

Recommendation Report for Planning Permission

REF NO: F/21/24/PL

LOCATION: Land rear of Waterbury House
Ford Road
Ford
BN18 0BH

PROPOSAL: Erection of 4 No supported living units (C3(b)), office block, car parking and associated works. This application is a Departure from the Development Plan, affects the setting of a listed building and is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the erection of 4 no. supported living accommodation units under Use Class C3(b), with offices and associated parking. The proposed single storey building has overall measurement of 32.6m in length by 7.75m in width. The attached office sits at the end of the linear row of dwellings, and measures 5.7m in length by 5.3m in width. The proposal has a maximum ridge height of 6m. The site is situated to the south (and currently part of the curtilage) of Waterbury House, a residential care home.
SITE AREA	1,711sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	Line of mature trees to the southern and eastern boundaries.
BOUNDARY TREATMENT	Timber fences (1.8m to front).
SITE CHARACTERISTICS	Vacant land to the side, but subdivided from the care home.
CHARACTER OF LOCALITY	The area forms a small conclave of development in a countryside location. On the eastern side of Ford Road, the use of the land largely consists of those falling in residential uses, Waterbury housing being in C2 use and the surrounding mobile homes in C3. To the western side of Ford Road is Ford Railway Station and a number of industrial/commercial units. Beyond this development are areas of open countryside.

RELEVANT SITE HISTORY

F/7/19/PL	5 No. 1 bed flats together with staff accommodation, hard landscaping & parking (resubmission following F/10/18/PL). This application affects the setting of a listed building & is a Departure from the Development Plan.	ApproveConditionally
		21-06-19

F/10/18/PL	Construction of 5 No. 1 bedroom flats together with staff accommodation, hard landscaping & parking, (resubmission following F/29/17/PL). This application affects the setting of a listed building & is a Departure from the Development Plan.	Refused 25-09-18
		Appeal: Withdrawn 26-06-19
F/27/18/CLE	Lawful development certificate for the existing demolition of outbuildings.	Approve 07-02-19
F/4/10/	Demolition of existing timber building and construction of 4 bed. bungalow style care facility unit for adults with learning difficulties. The unit will be used as ancillary accommodation in connection with the main use of the site as a Care Home.	ApproveConditionally 06-04-10

REPRESENTATIONS

Ford Parish Council - no comments received.

2 letters of objection received.

- The area is noisy with passing trains.
- The new development will negatively impact neighbours by loss of privacy.
- Will create more traffic congestion, especially when gates are down.
- The loss of any trees will lead to an increase in noise heard by existing properties.
- The development will create dust and be generally disruptive.
- Views of roofs above fence line will block outlook; and
- Loss of views.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and addressed in the conclusion section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - More information required.

- The site is adjacent to the Ford level crossing which is subject to regular closures throughout the day. This leads to queuing on Ford Road to both approaches.
- All traffic should use the northern access.
- Plans appear to show the southern access point being used (reinstated) serving 9 car parking spaces, cycle parking is also shown. It is unknown if these are intended for use by the new development. It is recommended that cycle parking is allocated within each of the residential units.

- Amended plans are required showing the existing southern access permanently closed and road markings removed.

Additional comments were received in August whereby again more information was requested.

- The new proposal, the subject of this planning application, shows this access as the prime access to serve it which could, in operation, be confusing to both new and existing users of the site.

Network Rail - Advice

- Due to proximity to the railway the applicant will need to engage with Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing.
- The applicant may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. Please visit (<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>).

ADC Ecology - No objection subject to conditions.

- The BNG report shows an increase of 17.22% in habitat units. This exceeds the mandatory 10% required.
- The BNG report shows an increase of 63.48% in hedgerow units. This exceeds the mandatory 10% required.
- The Preliminary Ecological Appraisal (PEA) recommended further protected species surveys for reptiles.
- The reptile survey found small populations of Common Lizard, Slow Worm, and Grass Snake present on the site and therefore a reptile mitigation strategy is required.
- The PEA made recommendations for ecological enhancements including providing nest boxes and bat boxes on the dwellings, deadwood habitat on site close to the boundaries and bee hotels and a hedgehog home.

ADC Environmental Health - No objection subject to conditions.

- The site is adjacent to a railway line and there are several areas of concern, which must be properly considered given the end users for this development.

Environment Agency - No objection subject to conditions.

- Floor levels to be set at 4.69 m above ordnance datum (AOD).
- The applicant is also advised to sign up to Floodline on 0345 988 1188.

WSCC Lead Local Flood Authority - Advice

- Due to the scale of this proposal (classified as a minor application), we have no comment to make on this occasion.

ADC Drainage Engineers - Object. The application has insufficient supporting information to demonstrate that the surface water drainage of this proposed development will not increase flood risk. There is no formal design, only suggested design approaches, none of which are substantiated with suitable levels of investigation. There is a risk that there may be insufficient space on the site for adequate surface water storage, or that no viable disposal locations can be identified. Therefore, if infiltration is not viable there are no obvious alternative disposal locations, and it is unclear how the development will be drained.

ADC Conservation Officer - Advises less than substantial harm and on the lower end of the scale. Recommends conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The agent has stated that it is not possible to revise the plans to suit WSCC Highways department. The Care Quality Commission (CQC) have provided comments stating that a single access to/from site would not be acceptable as it would not meet the CQC's standards. The agent has stated they will discuss the matter direct with Highways. WSCC Highways have been re-consulted to this effect and discussions are ongoing to address the issue.

POLICY CONTEXT

Designations applicable to site:

- Outside Built-up Area Boundary.
- Grade II Listed Building.
- 15m buffer to railway line.
- Arun Valley Impact Risk Zone 2.
- Special control of adverts.
- High potential for ground water flooding.
- Flood Zones 2 and 3.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM2	H DM2 Independent living and care homes
WDM1	W DM1 Water supply and quality
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

Ford Neighbourhood Plan 2024-2041 Policy BUA1

Ford Neighbourhood Plan 2024-2041 Policy EH1 Protection of trees and hedgerows

Ford Neighbourhood Plan 2024-2041 Policy GA2 Parking and new development

Ford Neighbourhood Plan 2019 Policy EE1 Support for business

Ford Neighbourhood Plan 2019 Policy EH4 Surface water management

Ford Neighbourhood Plan 2019 Policy H1 Quality of Design

Ford Neighbourhood Plan 2019 Policy LC1 Support Independent Living

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 conflicts with relevant Development Plan policies in that it has not demonstrated that the site can be adequately drained and insufficient information has been provided to demonstrate the access and egress from the site is adequate.

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

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG). The development would result in

- 17.22% in habitat units.
- 63.48% in hedgerow units.

CONCLUSIONS

PRINCIPLE

The site is located within the countryside, outside the built-up area boundary, where Policy C SP1 recognises land for its beauty and intrinsic character and seeks to only permit development subject to certain criteria including (f) that it is in accordance with other policies in the plan for a specific use or type of development. Arun Local Plan (ALP) policy H DM2 pertains to independent living and care homes, the

conformity of which will be discussed below.

Paragraph 11 of the NPPF states the tilted balance does not apply where the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. The aforementioned areas are found in footnote 7 and include areas at risk of flooding, Impact Risk Zones (IRZ), and heritage assets.

Ford Neighbourhood Development Plan (FNDP) policy EE1 (2024) supports proposals to upgrade or extend existing employment buildings unless the proposal would cause unacceptable harm to the amenities of surrounding properties, or if it conflict with other policies in the Plan. Those proposals which have a significant adverse impact on residential or public amenity should provide appropriate mitigation.

FNDP policy BUA1 permits development outside the built up area boundary where it accords with other policies. In light of the extant planning permission and conformity with ALP policy C SP1 and FNDP policy BUA1, subject to the proposal being in accordance with policy H DM2 and other relevant policies such as biodiversity, flood risk and heritage matters (as discussed below) the principle of development is established.

COMPLIANCE WITH POLICY H DM2

ALP policy H DM2 specifically relates to this type of development. It requires new independent living and care homes to be permitted, provided they comply with the following criteria:

- a. The scheme is located within the Built-Up Area Boundary if it is a new facility.
- b. The scheme shall be easily accessible either by foot or public transport, to community and social facilities e.g. shops, post offices, healthcare, community facilities.
- c. The design of the scheme shall be such that it can be easily adapted to the varying needs of the users of the scheme.
- d. The design and scale of the scheme shall be appropriate to the local context.
- e. Amenity space shall be provided.
- f. Overall, the scheme should be located where it would support and encourage the continuation of a healthy, active lifestyle.

The supporting text to the Policy at para 12.6.1 and 12.6.2 acknowledges that Arun has one of the highest older populations compared to other Local Authorities in West Sussex, and "recognises the need to support the provision of Nursing homes and specialised care units". Para 12.6.3 states "it is essential that care facilities are located close to community and social facilities in order to ensure that older people can continue to be an integral part of existing communities. Facilities should be easily accessible for residents, employees, visitors, and service providers".

Whilst the site is located outside of the built up area boundary, the scheme is not a new facility as per the policy text, as it forms part of the adjacent existing care home and therefore complies with criteria a. The proposal is located adjacent to Ford Train Station, such that, although there are no social facilities in walking distance, Littlehampton, Barnham and Chichester are all easily accessible by train in compliance with criteria b. Conformity with matters in relation to design and character, as per the requirements of criteria c, d and e, will be discussed below. The proposal would comply with ALP policy H DM2.

DESIGN AND VISUAL AMENITY

ALP policies D DM1 and D SP1 relates to character and design. Policy LC1 of the FNDP supports new, converted and extended independent living and care homes within the BUAB provided that the design and scale of development are in keeping with the character of the location.

The proposal is situated to the south of Waterbury House. This forms a two-storey care home, and the

proposal seeks 4 additional single storey units and an ancillary office for staff use. These would form assisted living units. The dwellings will be situated on a vacant plot which sits to the south of Waterbury House and north of Ford railway.

There will be a small parking area adjacent to Waterbury House, with the building positioned towards its rear, set back approximately 36m from the street scene at Ford Road. Therefore, whilst views are achievable the building is not unduly dominant upon the road frontage.

The building will be single storey and forms a row of 4 attached dwellings and an office with elements of gable roof to the front and rear, which help to break up the form and provide some design interest. The principal elevation of the dwellings will face north with a small garden and pathway running along the boundary. A distance of 6.5m is retained to the northern boundary which adjoins the garden for the neighbouring care home with an existing fence in place for separation. The western elevation will front the road and will have a gable front. The building is of a smaller scale than the neighbouring property, at single storey and has incorporated similar design features such as roof pitch and porch design. Sufficient space has also been retained between Waterbury House and the proposed units when viewed from the street scene in such that the site does not appear as an overdevelopment.

The proposal is similar in design to that of Waterbury House and seeks to ensure that the appearance is in keeping with the neighbouring listed building and that of the wider area. The Arun Design Guide (ADG) states "Provides a cohesive and unified response to the existing scale, form, massing and design details of surrounding development." and "Is in harmony with the prevailing character, building pattern and architectural style of the area".

The design is sympathetic to the neighbouring building and architectural style of the area. The scale and massing is also appropriate for its location. The proposal would not result in harm upon the character of the area and accords with ALP policies D DM1 and D SP1 and FNDP policy LC1.

RESIDENTIAL AMENITY

ALP policy D DM1 states that development should have minimal impact upon the users and occupiers of nearby property and land by avoiding significant loss of sunlight, privacy and outlook, and unacceptable noise and disturbance.

The proposal is situated to the rear side of the existing care home on site. The building would be situated approximately 6.5m from the side elevation of the neighbouring care home and whilst the building would be visible from the rear garden of Waterbury House, due to the separation distance and as a result of the height of the proposed building, it would not result in adverse overbearing or overshadowing.

There is a caravan park to the rear of the site with 3 caravan units situated towards the rear boundary of the site. There is around 15.5m retained from the side elevation of the building to the nearest caravan units and with both structures at single storey and with sufficient vegetation along the boundary, overbearing overshadowing and overlooking would not be significant.

It is noted that the site is next to Ford railway line, and the dwellings could be subject to noise and/or vibration from passing trains. Environmental Health have been consulted and have requested a condition relating to the submission of a scheme to protect the proposed dwellings from noise and an assessment of the impact of the vibration from the railway line to be provided. Subject to these matters being dealt with via condition, the proposal would not result in adverse harm by way of noise or vibration from the trainline. The proposal would not result in adverse harm upon neighbouring occupiers and complies with ALP policy D SP1 and D DM1.

SPACE STANDARDS

ALP Policy D DM2 states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards (NDSS) apply. The proposal seeks 4 x 1 bed units which will each be 54 sqm and this complies with national space requirements.

The supporting text to ALP policy D DM2 refers to the ADG which include guidance on external space standards, and the need for applications to have regard to include adequate provision of private external space. Policy H.04 of the ADG advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states that rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

The dwellings all have at least a 2m front garden. The rear gardens are between 8-10m and whilst short of the 10.5m required as per the design guide, the gardens are sufficient in size and provide an acceptable amount of external amenity space. The proposal provides accommodation which complies with the national space standards, ALP policy D DM2 and the Arun Design Guide.

HERITAGE ASSETS

Paragraph 208 of the NPPF states Local Planning Authorities (LPAs) should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

The site is within the setting of a listed building as Waterbury House is a Grade II Listed Building which is located to the north of, and within the same ownership as the application site. The listed building is a fine example of its age and derives its significance from its architectural and historical interest.

The site is currently in a poor state and overgrown. There are however opportunities to view the side and rear elevation of the listed building from the site, as well as the nearby railway station which is itself a pleasant Victorian structure. The listed building is primarily appreciated from the public highway, although it may also be visible from the adjacent railway line. The proposed structure is relatively low in height and appears subservient when viewed at the western elevation, aligning with a previously approved scheme. However, when viewed from the southern (and northern) elevations it is a substantial structure extending significantly into the curtilage. While this may not affect public views into the site, it will alter views from within the grounds of the listed building. The extent of this large form of new development within the grounds cannot therefore be said to have a neutral impact.

The proposed elevation treatment and roof form show a degree of architectural sympathy with the listed building, particularly on the western elevation. Such an approach is acceptable in principle. However, it is important to emphasise that the success of the scheme will depend significantly on the quality of materials, workmanship, and detailing - particularly elements such as the brick bond.

Little information has been provided regarding the windows, doors, and other architectural details though these could be secured by a condition. The landscaping strategy remains unclear and it is not clear if the site will remain separated from the Waterbury House by the current fencing or will be reintegrated within the existing grounds.

The proposed car parking area comprises a large expanse of hardstanding, which, combined with the presence of multiple vehicles, would dominate the southern elevation and result in the loss of the former garden area albeit one that is currently neglected (although this can easily be rectified). This area would require sensitive landscaping, including the use of mature planting, to screen parked vehicles and soften the impact on the listed building's setting. Ultimately, development that enables the building to remain in viable use may be supported, provided any harm is mitigated and the highest standards of design and construction are achieved.

On balance, the proposal is likely to cause some harm to the significance of the listed building due to its scale, proximity, and visibility within the curtilage. However, this harm may be partially mitigated through the use of appropriate materials, detailing, and landscaping, and by ensuring the development remains ancillary to the existing use of the site. The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 215 of the NPPF (2024). The level of harm is considered to be on the lower end of the scale. Public benefits will need to be considered.

The proposal will provide much needed care home accommodation and will help to retain a viable use for the listed building. Public benefits have been identified which outweigh the lower level of harm identified and the proposal therefore complies with ALP policies HER SP1 and HER DM1, and the NPPF.

FLOOD RISK

ALP policy W DM2 sets out requirements for development in areas at risk of flooding, including the need for the sequential test, a Flood Risk Assessment, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans.

The site sits in Flood Zone 2 and 3 with approximately the eastern third of the site affected. The site is also at a high risk of ground water flooding and it is predicted that the whole site will be at risk of flooding from climate change by 2031. Paragraph 173 of the NPPF requires "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding, by following the steps set out below."

Paragraph 175 then states "The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk".

Updates to the NPPG in September 2025 state "In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied." The site is not subject to surface water flood risk.

A sequential test has been provided which discounts sites from Climping, Arundel and Ford. These sites have been discounted as a result of their size and the flood risk level being the same as the site proposed. It is important to note that the development is for four self-contained supported living units, on the site of an existing care facility. Therefore, it would be reasonable to locate the new facility next to the existing care home. To locate the proposed away from this site would present operational issues. The wider site contains facilities/amenities for staff and the service support.

Paragraph 27a of the NPPG states "The area to which the test needs to be applied will be governed by local circumstances relating to the catchment area for the type of development proposed and the needs it is proposing to address". In this case, the application has not found reasonably available sites of a lower flood risk, and the sequential test is passed.

As the application seeks more vulnerable development in Flood Zone 3, it is also required to pass the exception test. This requires demonstration that:

- (a) development that has to be in a flood risk area will provide wider sustainability benefits to the

community that outweigh flood risk; and

(b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Government guidance on wider sustainability benefits indicates that these must be genuine benefits to the wider community and go beyond the benefits or policy requirements of a planning application. In this case, the proposal would provide benefits to the wider community by providing new care homes accommodation. With regards to (b) the Environment Agency has reviewed the application and has raised no objection subject to a condition to secure the height above ground of internal floor levels. The FRA states the building will be constructed with suitable flood proofing measures such as high plug sockets and that all residents will be signed up to the flood evacuation warnings. The exceptions test is therefore also passed.

Subject to conditions, the proposal complies with ALP policies W DM2 and relevant paragraphs of the NPPF.

DRAINAGE

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SuDS) as appropriate to the size of development. ALP policy W DM1 states all developments must demonstrate where it will materially increase foul and/or surface water discharges, that adequate drainage capacity exists or can be provided as part of the development. Policy ES4 of the FNDP also relates to surface water management.

The submitted drainage strategy states the drainage strategy could comprise of storage provided by a mixture of permeable paving within the car parking areas and on/offline storage for the roof and car parking contributing areas. If following on-site percolation testing soakaways are found to be suitable, surface water flows from the site would discharge to ground with any additional storage provided within a geo-cell soakaway tank. Failing the use of soakaways, it would be recommended that surface water flows be directed to the public sewer, which is expected to be located within Ford Road, however this will require confirmation during the detailed design phase.

ADC Drainage Engineers have been consulted and provide an objection to the application. The application has insufficient supporting information to demonstrate that the surface water drainage of this proposed development will not increase flood risk. There is no formal design, only suggested design approaches, none of which are substantiated with suitable levels of investigation. There is a risk that there may be insufficient space on the site for adequate surface water storage, or that no viable disposal location can be identified.

No site-specific ground investigations have been completed. If groundwater is too high, or infiltration rates too slow then infiltration may not be viable. If this is the case, the nearest watercourse to the application site is the River Arun, located approximately 170m east of the south of the site. As a result, the designer has ruled out this option. It has been stated that runoff can be stored and discharged to a public sewer which they anticipate will be located with Ford Road. The public sewer records do not show any sewers on Ford Road in this area. There is highway drainage on Ford Road, however, the highway authority is under no obligation to accept additional flow to their network and such connections are heavily resisted. No information has been provided to evidence this is a viable option. Therefore, if infiltration is not viable there are no obvious alternative disposal locations, and it is unclear how the development will be drained.

Further to this, the site is partly within an area of flood risk, and this may have further implications for drainage as SuDS features must not be located in areas subject to flood risk. Water quality, biodiversity and amenity are also important considerations under the SuDS manual and with no formal design

proposed there is also insufficient information to ensure compliance with these.

The imposition of conditions at this stage rather than overcoming the objection could result in a circumstance where the condition cannot be discharged. In the event of attaching a condition that cannot be discharged, permission may be invalid or that condition could be deemed to be unreasonable.

In the absence of evidence of a viable surface water drainage disposal location, it cannot be confirmed that the site can be adequately drained or if flood risk will be increased by the proposed development. Therefore, this application does not accord with the relevant policies.

BIODIVERSITY AND TREES

ALP Policy ENV DM5 seeks to achieve a biodiversity 'net gain' and protect existing habitats on site. This can be achieved through incorporation of biodiversity elements such as green walls, bird/bat boxes or other mitigation measures into the landscape. Policy EH1 of the FNDP also relates to trees.

The site is liable for mandatory biodiversity net gain. The submitted BNG report shows an increase of 17.22% in habitat units and 63.48% in hedgerow units. This exceeds the mandatory 10% required. This will be achieved through the creation of hedgerows and grassland. A wildflower/habitat garden is also proposed to the eastern end of the site. The site supports a limited range of generally low-quality natural habitats and is a former residential garden with the site encompassing amenity grassland, scattered trees, non-native hedgerow, scrub hard standing and buildings.

The site contains a mixture of scattered trees on the southern boundary with the majority being mature sycamores. They offer good potential for nesting birds. There is also a lot of bramble across the site. The existing buildings on site (Waterbury House) has opportunities for bat roosts. This building will not be directly impacted by the proposed works but additional lighting on site may have an impact. A condition requiring details of any new lighting will be applied.

The habitats on site have value for foraging hedgehog and the site has sufficient cover to support breeding hedgehogs. The site has moderate value for foraging and breeding hedgehogs. The site does contain habitats which can be used by reptile species such as slow worms and those associated with deadwood/leaf litter and rubble habitat. The site has been assessed to be of moderate/low value for reptile species.

The PEA concludes that any proposed development of the site at Waterbury House will not significantly adversely change the ecological baseline which is low value or impact directly or indirectly on ecological receptors. The PEA makes recommendations for ecological enhancements including providing nest boxes and bat boxes on the dwellings, a deadwood habitat on site, close to the boundaries and bee hotels and a hedgehog home. This will be conditioned.

Subject to conditions to secure biodiversity enhancements, the proposal would comply with ALP policy ENV DM5 and will provide in excess of a 10% biodiversity net gain.

PARKING/HIGHWAYS

ALP Policy T SP1 states parking requirements should be informed by the Arun Parking Standards and also Part I of the ADG. Policy GA2 of the FNDP also relates to parking and new developments.

The Arun Parking Standards SPD states a 1-bedroom property in Parking Zone 1 should provide 2 parking spaces. The scheme would therefore require 8 parking spaces in total. In addition to the above, visitor parking will be required to be provided at a ratio of 20% of the total number of residential units. Nine parking spaces have been proposed, and this also provides sufficient room for turning and therefore complies with parking requirements as per the ADC Parking SPD.

The site currently has 2 vehicular accesses serving the parking area to the front of the building, one to the northern end and one to the southern. These both have gates, but the northern access appears to be used more frequently with the southern-most one appearing to be closed with cars parked in front of it. These accesses serve a car park for the existing facility at Waterbury House although a new car park is proposed to the southern side elevation of Waterbury House and would utilise these entrances.

WSCC Highways have provided comment and requested additional information. This related to the existing entrances. The proposed site plan implies that access to the site would be from the existing southern access to Ford Road, access would then continue south of the existing building and onwards to a new car parking area for nine vehicles. However, it is not known whether both entrances are intended for use by the new scheme or whether it would have its own. Given the close proximity of the southern access to the adjacent railway crossing, the Highway Authority recommends that this access be permanently closed to traffic entering and/or leaving the site, as additional vehicles generated by the proposal (particularly those turning right into the site) would be attempting to make that manoeuvre very close to the crossing which could cause obstruction on Ford Road and block traffic back over the railway crossing.

In addition, it is recommended that the existing crossover and 'keep clear' markings on Ford Road should also be removed. All traffic to and from the site would then have to use the northern access, further away from the crossing. These amendments were not accepted by the applicant with further discussions taking place to address the concerns. Further comments were received from WSCC Highways however this maintained the view that use of the southern access could be confusing to both new and existing users of the site. Any other alterations to the road would require a Stage 1 Road Safety Audit as the speed limit is 40mph. The access concerns have not yet been resolved and require further consideration and negotiation with the Highway Authority.

The new unit will require 4-5 staff during the day and 2 at night. The existing unit has 6-8 staff during the day and 2 staff at night with low numbers of change overs occur during peak times. Staff for the existing property are on shift patterns and there will be low numbers of change overs occur during peak times. The new facility will operate in the same way. The proposal would not result in an intensification of the site.

The proposal has provided insufficient information to ensure that access and egress to/from the site will be safe and as such it does not comply with ALP policy T SP1 or the NPPF.

SUMMARY

The development has been assessed against the policies in the framework taken as a whole and whilst the development is acceptable in principle being in accordance with C SP1 criteria f, the proposal has not demonstrated that it can be adequately drained and will not increase flood risk on site or elsewhere and does not comply with ALP policy W DM2 or FNDP Policy EH4 or the relevant paragraphs of the NPPF. There is also insufficient information regarding the access and egress from the site which conflicts with ALP policy T SP1.

The development is contrary to relevant development plan policies, and the harm identified would significantly and demonstrably outweigh any benefits of the proposal thus preventing an approval through the NPPF presumption in favour of sustainable development. As such, the application is 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

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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.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

REFUSE

- 1 The proposal has not satisfactorily demonstrated that infiltration of surface water runoff on the site is viable. If infiltration is not viable then there are no obvious alternative disposal locations, and it is unclear how the development will be drained. It has not been demonstrated that the risk of flooding would not increase on and off the site. The proposal conflicts with Arun Local Plan Policies W DM2 and W DM3, Ford Neighbourhood Development Plan Policy EH4, and the relevant paragraphs of the NPPF.
- 2 Insufficient information has been provided to demonstrate that the access and egress to the site would be safe and that additional vehicles generated by the proposal would not cause obstruction on Ford Road and block the railway crossing. The proposal conflicts with Arun Local Plan T SP1 and the relevant paragraphs of the NPPF.
- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.