedule 2, Part 7, Class N of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no hard surface shall be created on the land the subject of this application, as outlined in red on drawing no. 4917.SP01, unless permission is granted by the Local Planning Authority on an application in that behalf.
- Reason: To safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.
- 4 The play area hereby approved shall be used solely for the recreational and activity purposes associated with William Older Pre-School and St Margaret's Church of England Primary School and for no other purpose.
- Reason: To enable the Local Planning Authority to control the use of the land in the interests of amenity in accordance with the National Planning Policy Framework.
- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

A/168/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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 100018487, 2015

PLANNING APPLICATION REPORT

REF NO: AW/155/17/PL

LOCATION: Land to the side of Brus Lodge
28 Kingsway
Aldwick
PO21 4DH

PROPOSAL: Erection of 1No. detached dwelling. This application affects the character and appearance of Craigwell House Aldwick Conservation area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is to construct a new detached 2.5 storey dwelling within the side garden area of Brus Lodge. The house will include a total of 4 bedrooms, 6 bathrooms/WC's and an attic level space suitable as a 5th bedroom. The house will have a varied width of 15.8m to 16.2m and a varied depth of 13.4m to 16.4m.

It will be 8.8m high to the ridge with varied eaves heights but none greater than 5.2m. A 9.4m high chimney will be located on the eastern side. Parking is provided in the form of an integrated double garage and two further off-street spaces within the front. The application retains three trees along the frontage (including the TPO'd Norway Maple). The application also removes a mixed shrub group along the frontage but retains the TPO'd Pittisporum located within this group). A group of 6 shrubs, a Cherry Laurel hedge and an individual Holm Oak located further into the site will all be removed. A new front boundary picket type fence (1.1m high) is proposed but to use the post holes of the existing close boarded fence.

The design of the dwelling was part amended following the comments of the Conservation Officer with the omission of the front rooflights and the a reduction in the width (to three lights) of the dormer above the garages.

It should be noted that the proposed house will be lower and narrower than that refused on appeal (AW/367/15/PL). That proposal had a width of 20.6m at its greatest extent and a height of approximately 9m. However, the building depth and the access/turning/parking arrangements remain broadly the same.

The plans have been amended to take account of the initial Arboricultural objection and have pulled the dwelling slightly further back from the road and have also turned it slightly in a

169

With particular regard to Kingsway, the Conservation Statement states that:

"At its western end Kingsway is lined with mature trees, shrubs and hedging dividing the main carriageway from the service roads from the north and south leading to the properties. These pathways are gravelled and along with the trees create a pleasant and distinctive enclosure of the road. A uniform building line dominates the pattern of development along both sides of the road. The properties illustrate distinctive individual designs, expressing a character of grandeur in many instances. The design and style of the properties does vary, illustrating the time periods within which the individual properties were constructed.

The character of Kingsway changes slightly at the curve in the road (where the appeal site is located); the grass verges widen creating a sense of spaciousness. Boundary treatment of the properties varies; there is a variety of brick boundary walls, fences and some properties have open frontages. Younger planting is visible on the verges and miniature trees are present. Houses are set back from the verges throughout Kingsway with spacing between properties both at ground and first floor levels providing a sense of spaciousness."

RELEVANT SITE HISTORY

AW/367/15/PL	Erection of 1 No. dwelling. This application affects the character & appearance of the Craigweil House Conservation Area.	Refused 23-03-16	Appeal: Dismissed 10-11-16
AW/80/12/	New 4 bedroom detached dwelling with integral garage & new front boundary treatment, demolition of existing single garage - Resubmission of AW/317/11	Refused 17-10-12	Appeal: Dismissed 04-11-13
AW/317/11/	New 1 No 3 bedroom detached chalet bungalow with integral garage and new boundary wall; removal of hedge tree and bushes	Refused 21-02-12	
AW/111/01/	Outline application for the erection of a 4 bedroom detached house with double garage.	Refused 23-10-01	

This site was subject to a planning application AW/80/12 for a new 4 bedroom detached dwelling with integral garage which was refused and subsequently dismissed on appeal. The main point arising from

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

"Members objected to this application under GEN7 on the Arun Local Plan 2003 on the following grounds:

- (ii) that the development would have an unacceptable adverse impact on the following; it does not demonstrate that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind or respects and enhances local distinctiveness of adjoining occupiers,
- (iv) that it does have an unacceptable adverse impact on adjoining occupiers,
- (v) it does not take account of unacceptable adverse impacts that arise from adjoining land uses or property,
- (vi) it will not retain significant open or wooded areas which, in their own right, make a material contribution to the local environment,
- (vii) it will not allow for the safe movement of pedestrians and vehicles, and will not give priority to pedestrians.

Therefore, Members agreed that the proposed development is in direct conflict with Policy GEN7 (ii); (iv); (v); (vi) and (vii) of the Arun District Local Plan 2003. Also in direct conflict with Policy AREA2 of the Arun District Local Plan 2003 as the development will not enhance the Conservation Area"

18 letters of objection have been received along with an independent Arboricultural Review and these raise the following issues:

- (1) All of the trees along the site frontage should be protected by way of a Group Tree Preservation Order;
- (2) Loss of trees and bushes;
- (3) A fully detailed application is required for the proposed hard surfacing which will impact on tree roots;
- (4) The TPO'd Norway Maple had been wrongly described as a Sycamore;
- (5) The TPO'd Pittisporum is described in the submitted reports as being a shrub when it is in fact a small tree;
- (6) None of the existing trees have been classified as anything above a C category (trees of low quality);
- (7) Many inaccuracies and flaws within the submitted Tree statements;
- (8) Tree protection measures will be ignored;
- (9) No detailed plan of the proposed front wall, gate or gate posts so not possible to assess its impact on trees;
- (10) Proposal neither preserves nor enhances the Conservation Area;
- (11) Proposal does not make a positive contribution to the special character of the Area of Special Character;
- (12) Loss of green open space;
- (13) Impact on the setting of Brus Lodge (loss of its side garden);
- (14) Infill development out of character with the original intention of the Estate development;
- (15) Impact on the streetscene;
- (16) Further forward and further back of established building lines;
- (17) Density is out of character with surroundings;
- (18) Building is too close to the road;
- (19) Roof pitch is more imposing than 28;

- (20) Design is too modern to sit between two locally listed buildings;
- (21) Three storeys is out of character with other one or two storey houses;
- (22) Increase in traffic congestion;
- (23) Proposed gates open onto the verge and will obstruct pedestrian movement;
- (24) Inadequate parking for a house of this space which could attract 6 or 7 cars;
- (25) Access width is insufficient;
- (26) No mention of arrangements for vehicles during building works and how will mud be controlled;
- (27) Loss of light & privacy to the White House;
- (28) Limited room space and the house design is excessive for the space available and therefore overdevelopment;
- (29) Not clear as to how many floors in the building;
- (30) Proposal is similar/no better to the two previous schemes dismissed on appeal;
- (31) Conservation Officer comments are deluded/absurd/uninformed and insufficient thought and care has been given to the history of the site or the impact on the Conservation Area;
- (32) Contrary to policy HSG5 and PPG3
- (33) No such address as 28a Kingsway. This suggests plot has already been subdivided and the application should be refused for this reason alone;
- (34) Separate consent required for the new pedestrian access/footpath and this will be resisted;
- (35) An effect of this scheme would be to reduce the size of the future plot between 31 and 35 The Drive;
- (36) The existing weathered oak fencing is an important feature in its own right and will be lost;
- (37) The existing garage was previously connected with the dwelling, "Little Fellows" and is a traditional structure and should be protected;
- (38) Some of the plans use computer imagery to pretty up the pictures to gain favour;
- (39) Proposal is contrary to all of the emerging Local Plan policies;
- (40) The previous Inspector should have qualified her opinions on the principle of development; and
- (41) The existing front boundary fence between the front gate of the White House and the eastern boundary of Brus Lodge is unlawful (dismissed on appeal) and any approval of this application may legitimise it.

A further 2 letters of objection have been received in response to the amended drawings which were added to the file on 10 October 2017. The additional comments have been made:

- (42) The Tree report references Tree 01 which is owned by the Estate;
- (43) The submitted Tree Schedule and Protection Plan are confusing;
- (44) There is no right of access over the existing grass verge either for vehicles or pedestrians - and the Estate will not permit this if requested;
- (45) The orientation of the dwelling will look odd when viewed from Kingsway;
- (46) The Root Protection Areas will still be at high risk from traffic damage;
- (47) The amended northern elevation has reintroduced the roof lights which were previously removed at the request of the Conservation Officer; and
- (48) Impact of proposed hard surfacing in terms of excavation on tree roots.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council comments are essentially a quote of Policy GEN7. The issues raised within this will be discussed within the Conclusions section.

Points 10, 11, 13, 14, 15, 16, 18, 20, 21, 22, 24, 25, 27, 28 and 45 will be discussed or expanded upon in the Conclusions section of this report. The following comments are offered in respect of the other local resident objections:

- (1) All of the trees along the site frontage should be protected by way of a Group Tree Preservation

Order;

It is not considered necessary to extend this as the other trees already benefit from Conservation Area protection.

(2) Loss of trees and bushes;

The proposal is now supported by the Councils Arboricultural Adviser and no objection is raised subject to adherence to the submitted tree protection plan.

(3) A fully detailed application is required for the proposed hard surfacing which will impact on tree roots;

The application clearly shows the extent of proposed permeable paving but further approval will be required for hard landscaping as part of the discharge of the landscaping condition.

(4) The TPO'd Norway Maple had been wrongly described as a Sycamore;

The latest Tree Schedule describes it as a Norway Maple.

(5) The TPO'd Pittisporum is described in the submitted reports as being a shrub when it is in fact a small tree;

The Pittisporum is indeed listed within the submitted reports as being part of a group of shrubs. It is understood that Pittisporum start in life as shrubs but are fast growers and can develop into small trees. However, the Councils Arboricultural Adviser has accepted this description.

(6) None of the existing trees have been classified as anything above a C category (trees of low quality);

This is acknowledged however the Councils Arboricultural Adviser has accepted this categorisation.

(7) Many inaccuracies and flaws within the submitted Tree statements.

The Councils Arboricultural Adviser initially raised concerns with the Tree Schedule but now considers that the flaws have been rectified.

(8) Tree protection measures will be ignored;

The Tree protection measures will be the subject of a planning condition and therefore, the applicants will be required to adhere to them.

(9) No detailed plan of the proposed front wall, gate or gate posts so not possible to assess its impact on trees;

The proposed wall has now been omitted from the scheme and replaced with a low picket type fence to use the same fence post holes as the existing fence.

(10) Proposal neither preserves nor enhances the Conservation Area;

The Councils Conservation Officer disagrees. Conservation Area issues will be discussed in the conclusions section of this report.

(11) Proposal does not make a positive contribution to the special character of the Area of Special

This will be discussed within the conclusions section of this report.

It should be noted that the Inspector who considered the appeal of application AW/367/15/PL stated that:

(13) Impact on the setting of Brus Lodge (loss of its side garden);

(14) Infill development out of character with the original intention of the Estate development;

(15) Impact on the streetscene:

(16) Further forward and further back of established building lines;

(17) Density is out of character with surroundings;

(18) Building is too close to the road;

(19) Roof pitch is more imposing than 28:

175

(20) Design is too modern to sit between two locally listed buildings;

(21) Three storeys is out of character with other one or two storey houses;

(22) Increase in traffic congestion;

(23) Proposed gates open onto the verge and will obstruct pedestrian movement;

(24) Inadequate parking for a house of this space which could attract 6 or 7 cars;

(25) Access width is insufficient;

(26) No mention of arrangements for vehicles during building works and how will mud be controlled;

(27) Loss of light & privacy to the White House;

Internal space standard compliance is considered within the conclusions section of this report. Overdevelopment is considered under Character/Design issues also within the conclusions section of the report.

The submitted plans show a ground floor, first floor and an addition floor within the roof space so three

floors in total.

(30) Proposal is similar/no better to the two previous schemes dismissed on appeal;

Noted. Everyone is entitled to their own viewpoint on design. This report considers design and finds it to be acceptable.

(31) Conservation Officer comments are deluded/absurd/uninformed and insufficient thought and care has been given to the history of the site or the impact on the Conservation Area;

Noted. Everyone is entitled to their own viewpoint on design.

(32) Contrary to policy HSG5 and PPG3

There is no such policy within either the Arun District Local Plan (2003) or the Arun Local Plan 2011 2031 Publication Version showing Modifications. Planning Policy Guidance Note no.(PPG3) "Housing" was replaced in 2006 by Planning Policy Statement No. 3 which was then replaced in 2012 by the National Planning Policy Framework. PPG3 is therefore not relevant to this determination.

(33) No such address as 28a Kingsway. This suggests plot has already been subdivided and the application should be refused for this reason alone;

The applicant's agent confirmed that they had mistakenly noted the site as 28a Kingsway and they requested that this be amended to "Land to the side of Brus Lodge, 28 Kingsway". This was an error and nothing more.

(34) Separate consent required for the new pedestrian access/footpath and this will be resisted;

It is noted that the Estate Company will not give consent to allow works to the verge or to fell any on verge trees. However, this is not a material planning consideration as planning permission could be granted regardless of who owns the site or whether access to the site was influenced by a third party owner.

(35) An effect of this scheme would be to reduce the size of the future plot between 31 and 35 The Drive;

This refers to the rear garden of Brus Lodge which sits between 31 and 35 The Drive. The development of this application will not affect this part of Brus Lodge's garden.

(36) The existing weathered oak fencing is an important feature in its own right and will be lost;

Noted. However, the Council's Conservation Officer does not consider this to warrant protection and it is simply a close boarded fence of which replacement with a timber picket fence can only enhance the appearance of the site.

(37) The existing garage was previously connected with the dwelling, "Little Fellows" and is a traditional structure and should be protected;

The garage is set back almost 14m from the road and is not considered to be visible from the road and is not therefore considered to contribute to the character or appearance of the Conservation Area/Area of Special Character.

(38) Some of the plans use computer imagery to pretty up the pictures to gain favour;

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

The Conservation Officer recognises that some degree of change within a conservation area is inevitable and provided that it is managed in ways that maintain & reinforce the key qualities for which the area was designated, it may avoid harm to the significance of the heritage asset. It is considered that the proposed dwelling respects the presence of the neighbouring locally listed buildings and neither competes with, nor distracts attention from them. It sits comfortably within the streetscene, achieving a balanced relationship with the existing built form and allowing the park-like qualities of the conservation area to remain predominant. Furthermore, the present proposal causes no harm to the significance of either the adjacent Buildings of Special Character or the wider conservation area.

ADC ARBORICULTURAL OFFICER: Initially raised an objection on the grounds that the development would cause harm to retained trees and would not conserve or enhance the character of the Conservation Area. He was not satisfied that adequate provisions had been made for the protection of trees & vegetation proposed for retention and found that the submitted tree schedule omitted several small trees.

Following the submission of amended plans, further advice was received which noted that the submitted tree information now correctly identified trees and provided more realistic tree management proposals including the retention of the oak T5. Further, that the submitted tree protection measures are generally more comprehensive & practicable and constitute a workable proposal in tree terms. He considered that in general, the individual trees are poor; and the shrubby growth is overgrown, with structural and health problems developing. In respect of post-occupancy, he stated that the vegetation is to the north of the proposed dwelling, with main amenity fenestration and outlooks to the rear south elevation. Therefore, retained trees will not unduly shade or dominate the proposed dwelling. A condition was recommended to ensure that the tree protection measures are adhered to.

CONSERVATION AREA ADVISORY COMMITTEE: Objection on grounds of the design being inappropriate to the location and the loss of the open space.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted and conditions imposed where relevant/necessary. The conditions concerning cycle storage and bat lighting as recommended by WSCC Highways and CDC Ecology respectively are not considered to be necessary given that the scheme is for a single dwelling within an urban area.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
Article 4 Direction;
Within a Designated Conservation Area;
Within an Area of Special Character;
Building of Special Character;
Tree Preservation Order (TPO/AW/1/16); and
No Public Sewer.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

AREA1	Areas of Special Character
AREA2	Conservation Areas
DEV17	Affordable Housing
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN22	Buildings or Structures of Character
GEN28	Trees and Woodlands
GEN32	Noise Pollution

GEN33 Light Pollution

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
 ECC SP2 Energy and climate change mitigation
 ENV DM2 Pagham Harbour
 ENV DM4 Protection of Trees
 HER DM2 Locally Listed Buildings or Structures of Character
 HER DM3 Conservation Areas
 HER DM4 Areas of Special Character
 HER SP1 The Historic Environment
 QE DM1 Noise Pollution
 QE DM2 Light Pollution
 SD SP2 Built -Up Area Boundary
 T SP1 Transport and Development
 W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD2 Conservation Areas
 SPD2A Craigweil House, Aldwick, Conservation Area Statement
 SPD8 Areas of Special Character
 SPD9 Buildings or Structures of Character
 SPD10 Aldwick Parish Design Statement

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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material

CONCLUSIONS

PRINCIPLE:

The site is located within the built up area boundary where the principle of new development is considered to be acceptable subject to other policies in the development plan. The appeal site falls within a residential area within the built-up area as defined in the Arun District Local Plan. The site also lies within the Craigweil House Conservation Area and the Craigweil House Area of Special Character (ASC).

Paragraph 49 of the National Planning Policy Framework (NPPF) states with regard to housing that: "Housing applications should be considered in the context of the presumption in favour of sustainable development".

MAIN ISSUES:

The issues that this application raises are:

- * Heritage, Character & Design;
- * Landscaping & Trees;
- * Residential Amenity;
- * Internal & External Space Standards;
- * Highway Safety & Parking; and
- * Impact on Pagham Harbour.

HERITAGE, CHARACTER & DESIGN:

The Parish Council in part object on the grounds that the application does not comply with policy GEN7(ii) of the Arun Local Plan which relates to the need for development to respect local character. In addition, local residents have raised the following concerns relevant to this section:

- * Proposal neither preserves nor enhances the Conservation Area;
- * Proposal does not make a positive contribution to the special character of the Area of Special Character;
- * Impact on the setting of Brus Lodge (loss of its side garden);
- * Infill development out of character with the original intention of the Estate development;
- * Impact on the streetscene;
- * Further forward and further back of established building lines;
- * Building is too close to the road;
- * Design is too modern to sit between two locally listed buildings;
- * Three storeys is out of character with other one or two storey houses; and
- * The orientation of the dwelling will look odd when viewed from Kingsway.

Arun Local Plan policy AREA2 states that: "Planning permission will be granted for development which preserves or enhances the character or appearance of a Conservation Area or its setting." In addition, Arun Local Plan policy AREA1 requires that new development "makes a positive contribution to the special character of these areas, particularly with regard to the characteristics included in the descriptions for each area given in supplementary planning guidance."

Policy GEN7 (ii) of the Arun District Local Plan 2003 requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local

Paragraph 126 of the National Planning Policy Framework (NPPF) requires that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets; and also, the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132 then states that the significance of a heritage asset can be harmed or lost through the alteration or destruction of the heritage asset or development within its setting. Paragraph 133 states that where a proposed development will lead to either 'substantial harm' or 'less than substantial harm' then this should be weighed against the public benefits of the proposal. Paragraph 137 is also relevant and states that new development within the setting of Listed Buildings or Conservation Areas should enhance or better reveal their significance.

The relevant planning history is set out in full elsewhere in this report. However, in short, the 2015 application which was dismissed on appeal (AW/367/15/PL), was considered to be too substantial and would appear as an incongruously large, bulky and unduly dominant built form in a prominent location within the street scene. The Inspector suggested that any new development on this plot should be a harmonious addition, respecting rather than competing with its neighbours.

	AW/155/17/PL	AW/367/15/PL
Ridge Height	8.8m	8.9m
Eaves Height	Varied but 5.2m at highest point	5.1m
Width	15.8-16.2m	18.3-20.6m
Depth	13.4-16.4m	13.5-15.5m
Parking Provision	Double garage + driveway	Double garage + driveway
No. of Bedrooms	4 + optional 5th in roof	4 + optional 5th in roof
Front Roof	No windows	2 dormers
Rear Roof	2 velux rooflights	2 dormers
Roof Shape	Hipped	Hipped
Chimney Height	9.4m	10.3m

It is therefore considered that the current application does respond to the previous reasons for appeal dismissal and can therefore be reassessed.

184

roof level velux windows (which have indeed been removed), raised no objection to the design of the scheme. It is noted that the Conservation Officer had objected to both of the previous applications.

The Conservation Officer considered that the proposed building is now proportionate to the size of the site and that a spacious area of softly landscaped garden will remain. Further, that the new building will not be particularly intrusive and has been massed & scaled to complement the existing neighbouring properties. The proposed materials palette is also considered to be of a good quality and locally appropriate.

The Conservation Officer also recognises that some degree of change within a Conservation Area is inevitable and that provided it is managed in ways that maintain & reinforce the key qualities for which the area was designated, it may avoid harm to the significance of the heritage asset. The Conservation Officer considers that the proposed dwelling respects the presence of the neighbouring locally listed buildings and neither competes with, nor distracts attention from them. It is considered that the building will sit comfortably within the streetscene, achieving a balanced relationship with the existing built form and allowing the park-like qualities of the Conservation Area to remain predominant. Furthermore, it is not considered that the proposal causes any harm to the significance of either the adjacent Buildings of Special Character or the wider Conservation Area.

It is therefore not considered that the proposed dwelling will adversely affect the character of the Conservation Area or Area of Special Character and that it will not harm the appearance or setting of the adjacent locally listed building (Brus Lodge). The loss of the side garden to Brus Lodge was considered to be acceptable by the previous Appeal Inspector.

It is noted that the new building will have a front building line forward of Brus Lodge. However, this is considered to be acceptable on the basis of the curved nature of the road (which flattens out on the eastern side of the application site) and the existing difference in building lines between 24 Kingsway and Brus Lodge. Therefore, a stepped approach to building lines is appropriate. The dwelling will be 14m to 15m from the road although this is closer than properties on the north side of Kingsway, it is comparable with distances on the south side (e.g. eastern side of no. 24 and parts of the front of Brus Lodge).

It is acknowledged that the footprint of the building has been turned slightly but it is still considered that the dwelling will front onto Kingsway and it is not considered that the dwelling will look odd due to this orientation.

It is therefore considered that the proposed dwelling will comply with all of the relevant development plan policies and in respect of the guidance on heritage & design within the National Planning Policy Framework.

LANDSCAPING & TREES:

The Parish Council in part object on the grounds that the application does not comply with policy GEN7(vi) of the Arun Local Plan which relates to the retention of significant open or wooded areas. In addition, local residents have concerns with the potential for harm to existing on-site trees.

Arun Local Plan policy GEN28 states that:

"Development will not be permitted if it would damage or destroy one or more trees protected by a tree preservation order, identified as ancient woodland or in a conservation area unless:

(a) the removal of one or more trees would be in the interests of good arboricultural practice; or

(b) the benefits of the proposed development outweigh the amenity value of the protected trees.

Emerging Local Plan policy ENV DM4 generally amends the wording of GEN28 but also specifically adds a third criteria to the above to say that works will be allowed where they would enhance the survival and growth prospects of other protected trees.

The existing site is quite heavily landscaped particularly along the site frontage and this results in the site having the appearance of a small wooded garden in what is otherwise a built up (albeit with several estate trees) residential estate. All of the existing on-site trees benefit from Conservation Area protection. However, two trees are considered to warrant a greater level of protection and are subject to Tree Preservation Orders (a Norway Maple and a Pittosporum).

The application proposes to retain three trees along the frontage (including the TPO'd Norway Maple). A mixed shrub group will be removed however whilst this includes the TPO'd Pittosporum, this individual tree will be retained. A group of 6 shrubs, a Cherry Laurel hedge and an individual Holm Oak located further into the site will all be removed.

The proposals have been assessed by the Councils Arboricultural consultant. Although an objection was initially raised, this has been resolved through the small changes to the positioning of the dwelling. The consultant therefore now supports the proposal including the proposed tree protection measures. The consultant notes that the individual trees are generally poor and that the shrubby growth is overgrown, with structural and health problems developing. Furthermore that the retained trees will not unduly shade or dominate the proposed dwelling.

The applicant has also amended their plans for the front boundary and now proposes to reuse existing fence post holes to create a new picket style fence rather than constructing a wall along the boundary.

On this basis, it is considered that the proposed development complies with policy GEN28 of the Local Plan also having regard to policy ENV DM4 of the emerging Local Plan.

RESIDENTIAL AMENITY:

The Parish Council in part object on the grounds that the application does not comply with policy GEN7(iv) of the Arun Local Plan which relates to the need for the protection of the amenity of neighbouring residents. In addition, local residents in part object on the grounds of a potential loss of light and privacy to the adjacent dwelling known as the "White House" (24 Kingsway).

Arun District Local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. Furthermore, one of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Although no. 24 does adjoin the application site, the main part of that dwelling will be some 14.5m from the western flank wall of the proposed house. This is considered to be more than adequate to prevent any instance of overshadowing.

In respect of overlooking, although a roof light is proposed in the western roof plane and two windows at first floor level below, all of these will serve bathrooms and therefore could be conditioned to be obscure glazed which would prevent any overlooking. The same is true of the windows to the east elevation. There is also considered to be a sufficient distance between the front windows of the dwelling & properties opposite and between the rear windows and no. 31 The Drive to the rear in order to adequately mitigate any instances of overlooking.

It is therefore considered that the proposal is in accordance with Local Plan policy GEN7 (iv) and the guidance on residential amenity within the National Planning Policy Framework.

INTERNAL & EXTERNAL SPACE STANDARDS:

Residential development proposals must be assessed against the internal space standards as set out in the Governments Technical Housing Standards (Nationally Described Space Standard). It is noted that one of the local resident objections was on the grounds of limited room space. The requirement for a three storey, 5 bedroom, 8 person dwelling is 134m² but the proposed dwelling far exceeds this standard.

Policy D DM3 of the modified eALP sets out the Council's external space standards and despite not being an adopted policy is currently being used for development management purposes and has been subject to testing at appeal.

There are two requirements to the policy. Firstly, a minimum rear garden depth of 10m. The rear garden depth serves to (a) ensure that rear gardens are usable spaces and (b) to provide for a 20m back to back distance between dwellings. This depth standard may be relaxed if both of the following situations are in existence: (a) there is no back to back arrangement (and no realistic possibility of a future back to back arrangement); and (b) where the garden is sufficiently wide so as to exceed the area requirement.

The second requirement concerns the area of the private rear garden and in this case should be at least 100m². The proposed rear garden will be between 11.5m and 14m deep with a width of 24m. It is therefore considered to be in accordance with the policy.

HIGHWAY SAFETY & PARKING:

The Parish Council in part object on the grounds that the application does not comply with policy GEN7(vii) of the Arun Local Plan which relates to the safe movement of pedestrians and vehicles. In addition, local residents have raised the following concerns relevant to this section:

- * Increase in traffic congestion;
- * Inadequate parking for a house of this space which could attract 6 or 7 cars; and
- * Access width is insufficient.

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. This indicates a total demand for the development of 3 spaces. The proposed dwelling provides 2 garage spaces and at least 2 additional off-street spaces. The retention of the garage for the parking of vehicles could be secured by an appropriately worded condition.

There are no adopted development policies which cover highway safety. Instead regard should be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

WSC Highways have assessed the proposal and they consider that the site access has good visibility and that there is no history of accidents in the vicinity of the existing point of access. Furthermore, the access width is suitable and parking provision of an acceptable standard. Therefore, no objection is raised.

It is therefore considered that the proposal complies with the relevant policies of the development plan and the guidance of the National Planning Policy Framework.

Policy ENV DM2 (as modified) states that all new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The report to Cabinet stated that:

Subsequently, the Councils Cabinet approved a reduction in the tariff from £1275 to £871 as of the 10th April 2017.

As these SAMMs do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning that the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, do not apply.

Furthermore, it should be noted that this policy has a basis in the current development plan in that Local Plan policy AREA13 "Sites of International Importance for Nature Conservation" (copy previously provided with the submitted appeal questionnaire) states that: "Where development is permitted, the use of conditions or planning obligations will be considered in order to secure any compensatory or mitigation measures and appropriate management that may be required."

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 1 dwelling resulted in a contribution of £871 (at the current rate) and this has been secured by the signed S.106 legal agreement.

SUMMARY:

It is considered that this proposed infill development would provide one new dwelling without overdeveloping the site, compromising the character of the area, causing harm to heritage assets, harming trees of importance, adversely affecting the amenities of neighbouring properties or harming the safety of Kingsway. It is also considered that the proposal complies with all relevant development plan policies.

The proposal will bring about localised economic and social benefits arising from the provision of a new family sized dwelling and the process of constructing it. The site is considered to lie in a sustainable urban location within walking distance of nearby shops, facilities/services and public transport links.

In the absence of any unacceptable harm, and given that the proposal represents sustainable development and in accordance with paragraphs 14 & 49 of the National Planning Policy Framework, it is recommended that permission be granted subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This decision is accompanied by a Section 106 legal agreement relating to a payment of £871 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area. This is payable on commencement of development. The Section 106 Agreement has been signed by all

parties and is considered to be complete.

RECOMMENDATION

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

 - * "Location Plan" dwg. TSP 481 PL20 Rev A;
 - * "Block Plan" dwg. TSP 481 PL21 Rev B;
 - * "Proposed Site Plan" (inc comparison with original submission) dwg. TSP 481 PL22 Rev C;
 - * "Proposed Site Plan" (inc comparison with AW/367/15/PL submission) dwg. 481 PL28;
 - * "Proposed Ground/First Floor Layouts" dwg. TSP 481 PL23 Rev B;
 - * "Proposed Second Floor Layout & Roof Plan" dwg. TSP 481 PL24 Rev A;
 - * "Proposed Elevations 1 (North & East)" dwg. TSP 481 PL26 Rev C;
 - * "Sketch Elevations 2 (South & West)" dwg. TSP 481 PL27 Rev A;
 - * "Existing & Proposed Street Elevation" dwg. TSP 481 PL25 Rev B;
 - * "Tree Constraints Plan" dwg. LLD856/01 Rev 03; and
 - * "Tree Retention and Protection" dwg. LLD856/02 Rev 03.
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 All demolition & construction works are to be carried out in strict accordance with the submitted "Tree Retention and Protection Plan" dwg. LLD856 02 Rev 03 and the "Existing Tree Schedule and Schedule of Tree Works" (18 September 2017) Ref: LLD856 Rev 04.

Reason: To comply with BS5837 and the National Planning Policy Framework to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.
- 4 Development shall not commence unless and until details of the proposed means of foul and surface 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 maintained in good working order.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul & surface water sewerage in accordance with policy GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to agree the foul sewerage system prior to commencing any building works.
- 5 Development shall not commence until full details of the proposed measures to be undertaken to protect the existing public sewer shown to be crossing the site have been submitted and approved in writing by the Local Planning Authority (in conjunction with Southern Water). The dwelling shall not be occupied until the measures in respect of protecting the sewers have been completed in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policy GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to investigate the presence of sewers and ensure that these are protected prior to commencing any building works.

- 6 No development above damp proof course (DPC) level 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, window frames and roofs of the proposed house have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policies GEN7, AREA1 & AREA2 of the Arun District Local Plan.

- 7 No development above damp proof course (DPC) level shall take place until details of the proposed new boundary walls and/or fences to the northern and eastern boundaries have been submitted to and approved by the Local Planning Authority and the dwelling shall not be occupied until such new boundary walls and/or fences associated with it have been erected.

Reason: In the interests of amenity in accordance with policies GEN7, AREA1 & AREA2 of the Arun District Local Plan.

- 8 The approved dwelling shall not be occupied 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 building 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 policies GEN7, AREA1 & AREA2 of the Arun District Local Plan.

- 9 Before the dwelling hereby permitted is occupied, waste & recycling bin enclosures shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. These enclosures shall thereafter be retained and maintained as fit for purpose.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies GEN7 of the Arun District Local Plan.

- 10 No part of the development shall be first occupied until the car parking and turning facilities for the new dwelling have been constructed in accordance with the approved site plan. These areas shall thereafter be retained at all times for their designated purpose.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies GEN7 and GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

- 11 The proposed integral garage shall be used only as private domestic garages for the parking

of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies GEN7 and GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

- 12 The three first floor east and west facing flank en-suite bathroom windows shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjacent properties in accordance with policy GEN7 of the Arun District Local Plan.

- 13 The two windows on the east and west facing roof planes shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjacent properties in accordance with policy GEN7 of the Arun District Local Plan.

- 14 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 western and eastern flank elevations of the building or the northern roof plane 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.

- 15 Notwithstanding the provisions of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) the building shall not be extended or altered in any way (other than in accordance with Classes G and H) and no 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.

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

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policies GEN7 and GEN29 of the Arun District Local Plan.

- 17 The proposed access gates shall either open inwards into the site or be positioned at least 5m back from the edge of the highway in order that a vehicle may wait clear of the highway whilst the gates are being operated. No outward opening of any gates would be allowed.

Reason: To ensure that the use of the highway by persons and vehicles is not obstructed by waiting vehicles or open gates in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 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 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.
- 21 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.
- 22 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £871 towards the provision of accessible natural open green spaces to serve the Pagham area.

AW/155/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: AL/58/17/PL

LOCATION: Sack Lane Dairy
Sack Lane
ALDINGBOURNE
PO22 9PD

PROPOSAL: Demolition of existing buildings, construction of 5No. live/work units & creation of new pastureland. This application is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposed live work units will be contained within a 1.5 storey "C" shaped terraced building measuring 35.1m long by 6.8m wide with 11.7m by 7m projecting elements on either side. The building will be a total height of 6.3m to the ridge. Each unit comprises of two bedrooms, bathroom, kitchen/living space and a workspace. Bin stores are located at each end of the forward projections, courtyard parking spaces to the front (2 per unit) and a small rear garden each with a small shed/cycle store. The remaining land to the rear will be returned to agriculture as pasture land. The proposal also includes an electric vehicle charging point.

SITE AREA

0.26 hectares.

RESIDENTIAL DEVELOPMENT
DENSITY

19.2 dwellings per hectare.

TOPOGRAPHY

Predominantly flat but undulating.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Previously formed either by the existing buildings or metalled 5 bar gates. However, the site has now been cleared such that these boundaries no longer exist. The boundary to Hope Cottage is a low timber fence atop an earthen bund approx. 2m total height. There is also a 1.8-2m high fence surrounding the rear gardens of Winters Barn.

SITE CHARACTERISTICS

The site has now been cleared and the buildings all demolished. However, it was previously occupied by the following buildings:

- (1) a one to two storey cattle shed with part concrete, part timber and part asbestos sheet walls with an asbestos sheet roof - measuring 31.1m by 25.8m by 9.2m high (at the highest point);
- (2) a single storey, pitched roof, asbestos sheet clad milking parlour measuring 19.5m by 24.3m by 4.2m;
- (3) a 3m high tank.

CHARACTER OF LOCALITY

There was an office contained within the western side of the main building. There was also a slurry pit.

Rural. Located at the end of a rural lane with few dwellings. The site forms part of Lidsey Farm which is a 95 hectare site currently farming arable produce including wheat, rape & potatoes. As such, there is farm land to the south and west. An adjacent barn (Winters Barn) was converted under AL/66/14/PD into two dwellings with shallow gardens to the rear. This conversion has principal bedroom windows in the first floor southern and eastern elevations which will have oblique views of the site. Hope Cottage to the east has 2 bedroom and 2 bathroom windows at first floor which will face the proposed eastern flank elevation.

RELEVANT SITE HISTORY

AL/120/15/PL	Demolition of existing barns & structures, removal of concrete & hard standing, construction of 3No. live/work units and associated gardens, parking & creation of a new area of pasture land. Departure from the Development Plan. Resubmission following AL/83/15/PL.	Refused 01-03-16
		Appeal: Allowed+Conditions 08-08-16
AL/83/15/PL	Demolition of existing barns & structures, removal of concrete hardstanding, 3 No. three live/work units, gardens, parking & new pasture land. This application is a Departure from the Development Plan.	Refused 05-11-15

Subsequent to the refusal of planning application AL/83/15/PL, application AL/120/15/PL was lodged and this was refused for the same two reasons as before, namely:

(1) 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 a viable footpath access to such & the poor state of the road surface which would not be attractive to cyclists 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 DM1 & SD SP2 of the Arun Local Plan 2011-2031 (Publication Version) and paragraphs 17 & 34 of 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 H SP2 of the Arun Local Plan 2011-2031 (Publication Version) and the Council's Interim Affordable Housing Policy (as adopted on the 18th August 2010).

An appeal was lodged and this was allowed on the 9th August 2016. Following the Court of Appeal judgement (Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council EWCA Civ 441), and the reinstatement of the Planning Practice

The Inspector also had regard to the lack of a 5 year housing land supply, the good design of the proposal and its positive impact on the character & appearance of the site. The Inspector weighed up these factors against the accessibility of the site and concluded that the proposed development would amount to sustainable development and that there would be no conflict with paragraphs 17, 28 & 34 of the Framework or policies GEN3, GEN2 of the adopted Local Plan.

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council - "The Parish Council objects to this application. The site is considered unsustainable. It is contrary to the APC NP policy EH1. and GEN 2 and 3 of the Local Plan. Should the application be permitted a condition regarding drainage as per the Drainage Officers recommendation."

- (1) Material increase in traffic movements above that permitted by the three live/work units and exceeding those connected to the previous dairy use;
- (2) Poor road visibility at the junction of Sack Lane and the A29;
- (3) The Inspector accepted that three live/work units would support the farm but no case has been made for five;
- (4) The agricultural assessment is made in relation to Lidsey Farm in isolation but the applicant also has several other farms from which an income is derived;
- (5) Contrary to the Aldingbourne Neighbourhood Plan and the adopted & emerging Local Plans;
- (6) Broadband speeds in Sack Lane are notoriously slow and will affect the viability of home working; and
- (7) There are several errors in the application such as a stated connection to mains drainage and the fact that the Design & Access Statement has not been updated to reflect 5 dwellings.

Comments noted. The points raised will be discussed in the conclusions section. However, in respect of point (7), although these errors are acknowledged, it should be noted that Southern Water clearly state that there is no opportunity for mains drainage. Furthermore, the application did not require a Design & Access Statement to be valid and so this can be disregarded.

WSSC Strategic Planning
Engineering Services Manager

Engineers (Drainage)
 Ecology Advisor
 Environment Agency
 Southern Water Planning
 Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - No objection. Request an informative regarding foul sewer access and a condition to protect any unrecorded sewers crossing the site.

WSCC HIGHWAYS - Note that this part of Sack Lane is not a publically maintained highway and therefore comments are for advice only. State that the previous dairy use would have had the potential to generate a significant number of vehicular movements and therefore on balance, the replacement of these movements to those associated with the proposed would not be considered to have a 'severe' impact on the operation of the highway network, therefore not contrary to the NPPF (paragraph 32). Consider the parking provision & cycle parking is acceptable and that there is sufficient space to allow large vehicles to turn on site.

ADC DRAINAGE ENGINEERS - No objection. Request a surface water drainage condition.

COUNCIL ECOLOGIST - No objection. Request conditions relating to external lighting (to protect bats) and to ensure birds nests are protected from any tree/vegetation clearance.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Boundary; and
 No Public Sewer.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN29	Nature and Conservation Across the District
GEN32	Noise Pollution
GEN33	Light Pollution
GEN34	Air Pollution

Publication Version of the Local Plan (October 2014):

C SP1 Countryside

<u>Aldingbourne Neighbourhood Plan 2016 POLICY EE3</u>	Support for new commercial uses
<u>Aldingbourne Neighbourhood Plan 2016 POLICY EH1</u>	Resist development outside
<u>Aldingbourne Neighbourhood Plan 2016 POLICY EH5</u>	Development in Flood risk areas will not be supported unless...
<u>Aldingbourne Neighbourhood Plan 2016 POLICY EH10</u>	Surface Water Management Unlit village status
<u>Aldingbourne Neighbourhood Plan 2016 POLICY GA1</u>	Promoting Sustainable movement
<u>Aldingbourne Neighbourhood Plan 2016 POLICY GA3</u>	Parking and new development
<u>Aldingbourne Neighbourhood Plan 2016 POLICY H1</u>	New housing or altering dwellings
<u>Aldingbourne Neighbourhood Plan 2016 POLICY H3</u>	Quality of Design Housing density
<u>Aldingbourne Neighbourhood Plan 2016 POLICY H6</u>	Within built up area boundary Windfall sites
<u>Aldingbourne Neighbourhood Plan 2016 POLICY H7</u>	No support development near noisy business
<u>Aldingbourne Neighbourhood Plan 2016 POLICY H8</u>	Development in the vicinity of business Dwellings must have adequate private or shared amenity.

Aldingbourne Neighbourhood Plan 2016 POLICY
H9

Outdoor space

Items to consider e.g. - bin stores

Attention to detail

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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

The relevant policies of the Aldingbourne Neighbouring Plan are considered within this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The residential part of the proposal is not considered to comply with relevant Development Plan policies in that it is located in an unsustainable countryside location and is therefore contrary to policy GEN3 of the Arun Local Plan and policies EH1, H6 & GA1 of the Aldingbourne Neighbourhood Development Plan (ANDP). The business uses would however accord in principle with Arun Local Plan policy GEN3 in respect of being "for the diversification of the rural economy" and EE3 of the Neighbourhood Development Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section. These include the appeal decision of application AL/120/15/PL (APP/C3810/W/16/3148035), the National Planning Policy Framework (NPPF) and associated Guidance and the lack of a 5 year housing land supply provision for Arun.

CONCLUSIONS

PRINCIPLE:

In this section, both the 'live' (residential) and the 'work' (business) sides of the proposal are considered separately.

The Development Plan

The development plan for Arun District currently comprises the Arun District Local Plan (2003) (saved policies) and the Aldingbourne Neighbourhood Development Plan or ANDP (October 2016).

Arun District Local Plan 2003

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun District Local Plan (ADLP). Policy GEN2 states that outside of the built up area boundary (BUAB), development will not be permitted unless it is consistent with other ADLP policies.

ADLP Policy GEN3 "Protection of the Countryside" states that except for various categories of development (of which diversification of the rural economy could apply to the business use but none of the criteria apply to residential development), development within the countryside will not be permitted. As this site lies outside the nearest BUAB, it is categorised as being within the countryside and the residential part of the scheme would therefore conflict with ADLP Policies GEN 2 and GEN 3.

Aldingbourne Neighbourhood Development Plan

The Aldingbourne Neighbourhood Development Plan (ANDP) was made (adopted) in October 2016 on the basis of the saved policies in the ADLP and the draft policies in the 2014 publication version of the emerging Arun Local Plan (eALP).

Map E of the ANDP includes a BUAB drawn around the settlement of Westergate. The site lies some distance outside of this BUAB and the application site is therefore classified as countryside. ANDP policy EH1 states that development will not be allowed on sites outside of the built up area boundary except where it is in accordance with development plan policies in respect of the countryside (such as diversification of the rural economy). Policy H6 (residential windfall sites) only applies to sites within the built up area boundary. Furthermore, policy GA1 states that proposals that increase travel demand are to be located in places accessible to public and community transport. Policy EE3 is also relevant and states that new B class commercial uses will be supported subject to compliance with other policies in the ANDP.

As set out above, the residential side of the proposal would conflict with the ADLP policies GEN2 and GEN3 and therefore also conflicts with policies EH1, H6 & GA1 of the ANDP as this part of the proposal would fail to protect countryside in accordance with those policies. The business side of the proposal may gain support from policy EE3 subject to other considerations.

Emerging Development Plans

This includes the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified March 2017 ('the modified eALP').

The eALP was submitted for examination in January 2015. However, following a material increase in the Objectively Assessed Need (OAN) for housing, the eALP examination was suspended to allow ADC to review potential additional locations for housing development. The proposed Modifications were approved by Full Council and consultation took place on the new document ("Arun Local Plan 2011-2031 Publication Version showing Modifications") between 10 April and 30 May 2017.

The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector has since written to the Council to set out his 'Interim Views following the Hearings'. The Council is currently preparing a composite Schedule of Proposed Main Modifications (MMs) to be provided to the Inspector.

Policy H SP1 "Housing Allocation" of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional allocations for small sites being made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans.

Policy H SP2 "Strategic Site Allocations" is split into 3 sections covering different areas of the District. An allocation is proposed by Policy H SP2a on land west of Bersted for 2,500 dwellings but the application is actually closer to the allocation concerning the settlements of Barnham, Eastergate and Westergate under policy HP2c for 2,300 dwellings. The application does not form part of either of these two allocations.

Policy SD SP2 "Built up Area Boundary" states that outside the BUAB, apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies. In addition, Policy C SP1 "Countryside" states that residential development in the countryside outside of the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. As the proposed site does not form part of a proposed allocation and is not in

accordance with another policy within the eALP, the exception would not apply and the proposal would be contrary to eALP policies SD SP2 and C SP1.

The proposed development is not located in a strategic, site specific or broad allocation in the eALP, so the application will need to be considered alongside other plan policies.

Regard should also be had to policy EMP DM1, specifically part 10 "Sustainable Farm Diversification". It was previously considered that the proposal would not be in accordance with this policy as it was not part of a comprehensive farm diversification scheme (i.e. that the proposal concerns only a part of the farm) and that it was not clear from the supporting information as to how the proposal would benefit the local area. However, the modified version of the policy within the Arun Local Plan 2011-2031 Publication Version showing Modifications does not have the requirement to be part of a comprehensive farm diversification scheme so this concern is no longer relevant.

The previous appeal decision (ref APP/C3810/W/16/3148035), as discussed below under "Assessment of Sustainable Development" is clear that the principle of live/work units would promote and make a significant contribution to the viability of the farm enterprise and, in turn, would have benefits to the local rural economy. The Inspector attached considerable weight to these benefits.

Planning Balance

For reasons given above, the residential side of the proposal is not in accordance with ADLP Policies GEN2 & GEN3 or policies EH1, H6 & GA1 of the ANDP. The business side of the proposal would benefit from the support of policy EE3 of the ANDP albeit subject to other considerations.

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

There has been an almost doubling of the objectively assessed need (OAN) for the Arun District to 919 dwellings per annum (dpa) and the current reported housing land supply figure for Arun District is only around 2.07 years (as at 31/03/17). This demonstrates that there is a pressing need to identify and bring forward deliverable sites for housing and that ADC cannot demonstrate a 3 or 5 year supply of deliverable housing sites.

In recognition of this, the Local Plan Sub-Committee resolved in December 2016 to invite planning applications for the first phases of sites being investigated at potential strategic allocations. It was also resolved to invite planning applications on sites identified as being 'deliverable' within the Housing and Employment Land and Availability Assessment (HELAA) where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery.

Given the absence of a 5 year housing land supply, paragraph 14 of the NPPF is engaged and planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted. As the Council cannot demonstrate a 3 year supply of deliverable housing sites, the Written Ministerial Statement on Neighbourhood Planning (12 December 2016) does not apply. Paragraph 49 of the NPPF is also engaged, which states that the relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a 5-year housing land supply.

Given the significant shortfall in housing supply, only limited weight can be given to the conflict with out-of-date ADLP Policies GEN2 & GEN3 and policies EH1, H6 & GA1 of the BNDP. Policy GEN2 is clear that the boundaries of the built-up area were defined 'for the purposes of the West Sussex Structure Plan

and this District Local Plan'. The built-up areas were drawn for the purposes of defining the extent of the built-up areas and countryside. This was done with the background of the required number of dwellings for the plan making period being provided within the built-up areas or on allocated sites (up to 2011).

The Arun District Council Publication Version of the Local Plan February 2014 (on which the ANDP was partially based) was prepared to address the OAN at the time and has been subject to major change to meet the requirements of the significantly increased OAN and therefore should be given very limited, if any, weight.

The ANDP was produced based on both the adopted Local Plan (Summer 2013) and the Publication Version of the Local Plan (October 2014). This version of the eLP was tested at Examination and subsequently revised into the modified version. Although, the context within which the ANDP was prepared has significantly changed (with the modified version of the eLP), it was at least based in part on the version of the eLP that was tested at Examination and so weight can be attributed to it.

Presumption in favour of Sustainable Development

Regard should also be had to the policies contained in the National Planning Policy Framework (NPPF) which are a material consideration in the determination of this proposal. In the event of conflicts between policies in the development plans or with Government policy, it is the most recent policy which takes precedence. With this in mind, the NPPF, which was issued in March 2012, is materially relevant and should be afforded significant weight.

As set out above, the policies for the protection of the countryside within the development plan are out of date and can be afforded limited weight and this means that the presumption in favour of sustainable development set out in paragraph 14 of the National Planning Policy Framework (NPPF) applies. The following considers the proposals against the presumption in favour of sustainable development. It should be noted that paragraph 7 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

(1) Environmental Role

The Institute of Highway and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot (2000)' sets out recommended guidelines for walking distances and provide desirable, acceptable & preferred maximum distances. For town centres these range between 200 to 800 metres, for commuting/school 500 to 2000 metres and elsewhere 400 to 1200 metres. As this is not a town centre location the relevant distances would be 400m-1200m for day to day journeys and in respect of school/work commuting, 500m-2000m.

The site is some distance from the nearest built up area boundaries (BUAB) of Bognor Regis to the south, Westergate to the north and Barnham to the northeast. The site is located towards the end of a long rural lane with no separate footpath/pavement, several potholes and with the nearest bus stops being a walk of around 1km away. Furthermore, these bus stops are located on the A29 which is a main road route with national speed limits and no defined footways between the end of Sack Lane and the closest bus stop. These bus stops are served by service 66, which operates a circular route between Bognor Regis, Barnham, Yapton and Bognor Regis every 1-2 hours on Mondays to Saturdays.

The following are walking/cycling distances to nearby facilities using roads.

- * To the shop at Lidsey Caravan Park (assuming open to general public) - 1km;
- * To Barnham Railway Station - 6.3km;

- * To Bognor Regis Railway Station - 4.9km;
- * To Sainsbury's Bognor Regis - 1.9km;
- * To Lidl, Bognor Regis - 2.65km;
- * To the Robin Hood Public House - 1.3km;
- * To the Prince of Wales Public House - 2.45km;
- * To Woodgate Post Office/Shop - 1.6km;
- * To Bersted Green Surgery - 4km;
- * To The Croft Practice Surgery - 4.53km;
- * To Aldingbourne Primary School - 2.8km;
- * To Ormiston Six Villages Academy - 4.13km;
- * To Bersted Green Primary School - 3.85km; and
- * To Bartons Primary School - 4km.

In close proximity to the Lidl, there is in addition, a McDonalds, KFC, Home Bargains shop and a B&M Home Store.

It should be noted that these distances all involve the A29 road route and that there is no footway or lighting along certain parts of this road (between Sack Lane and Shripney to the south & between Sack Lane and Westergate to the north. It is considered that the use of local footpaths could reduce the distances to some of these but that these footpaths would not be suitable in hours of darkness or inclement weather.

The occupiers of the units will not necessarily need to travel for work as there will be business floor space within their homes. However, it may be the case that other household members need to travel elsewhere for employment such as to Bognor Regis.

The applicant has included a electric car charging point within the scheme and this will have a wider environmental benefit. However, this alone does not overcome the concerns that the site occupiers will be reliant on the private car to reach nearby facilities and services.

(2) Social Role

It is considered that the proposal could support the local community by five new 2 bedroom dwellings with integrated work space thus allowing people to work from home. This factor weighs in the scheme's favour.

(3) Economic Role

This proposal seeks to provide a form of residential accommodation that also includes home office space and that this could therefore either result in the creation of new businesses & accompanying jobs in the local area or simply allow people to work from home. However, the applicant has not provided any information as to the likely end users of the units or as to how the proposal will benefit the local economy either through new jobs or direct/indirect spending in the economy.

It is noted that the 'work' part of the units is simply a room within what would otherwise be a residential unit which is labelled as a workspace. Although the rooms are fairly large, it is not considered that it would be appropriate for a B1 business use other than as an office, studio or laboratory (noting that the B1 use class also includes light industry) due to its presence within a residential home.

Furthermore, given its situation within a dwelling, it is not clear whether the employment of staff would be compatible in that ancillary office facilities (kitchen/toilet) would be shared with those of the occupier and potentially their family. It is considered likely therefore that the units will be occupied by persons working

largely from home and if this is the case, then the benefits to the economy may be considerably less as potentially, no new jobs would be created and the associated economic spend would simply relocate from elsewhere.

Notwithstanding the above, it is considered the proposal could result in economic benefits to the local area in the form of the following:

- * An increase in Council Tax receipts;
- * An increase in Business Rates;
- * Job creation;
- * Potential 'New Homes Bonus' payments from the Government;
- * Creating/Maintaining Construction Jobs; and
- * Additional spending by new residents on local goods & services.

Assessment of Sustainable Development

It is not considered that the site is located in a sustainable location and that therefore the occupiers would be reliant on the private car to access nearby facilities and services. Furthermore, there are question marks over the scope of the economic benefits.

However, regard should be had to the appeal decision concerning the previous application (ref APP/C3810/W/16/3148035) which concerned three live/work units. Although, the Inspector recognised that the appeal site is not particularly well located to promote methods of travel other than by private motor car, he considered that regard should be had to paragraph 6 of the NPPF which states that the policies in the NPPF must be taken as a whole in order to ascertain what sustainable development means in practice. He therefore considered it necessary to take account of paragraphs 17, 28 and 34 of the NPPF.

Paragraph 17 (bullet point 5) of the NPPF requires that account be taken of the different roles of different areas and to promote the vitality and support thriving rural communities. Similarly, paragraph 34 stipulates that provisions for other policies set out elsewhere in the Framework must be considered alongside minimising travel, particularly those relating to rural areas. Paragraph 28 meanwhile states that planning policies should support economic growth in rural areas. It goes on to state that local 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.

The Inspector considered therefore that regard should be had to the submitted Agricultural Assessment (AA) of Lidsey Farm and this showed that the proposed development is needed to support the viability of the farm enterprise. The AA stated that for 2016, crop sales (of which commodity prices are unlikely to increase in the foreseeable future) factored against labour & machinery costs would result in the farm enterprise making a small net loss. However, income generated from the rental of three existing properties within the farm site will compensate for this, and will allow the farm enterprise to generate a small overall profit. The Inspector noted that as reliance on income generated from other sources will become increasingly important for farm businesses, the proposed development would provide additional and much needed income for the farm enterprise, and allow the holding to reinvest for its future.

The Inspector therefore found that the case for the need for the proposed development had been pertinently made and although the details of the end user of the work space elements of the scheme were somewhat vague, there was no sufficient evidence to suggest that its size would be impractical, unusable or undesirable. The Inspector was therefore satisfied that the proposed development would promote and make a significant contribution to the viability of the farm enterprise, which in turn would

have benefits to the local rural economy. The Inspector attached considerable weight to these benefits.

The Inspector also noted that the Council was unable to demonstrate a five-year supply of housing land, and as such he found that the proposed development would make small but welcome contribution to meeting that need. The Inspector also considered that the scheme was well designed and would have a marked improvement upon the character and appearance of the area over the previous dairy buildings.

As noted elsewhere the Councils Housing Land supply situation is similar to what it was when the previous appeal was decided. Furthermore, the current application is supported by the same Agricultural Assessment. The applicant states that the addition of two further live/work units will make a better use of the site and a greater contribution to the viability and sustainability of the existing farming business. It is noted that the local objector considers that the applicant also has other farms from which an income is derived. This was not considered by the previous appeal Inspector. However, it is not considered to be economically sustainable to rely on other separate (albeit joint owned) businesses to support an individual farm enterprise.

It is therefore considered, having regard to the previous appeal decision, the housing land supply situation and the continued need for the farm to support its own viability & sustainability, that the proposal would benefit from the NPPF presumption in favour of sustainable development.

Conclusion on Matters of Principle:

Overall, the principle of residential development on this site is contrary to the development plan, however, as Arun District Local Plan policies GEN2 and GEN3 and the intention of the ANDP to protect countryside (policies EH1, GA1, H6) are out of date, in accordance with paragraph 49 of the NPPF they carry reduced weight. The principle of business development however would, subject to other considerations, be acceptable in principle having regard to ANDP policy EE3 and eLP policy EMP DM1.

However, the material considerations set out above are considered to weigh in favour of granting permission. The proposed development would provide for five new small homes with integral business floorspace, both of which is required in the Arun District. Furthermore, having regard to the previous appeal decision and the Inspectors view that the development represented sustainable development, it is considered that the principle of residential development on this site would, in current policy circumstances and as set out in the NPPF, be acceptable. The assessment will now consider other policy considerations and whether this gives rise to any adverse impacts.

VISUAL AMENITY & CHARACTER:

Arun Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

Aldingbourne Neighbourhood Plan policies H1 and H3 are both relevant. H1 requires that new housing should be of a high quality design that reflects the local character and reinforces local distinctiveness. Meanwhile, H3 states that the density of new development should be appropriate to its location by virtue of size, siting and relationship to existing properties.

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 7 states that good design is a key aspect of sustainable development (paragraph 56), and that developments should respond to local character & history, reflect the identity of local surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 60 advises that local planning authorities should promote or reinforce local distinctiveness. Paragraph 64 then confirms that planning permission should be refused for poor design

that fails to improve the character or quality of an area.

The site has now been cleared but was previously occupied by a collection of functional but relatively unattractive agricultural barn buildings as associated with the former milking use. Although these were in character with the rural location, they were underused and had become a bit of an eyesore especially having regard to the prominence of residential properties along this part of Sack Lane.

The sum of the new buildings will be far less than what has been removed. In addition, there will be a return to pasture land of some of the land at the rear of the new buildings. As such, the density of new buildings is considered to be appropriate and it is considered that the introduction of a new part brick, part oak cladding, part tiled building would result in a positive change to the visual amenities and character of the area. It is further considered that the residential curtilages are not excessive in area.

Although the new building is to be oriented so as to face the road at an angle (unlike the previous three unit scheme which had a building line parallel to the road), this building line is the same as Winters Barn to the west and in any case is not considered to be so harmful to the character of Sack Lane as to sustain a refusal. Regard is had to the low density informal character of Sack Lane

It is also noted that in the previous appeal decision, the Inspector considered that the three live/work unit scheme was well designed and would have a marked improvement upon the character and appearance of the area over the previous dairy buildings.

It is therefore considered that the proposal would be in accordance with policy GEN7 of the ADLP, policies H1 and H3 of the ANDP and the guidance on design in the National Planning Policy Framework.

RESIDENTIAL AMENITY:

Arun District Local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the ANDP policies specifically refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

The proposed building will have ground floor windows and first floor velux roof lights in all elevations (save for the two north west facing roofs). As noted above, there are dwellings to the west (Winters Barn) and to the east (Hope Cottage). However, windows on the ground floor east/west elevations will be screened by existing boundary treatments to these neighbouring properties. Furthermore, the new building will be at least 23m from Hope Cottage and this is considered to be an appropriate interface distance to minimise any overlooking at first floor level. The interface to Winters Cottage is much closer but there are no roof lights proposed facing Winters Barn.

The existing rear first floor bedroom window in the southern elevation of Winters Barn will overlook the proposed garden to unit 5. However, this is not considered to be materially worse than the situation on the previously appeal allowed scheme in respect of unit 3's garden.

In respect of sunlight, it is considered that the situation is better with the current application in respect of potential loss of light to Winters Barn due to the current building being further away. It is also considered that the removal of the existing high buildings which cover most of the site and replacement with a much smaller building will likely increase the amount of light available to nearby properties and this will result in an improvement to local residential amenity.

It is therefore considered that the proposal would be in accordance with policy GEN7 of the ADLP and

the guidance on residential amenity within the National Planning Policy Framework.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is also necessary to assess the proposal against the internal space standards as set out in the Government's new Technical Housing Standards (Nationally Described Space Standard). The requirement for two storey, 2 bed, 4 person dwellings is 79m² and all of the proposed dwellings would exceed this (providing 116-120m² worth of internal space or 83-97m² excluding the work space).

Policy H8 of the ANDP states that: "All new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area."

Policy D DM3 of the modified eALP sets out the Council's external space standards and despite not being an adopted policy is currently being used for development management purposes and has been subject to testing at appeal.

There are two requirements to the policy. Firstly, a minimum rear garden depth of 10m. The rear garden depth serves to (a) ensure that rear gardens are usable spaces and (b) to provide for a 20m back to back distance between dwellings. This depth standard may be relaxed if both of the following situations are in existence: (a) there is no back to back arrangement (and no realistic possibility of a future back to back arrangement); and (b) where the garden is sufficiently wide so as to exceed the area requirement. The second requirement concerns the area of the private rear garden and in this case should be at least 50m² for 2 bedroom terraced houses.

Although the rear gardens are all only around 8m deep, four of them are wider than they are deep and all exceed the required area (ranging from 80m² to 116m²). There is also no real likelihood of further dwellings being built on the land to the rear.

It is therefore considered that the proposal complies with policies D DM2, D DM3 of the eLP, the Nationally Described Space Standard and policy H8 of the ANDP.

HIGHWAYS & PARKING:

The local resident objector is concerned that the proposal will result in a material increase in traffic movements above that permitted by the three live/work units and exceeding those connected to the previous dairy use. The objector also has concerns regarding poor road visibility at the junction of Sack Lane and the A29.

Policy GA3 of the ANDP states that: "Proposals must provide adequate parking in accordance with the standards adopted at the time."

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. This indicates a total demand for the development of 11 spaces. The layout only shows 10 spaces. However, it is noted that WSCC Highways consider the parking provision to be acceptable. Sack Lane is a lightly trafficked road and it is not considered that the 1 space shortfall would cause any obstruction, safety or amenity concerns.

There are no adopted development plan policies which cover highway safety. Instead regard should be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

West Sussex Highways have assessed the proposal and they consider that the previous dairy use would have had the potential to generate a significant number of vehicular movements. Therefore, on balance, the replacement of these movements to those associated with the proposed would not be considered to have a 'severe' impact on the operation of the highway network.

It is therefore considered that the proposal complies with policy GA3 of the ANDP, policy GEN12 of the Arun Local Plan and the guidance with the NPPF.

NOISE/ODOUR/LIGHT POLLUTION:

Policy H7 of the ANDP states that: "Proposals for development in the vicinity of businesses which are inherently noisy will not be supported."

In addition, policy EH10 states that "Development proposals which detract from the unlit environments of the Parish will not be supported. New lighting will be required to conform to the highest standard of light pollution restrictions in force at the time. Security and other outside lighting on private and public premises will be restricted or regulated to be neighbourly in its use including floodlighting at equine establishments and on sports fields or sports grounds."

In addition, Arun Local Plan policies GEN32-34 cover noise, air and light pollution.

It is not considered that the 'work' likely to be undertaken within the units will be such that machinery or other noisy processes will be involved. The work space is a room within the dwelling and it is considered most likely that it will be used as an office or creative studio space. As such, it is not considered that there will be any air or odour pollution impacts. The new building will require external lighting typical of any normal domestic property. A condition is therefore appropriate to ensure that this lighting is not visually intrusive and does not adversely affect local wildlife.

It is therefore considered that the proposal complies with policies GEN32-34 of the Arun Local Plan and policy EH10 of the ANDP.

NATURAL ENVIRONMENT:

Policy GEN29 of the Arun Local Plan states that: "Development will only be permitted on sites which contain semi-natural habitats, features of nature conservation interest, or within wildlife corridors, where these can be largely retained and sympathetically incorporated into the scheme."

However, this site is considered to be brownfield (previously developed land) as it previously comprised of agricultural buildings and related built features. Paragraph 111 of the NPPF states that "planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value." The site is not considered to hold any environmental value but the proposed return of parts of the site to DATA ERROR!!!

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Drawing 2015/15/10 Rev A Location Plan;
 Drawing 2015/15/09 Rev B Site/Block Plan;
 Drawing 2015/15/15 Ground Floor Plan;
 Drawing 2015/15/16 First Floor Plan;
 Drawing 2015/15/17 Roof Plan;
 Drawing 2015/15/18 North and South Elevations; and
 Drawing 2015/15/18 West and East Elevations.

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

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policies GEN7 and GEN29 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. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 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 Arun District Local Plan policy GEN7. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 6 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. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

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

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

- 8 No development shall take place until details of new screen walls/fences have been submitted to and approved by the Local Planning Authority and no buildings shall be occupied until such screen walls/fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 9 None of the live/work units shall be occupied unless and until the parking spaces and turning areas 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 and turning of 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.

- 10 Prior to occupation of any part of the permitted 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.

- 11 Secure and covered bicycle stores shall be erected in accordance with details to be submitted to and approved by the Local Planning Authority prior to the occupation of any of the live/work

units. The secure cycle storage so approved shall then be retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 12 Details for the storage of waste & recycling within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the live/work units. The waste/recycling storage so approved shall then be retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To protect the amenities of nearby residents in accordance with Arun District Local Plan policy GEN7.

- 13 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 (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.

- 14 The business floor space of the live/work units hereby approved shall be finished ready for occupation before the residential floor space is occupied.

Reason: To control the specific nature of the use and in the interests of the character and amenity of the area in accordance with Policy GEN7 of the Arun District Local Plan.

- 15 The business floor space of the live/work units hereby approved shall not be used for any purpose other than for purposes within Class B1 in 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.

Reason: To control the specific nature of the use and in the interests of the character and amenity of the area in accordance with Policy GEN7 of the Arun District Local Plan.

- 16 Each of the proposed units shall only be occupied by a person or persons solely or mainly employed, or last employed in the business occupying the business floor space of that unit, a widow or widower of such a person, or any resident dependants.

Reason: To control the specific nature of the use and in the interests of the character and amenity of the area in accordance with Policy GEN7 of the Arun District Local Plan.

- 17 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.

- 18 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.

- 19 Should any sewer be found during construction works then all development activities shall cease and not recommence until full details of the proposed measures to be undertaken to protect the existing public sewer have been submitted and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.

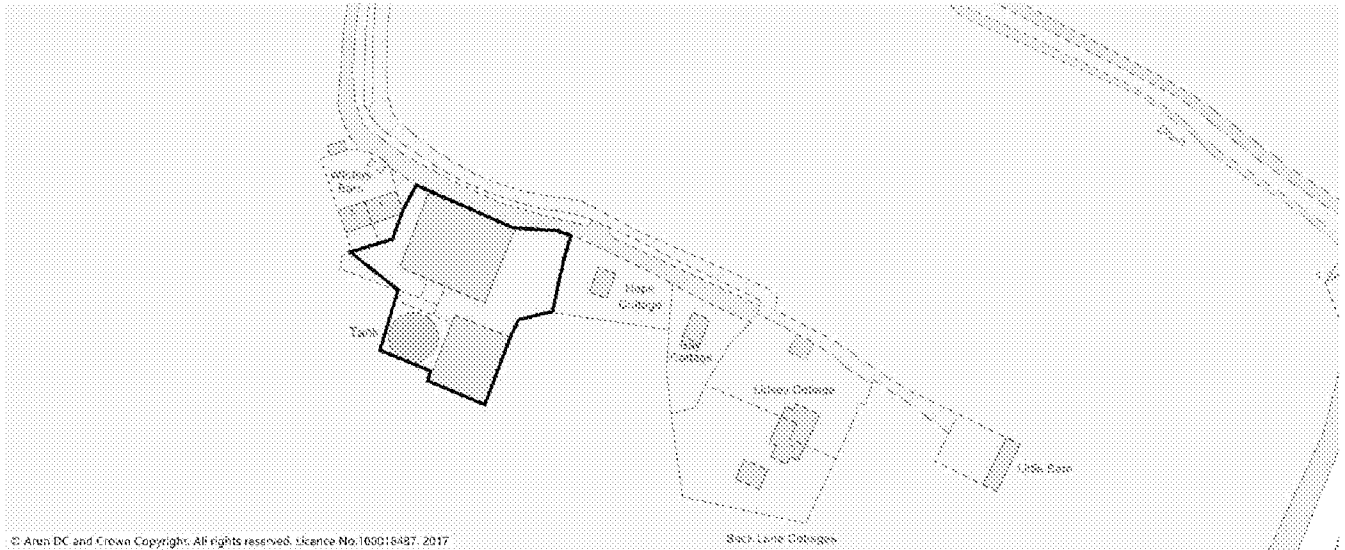
Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policy GEN9 of the Arun District Council Local Plan.

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

- 21 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.

- 22 INFORMATIVE: Drainage Engineers advise that 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 available on request.

AL/58/17/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

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

BE/180/16/PL

Received: 31-08-17

Land adj to 2 North Bersted Street Bognor Regis

1 No. dwelling. This application affects the setting of a Listed Building.

Written Representations

PINS Ref: APP/C3810/W/17/3178726

BE/77/16/OUT

Received: 09-01-17

Land West of New Barn Lane Bersted

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.

Public Inquiry

26-09-17

PINS Ref: APP/C3810/N/17/3166900

CM/1/17/OUT

Received: 27-11-17

Land West of Church Lane & South of Horsemere Green Lane Climping

Outline application for the erection of up to 300 dwellings & ancillary development comprising open space, a building within use class D1 (Non-Residential Institutions) of up to 875 square metres net, a building for A1 (Shops) use having a floor area of up to 530 sq. metres net, together with open space & ancillary works, including car parking & drainage arrangements, with appearance, landscaping, layout & scale wholly reserved for subsequent approval. The access detail, showing the points of access to the development, & indicated on Bellamy Roberts drawings numbered 4724/004 & 4724/005 are access proposals to be determined at this stage of the application. For the avoidance of doubt all other access detail within the site is to be determined as a reserved matter at a later stage. This application is a Departure from the Development Plan & affects the setting of Listed Buildings.

Public Inquiry

PINS Ref: APP/C3810/W/17/3187601

K5/17/HH

Received: 17-08-17

Kingston Manor Kingston Lane Kingston

Construction of a Detached 6 Bay Barn with Log Store

Written Representations

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

R/64/17/PL

Received: 19-10-17

St. Marys Close Hurst Road Rustington

Demolition of 1 No. dwelling & erection of 4 No. dwellings. This application affects the character & appearance of the Station Road, East Preston Conservation Area.

Written Representations

PINS Ref: APP/C3810/W/17/3182585

Y/80/16/OUT

Received: 28-06-17

Land to the South of Ford Lane East of North End Road Yapton

Outline 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 space & strategic landscaping & 2.2 hectares of public open space and green corridors with vehicular access from Ford Lane & pedestrian/cycle access only from North End Road. Resubmission of Y/60/14/OUT. This application is a departure from the development plan, affects the character & appearance of the Church Lane Yapton Conservation Area & affects the setting of a listed building.

Public Inquiry **12-12-17**

PINS Ref: APP/C3810/W/17/3170059