



Public Document Pack

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Committee Manager Andrew Bishop (Extn 37984)

8 April 2021

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held in virtually via Zoom on **Wednesday 28 April 2021 at 1.30 pm** and you are requested to attend.

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

To approve as a correct record the Minutes of the meeting held on 31 March. Please note these Minutes will be circulated as a supplementary pack closer to the meeting date.

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

PLANNING APPLICATIONS

6. BN/17/21/PL - THE COTTAGE, HIGHGROUND LANE, (Pages 1 - 18)
BARNHAM PO22 0BT
7. K/6/21/PL - 68 GOLDEN AVENUE, EAST PRESTON BN16 (Pages 19 - 24)
1QU
8. LU/50/21/PL - LITTLEHAMPTON PROMENADE, SOUTH OF (Pages 25 - 32)
PUTTING GREEN, SEA ROAD, LITTLEHAMPTON

PLANNING APPEALS

9. APPEALS (Pages 33 - 34)

OFFICER REPORT UPDATES

Will be circulated on the day of the meeting should there be any.

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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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](#)

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PLANNING APPLICATION REPORT

REF NO: BN/17/21/PL

LOCATION: The Cottage
Highground Lane
Barnham
PO22 0BT

PROPOSAL: 1 No. new dwelling. This application is a Departure from the Development Plan & is in CIL Zone 3 & is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The dwelling is a two storey, 3 bed detached property with a dual pitched gable roof with coloured render walls, plain clay tile roof, dark grey UPVC window and door frames, a porous tarmac driveway, timber fencing and brick walls. The dwelling would be in the grounds of the existing residential curtilage of The Cottage, off Highground Lane. A front drive and garage are proposed for car parking, bin storage is shown in the front driveway, and a lawned area with trees and area for wild flowers and grasses is to the front/north of the dwelling.

SITE AREA 0.05 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 20 dph.

TOPOGRAPHY Predominantly flat.

TREES Established trees and hedges both on and off-site.

BOUNDARY TREATMENT Brick walls and timber fencing.

SITE CHARACTERISTICS Garden land, hardstanding driveway and detached garage in the residential curtilage of The Cottage.

CHARACTER OF LOCALITY Semi-rural, cluster of dwellings on a private access road off Highground Lane, to the south of and about 800m from Barnham village centre.

RELEVANT SITE HISTORY

BN/139/20/PL	1 No dwelling. This application is a Departure from the Development Plan & is in CIL Zone 3 and is CIL Liable as new dwelling.	Withdrawn 13-01-21
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Site history noted.

REPRESENTATIONS

Barnham & Eastergate Parish Council - Objection. Over-development of site in rural location, visual detriment to area and nearby properties. Concerns about access and increased traffic.

No other representations received for this application.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and issues addressed in Conclusions section of report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH:

No objection in principle, but following matters must be considered: precautionary land contamination and asbestos removal conditions, control of construction hours and requirement for a Construction Management Plan. Recommend informative regarding statutory nuisance.

WSCC HIGHWAYS:

No objection. Do not consider the proposal would 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 (paragraph 109), and there are no transport grounds to resist the proposal. Recommend conditions to secure car/cycle and Electric Vehicle Charging provision.

ADC DRAINAGE:

Site is in the Lidsey Treatment Catchment Area and surface water drainage design should be carefully considered and infiltration must be fully investigated. Recommend condition and informative to secure details of surface water drainage scheme based on winter groundwater monitoring and infiltration testing to ensure the development would be adequately drained and not increase flood risk elsewhere.

SOUTHERN WATER:

Require a formal application to be made in order to connect to the public sewer system.

TREE OFFICER:

Objection due to lack of arboricultural information submitted with and insufficient information to ensure established trees will be protected from development. An Arboricultural Impact Assessment (AIA), to include full Tree Survey setting out a schedule of trees, root protection area schedule, and a Tree Constraints Plan, is required. In the event the RPA of any tree proposed for retention overlaps the development, then an Arboricultural Method Statement (AMS) and a Tree Protection Plan is required.

ECOLOGY OFFICER:

No objection subject to conditions to secure an external lighting scheme (to protect bats), installation of a bat box to the building, require hedgehog piles to be removed outside of hibernation period and undergo soft demolition, installation of a hedgehog nesting box, restricting works to trees/vegetation clearance to outside wild nesting bird season, bird box to be installed on building or tree on site.

WSCC FIRE & RESCUE SERVICES:

Recommend condition the need for 1 fire hydrant to be installed on site.

NETWORK RAIL:
No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in Conclusions section of report.

POLICY CONTEXT

Designation applicable to site:
Outside Built-Up Area Boundary - Countryside
Lidsey Catchment Area
CIL Zone 3

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
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
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
WDM1	WM DM1 Waste Management
WSP1	W SP1 Water
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment

<u>Barnham & Eastergate Neighbourhood Plan 2014</u> <u>POLICY ES1</u>	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES13	Renewable energy schemes
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail

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, the South Marine Plan, and Made Neighbourhood Development Plans.

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

The policies contained within the Barnham & Eastergate Neighbourhood Plan (made 2014) and the Barnham & Eastergate Neighbourhood Plan Version 2 (at Reg 14 stage) are also relevant 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 fails to comply with relevant Development Plan policies in that it would constitute residential development outside the Built-Up Area Boundary in the designated Countryside, contrary to policies C SP1 of the Arun Local Plan and H8 of the Barnham & Eastergate Neighbourhood Plan 2.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations (the Council's current lack of a 5 year housing land supply) to be weighed in the balance with the Development Plan.

CONCLUSIONS

The main issues in the determination of this application are as follows:

- Acceptability in principle of residential development in the Countryside.
- Visual impacts of the proposal on the appearance and character of the area.
- Acceptability of the scheme in respect of residential amenity impacts, quality of proposed living accommodation, highways and parking, drainage, trees, and ecology.

PRINCIPLE:

The site lies outside the Built-Up Area Boundary and is defined as being in the Countryside. The proposal does not meet any of the exception tests set out in the Arun Local Plan (ALP) policy C SP1 to justify countryside development. According to policies in the Development Plan, the proposal for development in this location is unacceptable in principle, and would conflict with ALP policy C SP1 and Barnham & Eastergate Neighbourhood Plans (B&ENP) 2 policy H8. The principle of development in this location is not acceptable.

Despite conflict with these Development Plan policies there are material considerations, given the Council's lack of a 5 year housing land supply and application of the NPPF's 'presumption in favour of sustainable development', which warrant a determination being made not in accordance with the Development Plan. This is detailed further in the conclusions in the Summary section of the report.

Recent appeals decisions for single dwellings outside the BUAB at 32 Hill Lane, Barnham and Poachers, Eastergate need to be borne in mind when determining this application. The Inspectors conclusions on these appeals were;

- Given the domestic garden appearance of the appeal site, that the proposed dwelling would be located and viewed within the context of an existing cluster of buildings.
- The proposed development would be well screened by vegetation, that it would be well integrated visually and would not impede or harm open views of the countryside
- Given the Council's current lack of a 5 year housing land supply the NPPF's "presumption in favour of sustainable development" was triggered.
- Given the small scale and limited extent of the harm that would be caused by the proposal, cannot conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

VISUAL AMENITY & DESIGN:

Policy D SP1 of the ALP states development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including; character, attractiveness, residential amenity impact, adaptability, density, and scale. New buildings should be harmonious with their surroundings and successfully integrate with the surrounding environment. ALP policy LAN DM1 states that development should respect the particular characteristics and natural features of the relevant landscape character areas. Policy ES5 of the B&ENP requires that development should be designed to respond to the specific character of the site and local surroundings.

ES4 seeks to protect open views across the countryside and open spaces.

The Arun District Council Design SPD includes detailed guidance on Building Design (Section J) including form and character, scale and massing, building frontages and roofs, and includes guidance on Ensuring Quality (Section L) including materials, details and high quality development. This includes that new buildings should have a form and character that reflect their setting and reflect the scale of existing buildings in the area, the need to use attractive detailing and high quality materials and that traditional materials will be actively encouraged to reflect the local vernacular of the area, the utilisation of simple roof forms with one of the prevailing roof form in the district being double pitched gable ended, and that high quality design should be maintained throughout the process from planning to delivery. Section P.01 (Infill Development) states that "Infill development is more common within rural contexts, where the surrounding landscape setting must inform the location, character and boundary treatments of any proposed development.

The dwelling would be in the grounds of the residential curtilage of "The Cottage", where there is also an existing garage building and the application site is 'read' as part of the domestic garden. "The Cottage" is located in a small cluster of residential dwellings. The site is partially screened from views from the private access road off Highground Lane by brick boundary walls, timber fencing and vegetation. The plot has been increased in size, compared to withdrawn scheme BN/139/20/PL, and no longer appears as 'overdevelopment' or to have a cramped appearance. Taking into account the existing garage building on site, the proximity of surrounding development, boundary treatments partially enclosing and screening the site, and the size of the plot, it is concluded the new dwelling would not appear visually prominent and would integrate successfully with its surroundings. It would have limited visual impact on the appearance and character of the local area, and would not harm open views of the countryside nor the landscape character and rural quality of the area. This conclusion on visual impacts accords with recent appeal decisions on dwellings in the countryside at 32 Hill Lane, Barnham (W/20/4001228) and Poachers, Eastergate (W/20/3262770) as set out in the Principle section of the report.

The detached, two storey, footprint and form of the building and the plot size would reflect the general density, pattern, scale and form of development in the area.

The proposals would have an acceptable impact on the visual amenity and character of the area, landscape character and would not impede open views over countryside, and subject to a condition to secure high quality materials would be of an appropriate design and quality, in accordance with policies D SP1, D DM1 and LAN DM1 of the Arun Local Plan and policies ES5, ES6, ES8 and H4 of the B&ENP 1 & 2, the Parish Design Guide and the ADC Design SPD.

SUSTAINABLE CONSTRUCTION & CLIMATE CHANGE:

ALP policy ECC SP1 states "The Council will support development which is located and appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding; water stress; health impacts as a result of extreme temperatures and a decline in the quality of habitats and richness in biodiversity". ALP policy ECC SP2 sets out a number of sustainability measures to promote renewable energy and energy efficiency. Policies ES11 and ES13 of the B&ENP seek to promote renewable energy schemes and energy efficiency. Section K of the ADC Design SPD sets out the requirements for new development to consider energy and carbon reduction measures, water efficiency and re-use and the design of buildings to be adapted to climate change.

No information or plans have been submitted with regard the design of the building being adapted to climate change or proposed energy efficiency/renewable energy measures. A planning condition is recommended requiring the submission of details to secure energy efficiency and conservation, the use of renewable sources, and sustainable construction methods. This will ensure the development would be

sustainable and reduce climate change impacts, in accordance with policies ECC SP1 and ECC SP2 of the ALP, the ADC Design SPD and policies ES11 and ES13 of the B&ENP 1 & 2.

RESIDENTIAL AMENITY:

Policy D DM1 of the ALP states new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. QE SP1 states the Council requires development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. Policies QE DM1, QE DM2, QE DM3 and QE DM4 relate to noise, light, air and land pollution and need for impacts from development to be controlled. Para 127 (f) of the NPPF states development should have a high standard of amenity for existing and future users.

The Arun District Council Design SPD includes detailed guidance on the protection of residential amenity, including setting out the required distances between properties to accord with the 45 and 25 degree tests for daylight, sunlight and overlooking (Section G.03), required separation distance between habitable rooms to ensure privacy (Section H.04), measures to maintain privacy (Section J.02) and minimisation of impacts of noise and overshadowing (Section J.06).

The dwelling would be two storey with a pitched roof sloping away from the boundary to the cottage directly to the south-east, 'Russett'. The elevation of this neighbouring property facing the application site consists of 1 kitchen window (habitable room, but not the sole window to that room) and 2 small bathroom windows (non-habitable rooms), and a rooflight at first floor level. The new dwelling would be set away from the garden boundary with 'Russett' by around 1.2m, set away from 'Russett' itself by approximately 6m and would have an eaves height of approximately 2.4m. Given its separation from "Russett", the eaves height and pitched roof form sloping away from the boundary, and taking account of what rooms the nearest neighbouring windows serve (i.e. non-primary or non-habitable room windows), it is concluded that the new dwelling would not result in significant or harmful overbearing or overshadowing and resultant loss of outlook or daylight to "Russett". The neighbouring property to the north, "The Cottage" is a bungalow and consists of 6 windows (serving living room, study and bedrooms) on the front/side elevations facing toward the application site at ground floor level and a rooflight at first floor. Given the separation distance (15m) of the new dwelling to "The Cottage", the new building would not have an overbearing or overshadowing impact on those occupants.

In terms of privacy the new dwelling would have 3 ground floor windows on the south east elevation facing toward the boundary with "Russett". Given their location at ground floor level, screened behind boundary fencing, it would not give rise to harmful overlooking toward the windows and garden of "Russett". The north-west elevation of the new dwelling has two windows, an entrance door and garage personnel door at ground floor level, and 3 rooflights at first floor level. Given the separation distance from the garden boundary and property at "The Cottage", and the height of the rooflights above 1.7m from finished floor level, these would not give rise to any material overlooking toward the garden or property of "The Cottage". The new dwelling would have a first floor level window facing south-west toward the garden of "Russett". As indicated on the plans this window would serve an 'attic store' rather than the first floor main bedroom and would be unlikely to result in significant overlooking toward the garden of "Russett".

Subject to EH conditions, the proposals would maintain the residential amenity of existing and future occupants, in accordance with NPPF para 127, Arun Local Plan policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and QE DM4, and the ADC Design SPD.

QUALITY OF LIVING ACCOMMODATION:

Policy D DM2 of the Arun Local Plan states 'The planning authority will require internal spaces to be an appropriate size.... Nationally Described Space Standards will provide guidance'. The new dwelling would be two storey and have 3 bedrooms. The dwelling has a GIA of approximately 133sqm so exceeds national standards and provides good size accommodation for future occupants.

Policy H5 of the B&ENP 1 & 2 states 'Proposals for new housing development should include good quality outdoor amenity space' and 'The amount of land used for garden or amenity space should be commensurate with the size and type of dwelling and the character of the area, and should be of appropriate utility (for play and recreation) and quality'. The ADC Design SPD (H.04) sets out external space standards and states that 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5m...'. The plot has been increased in size, compared to withdrawn scheme (BN/139/20/PL), and the garden size increased. The square section to the front of the dwelling with a lawned area, wildflower garden and trees (which would function as the main private garden area) has a depth of 10.5m-13.4m from the property elevation to the garden boundary. The garden would be an appropriate size and shape to be usable and enjoyable and to serve a 3 bed dwelling.

Policy H6 of the B&NP 1 & 2 states the design of new housing should give full consideration to bin stores and recycling facilities. As required by ALP policy WM DM1, provision should be made for kerbside collection (from the access road or Highground Lane) for municipal waste vehicles. A condition is recommended to secure the provision of bin storage and kerbside collection.

Subject to condition to secure details of bin storage/collection, the proposals provides good quality living accommodation, with adequate internal/external space and waste storage provision to accord with policies D DM2 and WM DM1 of the Arun Local Plan, policies H5 and H6 of the B&ENP 1 & 2, and the ADC Design SPD.

HIGHWAYS:

Regard should be had to para 109 of the NPPF which states: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with WSCC guidance on parking provision. Arun District Council adopted its own Parking Standards SPD (Jan 2020). Policy GA4 of the B&ENP states proposals will be supported where they include the maximum level of off-street parking consistent with the standards under the Local Plan. Policy T SP1 and T DM1 support the inclusion of sustainable modes of transport. The ADC Design SPD (Sections I.01, I.02 and I.03) includes guidance on the provision and design of car parking, electric vehicle bays and charging points, and cycle parking.

The access utilises a driveway/entrance serving "The Cottage" located off a private access road off Highground Lane. WSCC Highways comment that the access road and Highground Lane (both unadopted) are private and access to the adopted highway network would occur at the junction with Church Lane. This junction serves a significant number of dwellings and some agricultural uses, and therefore the increased use from 1 additional dwelling would not be significant or result in a material intensification of use at this access point. WSCC raise no concerns with regard to the safe and effective operation of the highways network and the proposal accords with ALP policy T DM1, which requires safe and suitable site access, and the NPPF which requires development would not result in an unacceptable impact on the highways network.

Plans show the dwelling would be provided with a garage and front driveway laid. WSCC comment that the garage (dimensions 3m x 5m) would not meet the required 3m x 6m to be considered a suitably sized parking space and even garages of 3m x 6m only count as 0.5 of a parking space in the ADC Parking

SPD, since they are often used for storage rather than parking of vehicles. Notwithstanding this WSCC conclude the driveway is large enough to accommodate the parking of 2 vehicles, which meets the car parking requirements for this size of property in this location to accord with the ADC Parking SPD.

The ADC Parking SPD requires a minimum of 2 cycle parking spaces on site. No cycle storage has been indicated on the plans. WSCC conclude the garage can be considered to provide cycle parking storage, and it would be accessible, undercover and secure..

Subject to conditions to secure car/cycle and Electric Vehicle Charging Point provision, the proposals have an acceptable impact on highways and parking and accord with policies T SP1 and T DM1 of the Arun Local Plan, B&ENP policy GA4, the Arun Parking SPD and the NPPF.

DRAINAGE:

ALP policy W DM2 sets out the requirements for development in areas at risk of flooding, including; the need for the sequential test, an FRA, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans. ALP policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. Policy ES1 of the B&ENP requires that new development should reduce the overall level of flood risk in the area, which includes taking account of the Lidsey Water Treatment Works Catchment Area. The ADC Design SPD (Section K.04) requires that development incorporate Sustainable Drainage Systems (SUDs) and flood risk mitigation.

The site is in Flood Zone 1 (lowest risk of flooding) and the plot is smaller than 1 hectare and as such a Flood Risk Assessment nor flood mitigation measures are required. The site is in the Lidsey Treatment Catchment Area, and the Council's Drainage Engineer advised that given this location, surface water drainage design should be carefully considered and infiltration must be fully investigated. They recommend a condition and informative to secure details of the surface water drainage scheme based on winter groundwater monitoring and infiltration testing.

Southern Water confirm they require a formal application to be made to connect to the public sewer system. Informatives to cover Southern Waters advice are recommended. A condition is recommended to secure details of the foul water drainage scheme to serve the new dwelling.

Subject to conditions, the development would be adequately drained from surface water and foul water and would not increase flood risk elsewhere, in accordance with policies W DM2 and W DM3 of the Arun Local Plan, policy ES1 of the B&ENP and the NPPF.

TREES:

Policy ENV DM4 seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or contributing to local amenity. Policy ES10 of the B&ENP requires that development proposals must maintain trees or hedgerows of good arboricultural or amenity value. Section E.02 of the ADC Design SPD requires that schemes are informed by arboricultural surveys carried out by a qualified professional at the time of site appraisal.

The Tree Officer confirmed that established trees are likely to be destroyed or adversely affected to facilitate the proposals. There is no supporting arboricultural information submitted with the application - a requirement of BS5837:2012. Were this development to proceed the Council would not have sufficient information to guarantee trees have been adequately considered and, if necessary, protected. The Landscape Plan is indicative only. An Arboricultural Impact Assessment (AIA), to include full Tree Survey setting out a schedule of trees, root protection area schedule, and a Tree Constraints Plan, is required. In

the event that the RPA of any tree for retention overlaps the development, then an Arboricultural Method Statement (AMS) and a Tree Protection Plan is needed. The Tree Officer confirms that they are unable to support the scheme and have registered an objection.

Given the Tree Officer confirmed that the principle of development is achievable without undue detriment to on and off-site trees, and given there is sufficient time between the time of writing this report and Committee, the applicant is being given the opportunity to resolve this issue. An update note will be provided ahead of Committee.

Subject to this issue being resolved and adequate tree protection measures being secured by condition prior to a decision being made at Committee, trees would be adequately protected and respected, in accordance with the British Standards, Arun Local Plan policy ENV DM4, policy ES10 of the B&ENP 1 & 2 and the ADC Design SPD.

ECOLOGY:

ALP policy ENV DM5 states development shall seek to achieve a net gain in biodiversity and protect existing habitats on site. The B&ENP emphasises the importance of the protection and enhancement of local wildlife. Paras 170, 174 and 175 of the NPPF indicates that developments should aim to protect or enhance, minimise impacts, and provide net gains to biodiversity. Net Biodiversity Gain is an important aspect of the Environment Bill and the NPPF. Section E.03 of the ADC Design SPD seeks to protect and enhance biodiversity within the development site and the wider area.

The Council's Ecology Officer confirmed no objection to the proposal subject to conditions to secure details of an external lighting scheme (to protect bats), installation of a bat box to the building, require hedgehog piles to be removed outside of hibernation period and undergo soft demolition, installation of a hedgehog nesting box on site, restricting works to trees/vegetation clearance to outside wild nesting bird season, and a bird box to be installed on the building or tree in the site.

A Landscape Plan shows a number of biodiversity enhancements, including bird nesting boxes, bat boxes and insect boxes on existing/proposed trees, and a garden area designated to wild meadow flowers and grasses. The Landscape Plan is indicative only and does not include all biodiversity enhancement measures recommended by the Ecology Advisor e.g. bat box on building (rather than tree) and hedgehog nesting box. It is recommended a condition is used to secure details of Biodiversity Net Gain in the form of a BNG plan to be submitted.

Subject to conditions, the proposals protects and enhance ecology and biodiversity, in accordance with the Environment Bill, NPPF, Arun Local Plan policy ENV DM5, B&ENP 2 policy ES15 and the ADC Design SPD.

SUMMARY:

The principle of new residential development in this location is unacceptable, as set out in Development Plan policies C SP1 of the Arun Local Plan and H8 of the Barnham & Eastergate Neighbourhood Plan 2.

A relevant material planning consideration is the Council's lack of a 5 year Housing Land Supply (currently 3.3 years). In order for the NPPF's (para 11) 'presumption in favour of sustainable development' to apply it must first be assessed whether the proposal would constitute 'sustainable development'. For development proposals to be considered 'sustainable' they have to satisfy the environmental, economic and social tests as per paragraph 8 of the NPPF. The proposal for a dwelling meets the economic objective, in terms of providing employment during the construction phase and potential local spending, and these economic benefits weigh in the schemes favour. The proposal meets

the social objective, making a contribution of 1 new home to the District's housing supply. CIL receipts could be used to contribute financially towards infrastructure a further benefit to the local community. This social benefit weighs in the schemes' favour. The site is in a relatively environmentally sustainable location (from a transport perspective) given the short distance to bus routes, railway station at Barnham and local shops by foot or cycle. On balance, the proposals would satisfy the environmental test of sustainable development.

Since the proposals would constitute 'sustainable development', the NPPF's 'presumption in favour of sustainable development' would apply. It is concluded there would not be any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme. The proposal is therefore recommended for approval, subject to the following planning 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:

- Proposed Plans, Elevations, Section and Site/Location Plans (Drawing no. HL.PL001 Rev C), February 2021

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, D DM2, LAN DM1, QE SP1, T DM1 and T SP1 of the Arun Local Plan and policies ES4, ES4, GA4, and ES10 of the Barnham & Eastergate Neighbourhood Plan.

3 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, window and door frames of the building have been submitted to and approved in writing by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policies D SP1 and D DM1 of the Arun Local Plan and policies ES4 and ES5 of the Barnham & Eastergate Neighbourhood Plan.

4 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately and in writing of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents and future occupants in accordance with Policy QE DM4 of the Adopted Arun Local Plan.

5 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- a) Route and maneuvering for construction vehicles
- b) Loading and unloading of plant and materials, including permitted times for deliveries;
- c) The parking of vehicles of site operatives and visitors;
- d) Storage of plant and materials used in constructing the development;
- e) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- f) Measures to control the emission of dust and dirt during construction;
- k) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To protect the amenity of local residents in accordance with Policies QE SP1, QE

DM1, QE DM2 and QE DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to secure details of the mitigation of construction impacts prior to commencing any building works.

- 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.

In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

Reason: To protect the amenity of local residents in accordance with Policies QE SP1, QE DM1, QE DM2 and QE DM3 of the Arun Local Plan.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the walls and roof of the building without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policy D DM1 of the Arun Local Plan.

- 8 Prior to first occupation of the dwelling hereby permitted, drawings shall be submitted to and approved in writing by the Local Planning Authority of the proposed bin storage (to consist a minimum of 1 x 240l refuse bin and 1 x 240l recycling bin) and indicating the arrangements for kerbside collection. The approved bin storage provision shall be retained thereafter.

Reason: To ensure the dwelling is served by adequate waste storage and collection provision, in accordance with policy WM DM1 of the Arun Local Plan.

- 9 No development above damp proof course (DPC) level shall take place unless and until details and a timetable in the form of an Energy Statement (including details of physical works on site, sustainable construction methods, energy conservation and energy efficiency measures and renewable energy sources), have been submitted to and approved in writing by the Local Planning Authority. 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 NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy, reduce energy use, and ensure the development is sustainable, in accordance with national planning policy, and in accordance with Policies ECC SP1 and ECC SP2 of the Arun Local Plan and policies ES11 and ES13 of the Barnham & Eastergate Neighbourhood Plan.

- 10 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 spaces for the occupants and visitors of the new dwelling, in accordance with policies T DM1 of the Arun Local Plan, policy GA4 of the Barnham & Eastergate Neighbourhood Plan and the Arun Parking SPD.

- 11 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 in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies including the National Planning Policy Framework, and policies T SP1 and T DM1 of the Arun Local Plan.

- 12 No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies including the National Planning Policy Framework, and policies T SP1 and T DM1 of the Arun Local Plan.

- 13 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 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.

- 14 Development shall not commence, other than works of site survey and investigation, until full details of the proposed foul water disposal, in the form of a Foul Drainage Assessment (FDA), are submitted to and approved in writing by the Local Planning Authority. The applicant must first investigate the option of connection to the nearby public sewer network. If a private septic tank is proposed, the FDA must include the applicants justification for non-connection to the mains public sewer, and details of the proposed sewer package treatment plan, and the means of discharge.

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. It is considered necessary for this to be a pre-commencement condition to ensure that the foul water disposal scheme is agreed before construction commences.

- 15 Prior to commencement of development, a Biodiversity Enhancement Site Plan detailing the proposed biodiversity enhancement measures on site (to include the provision of at least 1 bat box on the new building, 1 bird box on the new building or a tree on site, 1 hedgehog nesting box) shall be submitted and approved in writing by the Local Planning Authority. The approved enhancement measures must be implemented and retained thereafter.

Reason: To ensure the proposals would result in Biodiversity Net Gain, in accordance with the Environment Bill and policy ENV DM5 of the Arun Local Plan.

16 Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition.

Reason: To protect local wildlife, in accordance with policy ENV DM5 of the Arun Local Plan.

17 Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

Reason: To protect local wildlife, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

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

19 **INFORMATIVE:** 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.

20 **INFORMATIVE:** A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Water's New Connections Services Charging Arrangements documents which has now been published and is available to read on the website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk or by email at: developerservices@southernwater.co.uk

21 **INFORMATIVE:** The applicant is reminded that should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

22 **INFORMATIVE:** Due to surface water inundation issues in the Lidsey Catchment the applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development". The developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable

conditions.

- 23 **INFORMATIVE:** The applicant is reminded that the development will need to accord with Fire Safety legislation as set out in the Building Regulations, which includes the provision of appropriate access for emergency vehicles and/or which may require the provision of a fire hydrant on site.

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)

BN/17/21/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: K/6/21/PL

LOCATION: 68 Golden Avenue
East Preston
BN16 1QU

PROPOSAL: Variation of conditions 2 and 3 imposed under K/9/20/HH to change materials and finishes from those approved.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal only seeks approval to alter the proposed materials approved under K/9/20/HH.

On the front elevation this will mean that the extensions approved un K/9/20/HH will be finished in a grey weather boarded material. On the rear, it is proposed to finish the extension in large dark grey concrete panels. Under permission K/9/20/HH the finished material were required to match those of the existing dwelling.

The plans condition (condition 2) is being amended to refer to the later elevation plans detailing amended materials. This will mean that condition 3 (materials and finishes) to that permission conditioning the materials to only be those shown on the approved plans will require deletion.

BOUNDARY TREATMENT The rear garden is enclosed by 1.8m high fencing.

SITE CHARACTERISTICS The dwelling is a 2 storey detached property with brick elevations and a tiled roof.

CHARACTER OF LOCALITY The character of the area is residential comprising detached dwellings in large plots, mainly 2 storeys in height set back a similar distance from the road frontage.

RELEVANT SITE HISTORY

K/9/20/HH Single story rear, two storey front extensions, conversion of roofspace to habitable use including demolition of existing conservatory. ApproveConditionally 06-05-20

REPRESENTATIONS

Kingston Parish Council - Objection

- The proposed materials and finishes are out of character with the neighbouring properties including those opposite and others in Golden Avenue.
- The amenities of neighbouring properties will be severely affected.
- It is contrary to Policy KPNP 7 Design and Development Sections 1 and 2 of the Kingston Neighbourhood Plan and the Kingston Parish Design Statement Section 7 Design Guidelines.
- It is contrary to the Arun Local Plan Design policies.

One Objection

- Not in keeping with the rest of the property or neighbouring properties.
- Clearly visible from rear of neighbouring property.

COMMENTS ON REPRESENTATIONS RECEIVED:

The issues raised will be assessed in more detail in the Conclusions section of the report.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

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

[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

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.

Policy 7 of Kingston Neighbourhood Plan is relevant to consideration 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 insufficient adverse effect on the residential amenities of neighbouring properties or the character and visual amenities of the locality to justify a refusal.

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 DM4 of the Arun Local Plan and KPNP 7 of the Kingston Neighbourhood Development 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.

Policy KPNP 7 of the Kingston Neighbourhood Development Plan relates to the design and development of proposals within the built up area boundary. The design and location of the development must be appropriate and sympathetic to the character and appearance of the Parish in terms of scale, massing, aspect, siting, layout, density, materials, landscaping and design features. It should seek to have minimal impact on users and occupiers of nearby occupiers of land.

Part M of Arun Design Guide which relates to householder extensions seeks to ensure use of materials which match the existing building, unless justification is given for providing an alternative approach. It states that extensions should respond to and complement the existing character and appearance of the building and wider townscape.

DESIGN AND VISUAL AMENITY

The proposed change in materials will result in a change in appearance of the host dwelling to the first floor front elevation which will be visible from the public realm. The proposed change is proposed to a significantly darker cladding, possibly to match the installation of new windows. The cladding would be dark grey in colour and would contrast with the existing brickwork elevations, but this change would update the appearance of the property. It should be noted that the proposed cladding could be used on the existing dwelling without the need for planning permission (so it is only materials on the approved

extension that are considered by this application). This change would not be materially harmful, and as such, would not justify a refusal of the application.

On the rear, the approved extension is 3.1m in height and is therefore significantly higher than the boundary fencing. The approved extension was envisaged to be finished in brickwork or light coloured cladding to match the existing dwelling and the scale of the extension would not result in any significant residential amenity issues. It is now proposed to finish the extension in a radically different finish - dark grey concrete panels. Whilst the materials clearly do not change the conclusions on residential amenity, they do result in a very different appearance and outlook for neighbouring properties. The proposed materials result in a much starker finish clearly visible above the boundary fence. Whilst the objections from the Parish Council and the adjoining occupant are understandable and whilst the proposed finish is clearly less sympathetic on the rear, it does not result in additional amenity or character issues (as it is on the rear) and a refusal of the proposed materials could not be sustained.

The change in materials sought in this application would not result in a property that appears visually at odds with neighbouring properties or the appearance of Golden Avenue general and therefore not have a significant impact upon the character and visual amenities of the host dwelling or the locality.

The application is in accordance with policies D DM1 and D DM4(a) of the Arun Local Plan and KPNP7 of the Kingston Neighbourhood Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed change in materials will not materially alter the impact of the development upon the occupiers of neighbouring dwellings. The position and size of the approved extensions remains unaltered. The proposed development is in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

SUMMARY

The proposed development accords with relevant development plan policies and as such is recommended for approval subject to the amended plans condition which includes reference to the amended materials on the elevation plans and deletion of condition 3 (the condition requiring materials to match existing).

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.

RECOMMENDATION

APPROVE CONDITIONALLY

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

Location Plan 227905 A

Block Plan 2279-06A

Proposed Elevations 2279-04B

Proposed Floor Plan - 2279-03 - 16/02/2020 - Rev. A(Aproved under K/9/20/HH).

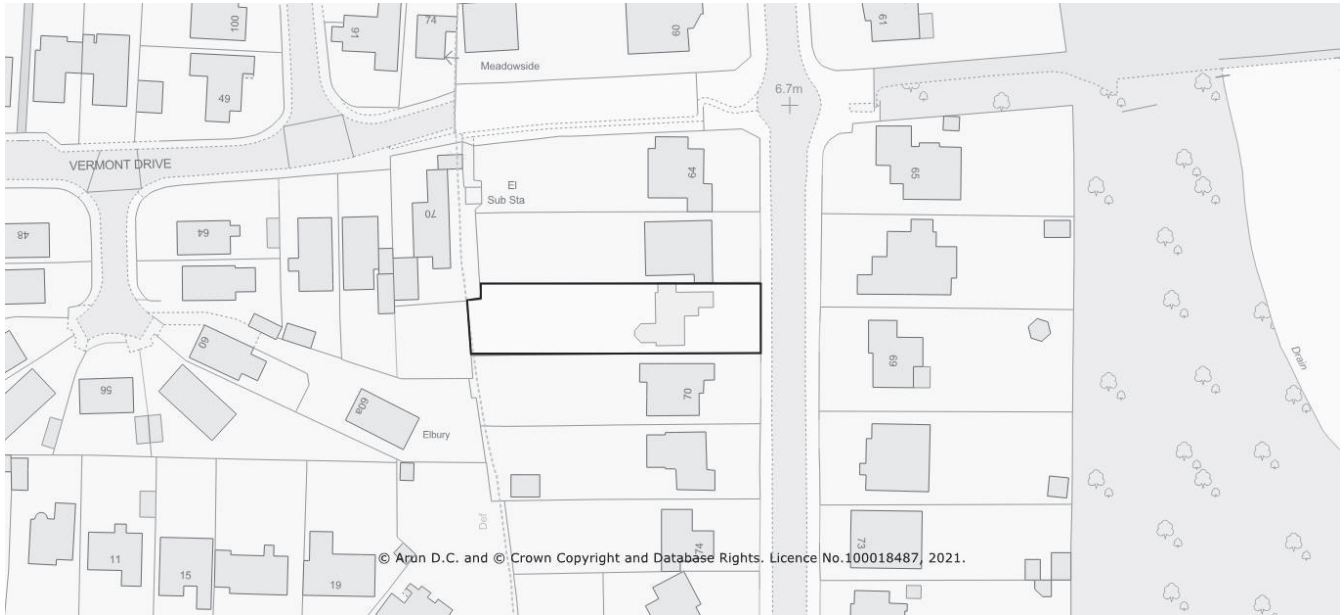
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1of the Arun Local Plan.

- 2 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.
- 3 INFORMATIVE: For the avoidance of doubt condition 1 replaces condition 2 of K/9/20/HH and condition 3 of K/9/20/HH is hereby deleted.

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](#).

K/6/21/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/50/21/PL

LOCATION: Littlehampton Promenade
South of Putting Green
Sea Road
Littlehampton

PROPOSAL: Provision of 20 No. new beach huts on concrete bearers to broadly match existing.
This site is in CIL Zone 5 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This is an application where Arun District Council is the applicant.

The 20 proposed beach huts would have a shallow pitched roof with a ridge height of 2.6m and floor areas of 2m by 2.7m. They would be constructed of composite panels with wood effect cladding and roofs.

The beach huts would comprise a total of 10 individual huts intermittently added to existing rows of huts. A new group of 10 beach huts is proposed to be added to the end of the existing row of huts.

SITE CHARACTERISTICS The sites are currently shingle covered spaces between and at the western end of the existing beach huts. The groups of timber beach huts arranged in half moon formations face towards the sea. The huts in each group are painted in matching vibrant colours which alternate between each group.

CHARACTER OF LOCALITY The site is located on a beach which has a pedestrian promenade running alongside its northern fringe. The promenade and beach at Littlehampton are in public use for leisure/tourism.

There are a number of crescent shaped formations of beach huts to the east of the site.

The East Beach Cafe is nearby to the west, where the promenade widens. The area benefits from an overall sense of openness due to the wide promenade and beach vista.

RELEVANT SITE HISTORY

LU/247/11/ Construct 6 No. beach huts on concrete bases. ApproveConditionally
01-12-11

LU/280/13/

Construct 5 No beach huts on concrete bases

ApproveConditionally
18-12-13

Those beach huts proposed by this application are identical in appearance to those previously approved.

REPRESENTATIONS

Littlehampton Town Council - No Objection to the principle.

Provision should be made to facilitate wheel chair access. A minimum of three huts should be equipped with accessible facilities.

2 Objections

- The proposal is contrary to Arun Local Plan policy LAN DM1.
- Turning the promenade and Sea Road view into a wall of hut backs will reduce the enjoyment of sea views and will particularly adversely impact the elderly and those with mobility problems.
- Additional revenue should not be to the detriment of our chief asset as a seaside resort.

COMMENTS ON REPRESENTATIONS RECEIVED:

- The beach huts would match the existing in design and would be accessible for wheelchair users.
- There would still be gaps retained between the groups of huts allowing views of the sea and the proposal only deletes sea views of a small section of the whole promenade and Sea Road.
- The huts themselves are an important visual amenity feature as they contribute towards a traditional seaside resort appearance.
- The provision of the huts will not impair access to the beach or close it off from public use in any way.
- The proposal is compliant with policy LAN DM1 as it does not detract from the characteristics and natural features of the coastal landscape area.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Engineers - Awaited.

Economic Regeneration - Awaited.

Estates Officer - Awaited. However, the application has been submitted by the Estates Department on behalf of the Council.

Marine Plan Officer - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:

2km Buffer for Site of Special Scientific Interest

Outside the Built Up Area Boundary

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
CSP1	C SP1 Countryside
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
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

Littlehampton Neighbourhood Plan 2014 Policy 21 Proposals to increase the recreational and tourist use of the River Arun

POLICY COMMENTARY

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

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

The relevant policies of the Littlehampton Neighbourhood Plan have been taken into account.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it will improve the provision of beach huts and add to the facilities available for visitors to the area and residents.

OTHER STATUTORY PLANSSouth Inshore and South Offshore Marine Plan 2018:

S-TR-1

S-TR-2

S-SCP-1

OTHER MATERIAL CONSIDERATIONS

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

Development Plan.

CONCLUSIONS

BACKGROUND

This application will enable Arun District Council to improve the Littlehampton seafront offer for its visitors. Additional beach huts would increase footfall and add to the vitality of the area generally and would benefit businesses located along the seafront and promenade.

PRINCIPLE

The site is located outside the built-up area where the countryside policy C SP1 of the Arun Local Plan applies. This is clearly not a countryside location where the beauty of the countryside needs to be protected and there other policies in the plan that are relevant namely policy D DM1 which seeks to protect the character and appearance of the area and create attractive places and spaces with the needs of people in mind. In this case policies TOU SP1 and TOU DM1 of the Arun Local Plan also apply.

Policy TOU SP1:

- Supports tourist growth which encourages long-term visitor interest/activity.
- Ensures a viable visitor economy.
- Expands the visitors season so as to benefit to local people.
- Protects and enhances the natural and built environment of Arun.

The proposal will allow for an increase in the number of beach huts in accordance with policy TOU SP1 of the Arun Local Plan. Policy TOU DM1 supports tourism development outside the built up area boundary where they are associated with enhancing visitor use or appreciation of a specific feature or location. The Littlehampton Seafront is a case in point and the proposal would enhance visitor use of this location and appreciation of the beach and its environs.

The huts would have a sympathetic relationship to the surrounding area and neighbouring uses providing extra facilities for the tourists and day trippers that use the area. This is further outlined below.

The proposal would allow for an extended tourist offer providing additional huts in accordance with policies TOU SP1 and TOU DM1. Policy 21 of the Littlehampton Neighbourhood Plan supports the implementation of any scheme that maximises the use of the river and encourages tourism activity along the waterway. The proposal would encourage activity and use of the seafront in an area close to the river.

Policy 1 of the Littlehampton Neighbourhood Development Plan states that permission should be granted where applications accord with the relevant polices in the Neighbourhood Plan. It goes on to set out circumstances where an applications conflict with Policy 1 would be acceptable. The proposal accords with this policy in that the proposal does accord with the development plan.

Policy 2 of the Littlehampton Neighbourhood Development Plan seeks to focus development within the built up area boundary. The proposal is not in accordance with this policy due to the siting of the application site being outside the built up area boundary, but given the nature of the proposal the proposal could not be sited within the built up area boundary.

The proposed development is therefore considered acceptable in principle and in accordance with the policies outlined above.

VISUAL AMENITY

Policy D DM1 of the Arun Local Plan assesses proposals for development in terms of their character and

appearance and impact on general movement to and around the site. The huts would have a traditional appearance and would reflect the design of the existing beach huts in the locality and would be readily visually assimilated into the foreshore area.

The huts would add to the facilities available to attract members of the public and in particular tourists. The effect on Littlehampton Promenade would be to add further interest and diversity to the existing street scene increasing the tourist 'offer' available. The proposed huts would have sufficient space around them when in use so as to make them accessible to users whilst still maintaining access within the promenade as a whole.

As Arun District Council is implementing these proposals, we are able to retain the distinctive colours of the groups of existing beach huts which will promote visual integration and maintain the ordered and uncluttered character which is exhibited by the existing huts and is a distinctive and valuable visual feature of the area.

The development is therefore considered to comply with policy D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The uses positively influence the offer of the seafront and due to their position within the seafront would not adversely impact the amenities of the surrounding area and occupiers of nearby properties. The nearest residential premises are at least 150m away. They would be unlikely to experience any unacceptable noise, litter, odour or light pollution. The proposal is therefore compliant with policy D DM1 of Arun Local Plan.

IMPACT ON THE MARINE ENVIRONMENT

The proposal involves minimal development on the foreshore. The beach huts would be located on the top part of the beach shingle area adjacent to the promenade. It is necessary to consider the impact of the proposal on the marine environment and the relevant policy consideration is the South Inshore and Offshore Marine Plan. Policy S-TR-1 states 'proposals supporting, promoting or facilitating tourism and recreation activities, particularly where this creates additional utilisation of related facilities beyond typical usage patterns, should be supported'.

Policy S-TR-2 'Proposals that enhance or promote tourism and recreation activities will be supported. Proposals for development must demonstrate that they will, in order of preference: a) avoid, b) minimise, c) mitigate significant adverse impacts on tourism and recreation activities'.

Policy SCP-1 refers to Proposals that may have a significant adverse impact upon the seascapes and landscapes of an area should only be supported if they demonstrate that they will, in order of preference:

- a) avoid
- b) minimise
- c) mitigate
- d) if it is not possible to mitigate, the public benefits for proceeding with the proposal must outweigh significant adverse impacts to the seascapes and landscapes of an area and its significance.

The proposal would not adversely impact on the marine environment or affect the landscape. The scale and design of the beach huts is acceptable and they would be readily assimilated into the existing row of beach huts ensuring no significant impact on the seascape or landscape. The proposal would expand an existing facility which benefits tourists/visitors in accordance with the policies outlined above.

CONCLUSION

The proposed uses would promote the long term visitor interest and activity of the Littlehampton promenade and provide benefits to local people complying with policy TOU SP1 of the Arun Local Plan.

The proposal would be compatible with the character of the area and the existing uses within it in compliance with the relevant policies of the Arun Local Plan, the Littlehampton Neighbourhood Development Plan and South Inshore and Offshore Marine Plan.

The application advertising period expires on 01-05-2021. 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 proposal is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is not CIL Liable.

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
 Block Plan West Part
 Block Plan East Part
 Proposed Floor Plans and Elevations

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 buildings shall be used as Beach Huts only and for no other purpose and shall not be used for the provision of overnight accommodation.

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenity in accordance with policy D DM1 of Arun Local Plan.

- 4 In the event of any building for which permission is hereby granted ceasing to be used as a beach hut, it shall be demolished and removed from the site and the land restored to its former condition within 6 months of the cessation of such use or within such extended time as may be agreed in writing with the Local Planning Authority.

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

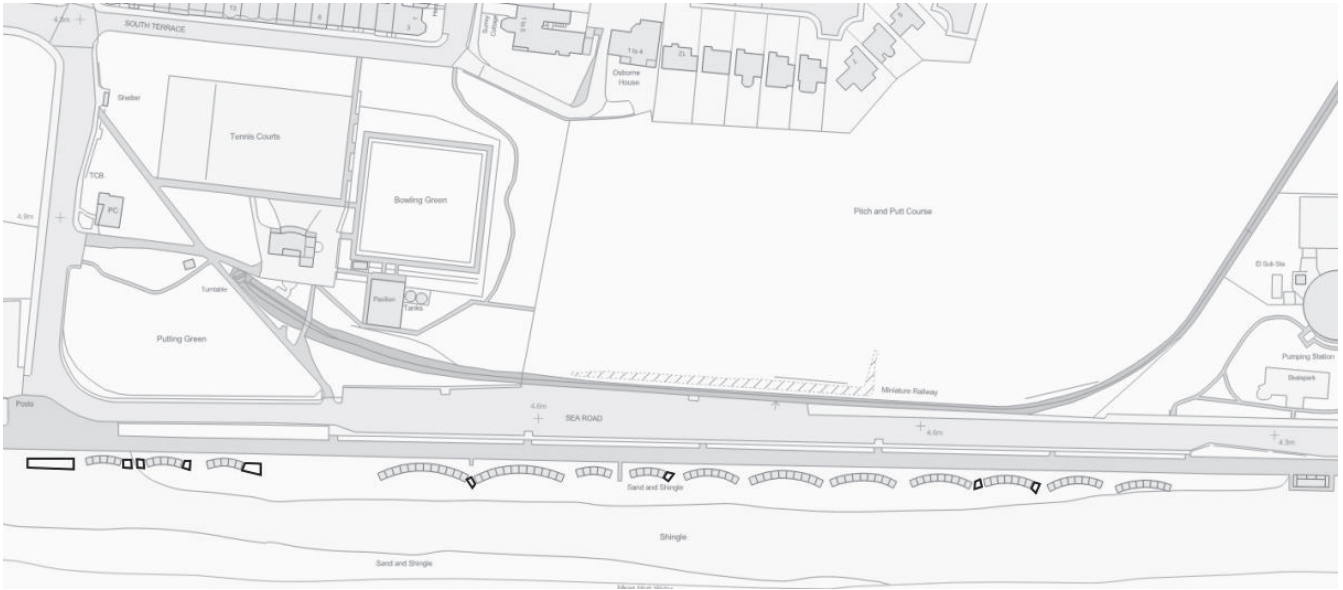
- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including 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: Any works activities taking place below the mean high water mark may require a marine licence from the Marine Management Organisation in accordance with the Marine and Coastal Access Act (MCAA) 2009. It is down to the applicant to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

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/50/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

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/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
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
BR/86/20/PL Received: 03-03-21	Aldwick House Care Home 41-45 Nyewood Lane Bognor Regis Part change of use from a 32-bed nursing home (C2 Residential Institutions) to a 38-bedsit House in Multiple Occupation (sui generis) comprising 24 No single person & 14 No two-person bedsits along with separate shower rooms & wcs, demolition of rear conservatory & store & erection of single storey rear extension & with minor external alterations to side elevations & insertion of 4 No roof lights on rear elevation & insertion of dormer window serving Room 38 (as detailed in amended plans dated 30 April 2020). Informal Hearing PINS Ref: APP/C3810/W/20/3264847
FG/70/20/HH	9 Telgarth Road Ferring

Received: 30-11-20 Hip to Gable remodel of exiting loft conversion.
Written Representations
PINS Ref: D/4001600

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/117/20/OUT
Received: 19-02-21 Croft Works 52 Mill Lane Rustington
Demolition of existing dilapidated storage buildings and erection of 4 no. semi detached 2-bedroom dwellings with associated gardens, car parking and landscaping. Outline application to consider matters of access, layout, scale and external appearance, with exception of landscaping which is to be a reserved matter.
Written Representations
PINS Ref: APP/C3810/W/20/3265511

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 bedroom residential dwellings, together with formation of new vehicular access and entrance drive.
Written Representations
PINS Ref: APP/C3810/W/20/3263729

ENF/115/17
Received: 44 Christchurch Crescent West Meads Aldwick
Written Representations
PINS Ref: APP/C3810/C/20/3249296

ENF/470/15/
Received: Valhalla High Street Bognor Regis
Written Representations
PINS Ref: APP/C3810/F/20/3257966