

## REPORT UPDATE

**Application no:** AB/8/24/HH  
**Page no:** 41  
**Location:** 54 Torton Hill Road Arundel  
**Description:** Raised terrace to rear of property.

### UPDATE DETAILS

#### Reason for Update/Changes:

The owner of 58 Torton Hill Road has written in to advise that she also owns the property at no.56 and therefore her objection is on behalf of both 56 and 58 Torton Hill Road. In addition, the occupier of 56 has written in to object on grounds of overlooking, loss of light, and flooding to the garden caused by the applicant's soakaway.

These late representations have likely been made in response to the publishing of the officer report as the penultimate paragraph on page 44 states "It is also noted that no concerns have been raised by the occupier of no. 56".

#### Officers Comment:

These issues are already covered in the officer report and so there are no changes to the recommendation or conditions.

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## REPORT UPDATE

**Application no:** BR/6/24/PL  
**Page no:** 59  
**Location:** 1 Argyle Road Bognor Regis  
**Description:** Conversion of an existing 2 storey, 4 bedroom end of terrace house into 2 No. 2 bedroom flats. This application is CIL Zone 4 ( zero rated) as other development.

### UPDATE DETAILS

Reason for Update/Changes:

The agenda report states that the Pagham Agreement has been completed and therefore the recommendation is stated as "Approve with a S106 Agreement". However, the s106 Pagham agreement has not yet been completed. The applicant is working with us to resolve this but due to this situation, it is necessary to change the recommendation to allow the s106 agreement to be completed after the committee meeting.

The new recommendation is therefore for the Planning Committee to delegate to the Group Head of Planning in consultation with the Chair or Vice Chair with authority to:

- (a) Grant planning permission subject to conditions; and
- (b) Subject to a Section 106 (Pagham) Agreement, the terms of which are substantially in accordance with those set out in this report with any minor amendments authorised by the Group Head of Planning.

Officers Comment:

The change to the recommendation is as shown on this update sheet.

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## REPORT UPDATE

**Application no:** K/46/23/PL  
**Page no:** 69  
**Location:** Land north-east of Kingston Lane Kingston Lane Kingston  
**Description:** Erection of 47 No residential dwellings (including affordable homes) (resubmission following K/56/22/PL). This application is a Departure from the Development Plan and is in CIL Zone 5 and is CIL Liable as new dwellings.

### UPDATE DETAILS

Reason for Update/Changes:

Consultation response:

South Downs National Park Authority - No comment.

Additional neighbour comments:

The total number of objections has now increased to 450. Additional concerns have been raised about the weighting that has been applied by officers to the policy conflicts identified within the Committee report. Further comments objecting to the application have been received raising concern that due consideration has not been given to the loss of Best and Most Versatile (BMV) agricultural land in the officer report.

Officer comments:

Alleged policy conflicts and the weighting apportioned - The proposal conflicts with Arun Local Plan Policy SD SP2, C SP1, SD SP3, KPNP3 and D DM1 and it is acknowledged that these are most important policies for the purposes of NPPF paragraph 11. As such, it is concluded that these policies are out of date due to the Council's current lack of a 5 year Housing Land Supply and, therefore, they all carry reduced weight as a result.

Loss of BMV agricultural land - NPPF paragraph 180(b) recognises the importance of protecting BMV land and states that "planning policies and decisions should contribute to and enhance the natural and local environment by..." (amongst other considerations) "...(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland"

It should be clarified that the appeal referred to in the body of the Committee report in the context of loss of BMV agricultural land (LPA application A/168/21/PL) pertained to the loss of Grade 2 land, rather than Grade 1 land, as in the case of this current application (Grade 1 being the highest classification for BMV agricultural land). While this remains of relevance due to its similarity to the application site, as stated in the Committee report, the loss considered by the Inspector in relation to that site related to lower grade, but still very good quality, land (Grade 2).

For clarity, the definitions of Grade 1 and Grade 2 BMV agricultural land are set out below:

Grade 1 - excellent quality agricultural land:

update(ODB 57)

Land with no or very minor limitations to agricultural use. A very wide range of agricultural and horticultural crops can be grown and commonly includes top fruit, soft fruit, salad crops and winter harvested vegetables. Yields are high and less variable than on land of lower quality.

Grade 2 - very good quality agricultural land:

Land with minor limitations which affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown but on some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than Grade 1.

For the avoidance of any doubt, the application before the Planning Committee involves development on land classified as being Grade 1 (of excellent quality).

Appeal (APP/C3810/W/22/3309365 - 5 April 2023) Land West of Yapton Lane, is considered to be of relevance in this instance. In that relatively recent appeal, the Inspector considered the loss of Grade 1 agricultural land within a settlement gap. The Inspector stated that the provisions of SO DM1 are "...more restrictive than the Framework paragraph 174b) requirement to 'recognise' the economic and other benefits of BMV agricultural land... Inspectors have reached different conclusions on consistency between Policy SO DM1 and the Framework. However, in the absence of a five year supply of housing land, the parties agree that moderate weight should be given to the loss of Grade 1 agricultural land in the planning balance. Based on the evidence before me, I agree. It is therefore not necessary to explore this matter further."

The assessment made and conclusions reached in the report before this Committee, which attribute moderate weight to the conflict with policy SO DM1 in the overall planning balance, are, therefore, considered to be appropriate and justified.

\*The above Inspector's decision (APP/C3810/W/22/3309365) references NPPF paragraph 174b), however the NPPF was updated in December 2023, and this paragraph is now listed as number 180b).

Clarification:

In the Committee report under subheading 'Biodiversity and loss of trees' (4th paragraph) it is stated that "no objections are raised in relation to loss of trees." It should be clarified that, in this context, the statement should, more correctly, read that "officers have no objection in relation to loss of trees."

Update from Leisure and Landscape Officer:

The Councils' Leisure and Landscape Officer has provided additional comments to clarify that the Committee report accurately represents her comments made on this application and confirms that she does not object to the application. The Leisure and Landscape Officer was prompted to make these comments because she received an email from a member of the public suggesting that her comments were misrepresented in the Committee report.

Officers Comment:

The updates and clarifications as set out above do not result in any change to the Officer

Recommendation on this application.

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## REPORT UPDATE

**Application no:** LU/305/23/PL  
**Page no:** 101  
**Location:** Antonia Court Terminus Road Littlehampton  
**Description:** Erection of an upward extension to the existing three storey residential building to provide two additional floors comprising 8 No flats along with associated external alterations to the existing building. This application may affect the setting of listed buildings, may affect the Littlehampton River Road Conservation Area and is in CIL Zone 4 (Zero Rated) as flats.

### UPDATE DETAILS

Updates:

1 - Further to the receipt of amended plans, the Conservation Officer has no further comment to make.

2 - Amendments to conditions 3, 5 and 6 have been made. As a result of the standard trigger point of 'No development above Damp Proof Course' not being appropriate for this development, and valid objections from the agent to make these conditions pre-commencement, the conditions have been adjusted to now read 'No development other than structural improvements to the existing building shall take place until...'

Similar wording has been successfully implemented in other similar developments where additions have been made above existing premises.

3 - Another letter of objection has been received. This does not raise any new planning matters and issues raised within the objection have already been satisfactorily addressed within the report.

These updates do not impact the Officer Recommendation to approve the application subject to conditions and informatives.

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