



Public Document Pack

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18 February 2021

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held in virtually on **Wednesday 3 March 2021 at 2.30 pm** and you are requested to attend.

Members: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Charles, Coster, Edwards, Mrs Hamilton, Kelly, Lury, Mrs Pendleton, Roberts, Tilbrook, Mrs Warr and Mrs Yeates

PLEASE NOTE: *This meeting will be a 'virtual meeting' and any member of the press and public may listen-in and view the proceedings via a weblink which will be publicised on the Council website at least 24 hours before the meeting.*

Different meeting arrangements are in place for the period running from 4 April 2020 to 7 May 2021 from the provisions of the Coronavirus Act 2020 and the meeting regulations 2020, to allow formal 'virtual meetings'.

This Council's revised Rules of Procedures for 'virtual meetings' can be viewed here [click here](#)

PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE ALTERED AT THE DISCRETION OF THE CHAIRMAN AND SUBJECT TO THE AGREEMENT OF THE MEMBERS OF THE COMMITTEE

PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION ON LINE AT www.arun.gov.uk/planning<<http://www.arun.gov.uk/planning>>

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officer should make their declaration by stating:

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

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process as set out in the Council's adopted Planning Local Code of Conduct for Members and Officers at Part 8 of the Constitution. A copy of the Planning Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

(Pages 1 - 6)

To approve as a correct record the Minutes of the meeting held on 3 February 2021.

5. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

DEFERRED ITEM

6. AB/109/20/HH WHITE COTTAGE, 32 KING STREET, ARUNDEL BN18 9BW (Pages 7 - 16)

PLANNING APPLICATIONS

7. AL/79/20/OUT LAND WEST OF HOOK LANE, HOOK LANE, WESTERGATE PO 20 ETE (Pages 17 - 46)

8. AW/3/21/HH 4 SHORECROFT, ALDWICK PO21 4AS (Pages 47 - 52)
9. BN/151/20/PL LAND AT REAR OF POACHERS, (Pages 53 - 66)
EASTERGATE LANE, EASTERGATE PO20 3SJ
10. K/55/20/PL 57 COASTAL ROAD, KINGSTON BN16 1SN (Pages 67 - 74)
11. LU/13/21/PL 125 BAYFORD ROAD, LITTLEHAMPTON (Pages 75 - 82)
BN17 5HW
12. LU/295/20/PL 15 BEACH ROAD, LITTLEHAMPTON BN17 (Pages 83 - 94)
5HZ
13. LU/327/20/PL 38 ARUNDEL ROAD, LITTLEHAMPTON BN17 (Pages 95 - 102)
7DB
14. P/1/21/PL LAND AT SUMMER LANE, PAGHAM (Pages 103 -
114)
15. R/227/20/PL LAUNDRY, 38 OAKHURST GARDENS, (Pages 115 -
RUSTINGTON BN16 3AN 128)

PLANNING APPEALS

16. APPEALS (Pages 129 -
132)

OFFICER REPORT UPDATES

Will be circulated on the day of the meeting.

BACKGROUND PAPERS

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

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

Contact Officers :

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Juan Baeza (Ext 37765) email juan.baeza@arun.gov.uk
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Note : Reports are attached for all Members of the Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager.

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

Note : Filming, Photography and Recording at Council Meetings - The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link – [Filming Policy](#)

These meetings are webcast live.

To watch recorded webcasts use the following link - Development Control [Webcast Page](#)

DEVELOPMENT CONTROL COMMITTEE

3 February 2021 at 2.30 pm

Present: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Charles, Coster, Edwards, Mrs Hamilton, Kelly, Lury, Mrs Pendleton, Roberts, Tilbrook and Mrs Yeates

Councillors Clayden and Cooper were also in attendance observing for all or part of the meeting.

Apologies: None

446. WELCOME

The Chairman welcomed everyone to the meeting and offered his and the Committees condolences to the family of Captain Sir Tom Moore who passed away yesterday he stated that he had been an inspiration to many over the last year.

447. DECLARATIONS OF INTEREST

Councillor Bennett (Chairman) declared a personal interest in item 8 application R/197/20/OUT as member of Rustington Parish Council.

448. MINUTES

The Minutes of the meeting held on 6 January 2021 were approved by the Committee.

449. A/109/20/RES - LAND SOUTH OF WATER LANE, ANGMERING

Approval of reserved matters following outline consent A/99/17/OUT for 175 No dwellings & associated infrastructure. This application may affect the setting of a listed building, may affect the character & appearance of the Angmering Conservation Area & falls within Strategic Site SD9, CIL Zone 1 (Zero Rated).

The Planning Officer was asked by the Committee to summarise the update reports that had been received for this item prior ahead of the meeting. The Planning Officer then provided members with a verbal summary of the updates that had been shared.

Members then took part in a full debate on the application where a number of points were raised including landscaping plans, consultation with the Angmering advisory groups regarding drainage and concerns with the fast turnaround timeframe that was being followed.

Development Control Committee - 3.02.21

The Planning Officer, Engineering Services Manager and the Landscaping Officer provided members with answers to all points raised. The Group Head of Planning advised members that if they were considering further deferment of this item on the basis that the applicant would make further changes to the application, this would not be the case as the applicant had declined to take on board the comments raised at the last meeting. The Planning Officer then confirmed that the applicant had made fundamental changes since the application was first presented to the Council in June/July 2020.

The Committee

RESOLVED

That the application be APPROVED as detailed in the report and report update subject to conditions outlined.

450. A/179/20/RES - LAND SOUTH OF WATER LANE, ANGMERING

4 Public Speakers

Councillor John Oldfield – Angmering Parish Council
Mr Gibbs – Objector
Jessica Sparkes – Applicant
Councillor Paul Bicknell – Ward Member

Approval of reserved matters (appearance, layout, scale and landscaping) following outline consent A/99/17/OUT, for a culverted embankment over the Black Ditch, providing a road crossing to the proposed residential development.

The Planning Officer presented his report including matters detailed in the update report. This was followed by Public Speakers and a response was provided by the Planning Officer and the Engineering Services Manager.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update, subject to conditions outlined.

451. R/197/20/OUT - CROFT WORKS, 52 MILL LANE, RUSTINGTON

[The Chairman, Councillor Bennett, redeclared his personal interest in this item as a member of Rustington Parish Council.]

Outline application with some matters reserved for the demolition of existing dilapidated storage buildings & erection of 2 No. detached 3-bedroom chalet

bungalows with associated car barns, gardens, car parking & landscaping (resubmission following R/117/20/OUT).

The Planning Officer presented his report including matters in the update report.

Members then took part in a full debate on the application where a number of concerns were raised including access for emergency services vehicles mitigations given and road safety.

The Committee

RESOLVED

That the application be REFUSED and the reasons for refusal was due to the proposal by virtue of its narrow access lane would endanger pedestrian safety and prevent access by emergency vehicles contrary to policy T SP1 of the Arun Local Plan and paragraph 110 b), c) & d) of the National Planning Policy Framework.

452. FG/123/20/PL - LAND AT FORMER MCINTYRE NURSERY, LITTLEHAMPTON ROAD, FERRING BN12 6PG

2 Public Speakers

Councillor Stephen Abbott – Ferring Parish Council
Ed Miller - Objector

Demolition of a polytunnel, storage building & scaffolders' shelters & racking, use of land for Class B8 container self-storage & the siting of 79 No. single-stacked storage containers, part regrading of the ground, new fencing, CCTV & lighting. This site is in CIL Zone 3 (Zero Rated) as other development & is a Departure from the Development Plan.

The Planning Officer presented his report including matters in the update report. This was followed by Public Speakers and a response was provided by the Planning Officer.

Members then took part in a full debate on the application where a number of concerns were raised including overdevelopment of the area, inappropriate development for the area, surface water drainage and traffic access.

The Planning Officer and Group Head of Planning provided detailed answers to all concerns raised as well as advising that refusal of this application could be appealed, and if so, could be successful.

Development Control Committee - 3.02.21

The Committee

RESOLVED

That the application be REFUSED and the reasons for refusal was that the proposal represents an undesirable intensification of storage use on the site which would have an unacceptable impact on the character and appearance of the area and serve to unacceptably erode the gap between Angmering and Worthing contrary to policies C SP1, D DM1 and SD SP3 of the Arun Local Plan and policy 7 of the Ferring Neighbourhood Plan.

The Chairman adjourned the meeting at 16:55 until 17:05

453. BR/286/20/HH - 17 SHELLEY ROAD, BOGNOR REGIS PO21 2SL

Removal of existing garage and erection of single storey side and rear extension

The Planning Officer presented his report to the Committee.

Members took part in a full debate on the application where a number of concerns were raised including the extension wall only leaving a small gap to the boundary line, impact on the street scene and the loss of off-street parking.

The Group Head of Planning asked the Planning Officer to explain what would be acceptable in terms of permitted development, namely. what could be built without a planning application. The Planning Officer then gave a detailed explanation to the Committee.

Further discussion was had by Members regarding the detail of permitted development, confirmation was sought if guttering was to be added to the extension and would this need to be inside of the boundary. As discussion moved to detail outside of matters that the Committee could consider the Solicitor for the Council reminded members that any building control matters were not part of the decision and referred them back to the Planning Officer's advice given specifically to the smaller area at the back of the site, that would not be allowed to be built without this application.

The Committee

RESOLVED

That the application be APPROVED subject to the conditions outlined within the report.

454. AB/109/20/HH - WHITE COTTAGE, 32 KING STREET, ARUNDEL BN18 9BW

Rear single storey extension for new kitchen and living area, internal alterations, new and adjusted windows and doors, part replacement roof structure with 2 x conservation roof lights to the main building, re-covering of main roof and partial re-build of the detached garage with replacement pitched roof. This application affects the character & appearance of the Arundel Conservation Area & may affect the setting of listed buildings.

The Chairman advised that new plans had been submitted by the applicant for this application, of which were still subject to a public consultation period, he therefore proposed that this item be deferred before any public speakers were heard. This was duly seconded, and was agreed that this item would be brought back to the next meeting of the Committee on 3 March 2021

The Committee

RESOLVED

That the application be DEFERRED to allow the public consultation period to end on the new plans that had been submitted by the applicant.

455. APPEALS

The Committee received and noted the appeals list within the agenda.

456. SD8 - FORD STRATEGIC SITE ALLOCATION, MASTERPLAN DOCUMENT ENDORSEMENT REPORT

The Planning Officer presented his report including matters in the update report.

Members then took part in a full debate on the masterplan report where a number of points were raised including commendation of the consultation process followed, support for the housing development, plans had not addressed the highways concerns within the area in particular, that, there was no north-south route secured for traffic between the A259 and A27, concerns relating to the secondary school were also raised.

The Planning officer provided answers to the points raised and the Group Head of Planning provided members with advice, specifically reminding members of the Local Plan and to think more strategically.

Further discussion took place around the broad stretch of land at the southern end of the development that had been left for trees and vegetation that could be adapted should there be a need for a road from Horsemere Road going east. The Group Head of Planning advised that this would change the viability of the entire plan as it had been modelled on the current road plan detailed.

Development Control Committee - 3.02.21

The Committee

RESOLVED

That subject to the receipt of a substitute plan for Figure 23 that clearly demonstrates improved provision for pedestrians, cyclists and equestrians, it is recommended that "The Landings" Masterplan Document November 2020 be endorsed.

457. APPEALS PERFORMANCE AND COST 2020

The Group Head of planning presented his report and referred members to sections 8 to 10 of his report where it had outlined that significant costs that had been awarded throughout 2020.

Members had a short discussion in relation to the learning and training opportunities that it highlighted, and that the Committee needed to fully understand its planning powers that are delegated by central government whilst balancing that with what was right for their communities.

The Group Head of Planning advised that he would be able to confirm dates for the planned formal training sessions with the committee and all other members shortly.

The Committee noted the report.

(The meeting concluded at 6.27 pm)

PLANNING APPLICATION REPORT

REF NO: AB/109/20/HH

LOCATION: White Cottage
32 King Street
Arundel
BN18 9BW

PROPOSAL: Rear single storey extension for new kitchen and living area, internal alterations, new and adjusted windows and doors, part replacement roof structure with 2 x conservation roof lights to the main building, re-covering of main roof and partial re-build of the detached garage with replacement pitched roof. This application affects the character & appearance of the Arundel Conservation Area & may affect the setting of listed buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application is to construct a single storey rear extension, internal alterations and alterations to the fenestration. Furthermore, the part-replacement of the roof structure with 2No. conservation rooflights, re-covering of the main roof and the partial re-build of the detached garage with replacement pitched roof. This will be enabled following the demolition of the existing rear additions following approval of AB/43/20/PL.

The partial rebuild of the garage relates to the reroofing and three of the walls of the existing garage removed and replaced. This does not result in any change in the appearance of the garage in that the scale will remain the same, the nature of these works are predominantly reparative.

During the process of the application, the plans have been amended to alter the built form of the proposed rear extension. The rear extension has been moved further away from the boundary with the neighbour to the north. This is considered to have a positive impact upon the proposed development, in that the element that has been stepped in was the higher element of the proposal. It also allows for the hedging on this boundary to be retained.

RELEVANT SITE HISTORY

AB/43/20/PL	Demolition of rear extension. This application affects the character & appearance of the Arundel Conservation Area & may affect the setting of listed buildings.	ApproveConditionally 14-07-20
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REPRESENTATIONS

Arundel Town Council - No objection.

7 letters of objection:

- There is harm to the Listed Building of 36 King Street.
- The proposal is of a poor design.
- The proposal will harmfully affect the character of the Conservation Area and the setting of nearby Listed Buildings.
- The loss of the hedge will cause nuisance, visual harm, a loss of amenity and biodiversity.
- The 10m long flank wall will relate in a loss of sunlight and daylight to 36 King Street.
- The development may cause disturbance to the subsoil of the application site.
- The development would be contrary to the Party Wall Act 1996.
- The submitted Biodiversity report is totally inadequate.

Agent Supporting Document:

- The proposed extension extends from the rear of the property in a same way to the previous floor plan.
- Whilst the proposal is along the boundary line, it is 3m shorter than the existing development.
- The design of the proposal allows for an improved living environment, whilst benefitting the appearance and function of the house as a whole.
- The roof of the proposal is 0.5m lower than the extension which previously existed.

1 letter of no objection from neighbour to the north following sub-plans:

- There has been constructive dialogue with the applicant and confirms agreement with the revised plans, subject to certain conditions.
- These include protection of elements of the hedgerow, a ground worker specialist to be employed during the construction works, the submission of a drainage survey and the use of certain materials for the proposal.

OFFICERS COMMENTS ON REPRESENTATIONS:

Comments noted. The representations raised will be addressed in the conclusion section. In response a pre commencement planning condition (number 5) is proposed to protect the beech hedgerow. The applicants agent has provided written agreement to impose such a condition. A condition is in place designed to control the materials to be used. However, conditions requesting a ground worker to be employed to check the foundations of the extension during construction works and that a detailed water and land drainage survey be carried out are not considered to be within the remit of control for this application.

Disturbance to subsoil and consideration of the Party Wall Act and hedgerow regulations are not planning considerations.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

The Council's Conservation Officer - No objection.

- The proposed development is considered to cause less than substantial harm to the character of the Conservation Area of the setting of the neighbouring listed building.
- The removal of the clay hanging tiles would be unacceptable, details of all materials should be required

via condition.

- The use of UPVC windows is unfortunate.
- The works to the roof will receive support.
- The proposal result in the removal of the hedge, details of an alternate means of enclosure along the Northern boundary will be requested via condition.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment

[Arundel Neighbourhood Plan 2018-2031 AR1](#) Arundel Built Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest. Additionally, proposals should protect the setting of these buildings.

Policy HER DM3 ensures that development will only preserve or enhance the character of the Conservation Area of which they area within, or affect the setting of a Listed Building.

Policy AR1 of the Arundel Neighbourhood Plan defines the Built Up Area Boundary of Arundel, as shown on the Policies Map, for the purpose of applying policies SD SP2 and C SP1 of the Arun Local Plan.

SITE HISTORY

The application follows application AB/43/20/PL, which granted permission to demolish the existing rear projection from the host dwelling. This extension measured 11m long, 7m wide and 4m high at a distance of approximately 2.5m from the Northern site boundary.

This differs from the extension proposed under this application, in that the proposal is 10m long, 8m wide and approximately 3.8m high (when taken at its most extreme points).

DESIGN AND VISUAL AMENITY

Policy D DM1 of the Arun Local Plan requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. In addition, paragraph 127 of the NPPF requires developments to be visually attractive and sympathetic to local character and history. Government advice in section 12 of the NPPF indicates that design which is inappropriate in its context should not be accepted.

The site is located within the Arundel Conservation Area. The proposed extension has been designed in a way which satisfactorily responds to the physical characteristics of the site and the surrounding area.

The proposed single storey rear extension projects from the Eastern elevation of the host dwelling by approximately 9m. Due to this siting at the rear of the site this extension will not be visible from the street scene of King Street. As a result of the topography of the application site, sloping down from north to south excavation has had to be carried out in order to level the land upon which to build the extension. The proposed rear extension itself is considered to appear subservient to the host dwelling, and well integrated with its built form. This is due to the use of materials to match the host dwelling. Furthermore, the eaves and ridge heights of the extension are subordinate in appearance to the host dwelling in terms of their location and height.

The works to the roof are considered to have visual merit to the host dwelling, and this element of the proposal enjoys support from the Council's Conservation Officer. The same can be said with relation to the proposed works to the garage, as it is also considered to have visual merit, and remain subservient to the host dwelling. With relation to other details relating to the use of appropriate and sympathetic materials, including the removal of the hung tiles these will be secured by way of condition.

The proposed development is considered to accord with D DM1 and D DM4 of the Arun Local Plan.

HERITAGE IMPACT ASSESSMENT

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is considered to result in less than substantial harm to the setting of neighbouring Grade II Listed Buildings or the character of the Conservation Area.

CONSERVATION AREA

The relevant Local Plan policy for assessment of the impact on the setting of the Conservation Area is policy HER DM3 which states that in order to preserve and enhance the character and appearance of the Conservation Area planning permission will normally be granted for proposals within or affecting the setting of a conservation Area provided that (b) alterations or additions to existing buildings are sensitively, constructed of appropriate materials and are sympathetic in scale, form and detailing, (e) it

retains historically significant boundaries and elements of the area's established pattern of development, character and historic value and (f) that proposals do not harm important views into, or out of or within the Conservation Area.

Policy HER SP1 requires Conservation Areas to be given the highest level of protection and to be conserved and enhanced in a manner appropriate to their significance and development that is likely to prejudice their setting should be refused.

Arundel Conservation Area is principally formed of the historic core of buildings in the town centre. Predominant materials include flint and brick, render and slate roofing with some clay tiles also present. Properties front directly onto the pavement and a number are small in scale. The property itself is an attractive element of the street being a mixture of painted brick and tile hanging walls. It has casement windows and fronts directly onto the road. It is of aesthetic significance within the Conservation Area.

The proposed extension is substantial and will occupy a large floor area, but it has a low form and in part replaces an earlier extension. This part of the proposal would not be readily visible in the street scene, being largely screened from view from the site frontage by the existing 2 storey property. The removal of the tile hanging from the front and rear elevations will be controlled by condition. The proposal seeks to replace the modern Marley machine made concrete hanging tiles. These cover the front and rear sections of the house. However historically, tile hanging on this particular property forms part of the established appearance and therefore character of the building. Its loss would detract from the building, especially the front and street elevation and this part of the proposal will be controlled by condition.

The works to the roof which will see the replacement of the existing tiles with something more appropriate for a conservation area is a positive feature of the application, and is supported. Conservation grade roof lights have been proposed for the extension at the rear of the property and for the southern aspect of the roof on the two storey section of the house. Although roof lights are primarily positioned at the back of properties within the conservation area of Arundel there are few examples where they have been positioned to be visible from the road.

Subject to the imposition of appropriate conditions the replacement extension and alterations are considered to be sensitively designed and constructed of appropriate materials and sympathetic in scale, form and detailing, and are suitably located to retain historically significant boundaries and elements of the area's established pattern of development, character and historic value and do not harm important views into, or out of or within the Conservation Area in accordance with policies HER SP1 and HER DM3 of Arun Local Plan.

In accordance with paragraph 189 of the NPPF, a Heritage Statement has been prepared which assesses the impact the development on the Conservation Area.

With regard to Paragraph 200 of the NPPF the main consideration is the indirect effect that the proposed extension and alterations could have on the appreciation of the significance of the locally listed buildings and their settings and the setting of the Conservation Area. As discussed above the proposal would not detract from the appearance of the area.

In accordance with para.190 of the NPPF which states that Local Planning Authorities should take account of any necessary expertise, the Conservation officer has been consulted and he has commented that the proposal is acceptable in terms of its position and appearance subject to a condition controlling the materials.

The proposal has taken account of the policy objectives set out in paragraph 192 of the NPPF by enhancing the significance of the heritage assets that may be affected by the application proposals. The

conservation of the designated Heritage Assets has been given great weight in accordance with paragraph 193 of the NPPF. The proposals have sought to minimise and mitigate the impact of the proposals on the significance of the designated Heritage Assets and make a positive contribution to local character by enhancing the setting of the heritage assets as required by para192(c) of the NPPF which states Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

LISTED BUILDINGS

Whilst the site is not a statutory Listed Building a number of Listed Buildings are situated within its immediate vicinity and there would be an impact on their setting resulting from the development proposed.

The relevant Local Plan policy for assessment of the impact on the setting of adjacent Listed Buildings is policy HER DM1 which states that proposals affecting statutory Listed Buildings will be required to (e) protect and where possible enhance the setting of the building.

There are a number of Listed Buildings in close proximity to the site, including 24-30 (even numbers) and 36 King Street. King Street consists predominantly of a series of terraced houses which were developed from the early C19.

The revised scheme is in keeping with the character of the adjacent Listed Building and does not dominate the sky line or appear as an overbearing addition to their settings. The highest proposed roof line will be 0.5 meters lower height than previously existed and the proposal involves excavating and levelling the site to ensure that the single storey extension will sit lower than the current ground levels allow.

The extension has been designed so as not to sit directly on the boundary line and has allowed for enough space for planting suitable to cover the new brick wall which will further reduce the impact on the setting of adjacent listed buildings. The neighbouring listed buildings are predominantly appreciated from their frontages, forming part of an attractive terrace with other terraces in the road. This view will be unaffected by the proposal.

It would enhance the setting of adjacent listed buildings by improving the visual appearance of the area, introducing a single storey extension of traditional design allowing better visual appreciation of neighbouring listed buildings. The proposal would therefore accord with policy HER DM1(e) in that it would enhance the setting of nearby listed buildings.

The application is therefore considered acceptable in terms of its impact on the setting of the adjacent and neighbouring heritage assets identified above and is considered compliant with policies HER SP1 and HER DM1 of the Arun Local Plan .

Other Material Planning Considerations

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building or its setting must have regard to the desirability of preserving the building or its setting. Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas.

National Planning Policy Framework (NPPF)

The NPPF requires Local Planning Authorities to identify and assess significance of a Heritage Asset that may be affected by proposals (paragraph 190). They should take the assessment into account when considering the impact of proposals in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals.

In accordance with paragraph 189 of the NPPF a Heritage Statement has been prepared which assesses the impact the development has on the setting of nearby Listed Buildings and assesses how this may be affect the proposed development.

The proposal has taken account of the policy objectives set out in paragraph 192 of the NPPF by enhancing the significance of the heritage assets that may be affected by the application proposals. The conservation of the designated Heritage Assets has been given great weight In accordance with paragraph 193 of the NPPF. The proposals have sought to minimise and mitigate the impact of the proposals on the significance of the designated Heritage Assets and make a positive contribution to local character by enhancing the setting of the heritage assets as required by para192(c) of the NPPF which states Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness

CONCLUSIONS IN RESPECT OF PLANNING BALANCE IN RELATION TO HERITAGE ASSETS

Overall, the proposal does cause some harm to the Heritage Assets, but this level is such that the impact can be described as leading to less than substantial harm. In accordance with paragraph 196 of the NPPF this harm needs to be weighed against the public benefits of the proposal.

It is therefore necessary to consider the public benefits that the development may achieve. These include:

- Creating construction jobs.
- Securing the optimum use for a dwelling within a Conservation Area.

It is considered that these benefits sufficiently outweigh the harm caused and the proposal is therefore compliant with the NPPF.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in any significantly harmful overbearing or overshadowing impact upon the occupiers of neighbouring dwellings.

The proposed development has an eaves height of 2.4m from within the development site, however, as the application site to the North is higher, this eaves height is 1.9m when viewed from the ground level of the neighbouring site. This eaves line runs along for approximately 5m along the Northern boundary of the site, before stepping in for the remaining 3.2m.

The proposed extension then slopes up to a maximum height of 3.5m when 3m from this Northern boundary. There will be views of the roof of the proposed extension from the rear garden of the neighbouring dwelling to the north. However, the impact will be acceptable for the following reasons.

A condition is recommended that details are submitted and agreed with the Council in connection with new screening to the northern boundary to address the fact that the existing screening is proposed to be removed to allow the extension to be built.

In addition the design of the extension is such that the roof will, at eaves point slope away from the

neighbour to the north. Views into the neighbouring property to the north will not alter to what they are now from this single storey extension.

The development is therefore not considered to be unneighbourly nor result in any loss of privacy of neighbouring dwellings in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

CONCLUSION

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Location & Block Plan - 21/01/2021 - Rev. B
- Proposed Ground Floor Plan - 20/01/2021 - Rev. D
- Proposed First Floor Plan - 21/01/2021 - Rev. D
- Proposed Elevations - South & West - 21/01/2021 - Rev. D
- Proposed Elevations - North & East - 21/01/2021 - Rev. D

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan and does not purport to grant permission for the materials which are conditioned separately.

- 3 Notwithstanding the material details provided on the approved elevation plans no development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls, roofs and all fenestration of the proposed development have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the development.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 No development above damp proof course (DPC) level shall take place unless and until details have been submitted to and approved by the Local Planning Authority of means of enclosure and potential shrub planting along the boundary between the host dwelling and the neighbouring dwelling to the North. The extensions shall not be occupied until such boundary treatment has been installed/planted in line with the approved details and retained as such in perpetuity.

Reason: In the interests of the of amenity and heritage protection of the development, in accordance with Arun Local Plan policies D DM1 and HER DM1.

- 5 Prior to commencement of the development, details of the retention of the beech hedgerow on the northern boundary wall should be submitted to, and agreed by the Local Planning Authority in writing. The measures should remain in place for the duration of the construction of the proposal and adhered to thereafter.

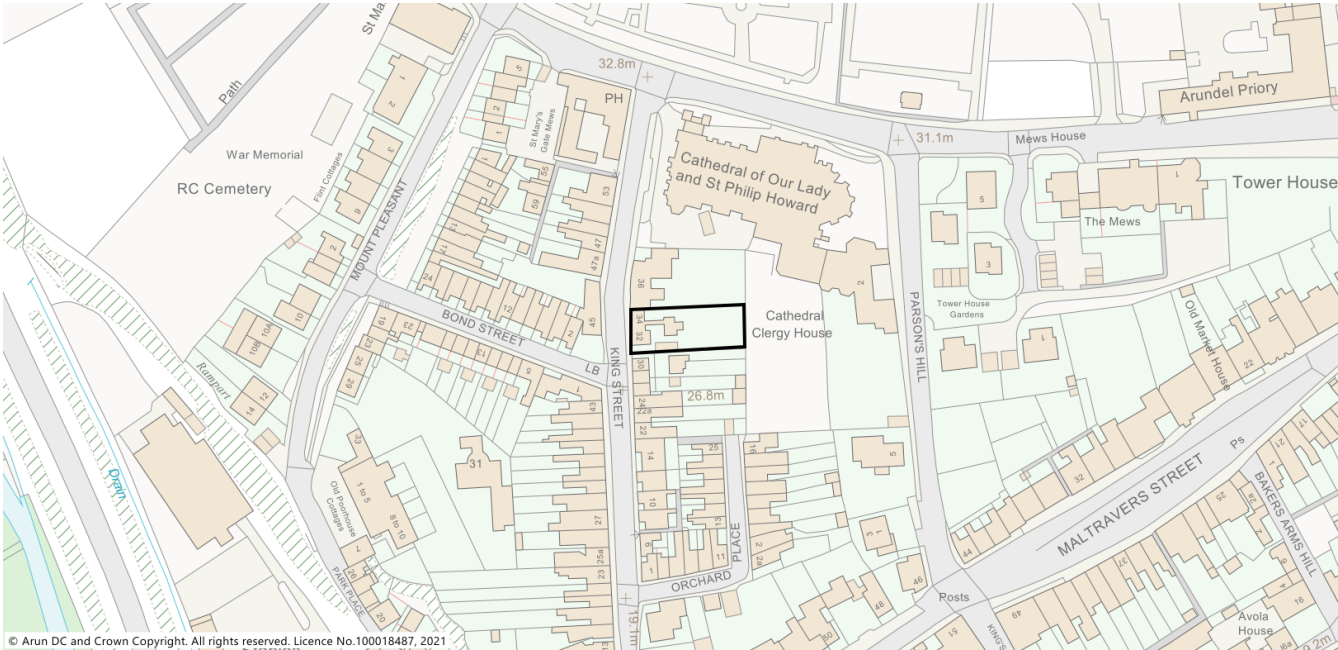
Reason: In the interests of the of visual and residential amenities of the host dwelling and those in the locality, in accordance with Arun Local Plan policies D DM1 and HER DM1.

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

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

AB/109/20/HH - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: AL/79/20/OUT

LOCATION: Land to West of Hook Lane
Hook Lane
Westergate
PO20 3TE

PROPOSAL: Outline planning application with some matters reserved (Layout, Scale, Appearance and Landscaping are to be determined as reserved matters) for the construction of 10 No. dwellings & the creation of a new vehicular & pedestrian access on to Hook Lane. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The scheme is in outline with all matters reserved except access. The scheme proposes to provide a new vehicular and pedestrian access onto Hook Lane to serve 8 of the dwellings. A second access driveway will serve the other two. Pedestrian footway will link with the existing pavement on the western side of Hook Lane. The main access road is 5m wide but with a full 14m extent where it meets Hook Lane. A dropped kerb tactile paved point crossing the new bellmouth junction has been shown.

An illustrative layout suggests a scheme of two storey houses with parking, garages and landscaping but matters of appearance, scale, layout and landscaping are reserved at this time. The narrow strip of red edge extending to the west is required to facilitate a future drainage connection to the watercourse at the western edge of the nursery site.

SITE AREA 0.4 hectares.

RESIDENTIAL DEVELOPMENT 25 dwellings per hectare.
DENSITY

TOPOGRAPHY The land drops by circa 0.2-0.3m from the northern boundary before generally flattening and then rising slightly by circa 0.1m.

TREES Four young trees in the site including a Sycamore in the north eastern part and three Silver Birch in a small part of the southern boundary. The Sycamore is to be felled, the others retained. There is hedging to the eastern, western and part southern boundaries.

BOUNDARY TREATMENT 1.8m high timber fence to the northern boundary. 1.5m Barbed Wire fencing and hedging to the western and eastern boundaries. Currently open to the southern boundary.

SITE CHARACTERISTICS

Part of the land associated with the adjacent Fleurie Nurseries (Omnia Site) horticultural site. Currently grassed. There is a small area of concrete (above a septic tank), a telegraph pole and an electric meter box within the site. The septic tank is linked by pipe to the toilet building on the nursery site and would need to be relocated if the development is implemented.

CHARACTER OF LOCALITY

Semi-rural area. The site is opposite a ribbon of housing development along Hook Lane which consists of a mix of detached bungalows, chalet bungalows & two storey houses of varying architectural styles and designs. There is a housing site (Metis Homes) of 14 dwellings adjacent to the north which is mixed between single and two storey. Four two storey dwellings have bedroom/bathroom windows overlooking the site. To the west of the site is a reservoir associated with the nursery site. The nursery to the south and includes various horticultural and ancillary buildings.

RELEVANT SITE HISTORY

AL/33/19/RES	Approval of reserved matters following the consent of AL/8/16/OUT (APP/C3810/W/16/3155330) for the erection of 14 No. dwellings with associated access, parking, landscape & open space.	ApproveConditionally 15-07-19
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AL/8/16/OUT	Outline application with all matters reserved for a residential development of up to 14 No. dwellings & associated works including access, landscaping & open space. This application is a Departure from the Development Plan.	Refused 16-05-16
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**Appeal: Allowed+Conditions
03-05-18**

Part of the site has been used for open storage but this has ceased. The adjacent site to the north (Land at Barnside) has recently been partially redeveloped by Metis Homes with 14 residential dwellings alongside the retained dwelling. The applications above relate to that site.

REPRESENTATIONS

Aldingbourne Parish Council object for the following reasons:

- (1) Outside Built Up Area Boundary and emerging Aldingbourne Neighbourhood Development Plan proposes additional housing;
- (2) Loss of a valuable green space and so harm to the character and appearance of the area;
- (3) Harm to bats associated with the Singleton and Cocking Tunnel Special Area of Conservation. Do not support comments of Councils ecologist;
- (4) Material increase in vehicular movements along a narrow country lane which would have serious implications for highway safety;
- (5) Unsustainable site and there is no shop at Woodgate;
- (6) The release of further water into the watercourse to the west will harm biodiversity; and

(7) Housing applications should only be submitted as Full applications to enable full and proper assessment.

16 letters of objection from local residents (as of 03/02/21):

- (1) Outside Built Up Area Boundary;
- (2) Not sustainable location;
- (3) Shop was closed before Covid-19 so to say otherwise is not true;
- (4) Insufficient local infrastructure/services;
- (5) Highway safety in part due to narrow nature of the road and blind bends;
- (6) Hook Lane needs widening with pavements, street lighting, and formal pedestrian crossing places;
- (7) Massive increase in the number of houses on Hook Lane;
- (8) Harm to the character of Hook Lane;
- (9) Increased surface water flooding on Hook Lane;
- (10) Harm to wildlife & net biodiversity loss;
- (11) Harm to a biodiversity corridor;
- (12) Harm to bats associated with the Singleton & Cocking Tunnels Special Area of Conservation;
- (13) Increase in local air & noise pollution;
- (14) Light disturbance from car headlights facing Hook Lane;
- (15) New homes on Metis Homes site and houses on Hook Lane will be overlooked/lose light; and
- (16) The Road Safety Audit was carried out at on Thursday 10/12/20 at around 1pm when the road was closed to through traffic and is therefore not representative of traffic conditions.

COMMENTS ON REPRESENTATIONS RECEIVED:

In respect to the Parish Council response, items (1), (2), (3), (4), (5) & (6) will be considered in the conclusions section with the following offered in respect of parts of (3) & (5) and the other concerns:

(3) Whilst it is accepted that the narrow strip of land in the site red edge means that the site does directly abut the designated biodiversity corridor, the part of the site comprising new houses is 53m from this corridor. The comment about the Councils ecologist is noted but not considered to affect the weight to be given to the ecologist's comments.

In respect of the resident objections, items (1), (2), (5) & (8) - (13) & (15) will be considered in the conclusions section with the following offered in respect of the other concerns:

(4) Noted. This development will be liable for CIL and whilst this will be calculated at the Reserved Matters stage, members may wish to note that the recent 9 dwelling permission at Springfields on the opposite side of the road attracted a CIL requirement of £125,100. The Parish Council will receive a 25% share of any CIL collected.

(6) Noted but it is not possible to secure improvements to the length of Hook Lane through a particular planning application. This application does propose to tie in with existing footpaths on the western side of Hook Lane.

(7) Noted.

(14) The Councils Environmental Health Officers have not raised this concern. Neither of the two access points are directly in line with residential properties opposite and that headlights will only affect ground level windows. Properties opposite are two storeys or have hedges to front boundaries.

(16) It is the purpose of Road Safety Audits (RSA) to provide an independent assessment of the key design and operating arrangements of the highway works. The RSA identifies potential road safety issues or problems that may affect all users of the highway and recommend measures to eliminate or mitigate these problems.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - no objection on basis of the proposal, in isolation, will not materially affect the safety, reliability and/or operation of the strategic road network. State it may be appropriate for ADC to secure a proportionate contribution towards A27 improvements required to mitigate the cumulative impact of developments in Arun.

NATURAL ENGLAND - Initially stated that they have no comments. Their further response is discussed in the next section.

SOUTHERN WATER - no objection subject to the imposition of a condition and an informative.

SUSSEX POLICE - no objection - list a number of advisory notes regarding improving security.

WSCC HIGHWAYS - Initially requested further information including a Road Safety Audit (RSA) but following the receipt of this, they confirm they have no objection and recommend conditions are imposed to secure the access, visibility splays and a construction management plan. Comment that:

- Hook Lane is 'C' classified highway subject to a 30mph speed restriction in this location;
- No recorded injury accidents on Hook Lane in the vicinity of the site in the last 5 years;
- No evidence to suggest that the nearby road layout is operating unsafely, or that the proposed development would exacerbate an existing safety concern;
- The new access should allow for pedestrians to cross across the entrance but this can be agreed at the detailed (Reserved Matters) stage;
- Swept path tracking diagrams show that a fire tender and a refuse collection vehicle can access and turn within the site, in order to exit in a forward gear;
- The scheme proposes to tie in with existing footway on the western side of Hook Lane;
- The crossing points of Hook Lane either side of this junction have been removed as no footway is present immediately opposite the site access;
- However, consented development east of Hook Lane provides a crossing point north of the site;
- TRICs data estimates that 5 x vehicle trips in the AM and 5 in the PM peak hour would result, with 46 x two-way movements over the 12 hour day period;
- The additional trips anticipated on the local road network are not anticipated to result in a road capacity concern;
- Have some concerns with the internal site layout in respect of the chicane feature, transition from footway at the site access to shared surface and parking provision but accept that this is to be considered at reserved matters stage;
- The site has a shop, bus stops, primary school and pub/restaurant within walking distance of the site;
- Cycling, walking and public transport could reasonably make up part or all of some journeys for residents, reducing the reliance on the private car;
- Vehicular visibility splays from both the new bellmouth access and crossover to plots 1 & 2 have been demonstrated;
- The access point for plots 1 & 2 will have lowered kerbs to allow vehicles to cross the footway; and
- Relocation of the road gully and cover crossing the main access will need to be assessed at the Reserved Matters stage.

WSCC SURFACE WATER DRAINAGE - no objection. State that:

- Surface water mapping shows the site is at low risk from surface water flooding;
- Area of development shown to be at high risk from groundwater flooding based on current mapping but this does not mean the site will suffer flooding;
- There is an ordinary watercourse in close proximity to the site; and
- No records of historic surface flooding within the confines of the site.

ADC DRAINAGE ENGINEERS - no objection in principle and recommend standard conditions. Did have a concern that the drainage proposal was for attenuated discharge into the watercourse to the west of the site but that the application site did not extend up to this point.

ADC ENVIRONMENTAL HEALTH - no objection and request conditions relating to electric vehicle charging, air quality, contaminated land, construction management, lighting and protection of new occupiers from noise.

ADC LANDSCAPE OFFICER - no objection subject to details of landscaping mitigation being provided at the Reserved Matters stage. There would be no requirement or trigger for the provision of Public Open Space or Play on site. The green boundary treatment should allow a buffer area to enhance and improve the existing and include tree species.

COUNCILS ARCHAEOLOGIST - no objection. The desk-based assessment is satisfactory and its conclusions regarding the potential for this site to contain deposits of archaeological interest are accepted. No reason however why the application should be refused and conservation of the archaeological interest can be secured by a standard planning condition. The intention of this will be to secure an evaluation of the site by trial trenching in order to ensure that anything of interest that it contains might be properly investigated and recorded prior to destruction through development.

COUNCILS ECOLOGIST - no objection subject to conditions to secure retention/enhancement of hedges, protection of retained hedges during construction, details of the lighting scheme, protection of birds nests, adherence to the proposed Great Crested Newt & reptile mitigation measures and other wildlife enhancement measures. Biodiversity enhancements recommended within the Preliminary Ecological Appraisal (July 2020) are suitable and should be incorporated into the landscaping scheme.

COMMENTS ON CONSULTATION RESPONSES:

HIGHWAYS ENGLAND - It is not possible to secure a targeted contribution towards A27 improvements as the site is eligible for CIL and S.106 cannot be used for off-site mitigations. The Highways England response confirms that it is not necessary to notify the Secretary of State for Transport of ADC's decision.

NATURAL ENGLAND - Natural England did not comment on the impact of the proposal on the Singleton & Cocking Tunnels Special Area of Conservation. ADC prepared an Appropriate Assessment which was sent to Natural England for further consideration. This Assessment concluded the proposal would not have adverse effect on the integrity of the SAC. Natural England responded on 01-02-2021 to state they agree with ADC's assessment provided the permission secure mitigation measures through conditions. Conditions 4, 11, 14, 17, 24 and 28 secure these mitigation measures.

ADC DRAINAGE ENGINEERS - The applicant resolved the Engineers concern by extending the red edge up to the watercourse.

POLICY CONTEXT

Designations applicable to site:

CIL Zone 3;
 Outside the Built Up Area Boundary;
 Special Control of Adverts;
 Archaeological Notification Area;
 Within 12km of Singleton & Cocking Tunnels Special Area of Conservation (SAC);
 Lidsey Treatment Catchment Area;
 Current & Future Flood Risk Zone 1;
 Grade 2 Agricultural Land; and
 ANDP Biodiversity Corridor to the west of the site.

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
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVSP1	ENV SP1 Natural Environment
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
HWBSP1	HWB SP1 Health and Wellbeing
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality

WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Aldingbourne Neighbourhood Plan 2016 POLICY EH1	Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH3	Best and most versatile resisted unless... Development on Agricultural Land
Aldingbourne Neighbourhood Plan 2016 POLICY EH5	Development in Flood risk areas will not be supported unless... Surface Water Management
Aldingbourne Neighbourhood Plan 2016 POLICY EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2016 POLICY EH10	Unlit village status
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA2	Footpath and cycle network
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY H1	New housing or altering dwellings Quality of Design
Aldingbourne Neighbourhood Plan 2016 POLICY H2	Range of house types Housing Mix
Aldingbourne Neighbourhood Plan 2016 POLICY H3	Housing density
Aldingbourne Neighbourhood Plan 2016 POLICY H4	10 or more to include 40% unless unviable Affordable Housing
Aldingbourne Neighbourhood Plan 2016 POLICY H7	No support development near noisy business Development in the vicinity of business
Aldingbourne Neighbourhood Plan 2016 POLICY H8	Dwellings must have adequate private or shared amenity. Outdoor space
Aldingbourne Neighbourhood Plan 2016 POLICY H9	Items to consider e.g. - bin stores Attention to detail
Aldingbourne Neighbourhood Plan 2016 POLICY EE2	Retention of employment land

Aldingbourne Neighbourhood Plan 2016 POLICY Communications infrastructure
EE8

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

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

Policies of the Aldingbourne Neighbourhood Development Plan (ANDP) are considered in this report. Aldingbourne Parish Council are working on a new Plan which has completed its regulation 14 consultation and has now been submitted for regulation 15/16 publication of a new plan proposal.

The emerging ANDP replaces one policy (H1), adds two new policies (EH1 2019 & EH2 2019) and amends a fourth (LC7). It is considered that the Plan can be attributed low weight at this time.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 70(2) of 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.

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 the Arun Local Plan (policies C SP1, SO DM1) and the Aldingbourne Neighbourhood Development Plan (policies EH1, EH3) as the site lies outside the built up area boundary where development is generally not allowed and the development would lead to the loss of high grade agricultural land.

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:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the Arun District currently comprises the Arun Local Plan 2011-2031 ("ALP"), the Aldingbourne Neighbourhood Development Plan adopted in November 2016 ("ANDP") and the West Sussex Waste and Minerals Plans.

However, section 38 (5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the current ANDP and the ALP, should therefore be resolved in favour of the latter.

Development policies that relate to the supply of housing in the Local Plan (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land (currently only 3.3 years). Policies in the ANDP that relate to the supply of housing (EH1) have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan the draft policies in the 2014 publication version of the then emerging ALP.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. In this case, criteria (a) to (d) are not all applicable because the Neighbourhood Plan was made over two years ago. The presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

The Arun Local Plan (ALP):

The key policy considerations in the determination of this application are H SP1, SD SP1 and C SP1 of the Arun Local Plan.

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. Policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will work to secure development that contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

Two other sites in the immediate area have been considered to be sustainably located. These are the David Wilson Homes site (79 dwellings) approx. 80m to the east/north east and the Metis Homes site (14 homes) immediately adjoining to the north.

The site is in walking distance of bus stops (approx. 450m), a pub (approx. 525m), a primary school (approx. 650m) and a shop (approx. 450m). Buses enable longer journeys to Bognor Regis (where there

is a mainline railway station and large supermarkets) or Westergate/Eastergate (where there are two further shops and a secondary school). The site is in a sustainable location.

Policy C SP1 "Countryside" states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. This site is adjacent on two sides with BUAB, but remains within designated countryside and so the scheme would conflict with ALP policy C SP1.

The Aldingbourne Neighbourhood Development Plan (ANDP):

The site is countryside in the ANDP and policy EH1 states development will not be allowed on sites outside the built-up area boundary except where it is in accordance with development plan policies in respect of the countryside. Policy H6 (residential windfall sites) only applies to sites in the built up area boundary. Policy GA1 states proposals that increase travel demand are to be located in places accessible to public and community transport. It is not considered (see above) that this is an unsustainable location for development.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining planning applications. As discussed below under "Other Material Considerations", the Council cannot demonstrate a 5-year Housing Land Supply (HLS) and para 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This means that planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Part (i) does not apply to this determination as the site does not lie in a protected landscape. The part (ii) test will be applied at the end of this report.

Other Material Considerations:

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

In December 2020, the Council republished its Authority Monitoring Report (AMR) for 2019/20. This states the HLS has now increased to 3.3 years. The HDT results for 2020 were published on 19 January 2021 and show that Arun achieved 61% thus triggering the application of the presumption in favour of sustainable development (although this is already being applied due to the HLS shortfall).

The Council's Action Plan (June 2019) makes a series of recommendations to boost housing delivery. This includes relying on the 'presumption in favour of sustainable development' until such time as the 5-year housing land supply is re-established and the HLS is progressed through plan making. It recommends the Council consider inviting applications from landowners/developers on 'deliverable' HELAA sites to re-establish the 5 year housing land supply.

The release of further land for housing will help to maintain delivery rates and this may have to include sites outside the built up area boundary. This site (ref 18AL3) is shown in the 2019 HELAA and considered to be deliverable. The HELAA states that the site is located in an area where there is a fair amount of existing residential buildings & permitted applications and as such development could tie in

with the existing/approved linear development.

The site is adjacent to the BUAB on two sides. There are existing nursery buildings on a third side of the site and as such, the site does not represent open countryside. In this context, it would be difficult to justify that the development of this site would be harmful to the character and appearance of the countryside.

Conclusion on Matters of Principle:

The principle of development is contrary to local and neighbourhood policies in the development plan. The policies of the ALP that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. Policies in the current ANDP that relate to the supply of housing have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

This application should not be determined as being unacceptable in principle and the development of this countryside site can be considered acceptable subject to assessment of whether the proposal represents sustainable development and whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

AGRICULTURAL LAND:

The site is not currently used for agriculture and shares no boundaries with agricultural land. The land comprises managed grassland that is cut on a regular basis. The land has a septic tank underneath a 20m² concrete hardstanding area within the central area. Google satellite images dating to 2001 show the site has been left as mown grass for at least the last 19 years with parts of the eastern area used for the storage of packaging crates linked to the neighbouring nursery use.

Based upon the London and South East Region 1:250,000 Series Agricultural Land Character Map published by Natural England in 2010, the application site and surrounding area is within an area mapped as Grade 2 (Very Good Quality Agricultural Land). However, this map is for strategic purposes only and is not sufficiently accurate for the assessment of individual fields.

Approximately 0.95 hectares of land located immediately to north of the application (the Metis Homes development) was surveyed by RSK ADAS Ltd in respect of application ref AL/83/16/OUT and this confirmed that 50.52% of the site was Grade 2 land with 46.31% being non-agricultural and the rest part of a pond. As such it is considered likely that the site is similarly Grade 2 although the area of the septic tank/concrete hardstanding and underground pipes would be considered non-agricultural and remedial action would be required to return these parts of the site to agricultural use.

The applicant states the future use of the land for agriculture is unlikely because the land is in separate ownership to the adjoining nursery use to the south and is separated from the agricultural land further to the west by a reservoir which itself acts as a barrier. The site is relatively small at 0.4 hectares and is unlikely to be of a sufficient size that would support a financially viable standalone agricultural business.

ANDP Policy EH3 states that: "Proposals for development on the 'best and most versatile' agricultural land shown on Map B, the latest available Defra Agricultural Land Classification Map, will be resisted unless it can be demonstrated that it would meet the following criteria: (1) It supports the diversification of an agricultural enterprise or other land-based rural business; or (2) The need for the development clearly outweighs the harm".

ALP policy SO DM1 states that: "Unless designated by this Plan or a Neighbourhood Development 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."

In allowing the appeal at Clays Farm, Yapton which concerned a refusal on loss of grade 2 agricultural land (Y/20/18/OUT), the Inspector noted that although adjacent land was used for the growing of crops, there was no evidence that the site would in future be so used. The Inspector stated that whilst this does not in itself justify the loss of the land, it does act to reduce the level of environmental and economic harm that would be caused by its development. The Inspector considered the loss of the grade 2 agricultural land to represent only moderate harm. It was then stated that the benefits of the proposal including the economic & social benefits alongside the contribution to the housing land supply shortfall outweighed the moderate harm to the loss of the grade 2 land. The appeal was allowed. This appeal shares similarities with this application and it is considered that a similar conclusion could be reached.

The need for this housing development to boost the Council's severe housing land supply shortfall is such that the loss of the grade 2 agricultural land can be outweighed particularly as the land is not currently used for agriculture and there is no realistic possibility of it being so used.

Policy SO DM1 makes it clear that in order to outweigh the loss of the agricultural land, criteria (a) to (c) should be met. The applicant acknowledges these criteria but contends that as the site is not used for agriculture and as there is no realistic possibility of it so being used, the harm is minimal and is outweighed by the severe HLS shortfall. The applicant considers that the development of the application would represent an insignificant reduction of the agricultural land area of the district in overall terms.

Notwithstanding the arguments presented, the application conflicts with criteria (a) to (c) and the argument that need for the development outweighs the loss of agricultural land is not in accordance with the terms of the policy. Policy SO DM1 states that if development is to be permitted by the policy, the applicant should submit mitigation measures and a soil resources plan for the site. The applicant has not provided such a document and this will need to be secured by a planning condition.

The application conflicts with policy SO DM1 as a whole and this harm will need to be weighed against the benefits of the development in respect of the final balancing exercise at the end of the report.

ARCHAEOLOGY:

The site lies in a designated archaeological notification area. ALP Policy HER DM6 states where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires that a desk based archaeological assessment be submitted with the application.

The NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The applicant provided an Archaeological Desk Based Assessment and as such there is no conflict with ALP policy HER DM6 or the NPPF. The Council's Archaeologist has reviewed this and advises that a condition should be imposed to secure an evaluation of the site by trial trenching.

HIGHWAYS AND PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network;

contributes to highway improvements & promotes sustainable transport. Policy T DM1 requires development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The proposal has been subject to a Road Safety Audit (RSA) and this highlights two issues:

- (1) That dropped kerbs are not proposed to the vehicular crossover serving plots 1 & 2; and
- (2) That a road drainage gully and inspection chamber are present at the location of the proposed bellmouth serving the other 8 dwellings.

The applicant's "Designer Response" (DR) advises that both matters will be resolved at the detailed S278 highway agreement stage. The RSA does not identify any concerns with the safety of pedestrians or cyclists.

The advice of WSCC Highways is summarised above and it is clear that they are not concerned as to the impact of additional vehicle movements on the capacity of the local road network and that these are not anticipated to result in a road capacity concern. They are of the view that the development would not exacerbate an existing safety concern. They reviewed the RSA and DR and advise no objections to these matters which will be resolved at the detailed application stage.

In respect of policy T DM1 (and ANDP policy GA1), the proposal has been shown to be in a sustainable location and the layout will tie in with existing footway on the western side of Hook Lane.

As layout is a reserved matter and there are no firm details as to the size of the houses, it is not appropriate to assess the road layout or the parking provision at this time. Instead compliance with the Arun Parking Standards SPD will be considered at the reserved matters stage. However, it is noted that the illustrative layout shows garages and that these could be changed to car ports to increase the parking provision - this could resolve the concern as expressed by WSCC Highways.

County Highways do not consider that the proposals have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 109), and there are no transport grounds to resist the proposal. On this basis, the proposal accords with the relevant development plan policies.

CHARACTER AND DESIGN:

Policy D DM1 of the ALP 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. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area.

D DM1 also requires that applications make efficient use of land whilst providing a mix of dwelling types and maintaining character and local distinctiveness. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character.

ANDP policy H3 is relevant at outline stage and states the density of new development should be appropriate to its location by virtue of size, siting and relationship to existing properties. Para 127 of the NPPF states "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." Para. 122 states planning decisions should support development that makes efficient use of land but the desirability of maintaining an area's prevailing character and setting should be considered.

The Arun Design Guide was adopted on the 25th January 2021 and is now a material consideration in determining planning applications. The Design Guide has limited relevance to this outline application and would be more relevant to consideration of the detailed design on a reserved matters application.

The National Design Guide (September 2019) forms part of the Government's collection of planning practice guidance. Paragraphs 20-21 of the Design Guide explain how good design should pay regard to place and context and that 'a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. Part 2 of the Guide sets out ten characteristics for good design, namely Context, Identity, Built form, Movement, Nature, Public spaces, Uses, Homes and buildings, Resources and Lifespan.

The application is in outline and does not seek the approval of layout, external appearance, scale or landscaping. Although an indicative layout is provided it is not possible to determine the application on the basis of this but it would be appropriate at this time to assess whether residential development in this location would be acceptable in the context of the character of the locality.

The site has dwellings to the north & east and there are horticultural buildings to the immediate south. As such, it is not considered inappropriate or out of character to have new built development on this plot of land and in this location. Provided that the future reserved matters application includes a layout and design that reflects local character & distinctiveness, then there will no harm to local character.

Matters of scale are not for determination but whilst the indicative plans do suggest two storeys, it would be possible at Reserved Matters to seek some bungalows in order to better respect the scale of some of the older dwellings along Hook Lane. It is not considered there will be a significant change to the character of this location and that any visual impacts could be mitigated by enhancing the existing planting along the road frontage.

The proposed development has a density of around 25 dwellings per hectare and this is not considered to be excessive. It is higher than the density of the Metis Homes site to the north but the density of that site is skewed by the retention of a pond in the south-eastern corner and a central area of open space. This proposal on the other hand is not required to have on-site open space.

The applicant provided a written response to the National Design Guide which is available to view on the Councils website and which the Local Planning Authority accepts.

The proposal will result in a change to the character of the locality but it is not considered that the change will be particularly harmful and, on the grounds of density and character, the proposal would not conflict with the relevant development plan policies.

TREES:

ALP Policy ENV DM4 and ANDP policy EH6 are relevant to the determination of the application.

As layout and landscaping are reserved matters, and in approving this application, the Council would not be sanctioning damage to trees.

It is clear that there are limited trees affected by the proposals and that these are all young trees which by definition make a much lower contribution to the landscape. It is only proposed to fell one tree (Sycamore) and to remove two small parts of the eastern boundary hedge (two gaps of 5.5m and 7.5m wide) to create the two accesses. The loss of these is acceptable given the benefits of new housing development and the fact that replacement tree and hedge planting will be secured on the site. In particular, it is noted that the indicative layout indicates that 19 new trees will be provided. The LPA will ensure that new tree planting is secured at the Reserved Matters stage and that these are of suitable species and in suitable locations with room to grow.

On this basis, the development complies with the relevant policies but a more thorough analysis will be required at the reserved matters stage including to ensure that retained trees and hedges are adequately protected during construction.

BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

There is a designated biodiversity corridor to the west of the site and although none of the application site lies in this, the red edge extends west to join with the ditch which is part of the designation. This is because it is proposed that surface water will discharge into the ditch. ANDP policy EH2 states that:

"New development within, or immediately adjacent to the Biodiversity Corridors will only be supported where it can be clearly demonstrated that development proposals will not give rise to any significant harm to the integrity or function of the Biodiversity Corridors."

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 proposal will result in the development of existing managed grassland, the loss of 1 young Sycamore tree and some loss of hedge along the east boundary of the site to facilitate the access works. Although there are several instances of hedging to fronts of properties to the north & south of the site (on the western side of Hook Lane), this is not continuous as it is already broken in several places for existing accesses. The western scrub hedgerow around the reservoir (which connects with the mature hedgerow field boundaries) will not be affected.

The indicative layout shows that 19 new trees will be provided. The LPA will ensure new tree planting is secured at the Reserved Matters stage and that these are of suitable species and in suitable locations with room to grow. This will offset the loss of the Sycamore and hedgerows.

The application is accompanied by a Preliminary Ecological Appraisal Report. This states the Sycamore tree is too young to allow for roosting of bats. The Councils ecologist reviewed this document and advises no objections subject to conditions to secure various mitigation measures. In respect of biodiversity net gain, the ecologist agrees with the measures set out in the Ecological Appraisal Report and requests that these be incorporated into the landscaping scheme and secured by condition.

It is not clear how the controlled release of surface (rain) water into the ditch network will harm the biodiversity of the nature corridor as stated by the Parish but in any case, the Councils ecologist does not raise concerns in respect of the biodiversity corridor. The Councils Appropriate Assessment considered this impact and stated controls will be put in place in respect of the surface water drainage scheme to prevent pollutants discharging to the watercourse. This can be secured through the agreement of the drainage scheme at a later date. The standard drainage informative has been amended to make the applicant aware of this requirement.

The site falls in the 12km buffer of the Singleton & Cocking Tunnels Special Area of Conservation. ALP policy ENV DM1 is of general relevance but policy SD10 of the South Downs National Park Local Plan provides more specific policy and advises that in the 12km buffer, significant impacts on bats or severance of flight lines should be considered. As layout is a reserved matter, it would be more appropriate to consider this impact at the reserved matters stage when the location of buildings in relation to trees and hedgerows is known.

However, the LPA has prepared an appropriate assessment (AA) as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). This determined that the proposal will not result in any significant adverse effects upon the Singleton and Cocking Tunnels SAC or the bat species associated with the site and functionally linked habitats. Natural England confirm they accept this recommendation. Conditions 4, 11, 14, 17, 24 and 28 secure the mitigation measures referred to in the AA.

Therefore, the scheme as it stands is judged, on balance to provide a biodiversity gain and is otherwise in accordance with the NPPF para 175, with ALP policy ENV DM5 and ANDP policy EH2.

FLOODING & SURFACE WATER DRAINAGE:

Policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process." ANDP policy EH5 requires that new development make appropriate provision for accommodating the surface water and foul water arising from the development.

The site does not lie in an area at risk from current or future flooding from rivers, seas or surface water. Therefore, there is no requirement to assess the scheme against flood risk policies. There is no requirement to provide a Flood Risk Assessment (FRA) for sites in Flood Zone 1 and under one hectare in size. Notwithstanding, the applicant has supplied one to accompany their indicative surface water drainage design. This sets out that:

- Surveys conducted nearby suggest soakaways will not be successful due to the presence of clay and a high water table; and
- Therefore surface water will be attenuated in a storage tank and then discharged at a controlled rate (no greater than the existing greenfield runoff rate) into the watercourse to the west of the site.

The Councils drainage engineers raise no objections in principle and consider drainage can be addressed through conditions. It is therefore considered the proposal complies with ALP policy W DM3 and with ANDP policy EH5.

FOUL DRAINAGE:

The site falls in the Lidsey Wastewater Treatment Catchment Area. ALP policy W DM1 states that a drainage impact assessment is required for all major development. ANDP policy EH5 requires new

development make appropriate provision for accommodating foul water arising from the development. The applicant has supplied a Foul Drainage Impact Assessment and this sets out that

- the proposed development is likely to generate approximately 3,600 litres of wastewater per day;
- this will be discharged into the existing Southern Water Foul Sewer located in Hook Lane;
- Southern Water has confirmed that it does not object to this means of disposal; and
- The developers of the site would pay the Southern Water 'new infrastructure charge' prevailing at the time the development is implemented.

As such the proposed development accords with Local Plan Policy W DM1 and with ANDP policy EH5.

RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering new development. Policy QE SP1 states the Council will ensure that development does not have a significantly negative impact upon residential amenity. It is necessary to have regard to para 127 (f) of the NPPF which states that planning policies and decisions should ensure that developments create places that have a high standard of amenity for existing and future users.

The Council now has an adopted Design Guide which sets out guidance on garden depths and interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other;
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- Private Rear Garden: min. 10.5m depth; and
- Private Front Garden: min. 2m depth.

It is not possible to make a detailed assessment of residential amenity as layout, scale and appearance are reserved matters. However, it is clear that the stated distances with the Design Guide are adhered to in respect of the illustrative layout.

In respect of light loss, the interface distances will prevent any shading of windows or gardens of houses on the Metis site. It should also be noted that the Metis Homes site is around 0.3m higher than the application site and this further mitigates any harm from shading.

Many of the rear gardens shown on the indicative layout are not the full 10.5m deep with plots 4-7 at only around 10m and plots 1-3 less than this. However, this is not a matter that can be assessed or objected to at outline stage and the Local Planning Authority will instead seek to ensure that these standards are met the detailed stage.

Subject to a more detailed consideration of privacy issues at the reserved matters stage, it is not considered there would be conflict with policies D DM1, QE SP1 or para 127 of the NPPF.

AIR POLLUTION:

ALP policy QE DM3 states that major development proposals must assess the likely impacts of the development on air quality and mitigate any negative impacts.

Environmental Health officer requested air quality be considered in determining the application and has specifically requested that the scheme incorporate electric vehicle charge points.

It is considered that the proposal meets the requirements of policy QE DM3 in that:

- The site is within walking distance of bus stops, a pub, a primary school and a shop. Such buses enable longer journeys to Bognor Regis (where there is a mainline railway station and large supermarkets) or Westergate/Eastergate (where there are two further shops and a secondary school);
- The proposal will tie in with the existing footpaths on the western side of Hook Lane and the detailed scheme will be required to provide cycle storage facilities;
- The developer will be required to provide electric vehicle charge points in accordance with the Councils current standards;
- The development is not predicted to have a significant impact on congestion levels (WSCC state 5 additional vehicle trips in the AM and 5 more in the PM peak hour). It is not possible to secure highway improvements through a S.106 but monies gained from CIL could be spent locally by the Parish Council or Local Authority should this be demonstrated to be necessary.

As such there is no conflict with the development plan in respect of this matter.

NOISE POLLUTION:

ALP policy QE DM1 part 1 states noise sensitive development should not normally be permitted where there is a likelihood of complaints about noise from industrial development. ANDP policy H7 states: "Proposals for development in the vicinity of businesses which are inherently noisy will not be supported."

Environmental Health state residential occupiers may in the future be adversely affected by noise from the adjacent Nursery (such as vehicle movements or mechanical plant). It is requested that a condition be imposed to secure measures to protect noise levels within the dwellings.

The applicant has not provided a Noise Assessment (one has not been requested by Environmental Health for consideration at this time) and it is appropriate to assess this impact through the approval of the condition. Whilst Environmental Health do consider that there is the potential for noise disturbance, horticultural nurseries are not known for being inherently noisy businesses. The noise disturbance is likely to be infrequent and will not affect the enjoyment of residential gardens. Therefore, there is no conflict with ALP policy QE DM1 or ANDP policy H7.

AFFORDABLE HOUSING:

Policy H SP2 requires that developments of over 11 residential units provide 30% affordable housing on site. The proposal is for 10 dwellings therefore this is not relevant. However, policy H4 of the ANDP requires 40% affordable housing on schemes of 10 or more dwellings. This would result in the need for 4 affordable dwellings on the site.

Notwithstanding, section 38 (5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". As such the conflict between the two policies has to be resolved in favour of the Adopted Local Plan as the newer document. On this basis, whilst the proposal conflicts with ANDP policy H4, it complies with ALP AH SP2 and it is not necessary to secure affordable housing on this site.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires that housing developments provide sufficient public open space, playing

pitch provision and indoor sport & leisure provision.

The Councils supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out that a development of this size does not need to provide any on-site Public Open Space (POS) or Play facilities and that instead contributions are required to off-site facilities. However, it not possible to secure any off-site contributions for such through a S106 Agreement as this site is liable for CIL. The Parish or District Councils will be able to make a bid for a portion of the CIL payments collected to contribute to such provision elsewhere.

The Landscape Officer raises no in principle objections to the application. The proposal accords with ALP policy OSR DM1.

SUPPORTING INFRASTRUCTURE:

Arun Local Plan policy INF SP1 requires development to provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers

With the introduction of CIL it is not possible to secure financial contributions for off-site projects through a S106. This development is CIL liable and will be subject to a rate of £150 per square metre to be collected upon the commencement of development.

Infrastructure providers such as WSCC and the NHS can bid for a portion of the CIL payments to spend on projects. The Parish Council will be provided a portion of CIL receipts guaranteeing monies will be spent locally. These payments go towards infrastructure the district needs to support existing and future development. On this basis, there is no conflict with ALP policy INF SP1.

THE NPPF PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT:

Policy SD SP1 "Sustainable Development" states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental objectives should be sought jointly and simultaneously through the planning system. The following is an assessment of the benefits and costs associated with the proposal.

The site is environmentally sustainable in that it possible to walk/cycle or walk then take a bus to access nearby shops, services, schools, places of employment, railway stations & other facilities and that these are all within an appropriate distance such that it is not necessary to travel by car. The development results in the loss of a grassed field, a young tree and small sections of hedgerow but the application retains the vast majority of boundary landscaping and will propose additional trees. Ecological enhancement measures are proposed to offset the harm to existing biodiversity.

The proposal could help support the local community by providing 10 new homes and contributing to the Councils current Housing Land Supply shortfall. CIL receipts could be used in the Parish Council area to contribute towards local infrastructure needs and this would result in a further benefit to the local community.

There would be a moderate economic impact concerned with the loss of the grade 2 agricultural land but regard should also be had to the following benefits:

- (1) An increase in Council Tax receipts;
- (2) Potential 'New Homes Bonus' payments from the Government;
- (3) The creation/maintenance of construction jobs; and

(4) Additional spending by new residents on goods & services.

However, there is no evidence that the proposal will create local employment (from construction) or that new residents will spend money in the local area.

Members should note that that the New Homes Bonus and Community Infrastructure Levy are local finance considerations and as noted in the Development Plan Background section above, section 70(2) of Town and Country Planning Act 1990 (as amended) provides that local planning authorities should have regard to any local finance considerations, so far as material to the application.

Para 11 (d) of the NPPF sets out the application of the 'presumption' for sustainable development which is triggered where the Council's policies most important for determining the application are out-of-date. This states permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

This report finds no significant adverse impacts associated with the proposal and that there are significant benefits to take account of. Therefore the presumption in favour of sustainable development is engaged and it is considered that as per the NPPF, the proposal should be approved.

SUMMARY:

There is some conflict with policies in the development plan concerning the development of a countryside site and the loss of agricultural land (and the particular requirements of ALP policy SO DM1). However, the policies of the development plan relating to the supply of housing have reduced weight as the Council is not able to demonstrate an adequate supply of housing land.

The proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged. It is vital to consider additional sustainable housing developments to contribute to housing land supply given the current shortfall and to improve housing delivery rates.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the

following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

CIL DETAILS

This development will be liable for CIL but this will not be calculated until the Reserved Matters application stage when the floor areas of the houses are known.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

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

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

2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

- "Site Location Plan" 0001 Rev P03; and
- "Access Visibility" 5399/001 Rev B.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies QE SP1, D DM1, T SP1, T DM1 and C SP1 of the Arun Local Plan.

4 The development shall be carried out in complete accordance with the Avoidance/Precautionary Methodology as set out within sections 5.2.3 and 5.2.5 of the Preliminary Ecological Appraisal (July 2020).

Reason: To mitigate harm to Great Crested Newts and other reptiles in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

5 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

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

HER DM6. This is required to be a pre-commencement condition because the commencement of construction work could harm any archaeology within the site area.

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

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan.

- 7 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 8 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 9 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding

arrangements for the surface water disposal scheme are agreed before construction commences.

- 10 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 11 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with West Sussex County Council, the Councils Environmental Health Officers and its ecologist as appropriate). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- An indicative programme for carrying out of the works;
- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- Measures to minimise the noise (including vibration) generated by the construction process to include proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination*;
- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- Measures to control the emission of dust and dirt during construction; and
- A scheme for recycling / disposing of waste resulting from demolition and construction works.

The Construction & Environmental Management Plan shall also reference the recommendations of the Preliminary Ecological Appraisal (July 2020) as set out at section 5.2 and which relate to the briefing of site operatives, monitoring by an ecologist, construction lighting, working in daylight only and securing holes on the site at night.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and

T SP1 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff.

12 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A 'Preliminary Risk Assessment' which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

2. A 'Site Investigation Scheme', based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. Based on the 'Site Investigation Scheme' and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A 'Verification Report' providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

13 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the "Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014 shall be provided to the Local Planning Authority for its approval in writing.

The scheme and details shall be compiled by a competent acoustician on sound insulation and noise reduction for buildings and should take into account the correct number of air changes required for noise affected rooms. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenities of new residents from noise associated with the adjacent nursery site in accordance with Policy QE DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 14 No development shall commence until a mitigation method statement has been submitted to and approved in writing by the Local Planning Authority to provide details of how those retained hedgerows are to be protected and enhanced. There must be a 5m buffer zone in place secured by fencing around the retained hedgerows during construction. The development shall thereafter proceed in accordance with the approved hedgerow protection and enhancement measures.

Reason: Bats use hedgerows for foraging and commuting and therefore in accordance with the NPPF and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because the hedgerow protection scheme must be in place prior to construction starting.

- 15 Development shall not commence, other than works of site survey and investigation, until a Soil Resource Plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out how the best and most versatile soils on the site are to be protected during construction and then recycled/reused in the new development layout. The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction and development of the site.

Reason: In accordance with Arun Local Plan policy SO DM1 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition to protect the best and most versatile soils on the site prior to the construction commencing.

- 16 Prior to the commencement of development a detailed level survey of the site including existing and resulting ground levels and the finished floor levels of the buildings the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy D DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because site levels must be set prior to works commencing on the new houses as otherwise it would be difficult and expensive to rectify any changes.

- 17 No development above damp proof course (DPC) level shall take place unless and until details of the external lighting of the site has been submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011). The scheme shall also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding (please refer to the recommendations of the Preliminary Ecological

Appraisal (July 2020)).

Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in the scheme are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed within the application scheme. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 18 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved plans.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework

- 19 No part of the development shall be first occupied until visibility splays of 2.4m by 40m have been provided at the proposed site vehicular accesses onto Hook Lane in accordance with the approved planning drawing no. 5399/001 Rev B. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework

- 20 Prior to the occupation of any part of the development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 21 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1,W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 22 The landscape details referred to in Condition 1 shall include details of all existing trees and hedgerows on the land indicating which are to be retained and which removed. Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the local planning authority.

Reason: In the interest of amenity and the quality of the environment of the development in accordance with policies D DM1 and ENV DM4 of the Arun Local Plan.

- 23 The landscape details referred to in Condition 1 shall include full details of the position, design, materials, height and type of boundary treatments to be provided. The boundary treatments shall be provided to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Development shall be carried out in accordance with the approved details and permanently retained in a useable condition thereafter.

Reason: In the interest of amenity and the quality of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 24 The landscape scheme required by and referred to in Condition 1 shall incorporate the biodiversity enhancements as recommended within sections 5.3 and 5.4 of the Preliminary Ecological Appraisal (July 2020). The enhancements and mitigation measures as proposed shall then be implemented in full and permanently retained and thereafter maintained as fit for purpose. The landscape scheme should also propose the inclusion of street tree species which are suitable to their location and are given space to grow.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 25 The layout, scale and appearance details referred to in Condition 1 shall include a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 26 The layout, scale and appearance details referred to in Condition 1 shall include details of any temporary sales areas that may be required during the construction and marketing of the development. Such details shall include any temporary buildings or temporary changes to buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site has been sold. The buildings or area shall be returned to their approved permanent appearance within 3 months of the date of the last building sold.

Reason: In the interest of visual & residential amenity and the character/appearance of the surrounding area in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 27 No construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 28 Any deep pits, trenches or holes present on the site during construction works shall either be covered or have a secured plank within them to allow a means of escape for any animals.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 29 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 30 INFORMATIVE: This application is liable for CIL in accordance with the Councils CIL Charging Schedule available to view at: <https://www.arun.gov.uk/cil>.
- 31 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 04/11/20) as available on the Councils website.
- 32 INFORMATIVE: The applicants should be aware that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place.
- 33 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which is available to read on the SW website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 34 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application. The drainage scheme should include measures to prevent pollutants discharging into the watercourse in order to minimise harm to its biodiversity value.
- 35 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.
- The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted

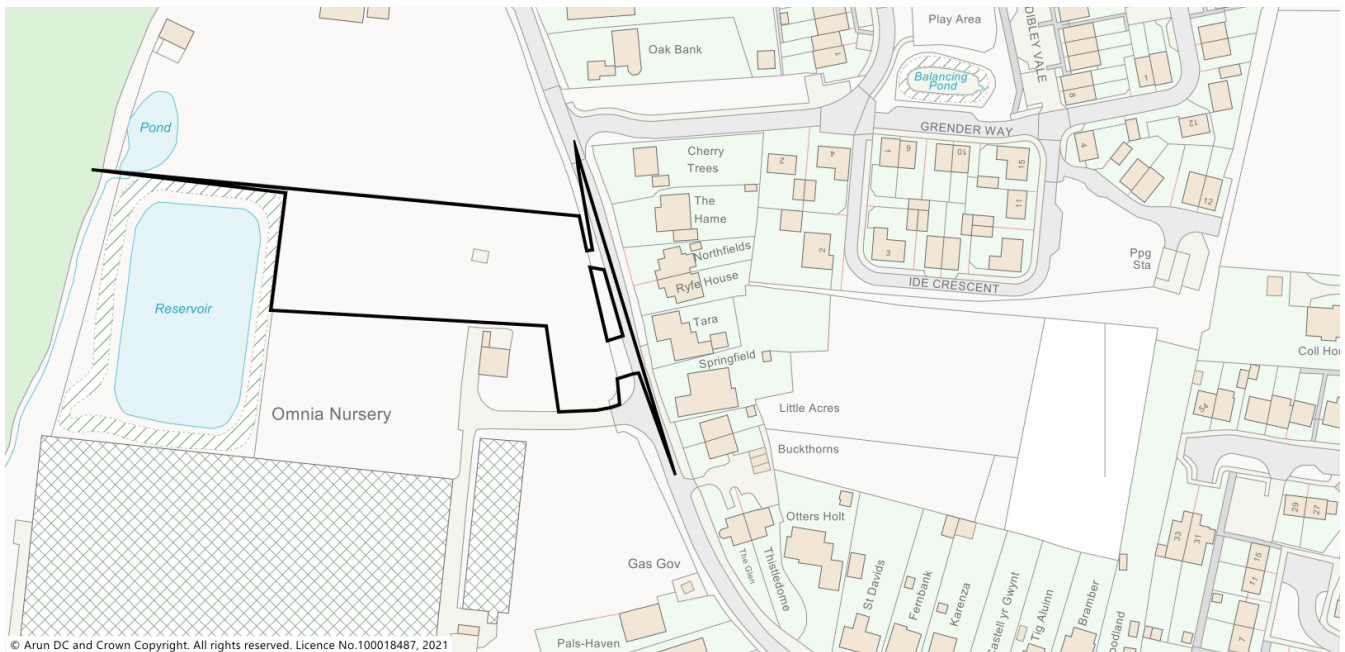
within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 36 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 37 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 38 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
- 39 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 40 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

AL/79/20/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: AW/3/21/HH

LOCATION: 4 Shorecroft
Aldwick
PO21 4AS

PROPOSAL: Single storey rear extension and loft conversion with enlarged rear dormer window and two modest front facing dormer windows. Alterations to fenestration, Canopy to side elevation, Planter and replacement handrail to roof terrace.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks a number of alterations to the property. This includes a single storey rear extension, a rear and two front facing dormers. There will also be alterations to the external materials and balcony balustrading to the front elevation and the addition of a canopy.

RELEVANT SITE HISTORY

AW/264/20/CLP	Lawful development certificate for a proposed single storey rear extension and loft conversion with rear dormer window and rooflights.	PP Not Required 30-11-20
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REPRESENTATIONS

Aldwick Parish Council provided an objection.

- Not subservient to the dwelling.
- It would deprive residents of privacy.
- Conflict with DD M4 (a)(b)(c) and (e) and Parish Design Statement.

15 letters of objection from nearby occupiers:

- The design does not take into account the appearance of the area.
- Object to the rear dormer.
- Out of keeping with the small private estate.
- Out of scale.
- Overbearing.
- The dormer will provide overlooking and a loss of privacy.
- All of rear windows should be obscured not just to 1.7m.
- The proposal would dominate the locality.
- It will create a 3 storey property where there are none.
- It will set a precedent for the area.
- By permitting the dormers, it would destroy that which has been preserved in the area.

- North facing windows should be permanently fixed shut and obscured.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Built up area boundary.

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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CONCLUSIONS

PREVIOUS APPLICATION

AW/264/20/CLP - Lawful development certificate for a proposed single storey rear extension and loft conversion with rear dormer window and rooflights was approved in November 2020.

This effectively granted planning permission for a rear extension, rear dormer and rooflights to the front elevation. It is therefore the case that the same elements proposed within this planning application are Permitted Development (PD) and do not require permission. The rear dormer as proposed in this application is larger than that under the CLP application but is still exempt from planning permission as it continues to accord with PD requirements.

The further alterations proposed as part of this planning application and requiring permission includes two front facing dormers, an open canopy to the side elevation, cladding and alteration of balcony material and a planter to part of the front boundary. It is these elements only that should be considered in an assessment because other elements can be carried out without the need for planning permission.

PRINCIPLE

The key policies considered are D DM1 and D DM4 of the Arun Local Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Aldwick does not have a Neighbourhood Plan although does have a Parish Design Statement with the property located within Area 4.

DESIGN AND VISUAL AMENITY

The proposals seek a rear extension and dormer. There are also two front facing dormers proposed and alterations to the external elevations including the addition of cladding and obscured glazing to the existing balcony.

Arun recently adopted a Design Guide which provides detailed guidance that will help raise design standards across the District. Section M refers to householder extensions.

Development should respond to and complement the existing character and appearance of the building and wider townscape. The scale, massing and positioning of extensions should be visually subservient to the existing property and it should take a simple and unobtrusive form which does not overpower the existing or neighbouring properties, while taking the opportunity to incorporate innovative design.

It is considered the proposal complies with the Design Guide. The scale of the development appears appropriate with the bulk of the development, which includes the extension and dormer, located to the rear of the property and as such are largely restricted from views.

The extension will be rendered to match the appearance of the host dwelling. The front facing dormers, whilst not a part of the existing character of the area are considered to appear well integrated in the roof slope and innovative consisting of glass elevations which helps to reduce an unduly dominant appearance.

There is an existing balcony to the front of the property which consists of iron balcony railings. This will be replaced with an obscured glazed screen. This material differs to the neighbouring properties which are similar in appearance to the host dwelling, however it is considered the balcony screening improves the appearance of the dwelling and is appropriate for its location.

White cladding is also proposed. Whilst this material is not present within the estate, the colour is similar to that of surrounding properties and it is not considered its addition to the first floor elevation would result in significant harm to the area.

With the proposal introduces dormers into the street scene and with the addition of cladding, it could be argued the development is slightly out of character for the area however it is not considered the changes

result in significant harm upon the spatial pattern or character of the street scene in such a refusal is justified.

As such, the development is considered to comply with D DM1(1) and D DM4 (a) and (e) of the Arun Local Plan.

RESIDENTIAL AMENITY

The single storey extension will have a depth of 4m and runs along the full rear elevation, replacing a conservatory. It will have a flat roof to a height of 2.85m. Whilst this extends beyond the rear of neighbouring properties, with 1.2m and 3.3m retained to the side boundaries, it is not considered to result in adverse overbearing. A 4m extension could also be constructed under permitted development in this location.

The rear dormer will have a depth of 3.2m and a height of 2m and will feature 3 windows. With a garden depth of 8.5m it would give rise to views to properties at the rear, however, the windows will all have obscured glazing to a height of 1.7m. This is considered sufficient to ensure that the views available to the rear will be largely restricted. As a result of the screening, it is not considered views available from the rear facing dormer windows will be significant and will not result in adverse overlooking upon the properties to the rear at Wallfield.

The dormers to the front will give rise to additional views, although these will be over the street. The obscured glazed screening to the front balcony will help to reduce views that are available across the street scene when sitting on the balcony.

There will also be a canopy which features timber posts with a glass roof to the west side of the property, to the rear of the garage. This will have a height of 2.85m and is situated forward of the steps which are used for access to the front facing balcony. Being open in appearance, is not deemed to result in harm upon amenity.

Due to the design of the proposal, it is not considered to result in adverse harm upon neighbouring amenity by way of overbearing, overshadowing or overlooking and accord with D DM1 and D DM4 (c) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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

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

report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Location and Block Plan - 1062H - 00
- Proposed Elevations - 1062H - 04
- Proposed Floor Plan - 1062H - 03A
- Roof and Loft Plan - 1062H - 05

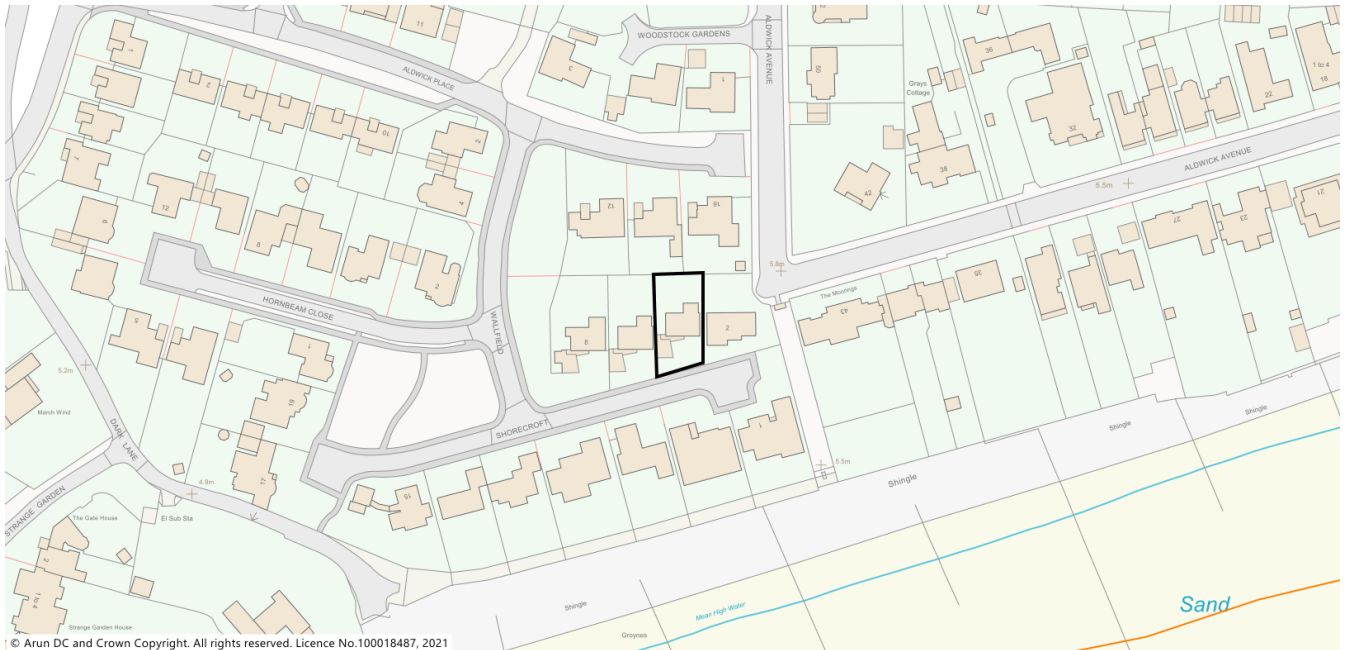
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

AW/3/21/HH - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: BN/151/20/PL

LOCATION: Land at rear of Poachers
Eastergate Lane
Eastergate
PO20 3SJ

PROPOSAL: Erection of 1 No. 4 bedroom detached dwelling with detached carport (resubmission following BN/46/20/PL). This site is in CIL Zone 3 & is CIL Liable as new dwelling & is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes the construction of 1 no. 4 - bed detached dwelling with detached car port.
SITE AREA	0.42 ha.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	2.3 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Significant tree belts along all boundaries of the site. No trees benefit from formal protection by way of order. 2 Monterey Pines are located along the southern border which are considered to be of note. All other trees comprise specimen trees with minimal root spread.
BOUNDARY TREATMENT	The boundaries that run along the application site comprise a mixture of fencing, hedgerow and tree planting. This provides positive screening of the internal area of the site and limits the contribution that the site plays to the wider open character of the area.
SITE CHARACTERISTICS	The application site comprises a large detached paddock to the rear of Poachers. The site is predominantly flat and has a number of mature trees along its boundaries. The site area would comprise 0.39 hectares in size.
CHARACTER OF LOCALITY	Rural location with a mix of commercial and residential properties on either side of Eastergate Lane. Eastergate Lane is a rural road in nature and does not feature footpaths. The speed limit is 40 mph. Properties to the south of Eastergate Lane are more exposed than those to the north, owing to their two storey form and lower lying boundary hedging. Properties to the north of Eastergate Lane are better screened owing to higher boundary hedging and their single storey chalet bungalow forms.

To the north of the application site is an existing development of static caravans which are understood to be in holiday let

use. To the east of the site is an existing plant nursery which has recently been subject to planning approval (BN/121/19/PL). To the south of the site is Poachers, an existing residential dwelling, which is partially visible from Eastergate Lane. However, owing to established vegetation along the boundaries of the site, there is no wider public visibility of this site.

RELEVANT SITE HISTORY

BN/46/20/PL	Construction of 1 No. 4-bed detached dwelling with detached carport. This application is a Departure from the Development Plan.	Refused 24-07-20
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REPRESENTATIONS

The Barnham and Eastergate Parish Council: Support the application.

COMMENTS ON REPRESENTATIONS RECEIVED:

For the reasons set out in the conclusion's section, a recommendation of the refusal is made.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WEST SUSSEX FIRE AND RESCUE SERVICE

- no objection subject to condition for the requirement of an additional fire hydrant. Full comments are online.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS

- The application site is located on a publicly maintained, 'C' classified road subject to a 40-mph speed limit. As a result, the Local Highways Authority (LHA) will refer to Manual for Streets as guidance.
- The LHA would not anticipate that the proposal would generate a highways safety concern at the existing access.
- The LHA raises no concerns over the Vehicle Parking.
- The LHA does not consider that this proposal would have an unacceptable impact on highway safety therefore raises no objection subject to suggested conditions.

ADC ENVIRONMENT OFFICER

- No objection subject to suggested conditions.

SURFACE WATER DRAINAGE

- Application site is within the Lidsey Treatment Catchment, therefore surface water drainage design should be carefully considered and infiltration must be fully investigated.
- If minded to approve please apply the conditions set out in the full consultation response.

SOUTHERN WATER

- Southern Water would not support the proposals for a private treatment plant in the presence of public foul sewerage network in the close vicinity of the development site. The foul sewerage shall be disposed in accordance with Part H1 of Building Regulations hierarchy.
- A formal application to the public sewerage system is required in order to service this development.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

- Barnham and Eastergate Parish
- Lidsey Treatment Catchment
- Outside of Built-Up Area Boundary
- WSCC Sharp Sand and Gravel Consultation Area
- CIL Charging Zone 3
- Flood Zone 1

DEVELOPMENT PLAN POLICIES[Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TDM2	T DM2 Public Parking
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

[Barnham & Eastergate Neighbourhood Plan 2014](#) Retention of employment land
[POLICY EE2](#)

Barnham & Eastergate Neighbourhood Plan 2014 Applications for new development must meet the
POLICY ES1 local drainage requirements

Barnham & Eastergate Neighbourhood Plan 2014 Trees and hedgerows
POLICY ES10

Barnham & Eastergate Neighbourhood Plan 2014 Energy efficiency of new development
POLICY ES11

Barnham & Eastergate Neighbourhood Plan 2014 Quality of design

POLICY ES5

Barnham & Eastergate Neighbourhood Plan 2014 Contribution to local character

POLICY ES6

Barnham & Eastergate Neighbourhood Plan 2014 Buildings should be designed to reflect the three-dimensional qualities of traditional buildings

Barnham & Eastergate Neighbourhood Plan 2014 Parking and new development

POLICY GA4

Barnham & Eastergate Neighbourhood Plan 2014 Windfall sites

POLICY H2

Barnham & Eastergate Neighbourhood Plan 2014 Integration of new housing into surroundings

POLICY H4

Barnham & Eastergate Neighbourhood Plan 2014 Outdoor space

POLICY H5

Barnham & Eastergate Neighbourhood Plan 2014 Attention to detail

POLICY H6

Barnham & Eastergate Neighbourhood Plan 2014 Drainage for new housing

POLICY H7

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-2031, West Sussex County Council's Waste and Minerals Plans and the Barnham and Eastergate Neighbourhood Development Plan August 2014.

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

Barnham and Eastergate has a made Neighbourhood Plan and the relevant policies are considered in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 70(2) of TCPA 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.

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

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

The proposal does not comply with relevant Development Plan policies in regard to housing within the countryside.

OTHER MATERIAL CONSIDERATIONS

There are not considered to be sufficient other material considerations to warrant a decision other than in accordance with the legislative background. Given the Council's 5 year Housing Land Supply position, the settlement boundary policies are considered to hold reduced weight. The contents of the National Planning Policy Framework is a material consideration. However, for the reasons set out in the below report these are not considered to be of substantial enough weight to be overriding.

CONCLUSIONS

PRINCIPLE

The key policy considerations in the determination of this application is C SP1 of the Arun Local Plan (ALP). Policy C SP1 states that 'Outside the Built-Up Area Boundaries (as identified on the Policies Maps) land will be defined as countryside and will be recognised for its intrinsic character and beauty'.

The application site is situated outside of the built up area boundary (BUAB) as specified by Policy SD SP2 which seeks to focus development within the built up area. Due to the site's location outside of the BUAB, residential development in this location would be in conflict with Policies C SP1 and SD SP2 of the Arun Local Plan and Policies EE1 and EE2 of the Made Neighbourhood Development Plan. However, owing to the Council's 5 year Housing Land Supply position these policies are out of date and therefore hold reduced weight.

The NPPF is an important material consideration in determining planning applications. It sets out a presumption in favour of approving sustainable development. Para 11 of the NPPF confirms the presumption in favour of sustainable development and advocates in section d) that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites) granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The Council can demonstrate a 3.3 year supply of housing land and therefore, relevant policies for the supply of housing should not be considered up to date, which triggers the presumption in favour of sustainable development under footnote 7 and paragraph 11(d) of the NPPF (2019).

Irrespective of the housing land supply position, it is necessary to consider whether the proposal would be sustainable development for which there is a presumption in favour.

Economic Objective: The development provides an individual single dwelling which would provide limited, small-scale, short-term employment benefits in the construction of the house (economic). The applicant in their statement stresses that the proposal would release a large 6-bed dwelling which could

attract further highly valued executives and points out at the multifamily household as a social benefit of proposal. It is arguable whether reconstruction of an existing large 6 bedroom dwelling for a multi-family household would not to be a more appropriate solution than construction of a new smaller dwelling in the rear garden of the property.

Social Objective: The development would only deliver a singular dwelling which limits the social benefits associated with this development.

Environmental Objective: Whilst the applicant considers the proposal site as not an 'existing greenfield site' as stated in previous Council's report but 'previously developed land (Court of Appeal (EWCA Civ 141) in 2017), the development would develop the back land within the countryside and would therefore fail to fulfil the environmental role. To access the closest shops by foot would require walking along Eastergate Lane which does not feature pavements. This would encourage walking on grass verges and highway along a substantial distance. There is a lack of street lighting along Eastergate Lane which means access routes via foot would be both unsafe, and limited to sunlight hours only. This would reduce opportunities for walking and would encourage private car usage. Therefore, the LPA does not consider the development comprises sustainable development when assessed against the three objectives in the NPPF.

As an Inspector in his report APP/C3810/W/18/3195440 pointed out: 'The lack of a five year supply of housing land does not automatically lead to a grant of planning permission if the adverse impact of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework.'

Taking into account the above factors, the principle of development does not comprise sustainable development in terms of the NPPF tests and has been found to conflict with Local Plan policies. Therefore, it follows that the development is considered to be principally unacceptable, notwithstanding the Council's 5 year Housing Land Supply position.

DESIGN AND VISUAL AMENITY

Policy D SP1 (ALP) requires all development proposals to reflect the characteristics of the site and local area. Policy D SP1 requires proposals to have derived from a thorough site analysis and context appraisal. Policy D DM1 (ALP) sets out a 15 point criteria against which the design of new development should be assessed. The criteria includes character, appearance, impacts, public realm, layout and density.

Policy ES5 (NDP) requires new development to be of a high quality design and to conform to the Parish's Design Guidance (once adopted). Policy ES6 (NDP) seeks for new development to contribute positively to the character of the villages. Policy H4 (NDP) requires proposals for residential development to be of a high quality, and designed so that new housing integrates into its surroundings and is well connected to the village.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was adopted 25th January 2021. Part G.O1 which deals with Neighbourhood, Centres and Local Facilities stresses the accessibility of facilities and services is fundamental to the proper functioning of a neighbourhood.

Paragraph 127 of the NPPF states "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

The National Design Guide was published in 1 October 2019. Part C1 maintains that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

The application site is well screened to all boundaries and there is no wider publicly visibility that is readily apparent. This is in part aided by the existing tree belt which is able to be protected under condition to the north and south of the site. Visibility from the east would not be apparent due to existing vegetation along the boundary and existing planting nursery site being present. Visibility from the west would be the most visible. From this aspect, there is a clear differentiation between development located towards the road and the countryside. The siting and access of a new residential dwelling of a substantive size, scale and massing, set back in the site, would be damaging the established pattern of development, regardless of visibility, and therefore it would result in a form of development that is incongruous to this part of the area which has an undeveloped character.

The dwelling would comprise a chalet style two storey dwelling with two significant gable elements. This would be combined with a tall ridge height and low eaves height. Whilst the elevation with two gable elements dominating the southern elevation would be readily visible from the west as well and would be in visual contrast to this rural, undeveloped nature. The proposed substantial dwelling, albeit chalet style of a significant size within a rear garden would have a significantly greater visual impact in this countryside location and would be detrimental to the open character and appearance of the area, particularly viewing from A29. The existing and proposed vegetation to the south-west and west would provide some screening of the proposed dwelling. However, there would be little to prevent the overgrown bushes, trees and the hedge being reduced in height in the future which would increase the visibility and prominence of the building and would emphasise the loss of part of the open space between sporadic properties and would harm its immediate setting. A new dwelling would generally have different characteristics, including the creation of a separate curtilage and the generation of its own domestic paraphernalia. Although the Framework does not prevent development on garden land in principle, it does require new developments to respond to local character and history and to reflect the identity of local surroundings (paragraph122).

On the basis of the above, the development would fail to respect the countryside character of its location and would therefore conflict with Policies D SP1 and D DM1 of the Arun Local Plan and Policies ES5, ES6 and H4 of the Barnham and Eastergate Neighbourhood Development Plan and relevant paragraphs of the National Planning Policy Framework.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards provide the current guidance. The internal spaces meet the current standards. Therefore, the development accords with Policy D DM2 of the Arun Local Plan.

RESIDENTIAL AMENITY

Policy QE SP1 (ALP) requires development to ensure it does not have a significantly negative impact upon residential amenity. Policy D DM1 (ALP) requires development to have a minimal impact to users and occupiers of nearby property and land.

Paragraph 127(f) (NPPF) requires planning decisions to create places with a high standard of amenity for existing and future users.

The proposed dwelling would be situated a significant distance (in excess of 50 metres) from the nearest residential property to the south. This would also be assisted by the existing vegetation along the southern boundary being retained. Given the separation distances and the mature vegetation around the site, it is considered that there would be no significant harm in this respect.

It is noted that the access to the proposed dwelling would be reliant upon passing alongside the neighbouring property Poachers to the west of access and residential dwelling to the east. However, given this application seeks permission for only a single dwelling, the vehicle movements associated with this would not be so significant that a demonstrable impact upon residential amenity would result as considered in the previous Council's report. In their current Application Statement the applicant stresses that this would be 'Multi-family households' (consisting of two or more families) and considering that this connection would include visitors and delivery vehicles, the proposed development would likely cause significant harm to the living conditions of the occupiers of both neighbouring dwellings.

In the dismissed appeal ref. APP/C3810/W/19/3230405, 312 Chichester Road, the inspector in his report pointed out on the significant harm to the living conditions of the occupiers of neighbouring dwelling caused by the proposed driveway serving new dwelling in the rear garden which, as he concluded, would not overcome a small social benefit in providing an additional housing. It is considered a similar harm would arise here.

Taking the above factors into account, the development would not achieve a sufficient level of residential amenity for both the neighbouring but future occupants of the dwelling and would therefore fail to accord with the contents of paragraph 127(f) of the NPPF and Policies QE SP1 and D DM1 of the Arun Local Plan.

HIGHWAYS, TRANSPORT AND PARKING

Policy T SP1 (ALP) requires development to provide safe access on to the highway network. Policy T SP1 requires development to incorporate appropriate levels of parking in line with WSCC guidance on parking provision and incorporate facilities for charging electric and plug-in hybrid vehicles. Arun District Council SPG guidance has since been adopted and comprises the up to date standard for assessing parking and cycle provision in new residential development.

A condition securing EV charging has been requested by WSCC, acting in their capacity as the Local Highway Authority, within their consultation response. If the development were considered acceptable in all other respects then EV charging provision could be secured by imposition of condition.

Paragraph 108 (NPPF) states that in assessing specific applications it should ensure that safe and suitable access to the site can be achieved for all users. Paragraph 109 (NPPF) states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Vehicular access to the property utilises the existing access of Poachers Lane which serves the dwelling of Poachers. The consultation response received from West Sussex County Council does not object to this arrangement.

The on-site vehicular parking is undertaken within a covered carport arrangement. This carport provides

for 3 no. vehicular spaces which accord with the Arun District Council Parking Standards SPD guidance. A condition will be imposed requiring the retention of these spaces within the carport in perpetuity. A further condition will be added requiring the provision of the carport prior to the occupation of the dwelling to ensure the vehicular demands created are catered for. Such conditions accord with the tests outlined in the NPPF.

An outbuilding has been marked as the location of a cycle store on the Site Plan. The imposition of a condition requiring details to be agreed with the Local Planning Authority prior to occupation of the dwelling would address this concern raised by the Local Highways Authority.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

Subject to the suggested conditions, the development would accord with Policy T SP1 of the Arun Local Plan and paragraphs 108 and 109 of the National Planning Policy Framework.

WEST SUSSEX FIRE AND RESCUE SERVICE

Have not raised any objection subject to condition for the requirement of an additional fire hydrant.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5).

BIN STORAGE

Policy WM DM1 (ALP) requires safe bin storage areas which are designed to ensure that kerbside collection is possible for municipal waste vehicles. Further, Policy H6 (NDP) requires the design of new housing to give full consideration of bin stores.

The proposed site plan shows an area towards the southern portion of the access road which safeguards an area for bin storage. However, this specifies its use as bin storage. This area is located less than 30m from the kerbside which would allow for a drive-by collection. This form of collection is comparable to all other properties along Eastergate Lane.

Subject to the above condition, the development would accord with Policy WM DM1 of the Arun Local Plan and Policy H6 of the Barnham and Eastergate Neighbourhood Development Plan.

LANDSCAPING

Policy D SP1 (ALP) requires development proposals to reflect the characteristics of the site in terms of landscaping. Policy D DM1 (ALP) requires hard and soft landscaping to reflect the local area.

There is a significant and substantial amount of tree planting around the site at present. The submitted plans indicate the use of a Construction Exclusion Zone to protect the trees on the boundaries throughout the construction phases. However, such zones will not protect the trees and boundary landscaping in perpetuity. Therefore, a condition will be imposed requiring a landscaping scheme to be submitted prior to the occupation of the dwelling. Once agreed the landscaping scheme shall be undertaken in accordance with these details and maintained for a period of 5 years thereafter. Such a condition conforms with the tests for conditions outlined in paragraph 56 of the NPPF.

Taking into account the above factors, the development would accord with policies D SP1 and D DM1 of

the Arun Local Plan and Policy HD of the Bersted and Eastergate Neighbourhood Development Plan.

WATER SUPPLY AND QUALITY

The site falls within the Lidsey Wastewater Treatment Works Catchment Area. Policy W DM1 (ALP) states that although minor developments are unlikely to raise significant flood risk, surface water drainage design should be carefully considered and infiltration must be fully investigated.

The application proposes a single residential dwelling and therefore the foul water demands created are unlikely to be significant. The applicant in their Application Statement points out on currently proposed use of a Package Treatment system as opposed to connection to the sewerage mains. However as discussed below, it would not be supported by Southern Water.

The site falls within Flood Zone 1 and therefore the risk of flooding from tidal or fluvial sources is considered to be limited.

Arun District Council's Drainage Engineers have requested that conditions be imposed upon any planning consent to ensure that the development can be adequately drained and does not increase flood risk elsewhere. Conditions requiring a Surface Water Drainage scheme prior to commencement of development (notwithstanding site survey and investigation) meets with the tests outlined in paragraph 56 of the 2019 Framework.

On this basis, the development would not give rise to significant flood risk or cumulative impacts upon foul water disposal and would therefore accord with Policy W DM1 of the Arun Local Plan.

SOUTHERN WATER

As applicant highlights in his Statement, the Amended Application proposes the use of a Package Treatment system as opposed to connection to the sewerage mains. However, as stated in their comments Southern Water would not support the proposals for a private treatment plant in the presence of public foul sewerage network in the close vicinity of the development site. The foul sewerage shall be disposed in accordance with Part H1 of Building Regulations hierarchy.

SUMMARY

This application has been assessed against the policies contained within the Development Plan having regard to the principle of development, design and visual amenity, internal space standards, residential amenity, highways, transport and parking, landscaping, water supply and quality and the Council's current 5 year Housing Land Supply position.

It has been found that the development fails to fulfil the objectives outlined in paragraph 8 of the NPPF and is therefore not considered to be sustainable development. It has been found that the countryside and settlement boundary policies would have limited weight owing to the Council's 5 Year Housing Land Supply position.

Notwithstanding these matters, the harm that would derive from establishing new residential development in a countryside location would be reliant upon private motor vehicle and would erode the established countryside location. It is therefore considered to be unsustainable and overriding in nature. Therefore, applying paragraph 11(d)(ii) of the 2019 Framework, planning permission should be refused.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may

arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

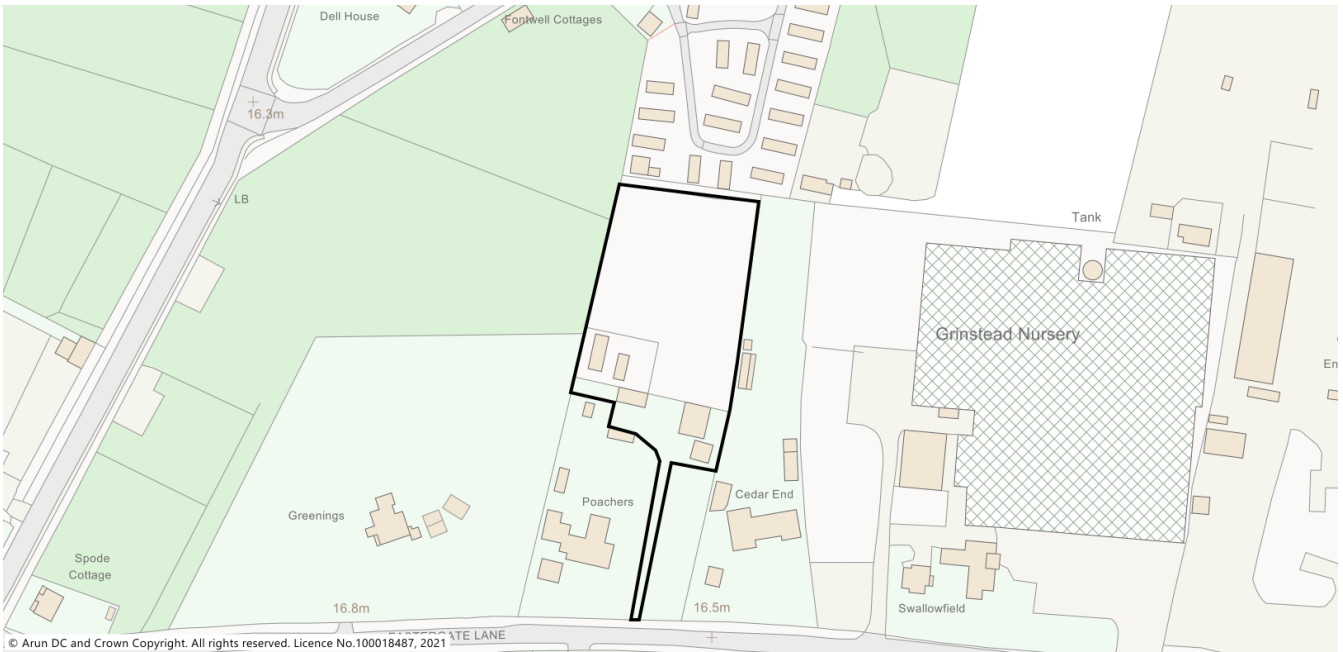
REFUSE

- 1 The development would result in the introduction of a residential use outside of the built up area boundary which would result in the future occupants being reliant upon private motor vehicle for day to day needs; contrary to paragraph 8 of the National Planning Policy Framework and Policies SD SP2 and C SP1 of the Arun Local Plan and Policies H3 and H4 of the Made Barnham and Eastergate Neighbourhood Development Plan.
- 2 The development in the countryside location fails to respect the established grain and pattern of development in the locality. This results in a building of visual prominence which demonstrably harms the undeveloped countryside character of the locality, contrary to policies D SP1 and D DM1 of the Arun Local Plan, Policies ES5, ES6 and H4 of the Barnham and Eastergate Neighbourhood Development Plan and the guidance on good design within the National Planning Policy Framework.
- 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.

BACKGROUND PAPERS

The documents relating to this application can be viewed on the Arun District Council website by going to <https://www.arun.gov.uk/weekly-lists> and entering the application reference or directly by clicking on [this link](#).

BN/151/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: K/55/20/PL

LOCATION: 57 Coastal Road
Kingston
BN16 1SN

PROPOSAL: Demolition & erection of 1 No. dwelling. This application is in CIL Zone 4 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for a two/three storey dwelling to replace an existing two storey dwelling house. A dwelling 16.2 metres in width and a depth of 17.4 metres with a flat roof height of 5.92 metres over the eastern half of the dwelling rising to 8.1 metres over the western half of the dwelling.
SITE AREA	990 sq.m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	10 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.8 metre wall to east and west boundaries.
SITE CHARACTERISTICS	A single two storey dwellinghouse on a beach side plot in Kingston with access to the beach on the western side of the site.
CHARACTER OF LOCALITY	A predominantly residential area of mixed design some of which are 2/3 storey bespoke designed dwellings on large plots with substantial front and rear gardens.

REPRESENTATIONS

Kingston Parish Council object to the development for the following reasons;

- Overdevelopment of the site.
- Out of character with existing dwellings.
- Too high.
- Building line too far south.
- Loss of light and privacy to neighbouring properties.
- Contrary to Policy KPNP 7 of the Kingston Neighbourhood Plan.

8 letters of objection on the following grounds;

- Out of character with existing properties.
- Materials out of keeping.
- Too high and fails to keep to building line of surrounding properties.

- Loss of privacy and light and overbearing impact upon 55 & 59 Coastal Road.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and addressed in the Conclusions section of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

CDC Ecology - No objection subject to mitigation conditions.

ADC Drainage Engineers - No objection. Surface water drainage can be provided in accordance with Building Regulations.

COMMENTS ON CONSULTATION RESPONSES:

Noted and suggested conditions imposed.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

NO PUBLIC SEWER

WITHIN BUILT UP AREA BOUNDARY

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

[Kingston Neighbourhood Plan 2014 Policy KPNP1](#) The Presumption in Favour of Sustainable Development

Kingston Neighbourhood Plan 2014 Policy KPNP7 DESIGN & DEVELOPMENT

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan, West Sussex County Council's Waste and

Minerals Plans and Made Neighbourhood Development Plans.

Policies KPNP 1 and KPNP 7 of the Kingston Neighbourhood Plan are relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the design is acceptable and it will not cause any significant loss of residential amenity to neighbouring properties.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

In this case, the key policies are D DM1 and D SP1 of the Arun Local Plan. Additionally, Additionally policies 1 and 7 of Kingston Neighbourhood Plan apply.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

D SP1 - Design requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design.

Policy 1 of the Kingston Neighbourhood Plan (KNP) is for the presumption in favour of sustainable development.

Policy 7 of the the KNP - Design and Development requires that the design and location of the development is appropriate and sympathetic to the Parish's character and appearance in terms of scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.

DESIGN

The footprint of the new house would be approximately 10% larger than the existing house with most of the growth being at first floor and second floor level over the western half of the roof only. There a number of plots in Coastal Road which now feature modern style properties. In terms of those nearest to the application property the replacement dwelling would have a similar front elevation in size, height and width to other properties along Coastal Road including 49 and 47 and is therefore considered to be in keeping with its neighbours in terms of scale and massing.

Whilst the building lines of the new property do not match that of 55 Coastal Road they do match that of properties from 61 Coastal Road at the front and 49 Coastal Road at the front and rear such that it is not

considered out of character as a whole.

The style and design of the house is a modern style. This would be set within an area where there is no one design style with different bespoke designed detached houses forming part of the character of the area which this house would match in with. For example No.45 is likewise a modern detached house.

The development would, therefore, also accord with the Arun Design Guide chapter P 'Infill Development' in that it would respect the established pattern of building height, scale, and plot width.

The development is therefore considered to comply with policies D DM1, D SP1 of the Arun Local Plan, the Arun Design Statement and policy KPNP 7 of the Kingston Neighbourhood Plan.

RESIDENTIAL AMENITY

No.55 would have secondary habitable room windows at first floor facing no.57 at a distance of 5 metres. The same is the case for windows facing 59 Coastal Road where the distance is 11 metres. However, the existing dwelling has the same relationship regarding overlooking windows with 55 and 59 Coastal Road so there is now no reason to object in the case of this application.

The proposal would involve the introduction of second floor accommodation and the introduction of windows facing the rear. These windows would principally look out over the host rear garden and provide acceptable oblique view over the rear gardens of neighbouring properties but would not result in any overlooking of habitable room windows.

The development would respect the 45 degree rule which the Council uses to determine if a new building would cause a loss of light or overbearing impact on neighbouring dwellings.

On the front and rear elevations of the new building would not intersect a 45 degree line drawn from the closest habitable room window in 55 Coastal Road directly to the east and would likewise not intersect a 45 degree line drawn from the closest habitable room window in 59 Coastal Road directly to the west.

The impact on residential amenity of neighbouring properties would be acceptable and in accordance with policy D DM1 of the Arun Local Plan.

PARKING AND TRANSPORT

The proposed driveway, garages and turning space shown has the potential for the provision of 3 car parking spaces which meets the requirements of the Arun Parking Standards Supplementary Planning Document. There is also a policy requirement for Electric Vehicle charging points which will be required by condition.

The proposal is considered to comply with policy T SP1 of the Arun Local Plan which requires that development provides sufficient car parking.

SPACE STANDARDS

The new dwelling would have an internal floor space of 653 sq.m. which is well in excess of the nationally described space standards for a five bedroomed 3 storey dwelling (134 sq.m.).

The rear garden would be 18.5 metres in length which would adequately provide sufficient external space for the dwelling and is in keeping with what is found elsewhere in the area and comply with guidance within the Arun Design Guide.

ECOLOGY

A bat box, bird box and hedgehog nesting box are required on site to mitigate the impacts on the

ecology. In addition mitigation measures for greater crested newts and other reptiles are to be conditioned.

The scheme accords with policy ENV DM5 of the Arun Local Plan which requires that development achieve a net gain in biodiversity and protect existing habitats on site.

SUMMARY

The development is considered to be in character with surrounding development and to have an acceptable impact on neighbouring properties and is therefore recommended for approval subject to the following conditions:

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

approved plans;

Site Plan, Location Plan dated 15.06.2020
Proposed Plans and Elevations dated 19.11.2020

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 Prior to occupation of any of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars / vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QEDM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

- 4 The following are to be installed on site;

A bat box facing south/south westerly positioned 3-5m above ground.

A bird box on the building and/or in a tree on site.

A hedgehog nesting box should be installed to provide future nesting areas for hedgehogs.

With regards to reptiles and great crested newts the mitigation measures set out in the Ecological Impact Assessment dated Nov 2020 paragraphs 2.10 and 2.11 should be adhered to.

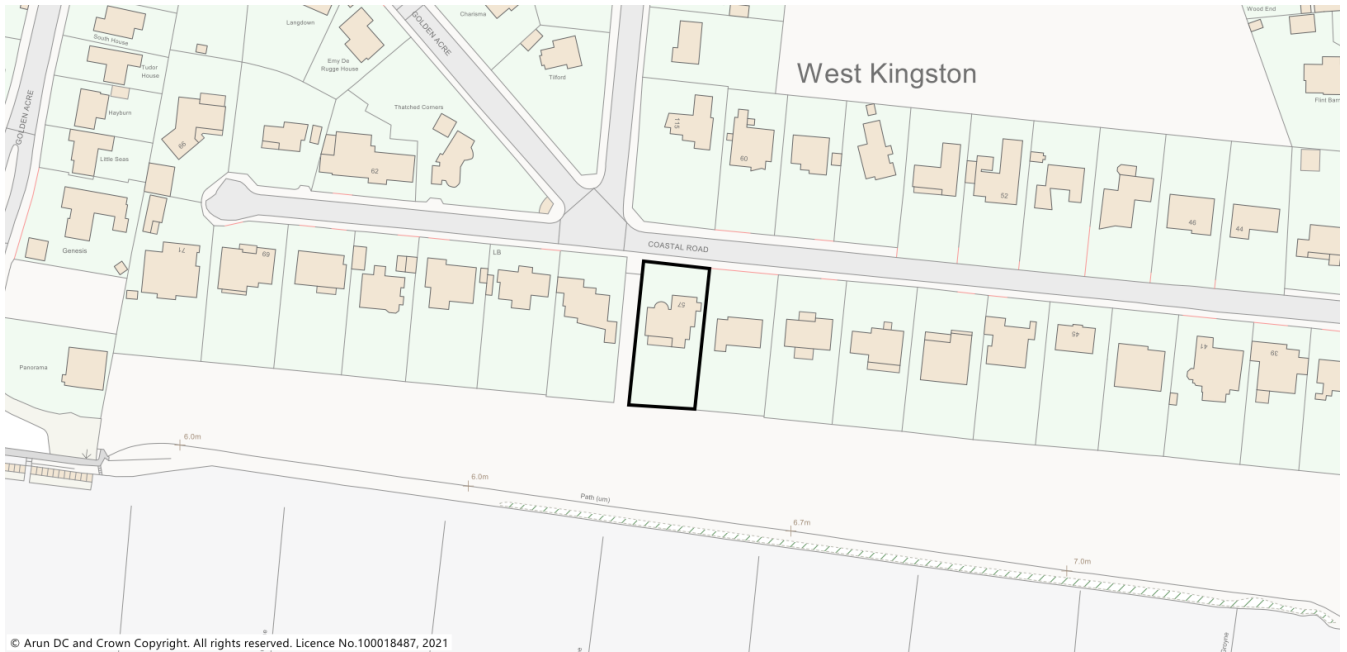
Reason: In the interest of the sites biodiversity in accordance with policy ENV DM5 of the Arun Local Plan.

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

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

K/55/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: LU/13/21/PL

LOCATION: 125 Bayford Road
Littlehampton
BN17 5HW

PROPOSAL: Change of use of existing single dwellinghouse (C3) to an 8-bedroom House in Multiple Occupation (Sui Generis).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	A conversion of a single dwelling house to an 8 bed House in Multiple Occupation with no external alterations.
SITE CHARACTERISTICS	A mid terraced Victorian house.
CHARACTER OF LOCALITY	A predominantly residential area consisting of a mixture of house types and flats.

REPRESENTATIONS

Littlehampton Town Council objected to the application on the following grounds;

- Proliferation of HMO's in the area destroying the character of the area.
- Adverse impact on residential amenity of neighbouring properties.

18 letters of objection on the following grounds;

- Too many HMO's in the area.
- Transport problems from too many cars.
- Would create additional anti social behaviour.
- Insufficient bin storage space.
- Lack of doctors/medical provision.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and relevant issues raised addressed in the Conclusions section of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

West Sussex County Council Highways - No objection.

The WSCC Parking Guidance (Updated Sept 2020) expects that a provision of 0.5 spaces per bedroom would be required for HMO use. This would result in an expected provision of 4 parking spaces for the proposal.

As there are comprehensive parking restrictions in the immediate vicinity, highway safety will not be detrimentally affected from the underprovision of on site parking.

Arun District Council Private Sector Housing - No objections subject to informatives.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HSP4	H SP4 Houses in multiple occupation
TSP1	T SP1 Transport and Development
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
EMPSP2	EMP SP2 Economic Growth Areas

[Littlehampton Neighbourhood Plan 2014 Policy 17](#) Buildings and Structures of Character

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that there will be no

unacceptable impact on the character and appearance of the area or the residential amenities of neighbouring occupiers. There is however conflict with transport policy requiring compliance with parking standards.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan. Namely that the site is in a highly sustainable location where dependence on the use of the car is not so significant as there are other accessible modes of travel.

CONCLUSIONS

The key policies in assessment of this application are D DM1, D SP1 and H SP4.

Policy D SP1 of the Arun Local Plan - Design states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy H SP4 sets out criteria for which applications relating to Houses in Multiple Occupation are to be assessed and includes that a proposed HMO should not adversely affect the character of the area and its parking demands. It should also provide adequate areas of open space for future occupiers.

Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

The site is part of the Littlehampton Economic Growth area where Policy EMP SP2 seeks to support development that supports the areas retail, leisure and tourism function.

Policy 17 of the Littlehampton Neighbourhood Development Plan is also relevant and states that the effect of a proposal on the significance of a locally listed building will be taken into account in determining the application.

DESIGN AND RESIDENTIAL AMENITY

As this application only proposes a change of use of the building with no external changes there will be no impact on the design/appearance of the property or on the residential amenity of neighbouring properties by way of overlooking/loss of daylight.

The proposed layout would comprise a communal kitchen/dining and living area at ground floor level where unacceptable overlooking is not an issue. First and second floor levels would contain three bedrooms and a shared W.C, with a further three bedrooms and a bathroom at second floor level. Six rooms would contain an en-suite bathroom with a toilet, sink and shower. The other two rooms would utilise the shared bathrooms. It is therefore the case that there would be no more overlooking than there is a present from the reconfigured upper floors.

HOUSES IN MULTIPLE OCCUPATION (HMO) - ARUN LOCAL PLAN POLICY H SP4

There are 3 criteria that need to be met when considering HMO proposals.

1) It should not adversely affect the character of the area by eroding the balance between different types of housing, including family housing.

According to the Council's Property Register there are currently 7 licensed HMO's along Bayford Road which amounts to 5% of the total number of properties in the road. Against this evidence an additional HMO in Bayford Road would maintain a balanced type of properties there and therefore not adversely affect the character of the area.

2) It should not contribute to the generation of excessive parking demands or traffic in an area.

According to the available guidance (WSCC Parking Guidance as Arun Parking Standards has no guidance on HMO's) the shortfall of parking spaces amounts to 2 car parking spaces with 2 car parking spaces being provided.

Given the highly sustainable location of the site in close proximity to a variety of alternative modes of transport that includes a nearby mainline train station and a host of bus services, the proposal is not expected to generate any excessive additional parking demand or traffic.

3) The property should provide an adequate area of open space.

The property has an 8 metre long back garden which is considered an adequate area of open space supplemented by a nearby coastline and other areas of public open space.

HIGHWAY SAFETY

As described above the site is not expected to generate excessive levels of traffic which together with strict parking controls in the area make the under provision of off street parking, in conflict with policy T SP1 of the Arun Local Plan, acceptable and not a sustainable reason for refusing this application.

ECONOMIC GROWTH AREA

The site falls within the Littlehampton economic growth area where Policy EMP SP2 of the Arun Local Plan applies. This requires that development is encouraged which increases the vitality of Littlehampton town centre.

The conversion of a house to HMO is considered to provide additional accommodation for working age people and thereby increases footfall and economic investment in Littlehampton town centre in line with the aspirations of policy EMP SP2.

LOCALLY IMPORTANT BUILDING

Policy HER DM2 of the Arun Local Plan and Policy 17 of the Littlehampton Neighbourhood Plan apply to buildings designated as being of local character such as that in this application.

The two policies concerned require that development proposals where an alteration of a locally listed building is involved, is done sensitively by respecting its architectural interest.

This is the case in this application owing to the fact that no external alterations to the building are proposed. Therefore, there is no harm caused to the heritage asset.

SUMMARY

The proposal is considered to be acceptable, in line with the policies cited above and is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans;

Proposed Floor Plans Dwg.no. 02 dated Dec 2020

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. That facility agreed shall be permanently retained.

Reason: To provide alternative travel options to the use of the car in accordance with policy T SP1 of the Arun Local Plan.
- 4 No part of the development shall be first occupied until an electric vehicle charging space has been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. That facility agreed shall be permanently retained.

Reason: To provide sustainable travel options in accordance with policy T SP1 of the Arun Local Plan.

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

6 INFORMATIVE: Fire Safety:

- Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary. Guidance on fire safety is contained in the LACORS guidance document - "Housing - Fire Safety, Guidance on fire safety precautions for certain types of existing housing" comprising:

- 30 min fire resisting escape route, which would include providing a 30 minute fire door to all risk rooms, including bedsits, kitchen and storage areas. Fire doors must be fitted with 3 fire rated steel hinges, an overhead self-closing device (minimum Power Size 3), intumescent strips and cold smoke seals. Storage cupboard doors do not require overhead self-closing devices, but instead must be kept locked shut. Appropriate fire safety signage to be displayed on each door, in accordance with it's function.

- Grade A, LD2 fire alarm and detection system, including a Fire Alarm Control Panel and Manual Break Glass Call Points.

- Interlinked mains wired smoke alarms located throughout the escape route, including storage cupboards and under-stairs areas.

- Interlinked smoke alarms in each bedsit.

- Interlinked heat alarms located in the communal kitchen.

- Fire blanket to be provided in each shared kitchen.

- Emergency escape lighting to be installed along the escape route.

- All final exit doors, including the front door, kitchen rear door, ground floor middle bedroom exit door to be fitted with thumb-turn style devices to enable a quick and safe escape without the need for a key, code or card.

- Refuse and recycling bins should be located as far from the front door as possible and it is recommended for these to either be relocated to the rear of the property, or securing the bins in place, with chains for example, in order to reduce the risk of arson.

- It is recommended the applicant considers further options to reduce the risk of arson, which could include an anti-arson letterbox or externally mounted mailboxes.

Room Sizes:

- Room sizes should meet the minimum standards for houses in multiple occupation.

- The floor to ceiling height must be at least 2.1 metres from floor to ceiling over at least 50% of the floor area when measured at a height of 1.5metres from the floor and provide sufficient useable space.

- Note with regards to room sizes:

6.51sqm - suitable for 1 person*

10.2sqm - suitable for 2 persons*

*This minimum size does not include the size of any en-suite facility, which must be in addition to these dimensions.

- Note with regards to children and how they fit into room size calculations:

Babies up to the age of 1 are discounted

Children aged 1 -10 years are classed as half a person

Children aged over 10 years are classed as a person

Licensing

- Any property that has 5 or more people sharing facilities will require a license from the Council and the property must meet minimum standards.
- If the residents are to be responsible for their own cooking then the kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities:
 - Sinks with draining boards.
 - An adequate supply of cold and constant hot water to each sink supplied.
 - Installations or equipment for the cooking of food.
 - Electrical sockets.
 - Worktops for the preparation of food.
 - Cupboards for the storage of food or kitchen and cooking utensils.
 - Refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers).
 - Appropriate refuse disposal facilities.
 - Appropriate extractor fans, fire blankets and fire doors.
 - Appropriate splashbacks fitted in areas of food preparation, cooking appliances, sinks and wash hand basins.

Ventilation

- Any bathrooms and kitchens should have adequate mechanical ventilation. Mechanical ventilation in bathrooms must be capable of a minimum 15 litres per second rate of extraction. Mechanical ventilation in kitchens must be capable of a minimum 60 litres per second rate of extraction, or 30 litres per second if sited adjacent to the cooking appliance.
- All habitable rooms must have an opening window, equivalent to 1/20th of the floor area, to the outside air to provide adequate ventilation. The windows must provide for a reasonable view, other than those where privacy is required such as in bathrooms for example. French or patio doors that have no separate openable casements, or where there is no alternative openable casement within the room, are not considered acceptable in bedrooms. According to the plans submitted, an openable window could not be identified in the ground floor, middle bedroom in addition to the externally opening door.

General

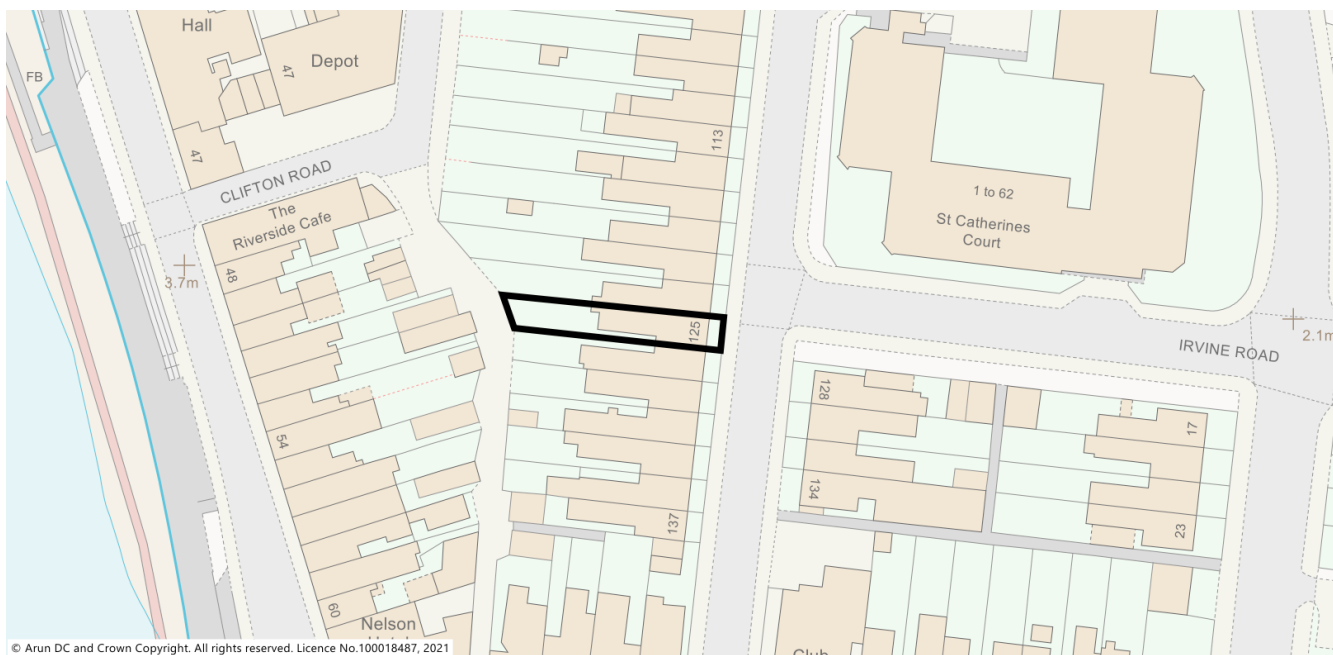
- Must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 Hazards.
- Must meet the requirements of the Arun District Council Houses in Multiple Occupation Standards (2020).
- Must meet the requirements of any other associated Housing and/or Houses in Multiple Occupation legislation or regulations if applicable to the property/site.
- Must meet the requirements of The Licensing and Management of Houses in Multiple Occupation and other Houses (Miscellaneous Provisions) (England) Regulations 2006 (as amended).

No grant of Planning or Building Regulations is inferred or implied and it should be noted that the Housing Standards, including room sizes and facilities must be complied with. In cases where it is found that Housing Standards have not been met, this may result in enforcement action being taken by the Private Sector Housing department.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

LU/13/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: LU/295/20/PL

LOCATION: 15 Beach Road
Littlehampton
BN17 5HZ

PROPOSAL: Full planning application incorporating permitted change of use of part of existing office (A2 Professional & Financial Services) & use to form 2 No. dwellings (C3 Dwelling houses) on the two upper floors (resubmission following LU/107/20/PL). This site is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is for a change of use of the first and second floors from (B1 Business) to 2 No. flats (C3 Dwelling houses).

The current office use extends to all three floors. It is proposed to reduce this use to the ground floor only and alter the upper two floors to form 1No.two bedroom flat and 1No.one bedroom flat.

A small flat roofed extension to the Ground Floor office will be formed within the rear yard 2.5m wide by 3.25m deep with a height of 2.2m and the shopfront elevation will be amended slightly to incorporate an additional door.

Changes to windows and doors will affect only the rear and side elevation. 2 high level windows are being added at ground floor in the side elevation and one window at first floor. The overall appearance of the building is largely unaltered.

The first floor flat will have an external terraced amenity area which is enclosed by 1.1m high balustrading. External staircases are being removed.

Pedestrian access to the flats will be via a new door in Beach Road, the office access will remain as existing. Refuse storage will utilise the arrangements already in place. There will be separate office and flat bin areas at the rear.

SITE AREA

154 sq m.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 13 dwellings per hectare

SITE CHARACTERISTICS

Solicitors offices occupy all floors.

End of terrace 3 storey property. Brick elevations to front and paint rendered to side adjacent to car park entrance.

CHARACTER OF LOCALITY

Part of town centre location in Beach Road comprising a row of three storey properties.

Retail/office uses predominate at ground floor level with residential above.

RELEVANT SITE HISTORY

LU/150/17/PD	Notification for Prior Approval for a Proposed Change of Use of a building from Class B1 (a) to 2 No. flats (C3 Dwellinghouse) on upper two floors.	Objection 26-06-17
LU/126/01/	Rear first floor extension and minor internal alterations.	Refused 06-08-01 Appeal: Dismissed 25-06-02

Previous application, reference LU/150/17/PD was objected to for the following reason:

'Part 3, Class 0.2 (c) and (d) and of the Town and Country Planning Development) Order 1995 as amended can require an application for prior approval where the developer has provided insufficient information to enable the authority to establish whether there are (c) flooding risks on site and whether there are (d) impacts of noise from commercial premises on the intended occupiers of the development.'

As these two issues (flooding risks and noise impact) have been overcome by this application the proposed use of the building would be Permitted Development (PD) and if the application was re-submitted it would meet the criteria and be approved. Therefore, the only matters which would not be included in any PD application would be the physical alterations to the building as proposed by this application. This is discussed further in the conclusions section.

REPRESENTATIONS

Littlehampton Town Council - Objection.

An internal stairway is being introduced, but bin storage is limited and there is no cycle storage. Given the Town Centre location, better storage provision to avoid the stairway being used and potentially causing a hazard, should be considered.

One Objection:

- If conversion works commence then in all probability several staff would be made redundant as there are no suitable alternative premises available within the Town Centre.
- The office and retail sector of the Town Centre is already in substantial decline with numerous shops and other units having to close.
- Arun's Local Plan already has a strategic objective for employment and enterprise within the District. Closure of such a well-established firm will not be in keeping with the Council's objective to drive employment and business growth by protecting land in business use. This planning application runs counter to the Council's long term objective for regeneration of the town centre.

COMMENTS ON REPRESENTATIONS RECEIVED:

The agent has submitted a revised plan to show 2 lockable cycle shelters and repositioned bin areas for the 2 flats to address the town council concerns.

The need for a well established business to relocate is noted, but this change of use could be carried as permitted development and as this is a town centre location residential uses have an important supporting role.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection. Satisfied with noise report submitted. Noise conditions suggested, but not imposed since these would be covered by Building Regulations. Working hours condition considered reasonable to impose.

Environment Agency - No Objection. Condition requested.

Economic Development - Objection.

- Whilst providing much needed accommodation, this development may displace a long established business from its town centre premises.

- It is acknowledged that the ground floor would still be office use, and we would wish to see that remain and be assured that the business is able to be accommodated in the new lesser space. If that were not the case and they needed to relocate, we would be concerned at this leaving a vacant ground floor unit at a time when town centres are struggling to maintain their viability.

Private Sector Housing - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Requested conditions have been imposed.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary;
 Within Town Centre Boundary
 Secondary Retail Frontage
 Economic Growth Area

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
RETSP1	RET SP1 Hierachy of Town Centres
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development

TSP1 T SP1 Transport and Development

WDM2 W DM2 Flood Risk

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

POLICY COMMENTARY

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

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that there would be no adverse impact on residential or visual amenity or the character of the area. The residential use will add vitality and would not conflict with the regeneration of Littlehampton. The proposal does conflict with policy T SP1 in that there is no provision for off street car parking. However, as the proposed use of the building would be permitted development, it is not possible to seek compliance with this policy.

Section 70(2) of Town and Country Planning Act 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,
 - (aa) 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

It is considered that there are other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PLANNING BACKGROUND

The proposal follows an earlier refused PD application, but the concerns of the Environment Agency and Environmental Health have now been satisfactorily addressed by this application. The proposed change of use from office to residential is therefore permitted development and the only issues which Members are able to determine are the small extension at ground floor and the alterations to openings including the addition of a door to the front elevation.

PRINCIPLE

The site lies within the built up area boundary within a sustainable town centre location where development is acceptable in principle, provided it is in accordance with other policies of the Local Plan covering such issues as loss of commercial floorspace, residential amenity, highway safety & parking. The site is in a sustainable location within walking and cycling distance of a range of shops, facilities and services including bus stops, a large food store and a railway station.

VISUAL AMENITY AND CHARACTER

Policy D DM1 of the Arun Local Plan requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. In addition, paragraph 127 of the NPPF requires developments to be visually attractive and sympathetic to local character and history. Government advice in section 12 of the NPPF indicates that design which is inappropriate in its context should not be accepted. Arun Design Guide suggests extensions should respond to and complement the existing character and appearance of the building and wider townscape in terms of scale, massing, materials, openings and roof form. This is best achieved through simple and unobtrusive design.

Policy D DM4 relating to extensions and alterations to existing buildings requires that extensions/alterations sympathetically relate to and are visually integrated with the existing building in siting, massing, design, form, scale & materials.

The extension to the rear which forms part of the proposal is single storey and would not be readily visible. The materials are proposed to match existing and are conditioned to ensure they assimilate into the existing property. The alterations to openings and provision of a new door in the shopfront would not significantly alter the appearance of the building. The additional opening to the front elevation would balance the appearance of the shopfront. The proposal therefore accords with policies D DM1, D SP1 and D DM4.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 indicates development will be permitted if it positively takes into account impact on adjoining occupiers, land, use or property. Planning policy indicates that good design should contribute positively to making places better for people. Regard should be had to paragraph 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

Furthermore, policy QE SP1 requires that all development contributes positively to the quality of the environment and that it does not have a significantly negative impact upon residential amenity and recreational activities enjoyed by residents. It is not considered that there will be any harm associated with the proposed residential use.

The proposed windows would not overlook other residential windows and thereby not impact privacy and

amenity of other residential units. The only element of the proposal which could cause overlooking and loss of privacy is the outside amenity area which could overlook the rear of other properties to the north. This has been addressed by providing screening in this area which is to be conditioned to be obscured to 1.7m in height.

The proposal complies with Arun Local Plan policies D DM1 and QE SP1.

INTERNAL & EXTERNAL SPACE STANDARDS

The requirement for a 2 bed flat for 4 people is 70 sqm. The proposed 2 bed flat measures 72.72sqm, The one bed measures 70.77sq m and complies with the 50sqm space standard for a 2 person 1 bed flat. There is therefore, no objection in respect of policy D DM2.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This replaces policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector.

A small private terrace area is provided for the first floor flat. There is no external space for the unit at second floor, but the site is within walking distance of areas of public open space and the sea front. Furthermore, as the use is permitted development, the Council could not require specific compliance with external amenity space standards.

HIGHWAYS & PARKING

Arun Local Plan policy T SP1 seeks to ensure that development provides safe access on to the highway network, contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it supports development which incorporates appropriate levels of parking in line with the Arun Design Guide taking into consideration the impact of development upon on-street parking.

Arun Parking Standards advise that in this location the likely parking demand for the new flat would be 1 space per flat. The proposal does not provide any off-street parking. As the proposed use is permitted development, the Council is unable to seek provision of dedicated off-street car parking. Further, the existing offices employees use does not have dedicated car parking, uses adjacent car parks, and on street parking nearby which would also be available for the new residential use.

Therefore, it is considered that whilst the proposal comply with TSP1(d) of Arun Local Plan.

FLOOD RISK

The site lies in an area at high risk of flooding within Flood Zone 3. Policy WDM 2 of Arun Local Plan requires that development in areas at risk from flooding will only be permitted where defined criteria are satisfied. The proposal includes a site specific Flood Risk Assessment (FRA).

Residential escape in case of local flooding will be refuge on the upper floor level and awaiting tidal retreat or rescue. Ground Floor retail/office use escape would be as current office use. The proposal represents conversion and any new drainage would accord with Building Regs.

The Environment Agency have no objection to the proposal on the basis that the mitigation within the FRA is adhered to and the application can be conditioned accordingly.

Given the application is for a change of use from commercial to residential a sequential test is not required. Therefore the proposal would accord with policy W DM2 of Arun Local Plan.

LOSS OF COMMERCIAL

Arun Local Plan policy EMP DM1 ("Employment Land: Development Management") part 2 seeks to protect existing employment sites and premises where there remains a reasonable prospect of employment use, excepting Permitted Development Rights. It requires for it to be demonstrated that the site is no longer required and is unlikely to be re-used.

It needs to be noted that the proposed change of use would fall within the permitted development use schedule 2, Part 3, Class O 'Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule' of the Town and Country Planning (General Permitted Development) (England) Order 2015.

As the premises were in use as solicitors offices on 29th May 2013 the proposal would therefore fall within the exception criteria and would accord with part 2 of policy EMP DM1.

Furthermore, it is acknowledged that other buildings in the locality already have residential uses above and that such uses would not be out of character. It is therefore not considered that there is any harm arising to the vitality of the town centre location and it is not considered that refusal on the basis of EMP SP2 would be sustainable on these grounds.

The principle of additional accommodation will result in increased footfall in and around the town centre which will assist sales from local shops.

RETAIL CONSIDERATIONS

The site lies within the town centre in a secondary shopping frontage. Arun Local Plan policy RET DM1 states that proposals for the re-use of vacant floorspace on the upper levels for residential, commercial and community purposes will be permitted subject to certain criteria .

The proposal retains a ground floor office use and an appropriate shopfront in accordance with this policy.

NOISE DISTURBANCE

A detailed acoustic assessment of the adjoining restaurant extract system has been carried out and is included in the submission. Environmental Health have advised that the methodology, calculations, findings and recommendations are reliable.

The proposed layout of the 2 self-contained flats is arranged such that bedrooms are vertically adjacent to living rooms and Kitchens it is therefore recommended that uprated acoustic measures are required in the floors/ceiling between residential units to mitigate against noise transfer. As the ground floor use is to remain commercial, it is also appropriate to install uprated acoustic insulation to protect the residential usage from noise transfer.

Insulation between the different floors would be addressed via the submission of a building control application when measures for sound insulation would be expected and need to be found acceptable.

The proposal would therefore accord with policy QE SP1 of Arun Local Plan which requires that all development contributes positively to the quality of the environment.

SUMMARY

This is an acceptable residential conversion scheme given it is located within a highly sustainable town centre location and will bring above ground floor office use into line with other residential uses within the area. The use would be permitted development and the proposed external changes and extension are of a minor nature and acceptable.

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

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This site is in CIL Zone 4 (Zero Rated) as flats.

RECOMMENDATION**APPROVE CONDITIONALLY**

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

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

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

Location and Block Plan 08066/TP01

Second Floor Plan and Roof Plan 080616/TP02.Rev D
Proposed Alterations Ground and First Floor Plan received 27/01/2021
Proposed Elevations 080616/TP03/rev C
Existing and Proposed Front Elevation 080616/TP.04 rev A
Existing Elevations 080616/SY.02

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The development shall be carried out in accordance with the submitted plans (ref: Flood Risk Analysis of Site Specific Product 4 Information- 15 Beach Road, Littlehampton, Sussex, BN17 5HZ- Prepared by Graham Nicholls Limited- January 2021) and the following mitigation measures it details:

- Sleeping accommodation is to be located on the First Floor and above. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants to comply with policy W DM 2 of Arun Local Plan.

- 4 The first floor amenity area shall not be used until precise details of obscured boundary screening to the northern boundary to 1.7m above floor level have been submitted to and approved by the Local Planning Authority and the details so approved shall be retained in perpetuity.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

- 5 The materials and finishes of the external walls of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.

- 6 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan .

- 7 **INFORMATIVE:** The use of flood resistance and resilience measures. is recommended. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods <http://www.planningportal.gov.uk/uploads/odpm/400000009282.pdf> Department for Communities and Local Government: Improving the flood performance of new buildings: <https://www.gov.uk/government/publications/flood-resilientconstruction-of-new-buildings>.

The planning practice guidance (PPG) to the National Planning Policy Framework states that,

in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-forflooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

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

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

LU/295/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: LU/327/20/PL

LOCATION: 38 Arundel Road
Littlehampton
BN17 7DB

PROPOSAL: Application under Regulation 3 of the Town and Country Planning (General Regulations) 2015 for the change of use of single dwellinghouse to 2 No. residential apartments & associated external alterations. This site is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Conversion of a house into two x two bedroomed flats with no external alterations except for the like for like floor area replacement of a rear extension. The applicant is Arun District Council.
SITE AREA	233 sq.m.
SITE CHARACTERISTICS	A two storey end of terrace house.
CHARACTER OF LOCALITY	A predominantly residential area.

REPRESENTATIONS

Littlehampton Town Council - No objection. They noted that the parking provision needed consideration as per the comments made by County Highways.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and addressed in the Conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

West Sussex County Council Highways - No objection subject to condition regarding cycle parking.

Arun District Council Environmental Health - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

The conditions requested by Environmental Health are not acceptable as they are matters either controlled by other legislation or unreasonable.

A construction hours condition will be imposed to prevent working hours at unsociable hours/days.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Policies 1 and 2 of Littlehampton Neighbourhood Plan are considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the design is considered acceptable and the proposal will have no adverse impact on the residential amenity of neighbouring properties. It would however conflict with Arun Local Plan policy T SP1 in that there is no off street parking provision made.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan in that this is a town centre location with on street parking restrictions. This means that there will be no unacceptable impact on the safety of the local highway network.

Furthermore given the availability of nearby forms of alternative transport will attract occupiers who do not have use of the motor car.

CONCLUSIONS

The key policies are D SP1 and D DM1 of the Arun Local Plan and Policies 1 and 2 of the Littlehampton Neighbourhood Development Plan.

Policy D SP1 of the Arun Local Plan - Design states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

Policy 1 of the Littlehampton Neighbourhood Development Plan states that permission should be granted where applications accord with the relevant policies in the Neighbourhood Plan. It goes on to set out circumstances where an applications conflict with Policy 1 would be acceptable.

Policy 2 of the Littlehampton Neighbourhood Development Plan seeks to focus development within the built up area boundary.

The development is located within the built up area boundary and the application accords with relevant policies of the Neighbourhood Plan in accordance with policies 1 and 2 of the Littlehampton Neighbourhood Plan

DESIGN AND VISUAL AMENITY

Arun Local Plan policy D DM1 lists a series of 13 factors that development must comply with - these include character, impact and public realm.

In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development to keep within the general confines of the overall character of a locality.

The application site is located close to Littlehampton Town Centre where a number of other properties have been converted into flats . There is no alteration to the external appearance of the dwellinghouse with the exception of a rebuilding of rear additions to the dwellinghouse. This demonstrates accordance with section 'J' of the Arun Design Guide, in that the proposal is considered to be appropriate to the form

and character of the area by way of its appropriate scale and massing.

It is necessary to consider the guidance within the National Planning Policy Framework. Section 12 states that high quality buildings and places are fundamental to the planning process. Paragraph 127 sets out 5 design criteria against which development proposals will be assessed including the need to be visually attractive and sympathetic to local character.

The proposed development is considered to be in keeping with the mixed character of the locality, and is not considered to unacceptably harm the character of the locality. The proposal is considered to be in accordance with D DM1, D DM4 and D SP1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

The proposed development is not considered to result in an unacceptable overbearing or overshadowing impact upon the occupiers of neighbouring dwellings. This is due to the fact that there is no alteration to the property externally nor adjacent to any boundaries with neighbouring properties.

The proposal is considered to be in accordance with D DM1(3) and QE SP1 of the Arun Local Plan.

INTERNAL AND EXTERNAL SPACE STANDARDS

Policy D DM2 of the ALP states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance".

It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the proposed dwelling is suitable for residential use.

The proposal has a floor area and an internal layout depicting;

- 1) single storey, 2 bedroom for 4 person occupation. 84.3 sq.m.
- 2) single storey, 2 bedroomed for 3 person occupation 65 sq.m.

The required space standard is 70sq.m. and 61 sq.m. respectively. Therefore, the dwellings accord with the standards.

The external amenity space is 7 metres of back garden, side and front gardens which is considered acceptable given that there is also access to nearby coastline and local parks.

TRANSPORT, PARKING AND HIGHWAY SAFETY

As there are restriction on the Arundel Road that prevent car parking there should be no adverse safety impact on the highway. The site is in a highly sustainable location, with local amenities within a reasonable waking distance, close to public transport connections and a large public car park nearby.

The Arun District Council Parking Standards states there is a parking demand of two spaces for the proposed development. In light of the fact that the proposal is in a sustainable location, as described above, it is considered that it would be reasonable to accept a nil parking provision for this development.

County Highways consider that the proposal is in accordance with Paragraph 109 of the NPPF in that

there would not be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

It is considered that whilst the proposal does not meet the criteria in Arun District Council's Parking Standards and is therefore in conflict with policy T SP1, there are material considerations as set out above which make the proposal acceptable on highway grounds.

SUMMARY

The proposed development is considered to be in accordance with the relevant Development Plan policies, and for the reasons outlined above. As such, the proposal is considered to be acceptable and approval is recommended subject to the following conditions

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Proposed Floor Plans dwg.no. 100/02 Rev A dated Nov 20
Proposed Elevations and Sections dwg.no. 1002/05 dated Nov 20

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plan.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies including policy T DM1 of the Arun Local Plan..

- 4 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with policy D DM1 of the Arun Local Plan

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

- 6 INFORMATIVE: The owner(s) of any domestic property built or refurbished before the year 2000 are legally obliged to protect householders from any risks from work activities being carried out in their homes. Where the work being carried out involves Asbestos-Containing Materials (ACM's), then the Control of Asbestos Regulations 2012 will apply. As the proposed development is being demolished and/or renovated, the Council need to be satisfied that any ACM's previously identified as still present, is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. Within any owner-occupied domestic properties, the owner(s) are not legally responsible for risks to contractors from asbestos, as the owners themselves are not engaged in any work activity.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

LU/327/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: P/1/21/PL

LOCATION: Land at Summer Lane
Paghham

PROPOSAL: Material change of use of land from agricultural use to use for open space. This application is in part a Departure from the Development Plan, affects a Public Right of Way & is in CIL Zone 5 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks planning permission for a material change of use of land from agricultural use to use for open space. The applicant has stated that "planning permission is sought for the use of the land for the purposes of public recreation" and that "no operational development, engineering operations or landscaping are proposed as none are necessary in order to effect the change of use". The applicant has stated that public access would be via existing accesses.

No details have been submitted to show how the intended open space would be laid out, or precisely how it would be delivered. The applicant has confirmed that they do not own the site.

No operational development is proposed so there would be no earth moving, setting out of the land or upgrading of rights of way through this application. A further application would be required for these elements. The applicant has stated that they expect the delivery of open space to come about by Arun District Council through s106/CIL contributions.

SITE AREA

Approximately 11.7 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

There are some trees to parts of the site boundaries but none would be affected by the proposed change of use.

BOUNDARY TREATMENT

No proposed change to existing treatments.

SITE CHARACTERISTICS

The site area covers a large swathe of land which consists of the following elements:

- Open fields in agricultural use;
- A Public Right of Way (FP100);
- A building site consisting of cleared open land with some open storage of construction materials/equipment;

The site is adjacent to the built up area boundary of Pagham and west of Pagham Road. Additional agricultural land is situated to the west of the application site, with the Pagham Harbour situated further to the south-west. A further Public Right of Way (PROW), runs north/south along the western boundary of the site.

CHARACTER OF LOCALITY

Despite its relatively close proximity to Pagham the site has a rural feel owing to the large expanse of open countryside to the west. However, existing development is also present to the east of Pagham Road and on parts Summer Lane. There is also Church Barton House and farm to the west of part of the site. To the north, the application shares a boundary with a mobile home park.

RELEVANT SITE HISTORY

P/70/19/RES	Approval of reserved matters following outline consent P/58/15/OUT for 90 No. dwellings. Also seeking to address the terms of planning conditions 6 (Phasing), 8 (ecology), 9 (Surface Water), 12 (Vehicular Access), 15 (Parking), 18 (Travel Plan), 20 (Landscape Management), 24 (Parking Control), 25 (Dwelling Parking) and 26 (Materials).	ApproveConditionally 28-02-20
P/140/16/OUT	Outline application for access only - mixed use development comprising of up to 400 dwellings, a care home with up to 70 beds, a Local Centre comprising up to 2000sqm of A1/A2/A3/D1/sui generis floorspace, provision of land for a 1FE primary school (with sufficient space to ensure that it is expandable to 2FE), provision of land for a scout hut, safeguarding of land to help link the site to the Pagham Harbour Cycle Route & other community uses including public open space & allotments with some matters reserved.	App Cond with S106 22-11-18
P/58/15/OUT	Outline application with some matters reserved for the erection of 90 No. dwellings with associated access & open space. This is a Departure from the Development Plan.	App Cond with S106 30-09-16

REPRESENTATIONS

Pagham Parish Council stated "No objection".

As of 12/02/21, three letters of support have been received on the following grounds:

- (1) The application preserves much needed land for sustainable drainage and climate change mitigation;
- (2) It would provide natural green space;
- (3) The land is not suitable for housing and should be considered as Public Open Space; and
- (4) If the application is refused, the conditions in the supporting statement should be met.

The Council has also received an objection from the developer of the "Land North of Summer Lane" site which raises the following points:

- (1) The applicant owns none of the land and notice has not been served on the Langmead family as landowners;
- (2) The applicant states that notice was served on Drew Smith but this was never received;
- (3) As such, the application should be held back until the correct legal procedures have been followed;
- (4) The proposed change of use is not in accordance with the Development Plan when read as a whole;
- (5) Extant planning permissions for residential development on the Application site already provide for a generous level of new public open space (7.92 hectares across P/58/15/OUT & P/140/16/OUT);
- (6) There is no credible evidence to suggest that the determining policies in this case are out of date or silent on the question of development on the Application site. In fact, the Development Plan is very clear as to the allocation of much of that site for housing;
- (7) The site area includes land with lawful planning permissions for residential dwellings, one of which has already been lawfully commenced;
- (8) Approval of this application would conflict with these earlier permissions;
- (9) Significant ground works have already taken place on part of the land and residential development is well underway. Any planning permission for such a change of use would not be capable of lawful implementation;
- (10) Any decision to grant permission for the proposed change of use to open space would set a confusing and unhelpful precedent at a time when there is a pressing need for housing in such sustainable locations; and
- (11) There is not access for use of the whole site as open space for the purposes of public recreation.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - any comments to be reported at the Meeting.

WSCC HIGHWAYS - no objection. State that:

- There is limited information submitted in terms of the exact nature of the open space for which permission is sought;
- It is nevertheless broadly accepted that the land could be used for different purposes under the open space definition;
- In any case, the expectation would be for the land to be used by those residents local to it;
- Therefore, the potential highways & transport implications would be very limited;
- The land forming part of the application does not adjoin any public highway but a public right of way follows Summer Lane;
- The permission of WSCC Highways would not be required to construct any access onto the un-adopted

section of Summer Lane; and

- Recommend a condition requiring details of access to the open land areas for maintenance purposes.

ADC DRAINAGE ENGINEERS - any comments to be reported at the Meeting.

ADC LANDSCAPE OFFICER - any comments to be reported at the Meeting.

COUNCILS ECOLOGIST - no objection subject to conditions to ensure that any new lighting is bat friendly, to ensure that hedgehogs are protected during any site clearance/construction & then that hedgehog boxes are provided on the land and to ensure that any works to trees take place outside of the nesting season.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except where indicated below

COUNCILS ECOLOGIST - It is not possible to impose a condition to protect birds nests as this is covered by separate legislation and would therefore fail to meet the 6 tests as per para 55 of the NPPF.

POLICY CONTEXT

The application site is designated on the Policies Map of the Local Plan as part of a Strategic Housing Allocation - SD1 Pagham South. It is also part countryside and part within the Built Up Area Boundary. The key policies that apply to the site are H SP1, H SP2 and H SP2a.

Other relevant designations are as follows:

Within 2km of Bognor Reef SSSI;
 Within 2km of Pagham Harbour SSSI;
 Pagham Harbour Zone B;
 Part of a designated Biodiversity Opportunity Area;
 Part of the north western corner of the site area north of Summer Lane is in Flood Zone 3a; and
 It is predicted that a greater part of the site area will be Flood Zone 3a by 2111.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

ENVSP1	ENV SP1 Natural Environment
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2A	HSP2a Greater Bognor Regis Urban Area
HWBSP1	HWB SP1 Health and Wellbeing
OSRSP1	OSR SP1 Allotments
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
SDSP1	SD SP1 Sustainable Development

SDSP1A	SD SP1a Strategic Approach
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

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

On the 24th June 2020, the "Pagham Development Management Plan 2019-2026" was published under regulation 14. It is therefore necessary, in accordance with paragraph 48 of the NPPF, to have regard to this draft Neighbourhood Plan as a material planning consideration. However, the weight to be attached to the Plan is a matter of judgement for the decision maker. These policies are considered in the report's conclusions.

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 not to comply with relevant Development Plan policies because it would fail to bring forward the housing allocation and the full range of associated infrastructure allocated to that site.

Section 70(2) of 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

It is material that planning permission already exists for the development of two parts of the site area with residential development (amongst other items). Furthermore, on one of these two areas, development has been implemented and the site cleared. A third area of the site also already has permission as a large formal area of Public Open Space with the layout & features of this already set by P/58/15/OUT & P/70/9/RES.

CONCLUSIONS

The proposal the subject of this application gives rise to two main issues. These are:

1. Whether the proposed change of use constitutes a departure from the development plan and, if so, whether material considerations in this particular case indicate that the plan should not be followed; and
2. Whether safe and suitable access to the site can be achieved for all users.

The Development Plan:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is required to be considered in preparing the development plan and is a material consideration in planning decisions.

In assessing this proposal, the Arun Local Plan (ALP) is the only element of the development plan to provide relevant policies.

The application site is designated on the Policies Map of the ALP as part of a Strategic Housing Allocation - SD1 Pagham South and also part inside the Built-up Area Boundary. The key ALP policies that apply to the site are H SP1, H SP2 and H SP2a. ALP policy H SP1 sets out the overall provision of at least 20,000 new homes phased over the plan period. The policy allocates 400 units to the strategic housing site SD1 Pagham South. This is part of the overall strategic strategy of the Local Plan.

ALP policy H SP2 requires that development proposals within the Strategic Site Allocations be comprehensively planned and to have regard to a masterplan endorsed by the Council for the respective areas which incorporates high quality imaginative design giving a sense of place and a permeable layout.

ALP policy H SP2a focusses on the "Greater Bognor Regis Urban Area" including Pagham (both SD1 Pagham South and SD2 Pagham North). The policy sets out key design and infrastructure requirements for the two Pagham strategic allocations. The principle of the development of the site SD1 has been established by the grant of two outline planning permissions.

Outline planning permission with details of access (P/140/16/OUT) was granted on 22 December 2018 for "a mixed use development comprising of up to 400 dwellings, a care home, a primary school and other uses on land south of Summer Lane, Pagham.

Outline planning permission with details of access (P/25/17/OUT) was granted on 5th September 2019 for "erection of up to 65 No. dwellings, access roads, landscaping, open space & associated works" on land at Church Barton, Horns Lane, Pagham. It should be noted though that the area of application P/1/21/PL does not include the land associated with the Church Barton permission.

The principle of the development of this site has been established by the grant of these two outline planning permissions which together secure permission for 465 homes and the applicants for the above applications have clearly shown a commitment to deliver strategic housing on these sites in accordance with the adopted local Plan strategic strategy.

The proposed change of use of the land to use for open space would be in direct conflict with policies H SP1, H SP2 and H SP2a as it would prevent the delivery of housing and the full range of associated infrastructure allocated to the site. The applicant has acknowledged that the proposed use of this land

would be in conflict with these policies.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. The local planning authority cannot demonstrate a five year supply of deliverable housing sites. The Authority Monitoring Report published in December 2020 indicates that there is a 3.3-year land supply. Therefore, paragraph 11d of the Framework is engaged.

This leads on to paragraph 11(d)(ii) and the test of whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposed change of use has the potential to deliver some social benefits through the provision of open space that will support the health and well-being of the existing community (policies HWB SP1, OSR DM1 & OSR SP1). It has the potential to offer some environmental benefits through the protection and enhancement of the natural environment and adaptation to climate change (policies ENV SP1, GI SP1 & ECC SP1). However, it would not provide economic support for local facilities and services, or employment through the construction of dwellings. Fundamentally, it would fail to ensure that a sufficient number and range of homes can be provided to meet the needs of both present and future generations. These are the adverse impacts of granting permission, which are considered to significantly and demonstrably outweigh the benefits, particularly when assessed against the policies in the Framework taken as a whole.

Paragraph 59 of the NPPF states that "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay". The strategy in the ALP and the grant of outline planning permissions (P/140/16/OUT & P/25/17/OUT) are entirely consistent with the aim in the NPPF of boosting significantly the supply of housing.

The proposed change of use is entirely counter to these policies and guidance. It would, if implemented, prejudice implementation of the Local Plan housing strategy and would be contrary to the NPPF taken as a whole. Granting this permission and seeking to obstruct the delivery of strategic housing on site will result in an even greater shortfall in housing land supply in the District and the increased need to find other housing sites elsewhere in the District; sites that will be speculative and where strategic infrastructure cannot be planned.

It is important to note that the presumption in favour of sustainable development is a presumption of policy only and, even if the presumption applies, it does not displace the requirement to apply section 38(6) of the Planning and Compulsory Purchase Act 2004. The proposed change of use constitutes a departure from the development plan and there are no material considerations in this particular case of sufficient weight to indicate that the plan should not be followed.

As set out above, it is necessary, in accordance with paragraph 48 of the NPPF, to have regard to the emerging Paghham Neighbourhood Plan as a material planning consideration. Policy 1 is relevant as this proposes to include the extent of the application site north of Summer Lane into the Built Up Area Boundary (BUAB). This includes but goes beyond the boundaries of the Drew Smith (P/70/19/RES) site. Policy 2 reaffirms that the remainder of the site area is countryside. Policy 6 proposes all of the application site area south of Summer Lane as Local Green Space. Notwithstanding, it is considered that the weight to be given to the emerging Plan should be exceptionally limited due to the stage of its preparation and the objections received in response to it.

Access to the site:

The supporting statement accompanying the application states: "No operational development,

engineering operations or landscaping are proposed as none are necessary in order to effect the change of use of the land proposed and public access to same would be via Summer Lane part of which (being that part outside of the application site shown on the location plan) is an adopted Highway and surrounding public footpaths and no changes to that highway or Summer Lane generally would be needed to serve the recreational land use proposed."

ALP policy T SP1 seeks to ensure that development "...provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network".

Additionally, ALP policy T DM1 begins: "New development must 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. Access to alternative modes of transport including public transport services, the public right of way and cycle networks, must be available and accessible to all members of the community."

Paragraph 108(b) of the NPPF requires proposals to ensure that safe and suitable access to the site can be achieved for all users.

The Arun Design Guide Supplementary Planning Document (SPD) January 2021 states that, "A successful movement framework should be easily accessible by all including the young, elderly and those with movement difficulties; and should encourage healthy and sustainable choices, making it as easy to walk, cycle, horse ride or take public transport as it is to drive".

The area of the site north of Summer Lane is currently open to both the western and southern boundaries (where there are existing footpaths) and as such people could walk onto the land albeit that they would have to cross raised ground and drainage ditches. Part of this area is also currently secured as a building site preventing access.

The area of the site to the south of Summer Lane is currently part a building site (the land associated with the formal POS being provided by Drew Smith) and part farmland. Similar constraints exist for access onto this land (raised field margins/ditches). There is also hedging along part of the site boundaries.

It is also noted that Summer Lane (west of the existing dwelling Meadow Sweet) is private to vehicles. The same is true of Horns Lane (which leads from Summer Lane to Church Barton Farm) and there is no public footpath along Horns Lane either. WSCC Highways request that details be provided of access for maintenance purposes and it is not clear how this can be provided.

Given the nature of the existing limited means of access described above and the absence of any proposed improvements, it is concluded that the proposal will not provide safe and suitable access to the site for all users, contrary to ALP policies T SP1 & T DM1, Paragraph 108(b) of the NPPF and Part F of the Arun Design Guide SPD.

Other Matters:

Planning permission has been granted to develop the land for housing and any approval for alternative uses could not take away that permission. Any alternative permission would simply mean that the landowner has two permissions which could be implemented. The application has served notice on Drew Smith as owners of the land associated with permissions P/58/15/OUT and P/70/19/RES but no notice has been served in respect of the owners of the Pagham South strategic site or the land between the western edge of the Drew Smith site and the western boundary of the site. According to the letter

from Drew Smith, the rest of the freehold of the land is owned by the Langmead Family. If the applicant accepts that incorrect notices have been served, the application would need to be deferred from this agenda to allow these to be served correctly.

Additionally, the granting of permission would not mean that the site becomes allocated open space. Only a development plan could allocate the site as open space and it would need to be in use as open space for such a designation allocation to be made.

It is not considered that the proposed change of use would result in any significant harm to site biodiversity although the increase in footfall across what are currently part open agricultural fields would require mitigation measures to be sought to off set impacts from disturbance on local habitats. However, there would be no negative impact to Pagham Harbour or the nearby SSSI's. The risk of current and future flooding is noted but as no built development is proposed it is not necessary to make an assessment versus the relevant flood risk policies.

The applicant acknowledges the existing permissions on the site and states 'the applicant and the author of this statement remain cognisant that whilst you can lead horses to water you cannot make them drink so that they are prepared to pursue the grant of a planning permission as sought via the Planning appeal system should this, regrettably, prove necessary.'

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

REFUSE

- 1 The proposed change of use of the land to use for open space does not accord with policies H SP1, H SP2 and H SP2a of the Arun Local Plan 2011-2031 and would prejudice delivery of the Local Plan housing strategy, contrary to paragraph 59 of the National Planning Policy

Framework.

- 2 The proposal fails to provide safe and suitable access to the site for all users, contrary to policies T SP1 and T DM1 of the Arun Local Plan 2011-2031, paragraph 108(b) of the National Planning Policy Framework and part F of the Arun Design Guide Supplementary Planning Document January 2021.
- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

P/1/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: R/227/20/PL

LOCATION: Laundry
38 Oakhurst Gardens
Rustington
Littlehampton

PROPOSAL: Demolition of existing laundry building, lean to & shed, construction of a ground & first storey accommodation building housing 3 No. sheltered housing flats & construction of a single storey laundry building including upgrade of associated clothes drying area & surrounding landscaping. This site is in CIL Zone 5 (Zero Rated) as sheltered housing.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal includes demolition of the existing laundry building, lean to & shed and the construction of a 2 storey building comprising 3 No. one bedroom sheltered housing flats & construction of a single storey laundry building including upgrade of associated clothes drying area & surrounding landscaping.

2 additional parking spaces and 4 cycle spaces are included in the proposal. The site measures approximately 23 metres long by 21 metres wide (at its widest point).

The existing buildings to be demolished are the laundry building for the sheltered housing site and finance office and associated clothes drying area. Existing storage shed provides a scooter store for residents on the sheltered housing site.

The applicant wishes to upgrade the site and increase their accommodation provision on the site to meet the high demands for sheltered housing by utilising under used areas. There is an urgent need for more sheltered housing units in addition to the existing 87 sheltered housing units already provided on the site. The current current waiting list has people waiting, on average, five years. Sheltered housing provides people with independent living with the reassurance that they can call for help 24 hours a day if they have urgent health or maintenance concerns.

SITE AREA 320 sqm

RESIDENTIAL DEVELOPMENT DENSITY 93 dwellings per hectare

TOPOGRAPHY Predominantly flat.

TREES None affected by the proposed development.

BOUNDARY TREATMENT	Close boarded fencing runs around most of the site perimeter.
SITE CHARACTERISTICS	<p>The site is located adjacent to the western boundary of Oakhurst Gardens.</p> <p>To the west lie the rear gardens of terraced houses in Guildford Road.</p> <p>To the north, east and south are the flats and bungalows comprising Oakhurst Gardens.</p> <p>Rustington Hall Care Home adjoins the south-east corner of Oakhurst Gardens.</p> <p>Oakhurst Gardens is a sheltered housing development managed by Littlehampton and Rustington Housing Society Ltd. It provides flats and bungalows for rent and is linked to Rustington Hall Care Home. The site has a laundry, hairdressing salon, guest facilities and open plan gardens laid mainly to lawn.</p>
CHARACTER OF LOCALITY	The site is located at the end of a residential cul-de-sac which comprises a mixture of mostly two- storey detached, semi-detached and terraced dwellinghouses.

RELEVANT SITE HISTORY

R/85/63	Aged Persons Bungalows Flats Wardens House And Laundry	Approve 24-06-63
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REPRESENTATIONS

Rustington Parish Council - Objection:

(a) The proposal, by reason of its specific location, height, mass and design, would present an over-bearing and unsympathetic appearance which would have an adverse effect on the visual amenities of the occupiers of Nos. 34 and 36 Guildford Road, and would be severely detrimental to their quiet enjoyment, particularly given its close proximity to the boundaries of these properties.

(b) The proposal is in conflict with the Rustington Neighbourhood Plan Policy 2: Housing, which states that development should not detrimentally impact on surrounding properties.

- 6 Objections:
- Any increase in building would deteriorate the view from the gardens and the pleasure of sitting in the garden observing wildlife.
 - The proposed development is to replace an existing wooden shed with a permanent brick structure. This shed is very close to the property boundary. In all other cases on the site, permanent brick structures are located a reasonable distance from the property boundary (at least two - three metres).
 - This proposal would establish a precedent.
 - Insufficient parking.
 - Adverse impact of construction works and traffic.

- Adjacent dwelling to west will feel like a prison.
- Due to close proximity light will be cut out from both the front and the back of neighbouring property as the new building is 2 storey.
- Dispute the measurements in the planned proposal. The 2 storey apartments will be only 14 metres from our extension and will be overbearing. We calculate that the southern side of the new build will extend 4 metres past our northern boundary fence with no.36 Guildford Rd.
- This is having a detrimental effect on our mental health and wellbeing.
- Concerned about air quality and the noise from washing machines and tumble driers.
- Request site visit to assess impact from garden. Plans don't show extension.

COMMENTS ON REPRESENTATIONS RECEIVED:

The issues raised are discussed in the conclusions section of the report.

Policy 2 of the RNP is a design policy which seeks that development proposals 'reflect the architectural and historic character and scale of the surrounding buildings and landscape.' It does not specify that development should not have an unneighbourly impact on neighbouring residents.

In response to queries raised over plans and proximity to neighbouring properties the agent has now provided updated plans dimensioning the proposed development in relation to the adjacent dwellings and extensions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection. Condition requested.

Environmental Health - No Objection. Conditions requested. Those relating to working hours and construction management have been imposed, but that on noise emission between residential units is covered by other legislation, such as building regulations and has therefore not been included in the recommendation.

County Highways - No Objection subject to conditions. Arun parking standards require 2 spaces per 1 bed dwelling a total demand of 6 spaces. As a result, this proposal is short by 4 spaces.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The red edge of the application site has been extended to incorporate a larger site area to accord with the request made by Engineers. They have been reconsulted and confirmation is awaited.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

SDSP2	SD SP2 Built-up Area Boundary
QESP1	QE SP1 Quality of the Environment

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
HDM2	H DM2 Independent living and care homes
ENVDM5	ENV DM5 Development and biodiversity
SDSP1	SD SP1 Sustainable Development
ECCSP2	ECC SP2 Energy and climate change mitigation
WDM3	W DM3 Sustainable Urban Drainage Systems

[Rustington Neighbourhood Plan 2014 Policy 2](#) Housing Design

Rustington Neighbourhood Plan 2014 Policy 4 Sustainable Drainage

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies of the Neighbourhood Plan have been considered.

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."

Section 70(2) of the Town and Country Planning Act 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, and 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.

The proposal is considered to comply with relevant Development Plan policies in that there would be no materially adverse impact on residential or visual amenity or the character of the area. However, the under provision of off street car parking means that the proposal does not comply with policy T SP1 of

the Arun Local Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan. The car parking present is likely to satisfactorily cater for parking demand given the expected comings and goings of vehicles into the site.

CONCLUSIONS

PRINCIPLE

Policy H DM2 of the Arun Local Plan deals with independent living and care homes. It states:

"New and extended independent living and care homes will be permitted where applications can demonstrate the following and where the proposal is consistent with all other Local Plan policies:

- 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".

Given the location of the proposed development within an existing sheltered housing complex, its proximity to bus stops (on Station Road, immediately in front of Rustington Hall Care Home) and community facilities in the centre of Rustington (just under 1km to south-west), it is considered that criteria a, b and f of Policy H DM2 are met. The proposed development has also been designed specifically to meet the needs of the people who will use and occupy the scheme, thus fulfilling criterion c. Criteria d and e are considered below.

In principle, the location of the proposed development within the built-up area and its intended use are considered to be acceptable.

DESIGN AND VISUAL AMENITY

Policy D SP1 of the Arun Local Plan requires all development proposals to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy 2 of the Rustington Neighbourhood Plan requires new development to reflect the architectural and historic character and scale of the surrounding buildings and landscape and to comply with Arun's adopted parking standards.

In place of the demolished buildings, it is proposed to construct a single and two-storey building with a pitched roof which is gabled at one end. The proposed 2 storey accommodation building has been designed using a similar material palette to other buildings within Oakhurst Gardens. The materials include handmade bricks with detailing to the window openings and entrances which makes a positive contribution to the character of the development as a whole. The proposed elevational treatments include powder coated aluminium doors and windows with fine grain precast concrete/stone sills and

lintels. Each dwelling has a separate entrance and plant beds and window boxes are incorporated to encourage a sense of ownership for each unit.

New fencing and planting on the boundary will help to screen and soften the new building from the neighbouring houses on Guildford Road.

The laundry has been intentionally designed in a more modern style. The recently adopted Arun Design Guide allows for contemporary design to add subtle variation, whilst ensuring that the materials and details used are complementary to the surrounding area. This proposal forms part of a site wide upgrade strategy and a desire for the new communal buildings to sensitively modernise the site as a whole.

The replacement laundry is single storey and would not be readily visible within the site or from outside. Areas of external seating and covered space have been designed to allow and promote social interaction between residents throughout the seasons.

The laundry is proposed to have a brick external finish and zinc roof tiles. The timber roof is revealed on the underside of the sheltered overhang. Perforated brick walls partially shield the drying area for privacy whilst still allowing natural daylight and views through enabling passive surveillance.

The Arun Design Guide part P refers to 'Infill Development' and suggests that development should respond positively to the character, appearance and layout of surrounding buildings to provide high quality infill development which enhances amenity for surrounding and new residents.

The guidance states that in most cases, new schemes should emulate the established pattern of building height, scale, plot width, boundary treatment and building line along the edge of the plot, and continue the rhythm of the street by repeating key elements such as windows, doors and walls.

The Guide recognises that infill schemes present a valuable opportunity to increase the efficiency of land use in existing urban and rural areas and provide new housing, but this should not lead to overdevelopment or building on communal open spaces, where this would lead to an unacceptable loss of outdoor amenity space, access or drainage facilities. Development must also avoid adverse impacts on the privacy, noise pollution and overshadowing of existing or proposed dwellings. Infill development should provide sufficient access to new dwellings and incorporate appropriate car and cycle parking as per the Arun District Parking Standards including space standards and inclusive design. These issues are discussed below.

This proposal retains space around the buildings in keeping with the character and complements the appearance of the development as a whole by respecting the scale of existing buildings and contributes to a sense of cohesion and unity.

Given the above the design of the proposed extensions are considered to be acceptable and to comply with policy D DM1 and DSP1 of Arun Local Plan.

RESIDENTIAL AMENITY

Policy QE SP1 requires all development to contribute positively to the quality of the environment and to ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District.

Policy D DM1 (3) of Arun Local Plan requires development to 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 proposed 2 storey accommodation building would measure approximately 6.3m to the ridge and 4.6m to the eaves. It is located approximately 3 metres closer to the rear boundary of Guildford Road properties than the existing building and would be approximately 3 metres from the boundary with numbers 34 and 36 Guildford Road. This distance is a concern.

However, to address the adverse impact on the neighbouring dwellings in Guildford Road the application has been amended to include a hipped roof, instead of a gable, on the west elevation and the ridge height has been reduced by 200mm. This has reduced to acceptable levels the visual impact and overbearing impact on the garden areas to the neighbours in Guildford Road.

This proposal has a distance of 16m from the rear elevation of the original dwelling houses in Guildford Road, 13m from the ground floor extension and the accommodation block. The generally accepted 14m distance between side and rear of properties as detailed in Arun Design Guide principally relates to new build spacing, but is useful as a general spacing guide and demonstrates that the distances provided accord with those generally expected.

The properties in Guildford Road enjoy an existing standard of amenity and the proposals will clearly adversely impact upon that. However, the agent has provided additional information to clarify the back to back distances between properties is in accordance with the 25 degree rule and the Design Guide which states back-to-back distances should be informed by the 25 Degree Rule to ensure proper provision of sunlight and daylight. Bearing in mind the distances provided and the compliance with the 25 degree rule whilst there will be impacts on these properties they are not sufficiently adverse to justify a refusal.

The proposed building would accommodate 3 No. one-bedroom flats. There would be no windows serving habitable rooms in the west elevation of the proposed building, facing the rear elevation of houses in Guildford Road at first floor level.

However, such windows would be present in the north and south elevations, which would face a block of four flats (Nos. 31-37 Oakhurst Gardens). The distance between the proposed building and these flats would be approximately 16m. This is a similar distance to that between the blocks housing Nos. 2-8 and 18-24 Oakhurst Gardens, although it is not known whether the layout of those flats includes windows that serve habitable rooms directly opposite each other. Nevertheless, it is considered that the proposed building would alter the outlook for the occupiers of Nos. 31-37 Oakhurst Gardens but not to a level that would warrant refusal of the application.

Given the east-west orientation of the proposed building, its location and proximity to the block of flats to the north, analysis of loss of sunlight, daylight and outlook from windows serving habitable rooms in the east elevation of Nos. 47 to 53 Oakhurst Gardens is necessary. The submitted plans demonstrate that existing accommodation building to the north (47-53) has a dual aspect living space/dining space in both apartments at ground and first floor. By pulling the proposed residential volume back at first floor to align with the east elevation of the apartments to the north, overshadowing has been reduced. The overshadowing to the east is unchanged from the current situation. Some overshadowing is caused to the west side of the flats to the north but on balance as this is a dual aspect room direct sunlight is still maintained through one of the windows lighting the space affected.

In addition it is proposed to erect a single storey building adjacent to the western boundary of the site, within an existing drying area enclosed by walls. The proposed building would have a maximum height of 3.9m and eaves height of 2.4m. The walls would feature brick and the roof would be clad with zinc. There would be no windows in the west elevation facing the rear private garden of No. 34 Guildford Road and the shared garden of Nos. 26-32 Guildford Road.

The laundry building has been shortened in length and reduced in height following earlier discussions to allow better outlook from the gardens of the neighbouring houses and more natural light to the proposed ground floor flats. Outlook from no. 31 and 33 remains within the guidance as set out in the Arun Design Guide. A back to side separation distance of 14m between habitable rooms and the side gable is referred to in the design guide. This proposal has a distance of 11m from the rear elevation of the original dwelling houses in Guildford Road and the laundry building. These distances are considered acceptable in terms of material harm to residential amenity.

The proposed development is considered to be compliant with policies QE SP1 and D DM1(3) of the Arun Local Plan.

Paragraph 13.3.5 of the Arun Local Plan requires development proposals to include adequate provision of private external space, in accordance with the Arun Design Guide.

It is noted that the proposed development would mean a small reduction in the area of the garden due to the larger footprint of the proposed building but each sheltered housing building is surrounded by shared green space. Buildings that border the site boundary inherently provide a more separate private garden space by each dwelling although there are no fences or boundaries allocating space to each resident as all gardens are intended to be shared.

At the centre of the site is a new sensory garden which provides a focal point to be used by all residents and an improved outlook from the surrounding dwellings. Front gardens to the bungalows and the accommodation buildings to the south are well looked after and provide additional space for residents to establish sense of ownership and shared community on the site.

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. It adds that Nationally Described Space Standards will provide guidance.

The proposed internal layouts/room sizes of the flats comply with the National Space Technical housing standards.

CAR PARKING

Policy T SP1 of the Arun Local Plan requires development to provide safe access on to the highway network, to create safe and secure layouts for traffic, cyclists and pedestrians and to incorporate appropriate levels of parking in line with Arun's parking standards taking into consideration the impact of the development upon on-street parking.

Vehicle access to the site is via Oakhurst Gardens and is restricted to a single lane road leading to a car park currently with 8 spaces for use by residents. There are 50 parking spaces across the Oakhurst Gardens site for use by the residents of the assisted living with a total of 87 residents on the site. The agents have submitted evidence to demonstrate that the existing/proposed level of parking can sufficiently cater for the extra parking demand expected from this proposal.

Arun parking standards in relation to C2 uses state that such proposals will be considered on a case by case basis. There are 27 spaces located off Station Road to be used mainly by staff and visitors to the Rustington Hall care home. The existing parking area is being reconfigured to provide an additional 2 parking spaces.

This proposal only relates to part of a much larger development. Parking analysis at the site demonstrates that the number of sheltered housing residents who own a car is currently 26 out of 87, the number of residents currently needing daily care assistance is 3 residents and the number of staff

needing parking daily is no more than 5 (staff are encouraged to use parking on the Station Road entrance) and therefore the number of spaces remaining for visitors is 16-21 spaces. It would therefore not be anticipated that any overspill parking will take place or impact upon the public highway. There is currently enough spare capacity within the wider sheltered housing complex to accommodate the additional parking and 2 additional spaces are being provided.

Further, if the existing residents of the wider sheltered housing complex generate parking demand of 26 vehicles from 87 residents a representative parking demand of 0.3 spaces per resident will be generated. For 3 x 1 bed flats that could theoretically provide accommodation for 2 people per flat could create a parking demand of 1.8 spaces which is in line with the additional spaces provided as part of the proposal. Therefore a demand of 2 spaces seems to be a realistic site specific demand. While there will also be a need for staff / visitor parking this type of parking would not be permanent and could be provided by the spare capacity that the applicant has outlined.

Electric Vehicle Charging Points Minimum Requirements, requires 20% of new spaces to provide active EV charging points and recommends 1 cycle space per 1 bed flat. Sheffield cycle stands are proposed in the area to the north of the accommodation building for use by the residents of the sheltered housing providing 4 cycle spaces. The agent has agreed to provide an electric vehicle charging point and this is conditioned and would be in accordance with Parking Standards SPD and meet the policy requirements.

Whilst the proposal conflicts with policy TSP1 of Arun Local Plan in so far as the provision of off street car parking is concerned, this deficiency is acceptable for the reasons given above.

ENERGY EFFICIENCY

Policy ECC SP2 requires all new residential development to be energy efficient and to demonstrate that energy efficiency measures are included together with renewable and low carbon energy supply systems.

The development will provide a significant improvement to the energy performance of the existing buildings on the site. They will be designed to meet as a minimum, the current thermal requirements and energy efficiency criteria. The new purpose built laundry building including new machines will run much more efficiently than the current laundry.

Solar panels are proposed to be incorporated into the south side of the new accommodation roof which will provide renewable energy for the new flats. Low embodied carbon materials have been selected to reduce the environmental impact of the proposals where appropriate, most notably within the Laundry building and its interior.

The proposal would therefore accord with policy ECC SP2 of Arun Local Plan.

BIODIVERSITY

Policy ENV DM5 (Development and biodiversity) of Arun Local Plan requires developments to seek to achieve a net gain in biodiversity and incorporate a range of ecological enhancements.

The Supplementary Planning Statement refers to a significant increase of approximately 33m² of planted and landscaped area being introduced to encourage and promote biodiversity in this area of the site. Bird boxes will be installed along the boundary within the taller planting to provide habitats for local species and provision is conditioned.

The Councils ecologist has been consulted to confirm that this is sufficient for compliance with policy ENV DM5.

CONCLUSION

The application has been re-advertised following receipt of amended plans and the advertising period now expires on 11-03-2021. Therefore it is requested that the decision on this application is delegated to the Group Head of Planning in consultation with the Chairman and Vice Chairman of Committee.

The proposed development would be acceptable in terms of residential and visual amenity and accords with policy. It is therefore recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is not CIL Liable. The site is in CIL Zone 5 (Zero Rated) as sheltered housing.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Location Plan 010-X-10-01 P3

Neighbouring proximities 010-P-30- 03 P2

Neighbouring Proximities First Floor 010-P-20-04 P1
Neighbouring Proximities and views 01-P-60-01 P2
Proposed East and West Elevations 010-P-40-02 P2
Proposed Ground Floor Plan 010-p-20-01 P2
Proposed Block Plan 010-x-10-02 P3
Proposed North and South Elevations 010-P-40-01 P2
Section BB Laundry 010-P-30-02 P1
Section AA Accommodation 010-P-30-01-P2
Proposed Roof Plan 010-P20-03- P2
Proposed First Floor Plan 010-P-20-02-P2
Proposed Laundry Elevations 010-P-40-03 P2

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No demolition/construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of Arun Local Plan.

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

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

Reason: In the interests of highway safety and the amenities of the area in accordance with policy TSP1 of the Arun Local Plan.

- 5 Prior to the occupation of the development hereby permitted 1 electric charging vehicle point shall be provided in accordance with details to be submitted and approved by the Local Planning Authority and the point shall be retained as such in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To provide for the car parking demands created by the development in accordance with policy T SP1 of the Arun Local Plan and paragraph 110 of the National Planning Policy Framework.

- 6 Prior to use of the laundry building precise details of vibration of the equipment and any associated ducting from outlets for dryers, etc shall be submitted and approved by the Local Planning Authority and the development shall proceed in accordance with details so approved.

Reason: In the interests of adjoining residential amenity in accordance with policy QE SP1 of Arun Local Plan.

- 7 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy TSP1 of Arun Local Plan.

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with policy TSP1 of Arun Local Plan.

- 9 No development above damp proof course shall take place until details of the following wildlife habitats and enhancements have been submitted to and approved by the Local Planning Authority:

- Bird boxes along the boundary and/ or trees
- Two hedgehog nesting boxes
- Incorporation of gaps at the bottom of the fences to allow movement of small mammals across the site.

The boxes/gaps so approved shall be provided prior to occupation of the dwelling and retained in perpetuity.

Reason: In the interests of protected species in accordance with policy ENV DM5 of Arun Local Plan.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 11 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a

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

- 12 No development above damp proof course (DPC) level shall take place until details of replacement fencing along the western boundary have been submitted to and approved by the Local Planning Authority and no buildings shall be occupied until such fencing has been erected.

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.

- 13 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

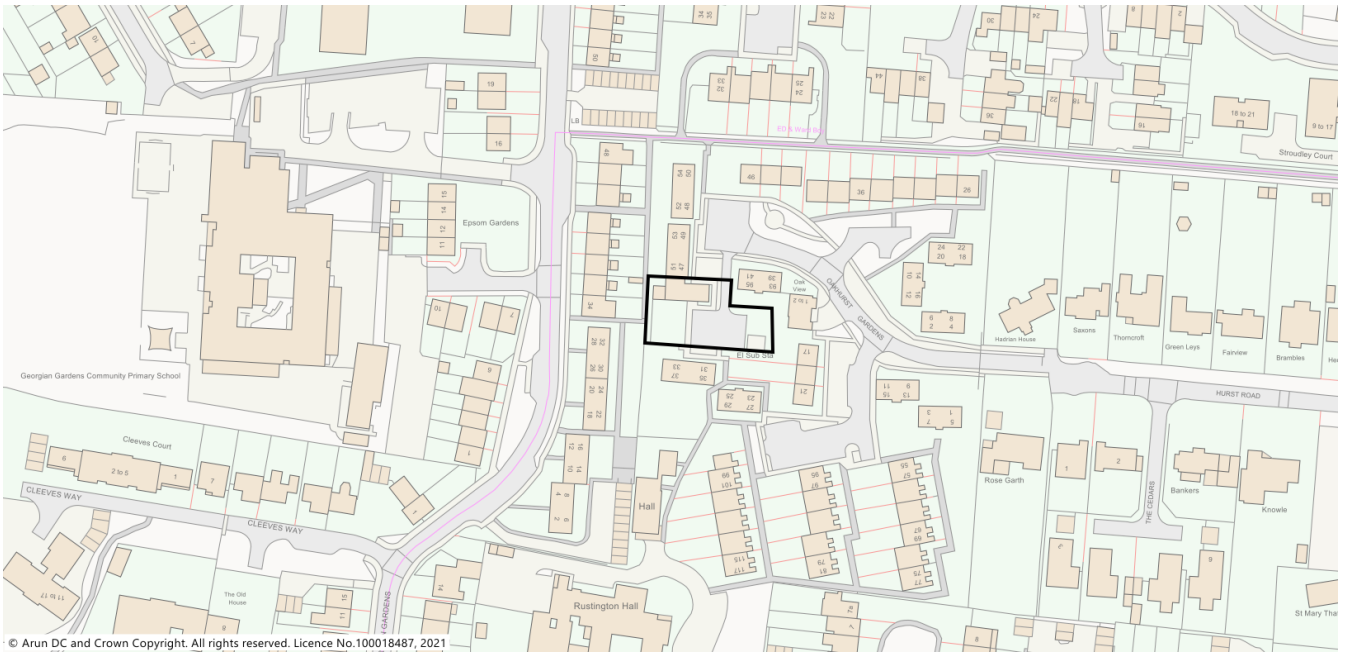
Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

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

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

R/227/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

- AL/54/20/HH**
Received: 03-02-21
Reed Cottage Westergate Street Westergate
Garden shed and adjoining open potting area.
Written Representations
PINS Ref: APP/C3810/D/20/3263660
- AW/131/19/T**
Received: 12-07-19
12 Hunters Close Aldwick Bay Estate Aldwick
Reduce height by 8m to 1 No. Lombardy Poplar tree.
Written Representations
PINS Ref: APP/TPO/C3810/7494
- BE/109/19/OUT**
Received: 15-02-21
Land east of Shripney Road & south of Haddan House Shripney Road Bersted
Outline application with some matters reserved for up to 46 No dwellings together with access. This application is a Departure from the Development Plan & may affect the character & appearance of the Shripney Conservation Area.
Informal Hearing
PINS Ref: APP/C3810/W/20/3264105
- BE/135/17/PL**
Received: 06-05-20
Shripney Garden Caravan Site Shripney Lane Bersted
Continuance of use without compliance with condition 4 imposed under BE/151/11/ relating to occupancy.
Informal Hearing **10-02-21**
PINS Ref: APP/C3810/W/18/3214487
- BE/69/20/CLP**
Received: 03-12-20
3 Homing Gardens Bersted
Lawful development certificate for the proposed replacement of current garage/workshop.
Written Representations
PINS Ref: APP/C3810/X/20/3261144
- BN/128/19/OUT**
Received: 01-12-20
Land Adjacent to Highfield House Yapton Road Barnham
Application for outline planning permission for development of 70 bed Care Home and 14 Assisted Living bungalows with associated car parking, landscaping and access. Departure from the Development Plan - development in the Countryside. This application affects the setting of a Listed Building.
Written Representations
PINS Ref: APP/C3810/W/20/3257996
- BN/24/20/PL**
Received: 07-08-20
Tile Barn Farm 32 Hill Lane Barnham
Erection of 1 No. dwelling & formation of new vehicular access. This application is a Departure from the Development Plan.
Written Representations

PINS Ref: W/4001228

BN/46/20/PL

Received: 12-01-21

Land Rear Of Poachers Eastergate Lane Eastergate

Construction of 1 No. 4-bed detached dwelling with detached carport. This application is a Departure from the Development Plan.

Written Representations

PINS Ref: APP/C3810/W/20/3262770

BR/31/20/PL

Received: 12-10-20

77 Aldwick Road Bognor Regis

Part change of use of ground floor & formation of a first floor rear extension to create 2 No. self-contained studio flats with associated refuse/recycling & cycle store (re-submission following BR/233/19/PL)

Written Representations

PINS Ref: W/4001823

BR/347/19/T

Received: 20-03-20

4 Pinewood Gardens Bognor Regis

Fell 1 No. Liquid Amber tree.

Informal Hearing

PINS Ref: APP/TPO/C3810/7809

FG/70/20/HH

Received: 30-11-20

9 Telgarth Road Ferring

Hip to Gable remodel of exiting loft conversion.

Written Representations

PINS Ref: D/4001600

FP/61/20/PL

Received: 02-09-20

10 Felpham Gardens Felpham

Demolition of 1 No. house & erection of 2 No. chalet style dwellings with garaging & car parking (resubmission following FP/274/18/PL).

Written Representations

PINS Ref: W/4001528

LU/257/20/HH

Received: 14-01-21

2 Meadow Way Littlehampton

Two storey brick side extension under tiled roof

Written Representations

PINS Ref: APP/C3810/D/20/3264683

P/18/20/PL

Received: 16-12-20

Land west of Barton House Manor Park Pagham

Change of use from highway land to residential use for the development of 4 No. 3 bed terraced houses with associated parking & access. This application affects the setting of a listed building.

Written Representations

PINS Ref: APP/C3810/W/20/3261859

R/156/20/PL

Received: 21-01-21

31 Albert Road Rustington

Extension and alteration of existing residential dwelling and subdivision to form 2no. two bed residential dwellings, together with formation of new

vehicular access and entrance drive.

Written Representations

PINS Ref: APP/C3810/W/20/3263729

ENF/505/12/

Hales Barn Farm Arundel Road Norton West Sussex

Received:

Written Representations

PINS Ref: APP/C3810/C/18/3212055

ENF/211/16

Wisteria Heights Caravan Park (prev. Shripney Gardens) Shripney Lane
Bersted West Sussex

Received:

Informal Hearing

PINS Ref: APP/C3810/C/19/3222033

ENF/115/17

44 Christchurch Crescent West Meads Aldwick

Received:

Written Representations

PINS Ref: APP/C3810/C/20/3249296

ENF/470/15/

Valhalla High Street Bognor Regis

Received:

Written Representations

PINS Ref: APP/C3810/F/20/3257966

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