

REPORT UPDATE

Application No: CM/4/19/PL

Reason for the Update / Changes

Reason for Update/Changes:

The agent's have submitted a Soil Resources Survey and Plan and an Agricultural Policy Considerations Report. These demonstrate that the soils have been fully assessed by way of a survey.

There are three key areas identified within the site :

- Zone 1 where most soil will be stripped prior to construction and landscaped areas will be restored towards the end of the construction period;
- Zone 2 where topsoils will be stripped prior to ditch and swale construction;
- Zone 3 where soils will generally be left on site. Part of this area will be used for storing soils from Zones 1 and 2.

Provided the development is carried out in accordance with the information submitted the proposal will be compliant with Arun Local Plan policy SO DM1 and CPN10 of the Climping Neighbourhood Plan. As such the proposed reason for refusal 1 is no longer appropriate and should be deleted from the recommendation in accordance with the attached updated recommendation sheet.

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

Recommendation Report for Planning Permission

REF NO: CM/4/19/PL

LOCATION: Land south of the A259
Grevatt's Lane
Climping
BN17 5RE

PROPOSAL: Construction of a crematorium comprising of a crematorium building & associated structures, car parking, access & landscaped spaces. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed development is to create a modern crematorium facility with a building in a contemporary style, with tiered, curving, vegetated roofs. The building will incorporate a vestibule and waiting areas, chapel, cremation equipment, ancillary office spaces and a "Changing Places Toilet" facility. It has been designed so that mourners will enter the chapel from the southern entrance and exit via the western exit lobby into a covered walled floral tribute area incorporating a pergola and water feature.

The site consists of a rectangular piece of land 18 metres wide

by 30 metres deep situated to the south of the A259. The crematorium building will be situated centrally within the site and comprise a predominantly single storey complex. The layout is similar to the Applicant's existing premises at The Oaks Crematorium, Barton Road, Havant which. The building would be a low scale design and use of appropriate elevational treatment.

The proposed building will be set well away from Grevatt's Lane by approximately 150 metres. To the front of the building a car park will be provided. The main car park will provide for 95 car parking spaces and 24 cycle parking spaces in total. Around the outside of the car park a driveway will be provided for use of hearses.

In addition to the main car park an overflow car park will be provided for an additional 55 cars. This would be surfaced in geotextile and grass seeded and would only be subject to infrequent use. The car parking echoes the shape of the building and is separated by trees and low planting.

Aside from the building and the parking areas the proposal would involve landscaping of the remainder of the site. Such landscaping for the most part would involve low level shrubs and ornamental feature trees.

The site will be accessed from a new access off the A259 close to the existing farmer's access in the east of the site. A new right turning lane for traffic approaching the site from the east will be provided to prevent hold ups on the A259. This will require using part of the existing wide verge.

The chapel would provide seating for 84 people and employ 6 members of staff.

SITE AREA

4.5 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Hedges and trees surround field boundaries.

SITE CHARACTERISTICS

The site forms part of the coastal plain, with the coast line running almost parallel to the A259, 125 metres to the south. The land is currently an arable field with no trees or shrubs within it. However, a strong belt of trees borders the site to the north separating it from the A259. The southern site boundary follows the Ryebank Rife, a deep ditch which is hedged with mature trees along its course, mostly lying to the south of the ditch with occasional trees on the northern bank. There are banks lining both sides of the ditch to contain overflow water at times of flood.

CHARACTER OF LOCALITY

The site is surrounded on all sides by agricultural land on what is otherwise a relatively undeveloped space between Bognor

Regis and Littlehampton. There are, however, exceptions, including Hobbs New Barn commercial estate approximately 300m to the east along Grevatt's Lane and Jaybelle Grange holiday lodges development approximately 600m further east. The main residential areas of Elmer, Climping and the western edge of Littlehampton lie approximately 500m south, 500m north east and 2.5 km east of the site respectively.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Objection:

- The proposed development is within the Gap between Settlements, Littlehampton to Middleton.
- The proposed development is in open countryside.
- There will be an unacceptable impact on the local highways infrastructure. The A259 is already overloaded with long tailbacks at peak times and this development will further increase traffic movements and exacerbate the problem. The junction onto the A259 from the site will be busy creating an additional hazard and adversely affect traffic flows.
- Council notes that there is a pending application for a crematorium on a nearby site and feels strongly that both applications should be considered by the Arun Development Control Committee at the same time.

Middleton-on-Sea Parish Council:

- This is a Departure from Arun Local Plan.
- Neither the public, officers, councillors or the Planning Inspector identified a need for a further crematorium so the application should be refused.
- It is essential that the gaps between the settlements of Littlehampton and Middleton-on-Sea are maintained. This is particularly important at this location as there is an industrial site just a few hundred yards to the east and this application, if approved, will infill the gap and create a ribbon development along the A259.
- The local bus service data is inaccurate. These timings will not be appropriate for people wishing to attend the crematorium.
- The proposed access to the crematorium is dangerous and flawed.
- The proposed junction is on an unlit section of the A259 with a 60 mph speed limit.
- Based on the Traffic Statement data, traffic speeds are generally in excess of 50 mph. With slow moving corteges using this section of road, it will adversely impact other motorists. This will increase the risk of accidents particularly on winter afternoons when light levels are low.
- The experience of Comet Corner and The Oystercatcher junctions are that it can be particularly difficult to turn right at any time of the day. Fatalities have occurred at both Comet Corner and Oystercatcher junctions.
- If minded to approve the application it is requested that opening hours are limited to 09.00 -17.00 hours on Mondays to Fridays with a maximum number of services limited to 8 per day.

Yapton Parish Council - Objection:

- The proposed development is in open countryside within the Gap between Settlements, Littlehampton to Middleton.
- There will be an unacceptable impact on the local highways infrastructure.
- The Council notes that there is a pending application for a crematorium on a nearby site and feels strongly that both applications should be considered by the Arun Development Control Committee at the

same time.

28 Objections:

- This is the Climping gap and needs to be protected. There have been numerous attempts to build on this land and so far all have failed. There is land to the North of the A259 that could be used.
- The A259 is already very busy with traffic queuing at least twice a day. Adding slow moving traffic to this will only make matters worse.
- There is no need for two crematoriums so close to each other.
- Application reference Y/103/18/PL should be approved instead as there is already development on the south side of the A259 and this application does not sever the recently installed shared use foot/cycle path that is on the north side of the A259.
- This is a departure from Arun Local Plan, where there is absolutely no mention for the need for a new crematorium here in Arun.
- It is contrary to the Clymping Neighbourhood Plan, where there is no mention for the need for a new crematorium.
- Application is full of errors regarding flooding, bus services and highway issues and accident levels.
- Due to the direction of the prevailing wind, its location will cause emissions to drift over housing.
- The proposed building is of a poor design. It would be massively visible from the road. Any landscaping of it would be completely out of place in what is flat, arable farming land.
- The site is not accessible by public transport as buses do not stop near it. Pedestrians would have to walk along the newly built cycle path as there is no pavement on the south side of the A259. Crossing the road would be extremely dangerous.

The agents for the application at Yapton (Y/103/18/PL) have made the following comments objecting to this application:

- A major impediment to the proposal is its location within a strategic gap. Given the need for an additional single crematorium can be met by the Yapton proposal there is no need to approve development within the strategic gap, and criteria c of policy SD SP3 cannot be met.
- The size of the development and extent of site coverage of the proposal would result in the integrity and objectives of the settlement gap being compromised in conflict with (a,b and d of the policy).
- There are clear and compelling reasons to reject the proposal when judged against the policies of Arun Local Plan. There is no reason why both proposals should be considered at the same committee.
- In relation to the consideration of the application that there is an obligation to take into account the Yapton site when considering the application. Failure to do so would amount to an error of law. The reasons given by Officers for discounting the relevance of the Yapton site when assessing the application are based on a misinterpretation of the relevant policies. There are no lawful reasons for failing to take into account the Yapton site. Due to the existence of the Yapton site the application cannot meet policy SD SP3 or the sequential test.

7 letters of support:

- There's a demand locally for a new crematorium.
- It will not cause any issues with residents nor affect other road users drastically.
- Would like a condition to control air pollution.
- Climping is ideally placed to address a lengthy wait for a slot at the inadequate facility at Chichester and a long distressing drive in unpredictable traffic to Worthing.
- The venue at Climping is a social need, a necessity for the wellbeing of the surrounding communities.
- There is no doubt that the Bognor Regis area would benefit from a crematorium since Chichester gets very crowded and has high charges because of the lack of competition.
- This proposal is well placed and well landscaped compared to existing Business Park which is an eyesore.
- As an Independent Funeral Directors based in West Sussex from our perspective we are aware that with a growing population and influx of new homes, there is a need for a purpose built facility that meets

all modern day regulations without impacting on the environment. As well as providing respectful funeral services for future generations.

Additional letter of support from agent:

- Application Y/103/18/PL, in a known area of future flooding needs to be subject to the sequential test (which it can't pass).
- The application duly recognises the flood risk characteristics on the site and is accompanied by the required Flood Risk Assessment.
- The application plans show that the building is sited in accordance with the 'sequential approach', locating the building away from the part of the site at highest risk of flooding whilst still maintaining the necessary separation distances from the road and footpath required by other legislation.
- As required by National planning policy, the application also includes a flooding sequential test assessment prepared in accordance with paragraph 163 of the National Planning Policy Framework (NPPF). The application has therefore provided all the necessary information from the outset to enable the Authority to make a fully informed decision.
- The Yapton application lacks the requisite information to enable a decision to be made and should therefore be refused.
- The Yapton site is unsuitable for crematorium development having regard to the unequivocal requirements of Yapton Neighbourhood Plan Policy E1.
- Yapton Neighbourhood Plan Policy E1 confirms that the Yapton site is not suitable for the applicant's proposal. The sites Sequential Test therefore remains sound.
- The application has included all of the necessary information to enable a determination to be made from the start.
- Attempts by Yapton applicant to tie their site to a 90 years time limit in order to avoid flood risk considerations would not be compliant with flood risk policy and would therefore open to challenge.
- There are no substantive grounds for planning permission for the application to be refused on flood risk grounds. The development has been designed to be safe from flooding for the life of the development and satisfies the sequential test.
- By contrast, the Yapton application was not accompanied by the necessary sequential test, is deficient in that regard, and could not pass a sequential test in any event. The Yapton application should therefore be refused.

COMMENTS ON REPRESENTATIONS RECEIVED:

The points raised by the agents on the merits of the Yapton application are addressed in the report Y/103/18/PL.

The comments are noted and where relevant considered in the conclusions section or covered by points made elsewhere in this section. The condition proposed by Middleton Parish Council regarding operating hours is to be imposed albeit also with opening on a Saturday.

CONSULTATIONS

Environmental Health

Arboriculturist

Parks and Landscapes

Engineering Services Manager

Engineers (Drainage)

Surface Water Drainage Team

Ecology Advisor

WSCC Strategic Planning
Highways England
Environment Agency
Economic Regeneration
Archaeology Advisor
Engineers (Drainage)
Engineers (Drainage)
Highways England
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection.

A stage 1 Road Safety Audit has been undertaken on the site access proposals and highlighted 11 issues to be addressed, 10 of which are accepted with additional information provided or to be addressed at the detailed design stage.

One area where the designer did not agree with the auditor is the recommendation to reduce the speed limit over the section of highway. An exception report has been prepared by the applicant and has been accepted by WSCC as the highway authority.

Economic Development - No Comment.

West Sussex County Drainage Engineer - No Objection.

The site is at low risk from surface water flooding. The majority of the proposed development is shown to be at high risk from ground water flooding based on the current mapping.

Ecology Officer - No Objection.

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

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

In certain case a full mitigation strategy for water voles may be required.

Hedgerows and scrub land around the perimeter of the site must be retained due to the likely presence of reptiles. If this is not possible full reptile surveys would be required.

Archaeology Officer - No Objection. Condition requested.

Highways England - No Objection.

We are satisfied that the proposals will generate an acceptable change in traffic on the Strategic Road Network(SRN). We therefore consider that the development will not materially affect the safety, reliability and/or operation of the SRN in this location and its vicinity.

Environment Agency - No Objection. Conditions requested.

Environmental Health - No Objection. Conditions requested.

Drainage Engineer - No Objection. Request that the surface water drainage is conditioned.

Landscape Officer - First Response. Objection. Landscape information submitted within this application is significantly insufficient in detail.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary.
Within Settlement Gap.
Classified Road.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SDSP3	SD SP3 Gaps Between Settlements
CSP1	C SP1 Countryside
SODM1	SO DM1 Soils
GISP1	GI SP1 Green Infrastructure and Development
LANDM1	LAN DM1 Protection of landscape character
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
ENVSP1	ENV SP1 Natural Environment
HERSP1	HER SP1 The Historic Environment
ENVDM5	ENV DM5 Development and biodiversity
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment

<u>Clymping Neighbourhood Plan 2015 Policy CPN10</u>	Protection of high grade Agricultural Land
Clymping Neighbourhood Plan 2015 Policy CPN11	Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN12	Reducing the risk of flooding
Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment
Clymping Neighbourhood Plan 2015 Policy CPN7	Protection of open views
Clymping Neighbourhood Plan 2015 Policy CPN8	Protection of Trees and Hedgerows

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

The 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.

The relevant policies of the Climping Neighbourhood Plan are considered in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with the relevant Development Plan policies concerning development in a settlement Gap, on High Value (Grade 3a) agricultural land and flooding.

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**

Policy C SP1 Countryside of the Arun Local Plan relates to development of land outside of the defined Built Up Area Boundaries (BUAB) and ensures that it "will be recognised for its intrinsic beauty". This policy sets out the types of development which will be permitted in the countryside. Crematoriums are not mentioned specifically anywhere in this policy or within the Local Plan and as such the proposal is contrary to adopted countryside policy.

Climping Neighbourhood Development Plan:

The Climping Neighbourhood Plan (CNDP) was made in January 2016 on the basis of saved policies in the 2003 Arun Local Plan and draft policies in the 2014 publication version of the then emerging Arun Local Plan. The site lies outside the BUAB in the CNDP and therefore is also defined as countryside.

SETTLEMENT GAP POLICY

Policy SD SP3 of Arun Local Plan relates to development in Gaps between Settlements. The site lies in

the Littlehampton to Middleton-on-Sea Gap. It states the generally open and undeveloped nature of the gaps identified on the Policies Maps will be protected to prevent coalescence and retain their separate identity. It states:

"Development will only be permitted within gaps if:

- a. It would not undermine the physical or visual separation of settlements;
- b. It would not compromise the integrity of the gap either individually or cumulatively with other existing or proposed development;
- c. It cannot be located elsewhere; and
- d. It maintains the character of the undeveloped coast;
- e. or, if a subsequent DPD or Neighbourhood plan deems it appropriate through an allocation."

The policy requires all of the first four criteria (a - d) to be met.

Buildings and hard surfaces in this case would account for a small proportion of overall site coverage, in this case less than 20% overall. The site coverage of the building constitutes less than 4% of the total site area and is therefore acceptable in terms of the extent of the development across the site.

The new building will be single storey, flat-roofed and low height, which will enable it to assimilate discreetly into its landscaped setting. Given the landscaping that will both be retained and provided at the site boundaries the low scale of the proposed building is such that it will be well screened in longer distance views across the settlement gap.

The remainder of the site will be landscaped, and on that basis therefore, it is clear that the majority of the site, in excess of 80% will remain open and free of buildings or hard surfaces. This reduces the impact on the settlement gap and preserves its integrity.

Based on the above a, b and d of policy SD SP3 are considered to be complied with.

Whilst there would be limited impact on wider views towards the site and limited impact on the landscape character of the area or integrity of the settlement gap, with regards to (c) the application site in Yapton due to it not being located in a settlement gap and lying on land not prone to flooding is a preferred alternative. It is recommended for approval and available for crematorium use. This means that the proposed use can be located elsewhere and the proposal is therefore in conflict with policy SD SP3.

LOSS OF AGRICULTURAL LAND

The applicant has not submitted a sustainability and options appraisal as required by policy SO DM1. Paragraph 11.1.6 of the Arun Local Plan requires such a report to be submitted with the planning application.

Policy SO DM1 'Soils' of Arun Local Plan confirms that, unless designated by the Local Plan or a Neighbourhood Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term.

The application is only accompanied by an Agricultural Land Quality Report which assesses the land to be Grade 3A land and relies on the evidence submitted elsewhere in the application regarding need for the proposed development as being the overriding factor. Evidence suggests that the majority of land in this area is either already identified as, or anticipated to be higher grade agricultural land.

Policy SO DM1 states:

"Where development is permitted it should, as far as possible, use the lowest grade of land suitable for that development. Development will not be permitted unless:

- d. The applicant has submitted sustainability and options appraisals, mitigation measures, and a soil resources plan for the development site;
- e. Site appraisal documents submitted by the applicant must demonstrate that consideration has been given to DEFRA's Soil Strategy for England (25);
- f. The productivity of the land is demonstrated using a methodology for assessing gross margins as contained in the Arun Soils and Agricultural Land Assessment Report (26); and
- g. The applicant has submitted a comprehensive soil resources plan for the development site which demonstrates that care will be taken to preserve the soil resource, such that it can be incorporated into a Productive Green Environment following development.

Developments shall also be consistent with all other Local Plan policies."

The proposal does not include information to address the submission of a sustainability and options appraisal and criteria (d) to (g) and also is not consistent with all other Local Plan policies. It is therefore contrary to this policy.

Policy CPN10 of the Neighbourhood Plan 'Protection of High Grade Agricultural Land' reflects policy SO DM1 and advises that development will not be permitted on the best and most versatile agricultural land unless there are special circumstances which include whether there is an overriding need for the development in the proposed location.

It appears that the Yapton site has been discounted by the agent because the land is not available to the Climping applicant and is on grade 2 agricultural land and therefore in conflict with Yapton Neighbourhood Plan. The correct test is whether the site is reasonably available, irrespective of whether it is available to the applicant. The application at Yapton Y/103/18/PL is known to be available to the developer of that site by reason of being on the market.

The proposal, being on soil graded 3A, conflicts with these policies and given the lack of a sustainability and options appraisal there is not considered to be an adequate justification for an exception.

OTHER MATERIAL CONSIDERATIONS:

The following material planning considerations are put forward by the applicant in support of the application:

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."

1) The Quantitative and Qualitative Need for the Proposed Crematorium;

The Council has two applications (this and Y/103/18/PL) for a Crematorium with only 660m between the two. It is not demonstrated that there is sufficient need to support both.

The application is supported by an Alternative Sites Assessment and a Crematorium Needs Assessment which identifies that existing crematoria facilities within the search area are amongst the busiest in southern England, suggesting that they are subject to heavier demand than average. It highlights that there appears to be a particular shortfall in capacity in the area around Worthing and Bognor Regis, where demand is only currently met by two existing facilities or by travelling further afield. Therefore, this

area would be a reasonable location in which to provide additional crematoria facilities.

Although there are already crematorium facilities within the region evidence points to those crematoria being stretched in terms of capacity, which can lead to longer than ideal lead in time for cremation services. The proposed development will offer additional capacity locally, reducing wait times and provide a new, modern and purpose-built facility. The new facility can also be built to up-to-date environmental standards and offer people greater choice of where to cremate their loved ones with less time pressure on services that take place.

The applicant has identified a need for a new crematorium premises within the area based upon an assessment of local demographics and the high demand for existing crematoria in the area. They consider that there is a functional need for an additional crematorium facility within the area.

In 2017 the total number of deaths for the four Local Authorities of Chichester, Arun, Worthing and Adur, the highest contributor was Arun at 38%, with 25% from Chichester, 24% from Worthing and 13% from Adur.

The proposed crematorium, by reason of its position would primarily serve a customer base from Bognor Regis and Littlehampton as well as the surrounding towns and villages. Existing crematorium facilities in the region are spread out around the main centres of population.

Statistics from the Cremation Society of Great Britain for 2017 show that Worthing Crematorium was the third busiest crematorium in the UK by the overall number of cremations undertaken that year (3,626). By the same measure Chichester Crematorium is less busy, handling a total of 1838 cremations in 2017, but that still makes it amongst the more intensively used crematoriums in the country.

In terms of the possibility of expansion of existing crematoriums at Chichester and Worthing it is notable that Chichester Crematorium is within the built-up area of the city and is constrained by built development on all sides. Worthing by contrast is in a more rural location but in the South Downs National Park where significant expansion may be difficult due to environmental impact.

The future additional demand may or may not be able to be met by the existing facilities, and whilst it is of course the case that people have the choice to travel to crematoria further away if they wish, to do so does not represent a sustainable solution, and nor should they be obligated to do so. There is a clear quantitative need for a new crematorium in this location.

(2) The Availability of other Suitable Sites within the Arun District;

A site assessment was carried out which sought to identify which is the most appropriate site for the proposed use and whether there are any suitable, available and viable alternative sites for the development that may be in more preferable locations. In order to carry out the site search it was necessary to identify the minimum site requirements for the proposed development, as that is a starting point for defining what sites are reasonable alternatives. In this case the minimum site requirements are;

- A site area of at least 4 Ha, which is considered the minimum necessary to provide sufficient space for a crematorium building, car parking and landscaping.
- Appropriate access (direct access to highway and other established infrastructure).
- The site should be free of any significant on site ecological or topographical constraints.
- A separation of at least 200 yards to the nearest dwelling-house, except with the consent, in writing of the owner, lessee and occupier of that house.

Much of the catchment area is already covered by built development or is within the National Park and

must therefore be excluded from this assessment.

(3) The National Planning Policy Framework (NPPF);

The NPPF is an important material consideration in the determination of planning applications. Although there is no reference to crematoria in the document, there is other guidance which is relevant to this application.

Paragraph 83 which states planning decisions should enable: (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings.

Secondly, paragraph 84 which advises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

(4) The Presumption in favour of Sustainable Development;

Policy SD SP1 'Sustainable Development' of the Arun Local Plan confirms that the Council will take a positive approach that reflects the presumption in favour of sustainable development in the NPPF and that it will work pro-actively with applicants to jointly find solutions which mean proposals can be approved wherever possible.

The NPPF defines the achievement of sustainable development as meeting three interdependent objectives - economic, social and environmental. These need to be pursued in mutually supportive ways.

It is not considered the location of the site is sustainable from the point of view of access by non-car modes of transport. Demand for the facility is unlikely to be local enough to mean that there will be many visitors walking, cycling or taking the bus to access the site. Although there are bus stops on the A259 close to the junction with The Street, the bus service is not considered to be sufficiently regular to prove attractive to staff members. It is noted there is no pavement or street lighting on the southern side of the A259. It is accepted that staff and locally based guests could cycle to the site given the flat landscape and the cycle path along the A259.

There will be environmental costs in respect of the loss of some grassland wildlife habitat and a visual change to the landscape. The proposal demonstrates environmental gains through biodiversity enhancements. In the long term additional planting will result in a benefit to the local landscape.

A new Crematorium located between existing facilities at Chichester and Findon will mean people in the areas between the two existing facilities will have less far to travel to access a crematorium. Therefore, these visitors will not contribute to congestion on certain roads between their homes and the existing facilities such as the A27 and its pinch points around Arundel, Chichester and Worthing. The location of the Crematorium reduces travel time that would have been necessary to the existing facilities and result in lower vehicle emissions. However, there will be a similar amount of people accessing the new site as would access the existing facilities.

The proposal will result in new employment & other economic benefits and meet an existing social/community need. There is a loss of agricultural land to consider, however the impact will be small scale and will be much lower than the value of the new crematorium business.

On balance it is considered that the proposal does represent sustainable development and would therefore comply with policy SD SP1

(5) The 1902 Cremation Act;

The 1902 Cremation Act sets out locational criteria for new crematoria. It states crematoria must be at least 200 yards (183 metres) from any dwelling unless the owner, lessee or occupier has given their consent in writing, and at least 50 yards (46m) from a public highway.

This effectively means that it is not possible to develop crematoriums in or adjoining the built up area boundary and pushes the search for new sites into the countryside.

The edge of the site is around 500m from the nearest residential dwelling.

Summary of Material Considerations

The principle of development on this site in the countryside is considered to be contrary to the development plan, whilst it is considered the proposal represents sustainable development and that other material considerations as set out above (including the need for the proposal and the need for a countryside location) combine to support the principle of development on this countryside site, the loss of grade 3a agricultural land, presence of an alternative site with regard to flooding and the position of the site in a settlement gap mean that the proposal cannot be supported.

However it is considered that these other material considerations are not sufficient to override the policy objections to the proposal and warrant approval of the application.

HIGHWAY SAFETY, TRAFFIC & PARKING

The application is supported by a Stage 1 Safety Audit and Designers Response. A swept-path assessment for a large refuse vehicle measuring 10.2m in length has been undertaken in accordance with Arun's refuse collection requirements, which is the largest typical vehicle anticipated to regularly and frequently visit the site.

A drawing has been provided to demonstrate forward visibility along Grevatt's Lane to a vehicle turning left into the site and waiting to turn right into the site, which demonstrates maximum achievable forward visibility of over 470m in each direction within the highway boundary.

A second drawing has also been prepared to demonstrate visibility in accordance with the speed limit of 60mph (215m). Highway works comprise the provision of a proposed ghost island right-turn junction access arrangement on land to the south of A259 Grevatt's Lane. In accordance with WSCC's requirements a pedestrian refuge island will be provided measuring 2.5m in width and 2.8m in length.

The main car park will be hard surfaced and provide for circa 100 car parking spaces and 24 cycle parking spaces in total. Around the outside of the car park a driveway will be provided for use of hearses and other similar vehicles.

In addition to the main car park an overflow car park will be provided for an additional circa 60 cars. The overflow car park would only be subject to infrequent use because for day to day use the spaces in the main car park would be ample to meet the needs of the development. In the normal operation of the crematorium there would only be one ceremony taking place at a time, and only in busy periods would people be waiting for the following ceremony. The overflow parking would only be needed during those occasions where a service has a particularly large number of guests.

Policy T SP1 'Transport and Development' of the Arun Local Plan requires new development to provide safe access on to the highway network, provide sufficient on-site parking, contribute to highway

improvements, and promote sustainable transport and Policy CPN14 'Traffic and the Environment' of the Neighbourhood Plan confirms that development which will have a detrimental impact on highway safety and the living conditions of residents will be resisted.

Policy T DM1 'Sustainable Travel and Public Rights of Way' of the Arun Local Plan requires new development to ensure ease of movement, prioritising safe pedestrian and cycle access to the green infrastructure network and access to public transport and community transport services where a need has been identified.

The proposal will provide a new access onto Grevatt's Lane which will be located and designed to ensure the required highway visibility to provide safe access and egress from the site.

Sufficient on-site parking is proposed to accommodate the operational needs of the development, together with an additional overflow parking area to accommodate the rare, particularly busy occasions which may require additional parking. It will not prejudice existing pedestrian and cycle access to the green infrastructure network.

The site is located within relatively close proximity to the built-up area and within easy access to the nearby coastal towns, including by public transport, with the site being within walking distance of bus stops providing services to within the crematorium catchment area. The application is accompanied by a supporting Highways Report which demonstrates that the proposal will preserve highway safety.

WSCC Highways are the Councils technical experts on such matters and given they raise no objections (and indeed support the application), it is not considered a refusal on the grounds of highway safety or highway convenience could be sustained on appeal. It is considered the proposal accords with the relevant development plan policies and with the NPPF in terms of highway safety.

DESIGN, LANDSCAPE & VISUAL AMENITY

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. The policy requires that the scale of development keeps within the general confines of the overall character of a locality. It states that all development will be expected to incorporate existing and new tree planting as an integral part of development proposals. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character.

Policy LAN DM1 of the ALP builds on the above by seeking that the setting of the South Downs be protected.

Policy CPN7 'Protection of Open Views' of Climping Neighbourhood Plan requires all new development protect the open landscape character of the countryside, with the Climping Character Assessment being used as a reference to assess the impact of the proposals. For the reasons set out below the submitted scheme would meet these criteria.

Regard should be had to paragraph 127 of the NPPF which requires that planning policies and decisions should ensure that developments are sympathetic to local character while not preventing or discouraging appropriate innovation or change. Paras 122 and 130 are relevant. Para 130 states planning permission should be refused for development that fails to take opportunities available for improving character and quality of an area and the way it functions.

A Landscape and Visual Impact Appraisal (LVIA) has been submitted with the application. The site lies in an area of open countryside. It forms part of the coastal plain. A public footpath runs along the western

boundary of the site, linking Middleton on Sea and Yapton, part of a comprehensive network of footpaths in the area.

The land is currently a field with no trees or shrubs within it. However, a strong belt of trees borders the site to the north separating it from the A259. The southern site boundary follows the Ryebank Rife, a deep ditch which is hedged with mature trees along its course. There are banks lining both sides of the ditch. Overall the countryside to the south of the A259 consists of fields divided by areas of woodland and shelterbelts.

There are no views from the site of the coast owing to the abundant vegetation between nor is there a view to the South Downs owing to the tree belt along the A259.

The most recent landscape Character assessment was carried out on behalf of Clymping Parish Council in January 2015 in order to inform the Neighbourhood Plan. They divided the Parish into 5 character areas of which the first and last are relevant to this proposal:

- o The Open Countryside.
- o The Beach and Clymping coastline.
- o Traditional Clymping.
- o Horsemere Green and recent associated housing developments.
- o Along the A259.

The value to Clymping of the flat open arable farmland and countryside that separates it from neighbouring Parishes is paramount. "This separation is important to the village's distinctive identity" The paragraph titled Design Guidance for the Open Countryside reads:

"There are many open views toward Arundel and the South Downs, of the River Arun valley and to the coast and sand dunes which are important to retain".

The scheme includes landscaping which has been designed to mitigate identified visual and landscape effects. These proposals have taken on board the landscape management guidelines of the West Sussex County Council Landscape Character Assessment and the design guidance in the Clymping Character Assessment. Rather than screening the development the landscape proposals seek to integrate the proposals into the wider landscape and to provide ecological linkages in accordance with the objectives of the Local Plan to enhance the biodiversity and the appearance of the landscape.

Policy GI SP1 Green Infrastructure and Development of the ALP encourages all major developments to be designed to protect and enhance Green Infrastructure (GI) assets and the connections between them and specifically mentions that "The Green Infrastructure Network must be protected from light pollution". The GI study in paragraph 7.3.8 of the Arun Local Plan, identified a number of opportunities to strengthen the GI network and specifically noted the opportunity to strengthen the network within Gaps. The proposal would accord with these criteria.

A new 7 metre wide tree belt is proposed along the eastern site boundary to replicate the tree belts in the landscape further to the south. Screen planting is also proposed along the eastern edge of the public footpath to bolster the existing planting along this boundary; within the northern boundary of the site to the A257 and along the southern boundary to the Ryebank Rife. Native tree and shrub planting are proposed along these boundaries which will function as a continuation of the existing tree belt to the south, providing a new ecological corridor linking the roadside trees along the A259 to the existing woodland to the south.

The remainder of the site will be sensitively landscaped in grass with mown paths cut through it, with more formal gardens along the site's eastern boundary. The car parking will be softened by planting of

curving lines of ornamental trees.

Owing to the flat nature of the landscape and the preponderance of woodland and hedgerows through this part of the Coastal Plain, the Study Area chosen is quite small. The main effects will be experienced up to 500 metres from the site with some minor effects up to 1000 metres from the site.

The creation of a new access off the A259 and the resultant road widening will require the loss of some of the existing roadside vegetation, but this has been kept to a minimum and new planting to the south of the site boundary within the site will compensate for any minor losses.

In landscape terms the characteristics of the site can accommodate the development proposed without undue adverse effects. This is based on the flat and wooded nature of the landscape, limiting visibility of the site and to the low profile design of the new crematorium.

The amount of new built development results from the functional requirements of the proposal. The building is relatively small, with a footprint of circa 1000 sq m. The site coverage of the building constitutes less than 4% of the total site area.

The new building will comprise a high-quality contemporary single storey flat roofed building with rendered walls under a grass roof. The building has been designed to fit discreetly within the predominantly landscaped site, so that it will be visually unobtrusive in the landscape, having regard to the location of the site within the settlement gap, by means of its small footprint, low height and appropriate design and materials.

The elevations of the building will be finished in a combination of render and timber cladding, with the timber utilised on the tallest part of the building, that being the chapel area.

Policy D SP1 Design requires all development proposals to seek to make efficient use of land whilst reflecting the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. It advises that development proposals should have been derived from a thorough site analysis and contextual appraisal; adherence to objectives informing sustainable design; and the influence these objectives have on the form of development.

Policy D DM1 'Aspects of Form and Design Quality' confirms the aspects of design that the Council will have regard to when considering development proposals, namely: character; appearance/attractiveness; impact; innovation; adaptability; crime prevention; trees and woodland; solar gain; public realm; layout-movement; layout-legibility; public art; density; scale; and aspects of form and design quality. Policy CPN11 'Quality of Design' of the Neighbourhood Plan requires new development to be of a high-quality design and to protect and enhance the local character. The policy lists the criteria which comprise good design, including responding to, and integrating with, the local built environment and landscape context as described in the Climping Character Assessment.

The proposal would not result in substantial harm to the rural character of the locality and the landscaping will, in time, screen the site from view and enhance the wider landscape. The proposal accords with ALP policies D DM1, SDSP3, D SP1 & LAN DM1 and policy CPN 7 with the relevant guidance on design within the NPPF.

FLOODING

The Environment Agency Flood Map indicates the site is located across Flood Zones 1, 2 and 3. The proposed crematorium building would be located within the part of the site identified as flood zones 1 and 2, and therefore falls partially within an area at risk of flooding. Ideally the building would be relocated to a position within flood zone 1 (low probability of flooding), in order that it would be entirely outside of the

area of flood risk. However, in this case that is not possible due to the legislative requirement that new crematorium buildings not be located within 45 yards of a public right of way, which includes those on the north and west site boundaries. The memorial gardens to the rear of the crematorium building will fall within flood zones 2 and 3 (medium and high risk of flooding), but those elements of the proposals are not flood sensitive.

Policy W DM2 'Flood Risk' sets out the Council's criteria for allowing development in areas at risk from flooding, including the requirement to meet the sequential test, provide a site-specific Flood Risk Assessment, and identify adaptation and mitigation measures. This is reflected in policy CPN12 of the Neighbourhood Plan.

The Environment Agency Flood Map and Strategic Flood Risk Assessment (SFRA) are geared to providing the basis for applying the Sequential Test. The sequential test is required given that part of the site is within Flood Zone 2. The SFRA indicates that there are no reports of historical flooding from sewers, surface water runoff or groundwater emergence at or near the site.

Chapter 14 of the NPPF is concerned with meeting the challenge of climate change, flooding and coastal change. Paragraph 155 confirms that inappropriate development should be avoided in areas of highest risk of flooding and steering new development to areas with the lowest risk of flooding. Paragraph 163 confirms that when determining planning applications, LPAs should ensure that flood risk is not increased elsewhere, and that, where appropriate, applications should be accompanied by site-specific flood-risk assessment.

Given the location of the crematorium building within an area of flood risk then, in accordance with paragraph 158 of the National Planning Policy Framework, the 'Sequential Test' needs to be applied to the proposed development. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available appropriate sites for the development in areas with a lower risk of flooding.

In accordance with this guidance it needs to be considered whether there are any reasonably available alternative appropriate sites for the development in areas of lower flood risk. Fundamentally any potential 'available' site would either need to be already earmarked for such a development in the development plan, or be known to be available to the developer.

Any available land would then need to be assessed for its appropriateness to accommodate the proposed development. When considering appropriateness, in the light of a crematorium development, an assessment is required of a combination of factors including its locational requirements, planning policy constraints and also the legislative requirements.

The Alternative Sites Assessment report that accompanies the application sets out the process by which the search for a crematorium site was undertaken, the need for the use in this location already having been established. No land was identified as being available by the applicants except for the land on the southern side of the A259 and in their opinion much of this land is, like the application site, within the flood zone and therefore no more sequentially preferable in flood risk terms than the application site. The originally submitted Site Assessment Report has now been updated by the agent to refer to the Yapton site.

The appropriate sequential test was not previously correctly applied and that is not as now proposed by the applicant. Namely they assert that the site at Yapton was not available to them (as well as being on agricultural land. The correct test is whether the site is reasonably available, irrespective of whether it is available to the applicant. The application at Yapton Y/103/18/PL has been assessed in terms of flooding and is found to be designated as falling in land with a low probability for flooding (Zone 1). It is also

known to be available to the developer of that site by reason of being on the market.

The purpose of the sequential assessment is to direct development to areas of lower risk of flooding. Development should only be permitted in Flood Zone 2 where there are no 'reasonably available' sites in Flood Zone 1. The flooding issues associated with the Yapton proposal have been addressed in that report. National guidance does not specify that sites should be suitable, developable and deliverable by the applicant only. Relevant appeal decisions confirm this. The Yapton site is in a lower flood zone, it is not arguable that the Yapton site is unavailable because it is not owned by the applicant.

On the basis of the above considerations it is therefore concluded that the proposal does not meet the sequential test in this case because an alternative is reasonably available since the site in Yapton has been identified which is in an area of lesser flood risk.

The site lies partially within the Environment Agency flood zones 2 and 3 requiring compensatory water storage areas to be provided within the layout of the site. It is intended that this storage will be provided in the form of new ditches and swales.

The proposed building has been designed with its ground floor level at an appropriate height, 4.64m AOD, such that it will be free from the risk of flooding. Additionally, the building will be designed to mitigate against future flood risk through the use of appropriate construction methods, and a detailed flood risk management strategy can be agreed prior to commencement of development through condition.

The application is accompanied by a Flood Risk Assessment which confirms that the proposed development is appropriate on the site, having regard to the location of parts of the site within the Environment Agency moderate to high flood risk zones. It also demonstrates how the development will incorporate sustainable drainage measures within its design.

The proposal has been assessed by both the Council's drainage engineers and the Environment Agency who have not objected to the proposal on flooding grounds subject to the imposition of recommended conditions.

However the proposal does not comply with policy W DM2 in that it does not meet the sequential test in this case because an alternative is reasonably available since the site in Yapton has been identified which is in an area of lesser flood risk.

Policy W SP1 'Water' of the Arun Local Plan encourages new development to incorporate water efficiency measures, make active use of surface water as a design feature, and incorporates measures to improve and enhance waterbodies or provide additional flood relief. Policy W DM3 'Sustainable Urban Drainage Systems' requires all new development to incorporate Sustainable Urban Drainage Systems into the design of the development.

POLLUTION

ALP policies QE DM1, QE DM2 and QE DM3 seek to protect residential properties from adverse effects of noise, air and light pollution. Policy QE SP1 'Quality of the Environment' requires all new development to contribute positively to the quality of the environment and not have a significantly negative impact on residential amenity, the natural environment, or the enjoyment of leisure and recreational activities.

The 1902 Cremation Act states that crematoriums must be at least 200 yards (183 metres) from any dwelling unless the owner, lessee or occupier has given their consent in writing. The main residential areas of Elmer, Climping and the western edge of Littlehampton lie approximately 500m south, 500m north east and 2.5 km east.

There are no residential properties within the immediate vicinity of the application site. Crematorium emissions are covered by Environmental Health legislation and the applicant will be required to hold the relevant Environmental Permit. The application has been assessed by Environmental Health officers who raise no objections.

It is proposed to impose a condition to require the approval of lighting details post approval. These details would then be subject to agreement with Environmental Health officers and with the Council's appointed ecologist.

In terms of noise, a condition will be imposed to prevent services from being held outside of 9am and 5pm on Mondays to Saturdays with no services on Sundays or Bank Holidays. This will ensure any noise generated by the use will be within standard working hours.

Matters relating to scheme in respect of air quality, lighting and noise are acceptable. The proposal is therefore in accordance with policies QE DM1, QE DM2 and QE DM3 of the Arun Local Plan.

RESIDENTIAL AMENITY

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. D DM4 requires that extensions/alterations: do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Regard should be had to para 127 of the NPPF which states that development should provide a high standard of residential amenity for existing and future users.

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

The nearest residential property is more than 500m from the site. Therefore, there will not be any impacts on residential properties in respect of overlooking, loss of light or loss of outlook.

It is not considered that there would be conflict with policies D DM1, QE SP1 or para 127 of the NPPF.

BIODIVERSITY

ALP Policy ENV SP1 'Natural Environment' confirms the Council's commitment to encouraging and promoting the preservation, restoration and enhancement of biodiversity through the development process. Where possible new development will be expected to promote the creation of new areas for habitats and species. The development will result in an enhancement of on-site biodiversity through the retention of the existing mature boundary shrubs/hedging and trees together with the creation of new landscaped areas around the new building.

Policy ENV DM1 'Designated Sites of Biodiversity or Geological Importance' advises that development likely to adversely impact on land with designated features of any Site of Biodiversity or Geological Importance will not normally be permitted. The site is not located with a designated site of biodiversity or geological significance and the Preliminary Ecological Appraisal which accompanies the application confirms that there are no protected flora or fauna on site that would be harmed by the development proposals.

Policy ENV DM4 'Protection of Trees' states that new development does not have an adverse impact on existing trees of important amenity value. The application is supported by the required arboricultural reports to demonstrate that the existing visually significant trees adjacent to the site boundaries will be protected during the development. Also, new tree planting will be carried out as part of the landscaping

proposals for the scheme.

Policy ENV DM5 'Development and Biodiversity' requires new development to achieve a net gain in biodiversity and protect existing habitats on site. Development should be designed to incorporate elements of biodiversity and landscape features.

Climping Neighbourhood Plan policies CPN8 'Protection of Trees and Hedgerows' and CPN9 Protection of Natural Habitats require new development to protect trees and hedgerows of amenity value. The policy requires development proposals to include a survey that establishes the health and longevity of any affected trees or hedgerows and a management plan to show how they will be maintained.

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

The application is supported by a Preliminary Ecological Appraisal (PEA) which confirms that no statutory or non-statutory ecological sites are present within 2km and as such no direct impacts on these sites are anticipated.

The built elements of the proposed development would occupy the northern half of the arable field, currently used for growing cereals, and of low ecological value. Site landscaping is proposed to take place in the southern half which would provide protection/buffering/enhancement for features such the Rye Bank Drain and off-site woodland.

The PEA has concluded that the proposed development of the site as a crematorium is unlikely to give rise to significant ecological effects provided that:-

- boundary vegetation is retained and buffered with new planting comprising appropriate species to the locality. Any localised removal to facilitate access is minimised and undertaken outside of the bird nesting season and is accompanied by measures to reduce any potential effects on reptiles;
- the construction and function of the proposed new drains/ditches does not adversely affect the existing ditches (i.e. through sediment mobilisation, major changes in water levels and pollution) and in particular their ability to support water voles (assuming their continued presence);
- a bat friendly lighting scheme is implemented; and
- the proposed site landscaping delivers biodiversity enhancement through the creation of wildflower grassland, woodland and ditches/swales.

Section 16 of the NPPF relates to conserving and enhancing the natural environment. It affirms that the most sensitive habitats and landscapes should be safeguarded. Paragraph 170 confirms that planning decisions should contribute to and enhance the natural and local environment including by: recognising the intrinsic character and beauty of the countryside, including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; d) minimising impacts on and providing net gains for biodiversity e) preventing new and existing development.

The proposal would accord with the NPPF para 175, with ALP policies ENV SP1, ENV DM1, ENV DM4 and ENV DM5 and CNDP policies CPN 8 and CPN 9 .

CLIMATE CHANGE

Policy ECC SP1 'Adapting to Climate Change' confirms that the Council will support development which is located and appropriately designed to adapt to impacts arising from climate change, including the increased probability of tidal and fluvial flooding. The proposed layout and design of the proposal incorporates elements of sustainable design, including the proposed green roof for the building and

locally sourced building materials. The proposal has also been designed having regard to the location of the site within Flood Risk Zones 2 and 3, as demonstrated in the accompanying Flood Risk Assessment.

Policy ECC SP2 'Energy and Climate Change Mitigation' advises that all new development will be expected to be energy efficient and demonstrate how it will achieve energy efficiency measures, use design and layout to promote energy efficiency, and incorporate decentralised, renewable and low carbon energy supply systems. The policy requires all major developments to produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless this is unviable. The development incorporates appropriate elements of sustainable design and these will satisfy the requirements of this policy.

SUMMARY:

The proposal represents sustainable development where the need for a new crematorium has been established. The evidence indicates this is not the only available site which meets the required criteria. The principle of development is contrary to the development plan as it is located in a countryside location, within a settlement gap, in an area partially at high risk of flooding and on grade 3a agricultural land.

The proposal does not therefore accord with policies SD SP3, in that it could be reasonably located elsewhere or policies WDM2 or SO DM1 of Arun Local Plan.

The application is therefore recommended for refusal for the following reasons.

HUMAN RIGHTS ACT

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

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

REFUSE

- 1 The proposal would be located within the Littlehampton to Middleton Gap between Settlements, where development will only be permitted if it cannot be located elsewhere. In this case an alternative site has been identified. The proposal would therefore be contrary to policy SD SP3 of Arun Local Plan.
- 2 In accordance with the requirements of the sequential test, an alternative site at lower risk of flooding has been identified for the use proposed and the proposal therefore does not satisfy the sequential test in accordance with the National Planning Policy Guidance or policy W DM2 of Arun Local Plan.
- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.