



Public Document Pack

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Committee Manager Andrew Bishop

14 June 2022

PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF** on **Wednesday 22 June 2022 at 2.00 pm** and you are requested to attend.

Members: Councillors Chapman (Chair), Edwards (Vice-Chair), Blanchard-Cooper, Bower, Chace, Goodheart, Haywood, Kelly, Lury, Thurston and Tilbrook

PLEASE NOTE: Where public meetings are being held at the Arun Civic Centre, to best manage safe space available, members of the public are encouraged to watch the meeting online via the Council's [Committee pages](#).

1. Where a member of the public wishes to attend the meeting or has registered a request to take part in Public Speaking physically at the Planning Committee, they are to enter the Civic Centre via the front reception and then make their way up to the Council Chamber on the second floor and take a seat in the Public Gallery [the Blue Room].
2. Although Covid-19 restrictions have now eased, it is still *recommended* that all those attending take a lateral flow test prior to the meeting.
3. Those attending the meeting will *not* be required to wear a face covering. Masks will be made available at the meeting for those who may wish to wear one.
4. We request members of the public do not attend any face to face meeting if they have Covid-19 symptoms

For further information on the items to be discussed, please contact Committees@arun.gov.uk.

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

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 meetings held on 27 April 2022, 28 April 2022 and 25 May 2022.

[Minutes to follow separately in a supplementary pack.]

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. **P/22/22/PL - LAND WEST OF HOOK LANE, PAGHAM PO21 3PB** (Pages 1 - 14)
7. **LU/85/22/PL - 38-40 HIGH STREET, LITTLEHAMPTON BN17 5ED** (Pages 15 - 24)
8. **LU/93/22/PL - NIGHTINGALE NURSING HOME, 43 BEACH ROAD, LITTLEHAMPTON BN17 5JG** (Pages 25 - 32)
9. **LU/112/22/PL - 135A WICK STREET, LITTLEHAMPTON BN17 7JY** (Pages 33 - 42)
10. **FG/57/22/PL - 12 LITTLE PADDOCKS, FERRING BN12 5NJ** (Pages 43 - 52)
11. **CM/14/22/PL - LAND ADJACENT TO CHURCH FARM BARN, HORSEMERE GREEN LANE, CLIMPING, BN17 5QZ** (Pages 53 - 66)
12. **BR/70/22/OUT - 26 BURNHAM AVENUE, BOGNOR REGIS PO21 2JU** (Pages 67 - 84)
13. **BR/85/22/PL - PUBLIC CONVENIENCES, BEDFORD STREET, BOGNOR REGIS** (Pages 85 - 90)

PLANNING APPEALS

14. **APPEALS** (Pages 91 - 96)

OFFICER REPORT UPDATES

Will be circulated ahead of the meeting if there are 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 – [PART 8 - CP - Section 5 Filming Photographic Protocol](#)

These meetings are webcast live.

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PLANNING APPLICATION REPORT

REF NO: P/22/22/PL

LOCATION: Land West of Hook Lane
Pagham
PO21 3PB

PROPOSAL: Variation of condition 1 imposed under P/132/20/RES relating to approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to amend Condition 1 imposed on Reserved Matters Approval P/132/20/RES. The amendments make alterations to the layout to accommodate changes to the house types due to a change in the developer who will be bringing this part of the site forward.

SITE AREA Approximately 17.5 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET) Approximately 17.14 dwellings per hectare (based on overall site area). 30 dwellings per hectare based on net developable area.

TOPOGRAPHY Predominantly flat.

TREES Trees are situated along the boundaries of the site. No trees of any significance are affected by the proposed development and TPO tree no 6 is retained.

BOUNDARY TREATMENT The western and northern boundaries of the site feature mature trees and hedgerow planting of between 2 and 5 metres in height. The eastern boundary (adjacent to Hook Lane) primarily consists of hedgerow planting measuring approximately 2 metres in height. However, there are portions of the eastern boundary which feature hedgerow planting measuring less than 1.2 metres and sections which are devoid of any hedgerow planting.

SITE CHARACTERISTICS The existing land use is a greenfield site in agricultural use and it is situated within the built up area boundary of Pagham. The application site form part of the strategic allocation and is situated to the east of Pagham Road with the full allocation measuring approximately 17.5 hectares. Further agricultural land is situated to the west of the application site, with Pagham Harbour situated approximately 1.9km to the south-west.

Pagham Road runs along the western boundary of the site, with Sefter Road to the north and Hook Lane to the east and south-east. The site is identified as falling within Flood Zone 1 with the exception of a portion of the site measuring approximately 22m² in the north-western corner of the site

identified as Flood Zone 2.

CHARACTER OF LOCALITY

The locality of the site is predominantly rural in character but on the edge of the existing built up area. However, development is present to the east of Pagham Road which is characterised predominantly by two storey dwellings and bungalows of various designs and styles which are set back from the highway. A cluster of two storey residential development is situated to the north-west of the application site. There are a number of listed buildings in proximity to the site.

Bus stops are situated along the western boundary of the site along Pagham Road.

RELEVANT SITE HISTORY

P/132/20/RES	Approval of reserved matters following P/30/19/OUT for 300 No. new homes, internal roads, footpaths & cycleways, car parking & landscaping. This application affects the setting of a listed building & falls within Strategic Site H SP2, CIL Zone 1 (Zero Rated).	ApproveConditionally 10-09-21
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P/30/19/OUT	Outline application with some matters reserved for the construction of up to 300 No. new homes, a care home of up to 80 beds, D1 uses of up to 4,000 sqm including a 2 form entry primary school, the formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure. This application may affect the setting of a listed building (resubmission following P/6/17/OUT).	App Cond with S106 02-09-19
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Outline planning permission was granted with all matters reserved save for access under reference P/30/19/OUT with the remaining reserved matters approved under reference P/132/20/RES. A Design Code Masterplan (as required by Condition 5 of P/30/19/OUT) was approved under reference P/57/20/DOC and remains the relevant design code for the proposed variation.

REPRESENTATIONS

Pagham Parish Council - Objection

1. Houses proposed are not of a style which is in keeping with the village feel of Pagham.
2. Houses for Character Area 1 do not reflect the identified country vernacular.
3. Houses in Character Area 3 should reflect the houses on adjacent Hook Lane. These should have more of a village feel to better fit in with existing housing.
4. Less use of red/orange brick (three of four character areas have this), more variety in finish and roof height should be included.

5. The house types proposed are different and more urban than those previously permitted.
6. The entire development should have a cohesive approach, with the design and access statement showing the differences between the two developers in terms of style. Therefore, the development will not blend together.
7. Car barns are unwelcome additions which may encourage crime.
8. The black weather boarding proposed on the Hook Lane entrance street scene is unattractive and not in keeping. The development does not give a farmyard feel.

2 No. Letters of objection received:

- Comments received which questioned the use of S73 as a mechanism by which to amend a Reserved Matters application.

The following comments were provided on the basis that these measures should be implemented/secured prior to permission being granted. However, these objections fall within the scope of matters previously considered and deemed acceptable/adequately mitigated through the approval of P/30/19/OUT by the Council.

- Southern Water must achieve its targets of 80% reduction in Cat 1, 2 and 3 polluting incidents by 2025 and 80% reduction in storm overflows by spill incident and volume and without the use of tankers;
- The highways mitigation plan is published by WSCC and Highways England and implemented prior to occupancy;
- Minor B and C category roads substantially improved to provide adequate safety for cyclists and pedestrians;
- Improvement to the public transport services and implemented as described within the Local Plan; and
- Medical and health care infrastructure mitigation plan is published by Health Authority and provided.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments in response to the Parish:

1. This matter will be considered further within the Conclusion to this report. However, it is the view of officers that the dwellings as proposed are of a similar design, style and character to those previously permitted through P/132/20/RES.
2. The dwellings within Character Area 1 are deemed to be of a similar design and style to those previously permitted through P/132/20/RES and are in accordance with the Design Code Masterplan. However, this matter will be considered further within the Conclusion to this report.
3. The houses proposed adjacent to Hook Lane are again similar in appearance to those previously approved and the impact of the development upon the character of the locality will be considered further in the Conclusion to this report.
4. The materials as proposed are deemed to align with the previously approved Design Code Masterplan.
5. The house types proposed are similar in appearance to those previously permitted and are appropriate in this location. However, this matter will be considered further within the Conclusion to this report.
6. The proposed development will appear similar in character to that previously permitted under reference P/132/20/RES and as such will not conflict with the established character of the site.
7. The proposed car barns will be considered further within the Conclusion to this report.
8. The weatherboarding proposed adjacent to Hook Lane is not black. This is an issue with the way in which the plan when compressed is displayed on a monitor. If zoomed in the weatherboarding is white as originally approved through P/132/20/RES.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Sussex Police - No comments in relation to crime prevention.

Natural England - No comments - general advice provided.

Environmental Health - No objection to the proposal.

WSCC Highways

- The transport technical note sets out the proposed number of parking space per dwelling. The requirement of the Arun DC Parking Standards are fully met for the majority of dwellings. For some of the 3 and 4 bedroom dwellings, an additional number of unallocated on-street spaces are provided to meet the shortfall of on plot spaces. Such an approach is considered acceptable. WSCC are satisfied that parking provision will accommodate all potential demands.

- The location of electric vehicle charging spaces should be secured via condition.

- It is unclear if any of the parking spaces comply with the required dimensions for disabled parking spaces and this should be clarified.

WSCC Lead Local Flood Authority - No comments.

National Highways - Satisfied with the proposed variation of Condition 1 as it will not materially affect the safety, reliability and/or operation of the Strategic Road Network. Therefore, no objection has been raised.

Sport England - No comments.

Drainage Engineers

- A separate application to discharge the surface water drainage conditions will be required. If minded to approve the application please do not list the flood risk assessment, drainage strategy or drainage strategy plan as approved.

- Landscaping will need to be reviewed at later stages to ensure that tree root potential does not conflict with existing ordinary watercourses or proposed surface water drainage features.

Southern Water - No objections.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Strategic Allocation in the Local Plan (Policy H SP2a Site SD2 Pagham North).

Within the Built-Up Area Boundary in the Local Plan.

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards

DSP1	D SP1 Design
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2A	HSP2a Greater Bognor Regis Urban Area
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm & rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
SPD11	Arun Parking Standards 2020

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 25th February 2021, Arun District Council received an instruction from the Pagham Parish Council to withdraw the Neighbourhood Plan. The Parish Council has decided not to progress further with the Neighbourhood Plan at this time.

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 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, 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 development is considered to comply with the relevant Development Plan policies as the appearance, scale, layout and landscaping of the proposed residential development is in keeping with the approved Design Code and the proposed level of landscaping and the proposed quantum of housing in the Character Areas would materially enhance the character and appearance of the adjacent residential estates off Hook Lane, in Pagham.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

The application seeks S73 approval for the amendment of the reserved matters details previously considered through the determination of P/132/20/RES. Therefore, the amendments in so far as they relate to appearance, landscaping, layout and scale are the only matters for consideration through the determination of this application. All other matters were considered through the granting of outline permission under reference P/30/19/OUT with conditions imposed in relation to the following matters which will need to be discharged prior to the commencement of development:

- Materials (Condition 5)
- Trees (Condition 9)
- Surface Water Drainage (Conditions 10, 11, 12 and 13)
- Foul Drainage (Condition 14)
- External Lighting (Condition 15)
- Construction Management Plan (Condition 16)
- Employment and Skills Plan (Condition 19)
- Travel Plan (Condition 25)
- Renewable Energy (Condition 26)
- Broadband (Condition 27)
- Archaeology (Condition 28)
- Hedgerows (Condition 29)
- Ecology (Conditions 30 and 32)
- Electric Vehicle Charging (Condition 33)

PRINCIPLE

The principle of residential development on this site was established when P/30/19/OUT was granted on 2nd September 2019 for up to 300 homes, the provision of a care home and related infrastructure. The

means of access onto Pagham Road and Hook Lane were approved at the outline stage and technical approval for the access has been issued and the S278 legal agreement has reached the approved stage.

COMPLIANCE OF THE PROPOSAL WITH OUTLINE CONDITIONS

A number of conditions imposed on the outline approval (P/30/19/OUT) set parameters for the nature and form of the proposed development and these have been summarised and considered below.

Condition (3) states that the development shall be carried out in accordance with Red Line Boundary - 167/P/007 Rev C; Proposed Access Arrangement On Hook Lane (North) - JNY8840-09 Rev A; and Proposed Access Arrangement Pagham Road - JNY8840-12 Rev A. In this case the proposed development is in compliance with the approved plans under reference P/30/19/OUT.

Condition (6) required the submission of a Design Code Masterplan to be approved prior to submission of the Reserved Matters and that the development shall then be prepared and carried out in accordance with the approved Design Code. The Design Code was approved under reference P/57/20/DOC prior to the submission of any Reserved Matters applications. The development proposed by this application is in accordance with the approved Design Code. The proposals compliance with the Design Code will be considered in greater detail later in this recommendation report.

Conditions (10), (12), (13) and (14) imposed on outline approval P/30/19/OUT required details of the proposed surface water and foul drainage schemes to be agreed prior to commencement. Details of drainage does not need to be considered at this time and can be resolved through the discharge of the relevant conditions.

Condition (34) required that 50% of the total number of dwellings would be constructed to M4(2) standard with 2 units for every 50 proposed constructed to M4(3) standard. The application proposes 6 units at M4(3) standard with the remainder of the affordable units being provided to M4(2) standard. This aligns with the details as previously approved through the determination of P/132/20/RES and as such the proposals address the requirements of Condition (34).

LAYOUT, APPEARANCE AND SCALE

Arun Local Plan policies D DM1, D SP1 and LAN DM1 are relevant in respect of design and character. In addition Policy AH SP2 seeks to ensure that affordable housing is visually indistinguishable from market housing and that layouts avoid large clusters of affordable dwellings.

The National Design Guide (NDG) is a material consideration in the determination of this application as well as the Arun Design Guide. The application has been prepared in accordance with the Design Code, approved through Condition 6, which was itself prepared and assessed against the requirements of the NDG and Arun Design Guide as well as the Pagham Village Design Statement.

The proposed layout has been considered against the requirements of the Design Code in respect of street pattern, road hierarchies, character areas, density, scale, public open space and pedestrian and cycle infrastructure. This application is a variation to the previously approved Reserved Matters under reference P/132/20/RES.

The variations in this case predominantly relate to the house types and the layout has only been amended to facilitate this. Drawing 'PL-07 Rev P2' provides a comparison between the previously approved Bellway scheme and that now proposed and the access and majority of the internal road layout is unaffected with only slight variation of the road layout adjacent to the northern boundary. The majority of the changes to layout relates to the position and shape of the dwellings proposed and these changes do not impact upon the previously approved character of the development.

The primary change in this case is to the appearance of the dwellings with the house types changing across the northern portion of the site. However, the house types are of a similar appearance and style to those previously approved with the scale, vernacular and materials aligning with the design code and the previously approved reserved matters application (P/132/20/RES).

Concerns have also been raised by the Parish as to the use of red and orange brick but this is in accordance with the design code previously approved under reference P/57/20/DOC. Comments were also raised by the Parish in relation to the use of black weatherboarding but this was an error due to the compression of the plans with white weather boarding being proposed. The most significant deviation from the previously approved Reserved Matters is the removal of the 'L-shaped' terrace of houses on the corner of the Hook Lane access. However, in this case the proposal design is more in keeping with the agricultural character identified within the Design Code for that part of the site.

Therefore, by virtue of the proposed developments accordance with the Design Code the proposals would accord with the requirements of the NDG and Arun Design Guide as well as policies D DM1, D SP1, LAN DM1 and AH SP2 of the Arun Local Plan.

PUBLIC OPEN SPACE & PLAY

The open space provision is unchanged from that previously permitted through the determination of P/132/20/RES. Therefore, in line with the previous determination of the Reserved Matters for this site the proposed development is in accordance with policies OSR DM1 and HWB SP1 of the Arun Local Plan.

LANDSCAPING & TREES

ALP policies D DM1, LAN DM1 and D SP1 are relevant to consideration of landscaping and trees. The proposed variation to the previously approved Reserved Matters submission does not result in the loss of any additional trees or hedgerow beyond that previously permitted. Whilst the landscape planting and greenspace provision is substantially unchanged. Therefore, the proposed development would accord with policies D DM1, LAN DM1 and D SP1 of the Arun Local Plan.

HERITAGE

The impact of development on heritage assets was assessed at the outline stage, which considered the following Grade II listed buildings: Rookery Farm, Nyetimber Windmill, Mill Cottage, Mill Farm, Inglenook Hotel, Sefter Farm House and Sefter Granary. It was concluded that the proposal would not result in any harm to the significance of the heritage assets. It was also concluded that the proposal would not give rise to any harm to the significance of the locally listed 56/58 Hook Lane or impact of the Barton Close Area of Character.

The Conservation Officer in the determination of P/132/20/RES concluded that the layout of the site, along with the contained settings provided for by virtue of existing development, and the presence of boundary hedging, would mean that the proposal will have little impact on the assets and the proposals would not cause harm to the significant of any designated or non-designated heritage asset. It was also identified that the quality of the material used could be secured through Condition 5 imposed on the outline approval which required a schedule of materials and finishes to be submitted and approved prior to the commencement of development.

In this case given the similarities between the previously approved layout and the amendments now proposed there is no reason to disagree with the previous conclusions in respect of heritage assets. Therefore, the development accords with policies HER SP1, HER DM1, HER DM2, HER DM4 of the Arun Local Plan and does not result in any harm to the significance or setting of any designated, locally

designated or non-designated heritage assets.

HOUSING MIX AND AFFORDABLE HOUSING

The housing mix in this case deviates slightly from that previously approved through the determination of P/132/20/RES. The 56 no. market dwellings mix is slightly amended from that previously permitted with the number of two-bedroom dwellings reducing by three (3) units with one (1) additional three-bedroom dwellings and 2 additional four-bedroom dwellings. This alteration is not considered to have an unacceptable impact upon the mix or the character of the development. Therefore, the proposed mix is acceptable in accordance with policy H DM1 of the Arun Local Plan.

The affordable housing provision in so far as it relates to mix and general location is unchanged from that previously approved with only very minor alterations to the layout in order to improve vehicular access to the dwellings. The site will continue to deliver 36% of the total dwellings as affordable units which exceeds the 30% requirement specified through policy AH SP2 of the Arun Local Plan. Given the minimal alterations in layout and that the mix and tenure split is unchanged the affordable housing provision is acceptable and would accord with Policy AH SP2.

RESIDENTIAL AMENITY

ALP policies D DM1 and QE SP1 are relevant. The Council's Design Guide sets out guidance on interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/Front 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.
- There are no standards for either side to side or front to back.

There are some examples of the back/front to side falling below the minimum standard as well as examples where dwellings fail to accord with the front to front separation distance. However, these conflicts are generally a result of road widths and set backs established through the approved Design Code. It should also be noted that the Design Guide is intended as guidance only therefore it is not appropriate to rigidly follow its requirements in every situation.

The gardens proposed will exceed a depth of 10m but not all gardens achieve the 10.5m requirement. However, the 21m rear-to-rear facing distance is achieved in all respects so the shortfall does not adversely affect the living conditions of existing or future occupiers.

The gross internal floor areas (GIA) of the proposed dwellings have been considered against the nationally described space standards and all dwellings exceed the minimum GIA requirements.

There are no conflicts with policies D DM1 and QE SP1 of the ALP. Whilst the proposal does not fully meet the Arun Design Guide, it is in accordance with the approved Design Code which in this application takes precedence.

PARKING, ROADS AND PUBLIC FOOTPATHS

ALP policies T DM1 & T SP1 are relevant as well as the adopted Arun Parking Standards SPD. The comments from WSCC Highways are summarised as above but confirm that the proposed parking provision accords with the requirements of the Arun Parking SPD. Some of the larger dwellings do not benefit from dedicated parking provision to align with the requirements of the SPD, but adequate non-

allocated spaces are provided elsewhere within proximity to ensure that adequate parking provision is available on site without adversely impacting upon the safe operation of the highway network.

The application proposes a total of 251 no. car parking spaces which accords with the requirements of the Arun Parking SPD. The level of parking provision proposed has been confirmed by WSCC as acceptable and will not result in significant overspill car parking within the development or the surrounding roads. WSCC have proposed the use of a condition to secure details relating to the location of electric vehicle charging spaces. However, Condition 33 imposed on P/30/19/OUT already requires the submission of electric vehicle charging details.

A query was raised by WSCC in relation to the provision of disabled parking spaces which should make up 5% of the total parking provision on site in accordance with Manual for Streets. In this case 5% provision would equate to 12.6 spaces. Seven dwellings will be constructed M4(3) standard with each dwelling provided with two spaces which will be designed to meet the needs of disabled people. Therefore, the disabled parking provision on site will exceed the 5% requirement identified within Manual for Streets and the Arun Parking SPD.

The proposed road width align with the details previously agreed through the approval of the Design Code under reference P/57/20/DOC as well as the previously approved Reserved Matters application P/132/20/RES. Therefore, the proposals are in accordance with policies T DM1 and T SP1 of the ALP as well as the Parking Standards SPD.

WASTE MANAGEMENT

Policy WM DM1 of the ALP is relevant but in this case there are no issues with refuse vehicles accessing the site. Details have been provided of individual as well as communal bin storage the application achieves sufficient provision for the storage of waste and the layout ensure that kerbside collection is possible for all dwellings and as such the development will accord with policy WM DM1 of the ALP.

SURFACE WATER DRAINAGE

Conditions 10, 11, 12 and 13 of the outline planning permission relate to surface water drainage and will need to be discharged for the proposed layout before development can commence on site. Therefore, surface water drainage is not a matter for approval at this time and will be considered through the discharge of the relevant conditions.

SUMMARY

The proposed alterations to the layout previously approved under reference P/132/20/RES are in accordance with relevant development plan policies. Whilst, some minor conflicts with the Arun Design Guide are present the development accords with the site specific Design Code. Therefore, it is recommended that the application is approved subject to the conditions proposed.

HUMAN RIGHTS ACT

FOR APPROVAL

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 approved shall be carried out in accordance with the following approved plans:

- Location Plan (Reference LOC01 rev P1)
- Tree Retention & Protection Plan (Reference 7232-T-05 rev A)
- Design & Access Statement (Reference 7134 D.02 rev P3)
- Flood Risk Addendum rev 2
- Transport Technical Note (Reference JNY11279-01C) dated 23 February 2022
- Reserved Matters Hardworks Plan 1/2 (Reference 449-RM-01 rev A)
- Reserved Matters Hardworks Plan 2/2 (Reference 449-RM-02 rev A)
- Reserved Matters Softworks Plan 1/2 (Reference 449-RM-03 rev A)
- Reserved Matters Softworks Plan 2/2 (Reference 449-RM-04 rev A)
- Reserved Matters Softworks Schedule (Reference 449-RM-05 rev A)
- Highway Geometry & Visibility Splays (Reference 10884-SK-04 rev A)
- Vehicle Swept Paths Refuse Collection (Reference 10884-SK-01 rev C)
- Drainage Strategy Plan (Reference 10884-SK-03 Rev A)
- Finished Floor Levels (Reference 10884- SK-02 rev A)
- Proposed Block Plan (Reference 7134 BLOC-01 rev P2)
- Proposed Site Layout (Reference 7134 PL-01 rev P2)
- Detailed Site Layout Part 1 of 3 (Reference 7134 PL-02 rev P2)
- Detailed Site Layout Part 2 of 3 (Reference 7134 PL-03 rev P2)
- Detailed Site Layout Part 3 of 3 (Reference 7134 PL-04 rev P2)
- Wider Site Layout (Reference 7134 PL-06 rev P2)
- Proposed site/Bellway Approved RM Comparison (Reference 7134 PL-07 rev P2)
- Plans & Elevations Type Holly - Brick Plots 19, 55 & 85 and 23, 54 & 88 (Reference 7134 PL10 rev P1)
- Plans & Elevations Type Holly - Render Plot 4 (Reference 7134 PL11 rev P1)
- Plans & Elevations Type Spruce - Brick Plots 05, 31, 80, 81 (Reference 7134 PL12 rev P2)
- Plans & Elevations Type Spruce - Brick Type 2 Plots 60 Handed 75 (Reference 7134 PL-13

- rev P2)
- Plans & Elevations Type Spruce - Weatherboard Type 1 Plots 10, 11 (Reference 7134 PL-14 rev P2)
- Plans & Elevations Type Spruce - Weatherboard Type 2 Plot 1 (Reference 7134 PL-15 rev P2)
- Plans & Elevations Type Spruce - Render Plot 52 (Reference 7134 PL-16 rev P2)
- Plans & Elevations Type Cypress - Brick Plots 20, 45 & 56 and 22, 42 & 57 (Reference 7134 PL17 rev P1)
- Plans & Elevations Type Chestnut - Brick Type 1 Plots 30, 36, 51 and 58 (Reference 7134 PL19 rev P1)
- Plans & Elevations Type Chestnut (CT) - Brick Type 3 Plot 78 (Reference 7134 PL20 rev P2)
- Plans & Elevations Type Aspen - Type 1 Render Plot 2 (Reference 7134 PL21 rev P1)
- Plans & Elevations Type Aspen - Tile Hung Plots 28 & 32 (Reference 7134 PL22 rev P1)
- Plans & Elevations Type Aspen - Brick Type 1 Plot 59 (Reference 7134 PL23 rev P1)
- Plans & Elevations Type Aspen Render - Type 2 Plot 21 (Reference 7134 PL25 Rev P1)
- Plans & Elevations Type Mulberry - Brick Plots 33, 35 Handed 40 (Reference 7134 PL-26 rev P2)
- Floor Plans Type Maple - Plot 37, 41, 46 Handed 38 (Reference 7134 PL-27 rev P2)
- Elevations Type Maple - Tile Hung Plot 41 (Reference 7134 PL-28 rev P2)
- Elevations Type Maple - Brick Type 1 Plot 37 (Reference 7134 PL-29 rev P2)
- Elevations Type Maple - Brick Type 2 Plots 46 Handed 38 (Reference 7134 PL30 rev P2)
- Plans & Elevations Type Bungalow - Weatherboard Plots 83 (Reference 7134 PL-31 rev P2)
- Plans & Elevations Type Bungalow - Timber Weatherboard Plots 84 Handed 64 (Reference 7134 PL-32 rev P2)
- Plans & Elevations Type Romsey - Brick Type 1 Plots 47, 48, 49, 50, 61, 62 (Reference 7134 PL-33 rev P2)
- Plans & Elevations Type Romsey - Brick Type 2 Plots 63 (Reference 7134 PL-34 rev P2)
- Plans & Elevations Type Baker - Brick Plots 43, 44 (Reference PL-35 rev P2)
- Plans & Elevations Type Ploughwright & Baker - Brick Plots 73, 74 (Reference 7134 PL-36 rev P2)
- Plans Type Cartographer & Baker Plots 25, 26, 27 (Reference 7134 PL-37 rev P2)
- Plans Type Cartographer & Baker Brick Plots 25, 26, 27 (Reference 7134 PL38 rev P1)
- Plans Flat Block 1 Plots 6, 7, 8, 9, 65, 66, 67, 68, 69, 70, 71, 72 (Reference 7134 PL-39 rev P2)
- Plans Flat Block 1 Brick Plots 6, 7, 8, 9, 65, 66, 67, 68, 69, 70, 71, 72 (Reference 7134 PL-40 rev P1)
- Plans Flat Block 2 Plots 12, 13, 14, 15, 16, 17 (Reference 7134 PL-41 rev P2)
- Plans Flat Block 2 Weatherboard Plots 12, 13, 14, 15, 16, 17 (Reference 7134 PL-42 rev P1)
- Garages Floor Plans and Elevations (Reference 7134 PL43 rev P1)
- Car Barn Floor Plans and Elevations (Reference 7134 PL44 rev P1)
- Plans & Elevations Type Spruce - Brick Type 3 Plots 18, 86 Handed 24, 87 (Reference 7134 PL-45 rev P2)
- Street Elevations - Sheet 1 (Reference 7134 PL50 rev P1)
- Street Elevations - Sheet 2 (Reference 7134 PL51 rev P2)
- Street Elevations - Sheet 3 (Reference 7134 PL52 rev P2)
- Schedule of Accommodation (Reference 7134-PL01(P2) rev P2)
- Plot by Plot Schedule of Accommodation (Reference 7134 - PL01(P2))

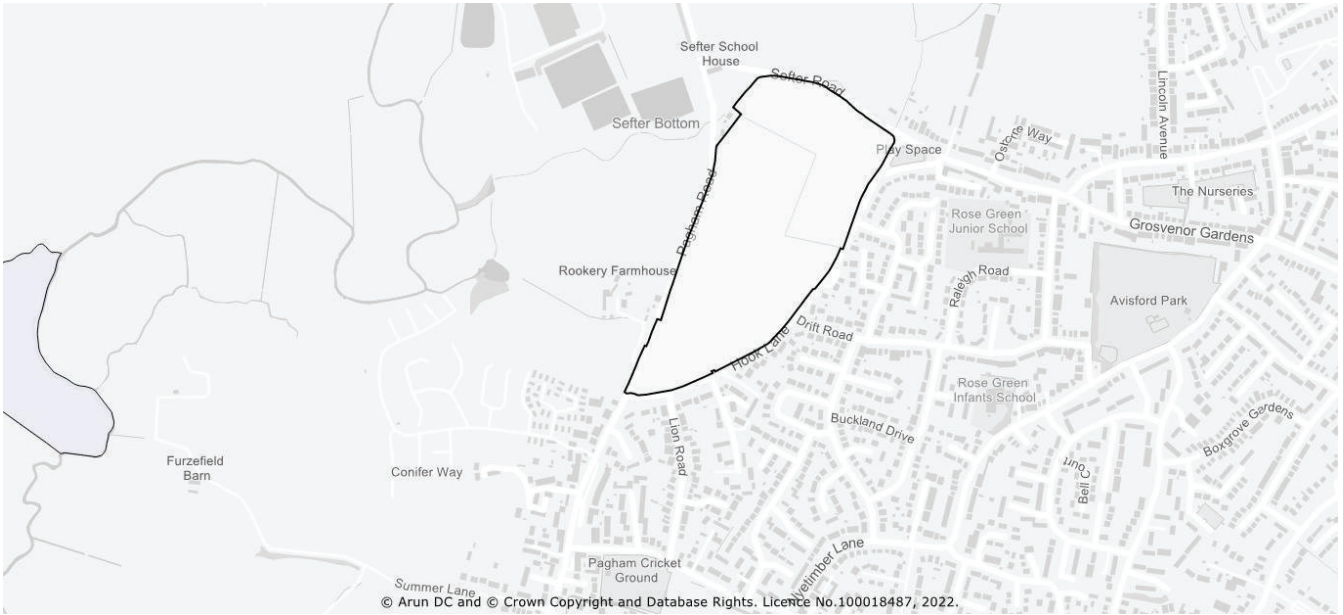
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 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.

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/22/22/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/85/22/PL

LOCATION: 38-40 High Street
Littlehampton
BN17 5ED

PROPOSAL: External alterations associated with the change of use of the upper floors to two flats (change of use sought under separate application for Prior Approval) consisting of installation of replacement dormer window to rear roof slope, installation of new ground floor access door to eastern side elevation; installation of 3 No new windows at first floor level to the western side elevation, installation of 1 No new window at second floor level to rear elevation, relocation of 4 No AC units form first floor western side elevation to the adjacent flat roof & installation of cycle storage and refuse and recycling storage within the rear curtilage. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The proposal relates to external changes to the premises to implement the use permitted under Prior Approval LU/82/22/PD. These works comprise the following:</p> <ul style="list-style-type: none">- Installation of a replacement dormer window to the rear roof slope to serve 2 bedrooms (increasing its size and altering its shape from pitched to flat roof).- Installation of new ground floor access door to eastern side elevation.- Installation of 3 No new bedroom windows at first floor level to the western side elevation (facing onto flat roof area).- Installation of 1 No new window at second floor level to rear elevation to serve TV/study room.- Relocation of 4 No AC units form first floor western side elevation to the adjacent flat roof.- Installation of cycle storage and refuse and recycling storage within the rear curtilage. <p>All the replacement and new windows would be UPVC.</p>
SITE AREA	0.03 hectares
BOUNDARY TREATMENT	Rear yard area is enclosed by walling and timer gates approx. 2m high.
SITE CHARACTERISTICS	The site comprises a three-storey commercial building in use as clothing shop at ground floor with ancillary offices, storage and staff facilities within the upper floors. There is a service yard to the rear with a separate access from Sparks Court. The building includes a single storey flat roof extension and a hipped roof two storey section to the rear elevation with a dormer window to the rear roof slope.
CHARACTER OF LOCALITY	The site is located in the town centre within the main retail

area.

RELEVANT SITE HISTORY

LU/82/22/PD Prior notification under Schedule 2, Part 3, Class G for the change of use of upper floors to 2 No flats.

LU/209/96 New Shopfront to existing Mackays shop Approve
14-11-96

Application LU/82/22/PD sought Prior Approval of the Local Planning Authority in respect of the change of use of the upper floors of the commercial unit of 38/40 High Street (Use Class E) to two flats, under Schedule 2, Part 3, Class G of the General Permitted Development Order (GPDO) 2015 (as amended).

It proposed that the first and second floor be converted to two flats. Unit 1 included an ensuite bedroom, W.C. and an open plan kitchen/living/dining room at first floor level in addition to four further bedrooms and two bathrooms at second floor level. Unit 2 included four ensuite bedrooms and an open plan kitchen/living/dining room at first floor level and two bedrooms with additional communal space at second floor level.

No objections were raised. The lawful use of the planning unit was not in question and the unit benefited from the rights set out in Class G. The merits of the proposal could not be taken into account. The legislation only allowed for the following aspects to be considered:

- (i) contamination risks in relation to the building.
- (ii) flooding risks in relation to the building.
- (iii) impacts of noise from commercial premises on the intended occupiers of the development.
- (iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses.
- (v) arrangements required for the storage and management of domestic waste.

REPRESENTATIONS

Littlehampton Town Council - Objection. The proposals constitute an overdevelopment of the site.

5 Objections

- Is this a suitable location for an HMO?
- Detrimental to the High Street. We are losing so many businesses and the store has been a long standing unit in this prime location.
- The ground floor retail space provides for no store or staff room/office so the actual retail space would be reduced and the current occupants may not find the unit viable for future rental due to the limited size.
- Why has the planning application only been posted at the rear of the property in Sparks Court and not at the front of the building the High Street?
- The planning statement does not mention that the building is a building of character. The upper floors on the frontage still reflect this and this should be taken into account in design and use of materials.
- 9 jobs and a shop will be lost resulting in a loss of trade to other traders as well.
- Will leave one clothes shop in the town reducing choice.

COMMENTS ON REPRESENTATIONS RECEIVED:

The use of the premises cannot be considered as part of this proposal. The application only relates to the proposed external changes. The ground floor of the premises has a display window and this would be retained. No part of the ground floor would be used as a flat. Any reduced size of the ground floor retail unit as a consequence of permitted development alterations to upper floors would be outside of planning control.

The use of the upper floors as 2 flats was considered within the Prior Approval request which did not include over development in the impact tests of Class G of the GPDO. Any approval for a unit of shared occupation is restricted to a maximum of 6 people living as a family.

Notices were posted to the front and rear of the site.

The front elevation of the building is not altered by the proposal.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection. Recommend imposition of conditions in respect of controlling noise from the premises and construction.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

It would be unreasonable to impose a condition restricting noise emanating from the site. This would be controlled by other legislation and the site is located in a busy town centre where background noise levels are likely to be high.

POLICY CONTEXT

Designation applicable to site:
 Within Built Up Area Boundary
 Primary Shopping Frontage
 Principal Shopping Area
 Locally Listed Building
 Economic Growth 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
- QESP1 QE SP1 Quality of the Environment
- HERDM2 HER DM2 Locally Listed Buildings or Structures of Character

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

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
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

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

Policies 1, 2 and 17 of Littlehampton Neighbourhood Plan apply to this development.

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 the visual amenities or character of the area or the appearance of the locally listed building.

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

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**PLANNING BACKGROUND**

The proposal follows an earlier approved PD application (LU/82/22/PD) for prior approval in respect of contamination and flooding risks, impacts of noise from commercial premises on the intended occupiers of the development, the provision of adequate natural light in habitable rooms and arrangements for the storage and management of domestic waste. The proposed change of use from commercial to 2 residential flats is therefore permitted development and the only issues which the Committee are able to determine as part of this application are the elevation changes (including replacement dormer and

additional windows to rear and west side elevation) and repositioning of the air condensers on the roof of the ground floor.

PRINCIPLE

In this instance, the main criteria against which the application will be assessed is contained within relevant policies of the Arun Local Plan mainly D DM1, D DM4, QE SP1 and HER DM2 of the Arun Local Plan and Policies 1, 2 and 17 of the Littlehampton Neighbourhood Development Plan.

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

Policy D DM4 sets out criteria for assessing proposals to extend and alter existing buildings. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy HER DM2 requires proposals for the alteration or extension of buildings on the Local List to relate sensitively to the building or structure and its setting and respect its architectural or historic interest and preserve features which contribute to that interest.

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.

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 in the built up area boundary (BUAB). The application site is located within the BUAB.

Policy 17 of the Littlehampton Neighbourhood Plan states that the effect of a planning application proposal on the significance of these non-designated heritage assets will be taken into account in determining the application in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Part T of Arun Design Guide refers to mixed use schemes and suggests locating residential development above non-residential uses not only provides occupants of these dwellings with convenient access to shops, services and facilities but will also ensure activity and natural surveillance at all times of day and that schemes should provide residential uses on upper floors and ensure residential amenity.

VISUAL AMENITY

The proposal is for the replacement of a dormer window and additional windows and a door to the rear elevation. The style and materials of the windows would be similar to others on the rear elevation. The dormer would change shape from pitched to flat roof and the existing timber frames which are in a poor state of repair would change to UPVC. The proposed rear dormer would be of modest proportions, set well away from the ridge, eaves and edges of the roof and would result in an appropriate appearance, similar in character to the existing dormer. The windows are located on the rear of the building so they cannot be seen from the High Street elevation, only from Sparks Court to the rear.

The new ground floor access door to the eastern side elevation would be located within an existing

under croft/alleyway section of the building and therefore would not result in any visual harm to the building.

The windows are in keeping with the proportions and appearance of the existing windows and do not appear out of keeping in the street scene and would not be overly obtrusive. They do not impact greatly upon the character of the area and do not materially affect the design of the properties.

The AC units would be re-located from the first-floor western side elevation of the rear to the flat roofed adjacent area. The number of AC units (4) would remain the same, they would be reconfigured and repositioned and therefore the visual impact would be neutral.

The cycle storage and refuse/recycling storage would be located to the rear of the building within the existing rear service yard and would be screened from view by the brick wall to the rear. Even though this is a discrete well screened position submission of details of the cycle store are conditioned to ensure they are visually acceptable.

The windows and alterations are appropriate in scale and design and cause no detriment to visual amenity and the proposal accords with policies D DM1 and D SP1 of the Local Plan.

RESIDENTIAL AMENITY

The proposal would not adversely impact on residential amenity. The proposed dormer window would retain the same outlook as the existing dormer and therefore the impact would be neutral in this regard. The proposed west facing windows would provide outlook towards the Dolphin public house and would not result in the loss of privacy to any residential dwellings. They would be located 7m from the side boundary and face a flank wall. The proposed second floor window would provide outlook to the rear and would not overlook any residential properties. In any case the inter visibility and overlooking of the rear of premises from rear windows is expected to be greater in a town centre location given the juxtaposition of properties.

The AC units would be located in a similar location to the existing arrangement and therefore would not generate any additional noise or amenity impact. The environmental health officer has raised no objection to their siting.

The cycle storage and refuse and recycling would not be located near to any residential windows and would be screened by the surrounding brick wall.

The works proposed works would be modest additions to the property and would not result in any adverse overshadowing, loss of outlook, loss of privacy or additional noise impact to neighbouring properties. The proposal therefore accords with policies D DM1, D DM4 and QE SP1 of Arun Local Plan.

IMPACT ON HERITAGE ASSET

The building is locally listed. It is classified as a Building of Character and it makes a positive contribution to local distinctiveness within the High Street. The proposed alterations would relate sensitively to the appearance of the building in accordance with policy HER DM2 and do not result in the loss of any features which contribute to its interest. None of the works impact the frontage of the building which makes a positive contribution to the character of the area and visual amenity. The alterations affect the rear elevation which is less visible in the public realm.

Paragraph 203 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining the application. A balanced judgement is required

having regard to the scale of any harm or loss and the significance of the heritage asset. On balance the scheme would not cause any harm or loss to the non-designated heritage asset due to the limited scale of the alterations and their design and similarity to other windows/structures to the rear of the building. The dimensions of the frames and glazing bars are similar to existing. The use of UPVC is acceptable because it replicates the materials used in other existing rear windows. The replacement windows are not overly dominant or out of keeping with other windows on the rear of the building. The windows are sympathetic with the building as a whole and would preserve the historic interest in the building in accordance with policy HER DM2 of the Arun Local Plan and policy 17 of Littlehampton Neighbourhood Plan.

CONCLUSION

The proposal complies with policies D DM1, D DM4, QE SP1 and HER DM2 of Arun Local Plan, Policies 1, 2 and 17 of the Littlehampton Neighbourhood Plan. The application 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:

Location Plan, Existing Floor Plans 2626 01
Existing Elevations, Sections 2626 02
Block Plan, Proposed Floor Plans, Elevations, Sections 2626 03

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 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 residents in accordance with Policy QE SP1 of the Arun Local Plan.

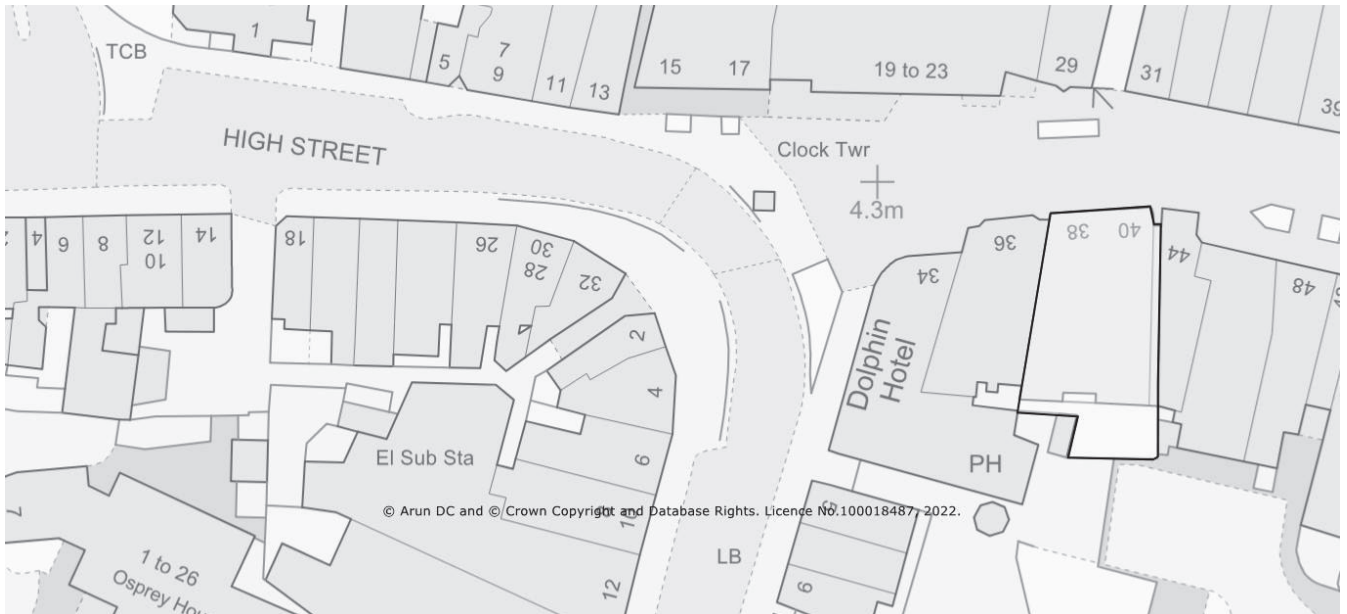
- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, 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.

- 5 **INFORMATIVE:** The applicant is advised that the construction phase of the development should conform with 'Arun District Council Construction Code of Practice: For small developments in Arun'. This document is available from: [download.cfm \(arun.gov.uk\)](#).

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/85/22/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/93/22/PL

LOCATION: Nightingale Nursing Home
43 Beach Road
Littlehampton
BN17 5JG

PROPOSAL: Replacement of 40 No. existing timber windows with new double glazed PVCu windows. This application is in CIL Zone (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Replacement of 40 No. existing timber windows with new double-glazed PVC windows.
SITE CHARACTERISTICS	Nightingale Nursing Home is a locally listed building of character, a Non-Designated Heritage asset. The building is a large 2.5 storey detached property on the corner of Maltravers Road and Beach Road.
CHARACTER OF LOCALITY	The site is within an Area of Character, a Non-Designated Heritage Asset. The area is populated by a diverse mix of uses including residential, and the Council's main office. There are also a number of other locally listed properties within close proximity to the site.

REPRESENTATIONS

Littlehampton Town Council - Objection:

- The building is a locally listed building of character and the proposal is contrary to policy HER DM2 of the Arun Local Plan.

1 No. Objection from a nearby occupier:

- The building is a locally listed building of character and therefore, original characteristics such as wooden windows should be protected and replaced like for like.
- There is also, no planning or heritage statement with the application.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments addressed in the Conclusions section of this report.

CONSULTATION RESPONSES RECEIVED:

Arun District Council (ADC) Conservation Officer:

- The proposed design and materials of the proposed replacement windows are not appropriate for the building and will detract from the character of the area. Whilst it is acknowledged that a number of other buildings have already replaced some or all of their windows with UPVC ones, it is suggested that there is the opportunity to retain an important feature within this building.

Therefore, the proposal is considered to be problematic and cannot be supported from a historic environment perspective. As a result, you will need to consider these comments, along with paragraph 203 of the NPPF and the relevant policies in the Arun Local Plan 2018.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and discussed within the Conclusions section of this report. It is agreed that the area features many similar UPVC windows can be found within the area and that it is now a common feature, contrary to the relevant Area of Character description.

POLICY CONTEXT

Area of Character.
 Built-Up Area Boundary.
 Locally listed building of character.

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
HERSP1	HER SP1 The Historic Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM4	HER DM4 Areas of Character

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

Littlehampton Neighbourhood Plan 2014 Policy 17 Buildings and Structures of Character

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:

SPD13	Arun District Design Guide (SPD) January 2021
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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 Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that there will be no unacceptable adverse effects on the character and appearance of the area or the residential amenities of neighbouring occupiers.

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

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

The proposal will effect 2 No. non-designated heritage assets. The site is a locally listed building and it is within an Area of Character. The proposal will not give rise to any significant adverse impacts on either asset as the replacement windows are a common feature within the Area of Character and the existing building already features 3 No. PVC windows of similar design.

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

The key policies are D DM1, D SP1, HER SP1, HER DM2 & HER DM4 of the Arun Local Plan and policies 1, 2 & 17 of the Littlehampton neighbourhood Development Plan (LNP). Paragraph 203 of the National Planning Policy Framework regarding non-designated heritage assets and the Arun Design Guide are also relevant.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. Those relevant to this application include: Character, Appearance, Impact and Scale.

Policy D SP1 of the Arun Local Plan regards the design of new development and states that it should be informed by sustainable design and reflect the characteristics of the existing site and its locality. Characteristics relevant to this proposal include scale, character, materials, finish, and architectural details.

Policy D DM4 requires that alterations to buildings are sympathetic to the host building and the character of the local area.

Policy HER SP1 generally aims to conserve or enhance the historic environment of the district. It requires that non-designated heritage assets and their settings be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment.

Policy HER DM2 relates to locally listed buildings and structures of special character. It aims to identify

and preserve buildings or structures that provide a positive contribution to local distinctiveness by ensuring alterations or extensions to these assets respond sensitively to the building or structure.

Policy HER DM4 relates to Areas of Character. It requires proposals to: retain buildings and other features that make positive contributions to the special character of the area, maintain an appropriate mix of uses where it is an important element in the character of an area and, for new development, preserve and where possible, enhance the special character of the area.

Policy 1 of the LNP states that permission should be granted for proposals which accord with other relevant policies in the LNP. The proposal is compliant with other relevant LNP policies and as such, is compliant with policy 1. Policy 2 states development should be focussed within the Built-Up Area Boundary, in which this property is located.

Policy 17 of the Littlehampton Neighbourhood Development Plan seeks to protect Buildings and Structures of Character that have been identified by the Neighbourhood Plan. The host property for this proposal is one such Building of Special Character. This has been taken into account when determining this proposal and it is compliant with this policy.

DESIGN AND VISUAL AMENITY

Nightingale Nursing Home features 43 No. external windows. At the present, 3 of these windows feature white PVC frames that are similar in form to the existing white timber frame sash windows.

The proposal seeks to replace the remaining 40 No. timber frame windows with PVC windows of an identical scale and a similar design. Though these PVC windows are to imitate the form of the existing timber frame windows, they are noted to have thicker frames with a shinier finish. Additionally, the proposed replacement windows are to be double-glazed, this will result in the windows having a more reflective appearance. They therefore, will represent a visually noticeable alteration to the existing appearance of the building. The property, being sited at a prominent location on the street, would mean the visual alteration would also have a prominent effect on the wider street scene.

Section L of the Arun Design Guide states that development should use a palette of materials and incorporate details which are simple, robust and in keeping with local design vernacular. It also goes on to mention the use of traditional materials will be actively encouraged to reflect the vernacular of the local area. The description of this Area of Character describes the fenestrations within the area to be largely vertically sliding sashes, very few have been replaced with uPVC.

However, this is no longer the case. Many properties within the locality, including other nearby locally listed buildings such as Dove Lodge, Conway House and the neighbour dwelling No. 45 Beach Road feature double-glazed windows with similar white PVC frames. The introduction of the proposed white frame PVC windows may be a visual alteration to the building, it is not a change that would be out of character within the locality.

The building already features 3 No. existing, similar design PVC windows. Though no relevant planning consent can be found for these windows, their appearance does not unacceptably alter the character of the area to the extent that formal enforcement action would be justified to remove them. White PVC windows are now a common feature within the locality. The replacement of the remaining 40 No. timber frame windows would result in a more coherent external appearance for the building.

The replacement windows being double-glazed would allow for a significantly greater level of insulation within the building. The property being a nursing home, would significantly benefit in terms of usability, health, and wellbeing from having better insulation. Additionally, it would reduce energy consumption by

reducing the loss of heat to the atmosphere and therefore, it is an improvement in terms of energy efficiency.

The proposal is compliant with relevant Development Plan policy D DM1(1) in that the replacement windows are of an identical scale to the existing windows and would use materials that can be found within the locality.

The alteration of the building is compliant with policy D DM4 since they remain visually integrated within the building and do not have an unacceptable effect on the character and appearance of the local area.

The proposal is also compliant with relevant Development Plan policy D SP1 & ECC SP2 in that the proposal would improve the insulation of the building. Thereby improving the usability of the Nursing Home, improving the health and wellbeing of its residents, and reducing energy loss and lower energy consumption through reduction of heat loss.

NEIGHBOURING RESIDENTIAL AMENITY

As the window openings are to remain the same, the nature of the development is such that there would be no rise of any adverse impacts by way of overbearing, overshadowing, or overlooking on any neighbouring properties.

As such, the proposal is compliant with relevant Development Plan policy D DM1(3) and D DM4 (c).

NON-DESIGNATED HERITAGE ASSETS

Nightingale Nursing Home is a locally listed building of character, a non-designated heritage asset. It is also located within an Area of Character, another non-designated heritage asset. As such, policies HER SP1, HER DM2 & HER DM4 of the Arun Local Plan.

Nightingale Nursing Home is a large, prominent building adjacent to the War memorial at the North end of Caffyn's field. It features a limited palette of materials and has an attractive Edwardian architectural design. It is a distinctive building and prominent feature that contributes to the overall character of the area which features similar architectural design principles.

The existing windows are a prominent feature that break up the design and limited palette of the large elevations, especially the North elevation. The windows contribute to the character of the building and its area. The replacement of these windows would result in a loss of the significance of the buildings architectural character. However, similar white PVC framed double-glazed windows are a feature which can be seen at numerous properties within the locality, including neighbouring non-designated heritage assets. Furthermore, the property would benefit in terms of resident amenity, the buildings usability and energy efficiency. Although there will be some loss of the buildings character, the level of harm is limited and outweighed from the buildings increased functionality and energy efficiency.

The established character of the Area of Character has changed over time to reflect the use of PVC windows as a common feature. The proposal, although replacing windows that were once a key feature within the Area of Character, would now better reflect the character of the area that has now been established through the prominent use of PVC framed windows. The proposal is compliant with policy HER DM4 in that it would make the building reflect an architectural feature that is now a common feature within the area.

The proposal is compliant with policies HER DM2, HER DM4 of the Arun local Plan.

SUMMARY

For the reasons given above the proposal 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.

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:

- ELEVATIONS KEY LAYOUT 1525/003.
- PROPOSED NEW WINDOWS SHEET 7 1525/019.
- PROPOSED NEW WINDOWS SHEET 6 1525/018.
- PROPOSED NEW WINDOWS SHEET 5 1525/017.
- PROPOSED NEW WINDOWS SHEET 4 1525/016.

- PROPOSED NEW WINDOWS SHEET 3 1525/015.
- PROPOSED NEW WINDOWS SHEET 2 1525/014.
- PROPOSED NEW WINDOWS SHEET 1 1525/013.
- TYPICAL PVC WINDOWS PROFILES 1525/012.
- KEY FLOOR PLAN 002.

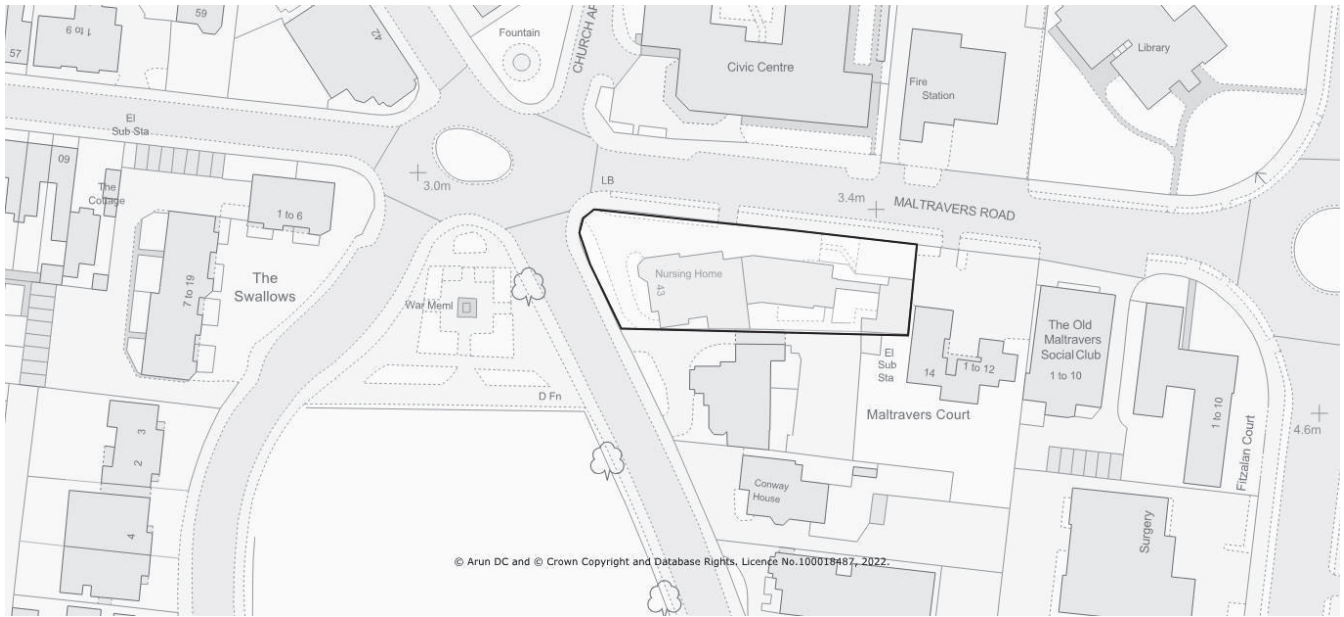
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 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)

LU/93/22/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/112/22/PL

LOCATION: 135A Wick Street
Littlehampton
BN17 7JY

PROPOSAL: Extension to form 1 No studio flat at first floor level. This application is in CIL Zone 4 (Zero Rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks a first floor extension above a single storey flat roof to form 1No. studio flat. The application follows an unimplemented permission LU/290/16/PL.

BOUNDARY TREATMENT The ground floor flat abuts the highway to the east and south. There is a fence and gate to the rear southern elevation.

SITE CHARACTERISTICS The site is occupied by a flat roofed single storey apartment which adjoins 135 (formerly a shop) now converted into apartments which are accessed from the rear of 135A.

CHARACTER OF LOCALITY The site is in a prominent location, on a corner in close proximity to the local shopping centre at Wick and visually forms part of the local parade of shops on Wick Street.

RELEVANT SITE HISTORY

LU/290/16/PL	Extension to form new studio flat at first floor level.	ApproveConditionally 18-01-17
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LU/290/16/PL for the same proposal was approved in 2017.

REPRESENTATIONS

Littlehampton Town Council - objection

- The design by virtue of its scale and massing is an overdevelopment of the site.
- Detrimental impact on the neighbourhood.

1 letter of no objection

- The plot boundary is incorrect.

2 letters of objection from 1 nearby occupier.

- Site is not easily accessed.
- Vehicles could obscure views on the junction.
- No on street parking.

- No amenity space.
- Overdevelopment.
- Noise resulting from the use of the staircase.
- Dominating neighbouring buildings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion. An amended plan was received following the comments regarding the plot boundary.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSSC HIGHWAYS (LHA)

The flat will not be provided with dedicated off street car parking. A studio flat would generate a parking demand for 2 vehicles. This will need to be accommodated safely on street in a nearby location in accordance with any existing Traffic Regulation Orders. It is extremely difficult to demonstrate that small scale increases in on street car parking demand will result in unacceptable highway safety concerns.

The Local Planning Authority (LPA) may wish to consider on street car parking amenity implications. Ideally the flat should be provided with a secure/covered cycle parking facility. The LHA does not consider the proposal would have an unacceptable impact on highway safety.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
DSP1	D SP1 Design
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

[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

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

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

The Littlehampton Neighbourhood Development Plan was made on 5/11/2014 and its policies are referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to 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.

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

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**PRINCIPLE**

The site lies in the built up area boundary where the principle of residential redevelopment is acceptable. Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of the Local Plan.

In this case the key other Arun Local Plan policy are D SP1, D DM1, D DM4, D DM2 and T SP1.

Littlehampton Town Council have a made Neighbourhood Plan with policy 1 and 2 of relevance. The proposal compiles with these, being in the built up area boundary.

DESIGN AND VISUAL AMENITY

The proposal is on the corner of Wick Street and Courtwick Road and is highly visible from the wider area.

The proposal seeks a first floor pitched roof extension above a single storey flat roof. This extends the full length of the flat roof and the pitch of the roof will extend to match that of the property to the north. An external staircase will be to the western end of the property to enable access to the first floor.

Built form in the area is varied in appearance and the proposal would not appear out of character when viewed from Wick Street and Courtwick Road. The design of the development appears well integrated with surrounding properties, with the scale and massing broadly matching the adjacent terraced dwelling at 135 Wick Street.

External materials consist of white render with mock Tudor detailing to the principal elevation to the east. This matches the front elevation of 135 which assists with integration in the street scene.

The Arun Design Guide encourages 'Integrating roof form with the existing dwelling, generally constructed at the same angle of pitch' and 'Incorporates architectural forms and features that predominate in the surrounding area.' Further it states 'New development should generally reflect the scale of existing buildings'. The proposal complies with the guidance in that the pitch of the roof is consistent with the pitch of the neighbouring dwelling which ensures it reflects the scale of the area.

By way of its design and appearance the proposal, which is in a prominent location, will not result in adverse harm on the character of the area in accordance with D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposal as a result of the siting of the extension and introduction of an external staircase would result in some adverse impact on the ground and first floor windows of the neighbouring apartments to the north at 135 Wick Street.

The property to the north at 135 is a two storey property with two storey flat roof element to the rear. This features a ground and first floor flat.

The ground floor flat has 2 south facing windows and 2 windows to the west. The south facing windows serve a lounge and kitchen. The council uses a 45 degree rule whereby loss of light and overbearing impact is assessed on the level of impact a development has from a line drawn at a 45 degree angle from the centre of an affected habitable room window.

The window located most centrally to the ground floor southern side, faces the single storey extension at 135A currently. It will lose some light and have a greater overbearing impact on it as a result of a first floor addition which will extend above.

The 2nd ground floor window would be intersected by the proposed external staircase, which is opposite, with a width of around 1m. However, the view from that window would not be significantly obscured. The existing ground floor apartment at 135A already intersects the window at a 45 degree angle and the deterioration in terms of loss of light and overbearing impact is marginal as compared to the existing.

The ground floor windows to the west are not affected by the proposal.

The southern windows to the ground floor flat would not result in significant harm, with the windows serving as secondary windows to the open plan living room/kitchen. The primary windows at the rear (west) of the property would be unaffected and ensure natural light is still obtained.

To the first floor flat, there are two south facing windows. One of the windows serves an obscured glazed hallway window. This window would be blocked by the first floor development whose north elevation and roof above would extend in close proximity, with around 1.3m separation. The impact does not affect a habitable room as it serves a hallway.

The 2nd south facing window is the primary window to the first floor flat serving an open plan living room/kitchen area. The staircase which enables access to the first floor will have an obscured glazed screen to the top of the stairwell to restrict views into the window which is located behind. This will have a height from the top of finished stair level of approximately 1.8m. As such this will partially block the view out of that window. The privacy of the window will be protected by the glazed screen and due to its opaque nature, a loss of light will be minimal. The development will have some adverse effect in terms of an overbearing impact.

There are 2 rooflights which serve the open plan living area which will remain unaffected.

The first floor southern facing window to the neighbouring flat will experience some overbearing impact caused by the development which alongside the glazed screening would intersect a 45 degree line drawn from the centre of the window. One of the panels of the window would be obscured entirely by the glazed panels at the top of the stairway. The development would protect privacy and provide an acceptable level of daylight into the primary first floor habitable room window concerned.

The Arun Design Guide states 'The scale and massing of all new housing should follow the 45-degree and 60-degree rules: minimising overshadowing and maximising privacy by keeping single-storey elements of neighbouring buildings within a 45-degree line and two-storey and higher elements within a 60-degree line taken from the edge of the nearest ground and first floor windows of habitable rooms in the neighbouring property.' The proposal conflicts with this, with the staircase intersecting a 45 and 60 degree angle when looking east.

The flat would introduce two south facing windows which would overlook the street scene. There will be 2 west facing windows. One of these serves a bathroom and will not give rise to overlooking. The other west facing window would not result in views into the lounge window of the top floor flat due to its position. There is a window to the gable end of No.2b although due to its size and the separation between the windows, it will not result in adverse overlooking.

The development would result in some adverse impact on neighbouring windows, in particular the overbearing impact on the primary habitable open plan living room/kitchen window to the rear first floor flat. It is a material consideration that the application is the same as that approved in 2017 and the impact of the proposal on neighbouring amenity has not changed since its previous assessment which was considered acceptable and a refusal in this application is not justified.

SPACE STANDARDS

The national guidance advises that for a single storey, 1 bed property the following minimum Gross Internal Area (GIA) standards apply:

1B1P = 39

1B2P- 50

The proposal provides 41sqm and complies with the guidance for a 1 person, 1 bed unit.

With regards to external amenity space, there are no policies in the ALP relating to garden sizes but the Arun Design Guide part H.04 advises on Residential Outdoor Amenity & External Space Standard:

- All development should provide residents with access to outdoor amenity space, whether private or

communal. sets out standards for garden sizes for flats as follows:

- Balconies a minimum of 3sqm of usable space.
- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony space.

With only one additional flat, communal shared space is not necessary. The proposal does demonstrate some limited provision for amenity space with a garden of 5sqm allocated for each flat. This is compliant with the Arun Design Guide. Given the nature of the site which is in relatively close proximity to the seafront and due to its district centre location, the provision is also not out of character with other properties and is acceptable.

PARKING

Regard should be had to paragraph 111 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 the West Sussex County Council guidance on parking provision. Arun District has its own Parking Standards SPD (Jan 2020).

The ADC Parking Standards for a 1 bedroom property in this location (Parking Behaviour Zone 2) requires a minimum of 2 car parking spaces on site. The flat will not be provided any off street car parking and does not comply with the Parking Standards SPD.

The site is in a sustainable location, well served by public transport so that residents can walk, cycle, or take a bus to access shops, services, employment sources etc, which are in close proximity. There is a bus stop directly across the road and it is approximately a 10 minute walk to Littlehampton Railway Station and Littlehampton High Street.

There is potential demand for additional on street parking. The level of this demand (2 spaces) is unlikely to result such pressure to on street parking that the amenity of the area would experience demonstrable harm.

WSCC have no objection and note cycle storage provision should be provided. Due to the size of the site, the ability to provide a secure and covered facility is constrained. The floor plan does demonstrate a bike space to the rear of the property underneath the staircase. Details for this will be secured by condition to encourage residents to use bicycles. As such, there is no conflict with policy T SP1.

SUMMARY

This proposal represents appropriate development of a dwelling without compromising the visual amenity of the area or amenities of neighbouring residential occupiers. All other relevant development plan policies have been complied with. As there are relevant development plan policies which are not out of date, the proposal is in accordance with the NPPF para 11(c) which states that development proposals that accord with an up-to-date development plan should be approved without delay. It is recommended the application be approved in accordance with 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

- Location and Block Plan - TP.04 Rev C
- Proposed Elevations - TP.02 Rev C
- Proposed Floor Plan and Roof Plan - TP.01 Rev C

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 two obscure glazed screens to the west and north elevations of the first floor external staircase landing shown on the approved plans (TP.02 Rev C) shall be installed prior to first use of the staircase and retained in perpetuity to a height of 1.8m from finished floor level.

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

- 4 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 submitted to and approved by the Local Planning Authority. The spaces so approved shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and T SP1 of the Arun Local Plan.

- 5 The development shall not be occupied until a scheme has been submitted a for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwellings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order 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.

- 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)

LU/112/22/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: FG/57/22/PL

LOCATION: 12 Little Paddocks
Ferring
BN12 5NJ

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

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the provision of a 3 bedroom detached 2 storey dwelling which will replace the existing 3 bedroom bungalow. The dwelling has a ridge height of 6.9m and an eaves height of 4.93 sq m. The 2 storey footprint of the dwelling is 10.24m by 10m which is comparable with the floor area of the existing bungalow. The application does not include a garage but includes a new porous driveway to replace the existing driveway. Parking provision in front of the dwelling remains unaltered at 3 spaces. The materials are indicated generally on the elevation plans and include render and cladding to elevations.
SITE AREA	595 sq m
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Hedging and planting to site boundaries. Site frontage open.
SITE CHARACTERISTICS	The site is occupied by a detached single storey dwelling with white painted elevations and a tiled roof. The site frontage is hard surfaced with a car port located on the boundary with no. 13.
CHARACTER OF LOCALITY	The area is characterised by mainly detached dwellings of varying design. They are mostly single storey dwellings, many of which have been extended in the roof area. Plot sizes are similar and the dwellings are set back a uniform distance from the road frontage. No. 14 to the east is a 2 storey dwelling.

RELEVANT SITE HISTORY

FG/74/95	Utility room & rear dormer to existing attic room	ApproveConditionally 06-10-95
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REPRESENTATIONS

16 Objections:

- 2 storey building out of keeping.
- Will result in overlooking and a loss of privacy to both adjacent properties, no's 11 & 13 Little Paddocks and other neighbouring properties.
- The contemporary design and appearance of the elevations are in stark contrast to the characterful bungalows of Little Paddocks and are not in harmony with the distinctiveness of the wider setting, paying little regard to the current spatial amenity and pattern of the street scene.
- Will set a precedent.
- The proposal will directly impact 4 Grange Park causing a loss of residential amenity. The bedroom window looks directly into the garden, lounge area and principal bedroom.
- There is a restricted covenant on the deeds of these properties that requires any building or changes to a building to be approved by the Little Paddocks Shareholders and they have not given permission, making the build unlawful.

COMMENTS ON REPRESENTATIONS RECEIVED:

The representations are addressed in the Conclusions section of this report. Restrictive covenants are a private legal matter.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection.

Request conditions in respect of electric vehicle charging point provision, submission of a Construction Management Plan and restriction on hours of construction/demolition.

Drainage Engineer - No Objection.

Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

County Highways - No Objection.

The proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. It is not contrary to the National Planning Policy Framework (paragraph 111), and there are no transport grounds to resist the proposal.

Electric Vehicle parking and cycle parking should be conditioned.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The requirement for conditioning of a Construction Management Plan is considered unduly onerous. The limit on hours of construction would be sufficient protection for neighbouring properties.

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
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
ECCSP2	ECC SP2 Energy and climate change mitigation
QESP1	QE SP1 Quality of the Environment
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment

Ferring Neighbourhood Plan 2014 Policy 1A

A Spatial Plan for the Parish

Ferring Neighbourhood Plan 2014 Policy 10

Sustainable water management

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

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

The Ferring Neighbourhood Plan has been made and the relevant policies considered 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 unacceptable adverse effect on visual or residential amenity or the character of the area.

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

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site lies in the built-up area boundary where the principle of residential redevelopment is acceptable and will be permitted, subject to consideration against other policies of the Local Plan.

In this case the key Arun Local Plan policy considerations are D SP1 (Design), D DM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards), T SP1 (Transport and Development) and W DM3 (Sustainable Urban Drainage Systems) of the Arun Local Plan.

Parts J (Building Design, section J.01, Form and Character) and H (Welcoming Streets and Spaces) of the Arun Design Guide are also of relevance.

Policies 1A (Spatial Plan for the Parish) and 10 (Sustainable Drainage Systems) of the Ferring Neighbourhood Plan 2014 (NP) are relevant to consideration of this application. Policy 1A, supports proposals inside the built-up area boundary provided they are suited to an urban setting and accord with the provisions of the Neighbourhood Plan and with other relevant development plan policies.

Policy 10 requires Sustainable Drainage Systems to be considered. The drainage for the proposal would be controlled by Building Control Regulations.

The NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

DESIGN AND VISUAL AMENITY

The applicant seeks planning permission for the erection of a replacement dwelling. The proposed development is in keeping with the general pattern of development in the locality in terms of site coverage and scale. The dwelling maintains the existing distances to the site boundaries. Whilst there will clearly be a change in appearance of the street scene with a change in the design from a traditional bungalow to a contemporary 2 storey dwelling this would be acceptable given the set back position of the property and the distance to site boundaries and the varied style of properties in the area. Little Paddocks has a mix of more traditional style bungalows and some have been replaced or extended to modernise their appearance and increase their height and presence on their plots. The closest dwelling to the application site which has been altered to a 2 storey dwelling is no 14 to the east. The proposed development is in accordance with the guidance within the Arun Design Guide, in that the building lines of the proposed dwellings are informed by those within the locality and the pattern of the development

reflects the characteristics of the area described in more detail below.

Little Paddocks is host to a wide variety of dwellings, with varying scales, designs and appearances. There is also a wide variety of materials visible within the locality of the host dwelling, with both contemporary materials, and more traditional styles evident. The design of the proposed dwelling would contribute to this varied character. No 14 Little Paddocks to the east is 2 storeys high and is of modern design. The submitted elevation plans do not detail the proposed materials but they indicate render/painted and cladding to elevations. To ensure that the details are acceptable for a dwelling in this location a materials condition has been recommended. The proposal would respect the character, and appearance of the area in accordance with policies D SP1 and D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

The plot is located in a corner of Little Paddocks and the plot width narrows towards the site frontage. The proposed replacement dwelling would be sited in the same position on the plot as the existing dwelling and would retain the existing gaps to neighbouring boundaries. To both sides the gap of 1.5m increasing to a minimum of 4.1m towards the rear would be retained. Although the height of the dwelling would increase to be 2 storeys the dwelling would not project beyond the side elevations of adjoining dwellings preventing unacceptable harmful impacts upon these private amenity areas. The distances and angle of the dwelling would result in acceptable spacing to neighbouring properties and would not result in any materially adverse overbearing impacts to the properties siding onto the plot. The side elevations of adjoining properties do not contain any primary windows and first floor windows proposed in the side elevations would be conditioned to be obscure glazed and fixed shut below 1.7m to prevent direct overlooking.

The property does not directly abut the rear gardens of 3 Grange Park and 5b Cedar Close but instead is sited at an angle to them. It is located 16.6m from the shared boundary with 5b and 12.4m from the boundary with no 3. However this property has a limited curtilage and is located close to the site boundary. The proposal would result in some and acceptable over looking of the dwelling and garden. The first floor rear bedroom windows, particularly the central window would face onto this property but would accord with the Arun Design Guidance in Parts J.06 and H.04 of that document which recommends that habitable room windows should generally be at least 14 metres from the flank wall of the neighbouring property. The proposed rear facing bedroom windows are located 16-17m from the flank wall of 5b. The garden length of the replacement dwelling is 12m and meets the 10.5m length referred to in the Design Guide. This would ensure it is acceptable in terms of the amount of overlooking which results and would not cause material harm to the property to the rear in terms of overbearing and overlooking impacts.

The proposed development accords with policies D DM1(3), D DM4(c) and QE SP1 of the Arun Local Plan.

INTERNAL SPACE STANDARDS

The proposal has a gross internal floor area of 123 sqm. Policy D DM2 of the Local Plan requires adherence to the Nationally Described Space Standards. According to these standards the minimum gross internal floor area for a 3 bedroom 2 storey dwelling is of 102 m². The proposal would comply with this standard and policy D DM2 of the Arun Local Plan.

ACCESS AND PARKING

Parking standards for a three-bed dwelling in this area results in the requirement of 2 spaces. Adequate onsite parking is proposed in front of the dwelling. The provision of an electric vehicle charging point would accord with the requirements of Arun's parking standards and is recommended to be controlled by condition. Cycle parking provision (2 spaces) can be conditioned. The proposal accords with policy T SP1 of the Arun Local Plan.

BIODIVERSITY

Arun Local Plan policy ENV SP1 and NPPF indicates that developments should aim to maintain and enhance, restore or add to biodiversity and geological resources of the area and policy ENV DM5 seeks to achieve a net gain in biodiversity. No ecological report has been submitted setting out the biodiversity present and appropriate mitigation for any loss and how biodiversity gains can be made. In order to ensure compliance with policy ENV SP1, required enhancements are the subject of a condition.

DRAINAGE

The site lies in an area at low risk of flooding, Flood Zone 1. Policy W DM3 sets out that 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, in order to increase the levels of water capture and storage and improve water quality. Policy 10 of Ferring Neighbourhood Plan also requires drainage to be considered. No details have been submitted in relation to SUDS and the proposal therefore conflicts with policy. However, any alterations to provide acceptable surface water drainage would be designed and constructed in accordance with Building Regulations.

CLIMATE CHANGE

ALP policy ECC SP2 requires residential development be energy efficient and should incorporate decentralised, renewable and low carbon energy supply systems. There is no mention of sustainable measures being implemented throughout the design, so a condition is recommended to secure the provision of renewable energy measures in order to ensure compliance with the policy.

SUMMARY

For the reasons set out above the proposal is compliant with Arun Local Plan policies D SP2, D DM1, QE SP1 and with policy 1A of the Neighbourhood Plan which supports proposals inside built up area boundaries provided they are suited to an urban setting and accord with provisions of the neighbourhood plan and with other relevant development plan policies.

It is recommended that the application be approved 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 Liabe 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:

- Location and Block Plans Drawing 3
- Proposed Floor Plans and Elevations Drawing 1
- Proposed Site Plan Drawing 4
- Street Scene ADN 3D Visuals Drawing 5
- Proposed Street Scene & Site Plan Drawing 6

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 construction / demolition 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 Holidays.

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

4 Prior to occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge point shall thereafter be retained and maintained in good working condition. Charge points should be Mode 3, 7kw fast chargers as a minimum.

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 QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) , Arun's Parking Standards and the National Planning Policy Framework (NPPF)

5 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 building have been submitted to and approved 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 policy D DM1 of the Arun Local Plan.

- 6 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level in the side elevations of the dwelling hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 of the Arun Local Plan.

- 7 The windows at the first floor on the side east and west elevations of the building shall at all times be glazed with obscured glass and be fixed to be permanently non-opening below 1.7 metres in height from finished floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 of the 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, policy T DM1 of the Arun Local Plan.

- 9 No part of the development shall be first occupied until car parking spaces have been provided on site in accordance with the approved Proposed Site Plan. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the occupiers of the dwellings, in accordance with policy T SP1 of the Arun Local Plan.

- 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 NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable in the form of an Energy Statement of how this is to be achieved (including details of physical works on site, sustainable construction methods, energy conservation and energy efficiency measures and renewable energy sources), shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. 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 Policy ECC SP2 of the Arun Local Plan.

- 11 Prior to occupation of the dwelling biodiversity enhancements shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority. The enhancements shall be retained thereafter.

Reason: To enhance biodiversity in the local area and result in a Net Biodiversity Gain on site, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 12 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.

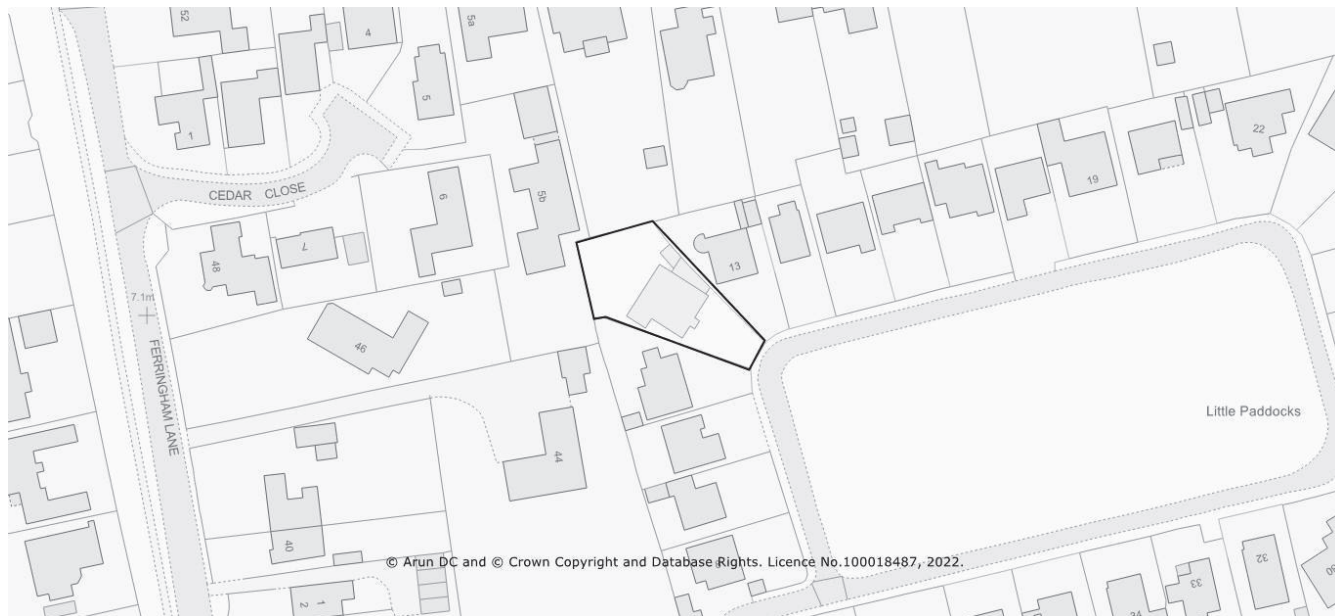
NB: If you are planning any DIY home improvements, repairs or maintenance - and intend to bring in any additional builders, maintenance workers or contractors to site - you must inform them of any ACM's in your home before they start work. This will help reduce the risks of any ACM's being disturbed. The domestic enforcement authority; the Health and Safety Executive (HSE) strongly encourages the use of trained professionals to repair or remove ACM's. If an owner / occupier chooses to carry out DIY repairs or remove damaged asbestos materials themselves, they must make sure the right Personal Protective Equipment (PPE) is used and always follow safe working methods. In addition, please be aware that ACM's need to be legally disposed of as 'hazardous waste'. The removed materials should not be mixed with normal household waste. Arrangements must be made to have any ACM's collected by a competent person(s) or there may be special facilities in an area where you can safely dispose of it.

- 13 **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)

FG/57/22/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: CM/14/22/PL

LOCATION: Land adjacent to Church Farm Barn
Horsemere Green Lane
Climping
BN17 5QZ

PROPOSAL: Use of land for Class B8 (Storage) for caravan storage (resubmission of CM/64/21/PL). This application may affect the setting of a listed building and is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal relates to the change of use of a parcel of land, currently used as a paddock, to caravan storage. It is intended the site would provide a maximum of 46 caravan storage spaces and includes a space with disabled accessibility, along with four parking spaces for owners to use when tending to their caravans.
The application does not relate to the provision of boundary fencing as this can be constructed under Permitted Development rights where planning permission is not required.

SITE AREA 2730 sq. m.

TOPOGRAPHY Predominantly flat.

TREES None affected by the proposed development. There are established trees along the southern boundary and a large group to the east of the site.

BOUNDARY TREATMENT Timber gates and close boarded fencing to Horsemere Green Lane. Tree lined boundary to Church Lane to the east and hedgerow to the south. Ranch style and wire fencing to other boundaries.

SITE CHARACTERISTICS The site comprises a grassed field used as a paddock which is roughly rectangular in shape. Access to the site is taken from the south west corner via a bell mouth junction to Horsemere Green Lane with gates set back from the highway.

CHARACTER OF LOCALITY Predominantly semi-rural. Ford Prison to the east. Rudford Industrial site to the north and mainly detached low density residential properties of individual design and materials fronting Horsemere Green Lane.

RELEVANT SITE HISTORY

CM/64/21/PL Use of land for Class B8 (Storage) for caravan storage. Withdrawn
This application may affect the setting of listed buildings 12-01-22

& is in CIL Zone 3 (Zero Rated) as other development.

CM/64/21/PL was withdrawn, due to the lack of a tree report which has now been included with this application.

REPRESENTATIONS

Climping Parish Council - Objection.

- The proposal will result in the addition of substantial vehicles using Horsemere Green Lane and will impact on an already busy road causing a possible safety issue.
- The applicant could consider moving the entrance into Rudford Estate entrance to the north rather than Horsemere Green Lane.
- Concerns regarding the impact on the existing residents and the Grade II Listed Building.
- Observations by the Conservation Officer should be considered.
- A condition should be included restricting operations to day light hours.

12 Objections.

- This is a semi-rural area. The proposed development is not in keeping with the area.
- The lane is narrow. Caravans and motorhomes will cause traffic problems.
- The verges and pavements will be damaged by vehicles seeking to pass.
- There is no need for this facility. There are plenty of other caravan storage facilities in the area.
- Large, towed caravans turning across the existing traffic in a narrow lane will add to the existing danger experienced by pedestrians and cyclists.
- The proposal includes operating from seven a.m. This is unacceptable for those living in the immediate vicinity of the site.
- Will set a precedent for other commercial facilities.
- The junction of Horsemere Green Lane and Church Lane is already a dangerous junction, slow moving vehicles towing caravans entering onto Church Lane could increase the accident rate.
- Concern regarding privacy and the noise disturbance of a commercial site operating in close proximity to residential property which faces the site.
- Will cause light pollution.
- The caravans will be highly visible from the St Mary's Church, particularly in the winter months.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be covered in the Conclusions section of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No Objection.

The immediate setting of the Listed Parish Church and the neighbouring Vicarage are contained within their own curtilages, whereas the wider setting has been impacted upon through the modern, or more recent C.20 development. The proposed development would also be screened from the assets by existing vegetation/trees. The development will not impact the setting of both of the Listed Buildings and as a consequence, there is no harm to the overall significance of the heritage asset.

The submitted Design and Access/Heritage Statement identifies that the proposal will cause less than

substantial harm to the neighbouring Listed barn in accordance with the NPPF. There is no reason to disagree with this. However, such harm could be identified as being on the lower end of the scale. As such the public benefits that the development may achieve should be considered in the assessment of the application, along with the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Drainage Engineer - No Comment.

Parks and Landscape Officer - No Objection. Landscaping should be conditioned.

Environmental Health - No Objection. Conditions suggested regarding restriction of use to caravan storage only, hours of operation, provision of access road and lighting.

County Highways - No Objection.

This proposal is for the change of use of land to Class B8, for the storage of caravans. The site is located on Horsemere Green Lane, an unclassified road subject to a speed restriction of 30 mph. The Local Highway Authority 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 and is therefore not contrary to the National Planning Policy Framework (paragraph 111). There are no transport grounds to resist the proposal. Provision of car parking should be conditioned.

Ecology Officer - No Objection.

The biodiversity enhancements recommended within the Ecological Mitigation and Enhancement Plans (Jan 2022) are suitable and should be conditioned and incorporated into the landscaping scheme.

Lighting should take account of bats and be conditioned.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Mineral Consultation Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
CSP1	C SP1 Countryside
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

HERDM1 HER DM1 Listed Buildings

HERSP1 HER SP1 The Historic Environment

Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment
Clymping Neighbourhood Plan 2015 Policy CPN8	Protection of Trees and Hedgerows
Clymping Neighbourhood Plan 2015 Policy CPN9	Protection of Natural Habitats
Clymping Neighbourhood Plan 2015 Policy CPN11	Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN13	Retain buildings or structures of character

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 in Clymping 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 there would be no adverse impact on the character of the area, visual or residential amenity or the setting of the Listed Buildings.

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site lies outside the built-up area boundary of Clymping as defined in the Local Plan. Policy C SP1 therefore applies which prevents development unrestricted to the needs of agriculture unless it accords with policy elsewhere in the plan related to the development proposed. Whilst the proposed use is not related to agriculture it is in accordance with other policies of the Local Plan which refer to a specific use or type of development (employment).

Policy SD SP1 (Sustainable development) of ALP states that a positive approach will be taken to development proposals that reflect the presumption in favour of sustainable development and will work proactively to find solutions to secure development.

COMPLIANCE WITH POLICY EMP DM1

Policy EMP DM1 of ALP addresses the provision of employment land through a number of criteria. Part 6 of the policy refers to economic growth outside of the Built-Up Area Boundary and applies to the application site which is located within the countryside, but is close to Rudford Industrial Estate to the north. The criterion positively acts to support economic growth indicating that permission will be granted where the proposal meets 8 relevant criteria. These seek to ensure no detriment to public access/highway routes results, proposals are of a high standard of design and layout and landscaping is appropriate to its context.

Policy EMP DM1 recognises that the continued health of the local economy will depend to a significant extent on being able to accommodate the future expansion needs of local firms. The applicant already runs a successful and secure caravan storage site within Arun. The applicant is a member of CaSSOA (Caravan Storage Site Owners Association) which is a nationally recognised Association.

Part (a) of policy EMP DM1 requires that the proposal demonstrates that there is no acceptable alternative for the development within existing permitted or allocated sites, or within or through redevelopment of existing commercial premises. The proposed site is positioned close to the Rudford Industrial Estate and there are no sites available for the proposed use with external storage yards all linked to the buildings and ancillary to the extant uses. The proposed caravan storage does not require a building to support the use therefore making plots within existing storage sites uneconomical should any site become vacant. It would also be inappropriate to remove any existing commercial buildings to provide the required storage space as this would prejudice other more intensive employment uses from taking place in the future. In addition, it is not economically viable for the applicant to purchase alternative land when the application site is already in the applicant's ownership and sits in very close proximity to the Rudford Industrial Estate where permission has previously been granted for similar storage adjacent to Unit W, under reference CM/6/14/PL.

As discussed below in accordance with parts (b), (c) (e) and (g) of EMP DM1 the proposal does not cause detriment to existing public access routes and highways, residential amenity parking and access and the design, layout and landscaping are acceptable.

With regard to part (d) whilst the site is not sustainably located the use would be dependent on car borne traffic to deliver and pick up caravans, no alternative modes of travel can be utilised, so sustainability is not an issue. Notwithstanding this, the site is within proximity to the village therefore enabling local users of the site opportunity to walk or cycle to tend to their caravans should they choose to do so. The proposal is compliant with part (f) in that the development site is sympathetic to the surrounding area in terms of scale and layout with consideration of the natural, built and historic context. The retention of the existing landscaping provides opportunity to ensure that the natural habitats present are retained.

Part (h) of policy EMP DM1 refers to site security. The development would provide for a secure caravan storage within an enclosed site. The positioning of the site away from immediate public view or from direct access to the highway (i.e. through two gated entrances) ensures that the location meets security requirements. The CaSSOA sets appropriate standards for caravan storage to combat theft, to which caravan insurance companies will direct customers to for their storage needs. CaSSOA requires sites to have a high level of security such as fencing, lockable gates, CCTV and monitored entry and exit points. The site will be enclosed by a 2m palisade fence erected under permitted development rights.

The proposal is therefore compliant with the requirements of policy EMP DM1.

VISUAL AMENITY AND CHARACTER OF THE AREA

Policies D DM1 and D SP1 of Arun Local Plan (ALP) state that planning permission will be granted where development meets amongst other criteria, the highest standards of design, providing a high-quality living environment in keeping with the character of the surrounding area. The Arun Design Guide suggests development in rural areas respects and enhances this distinctive rural character. In addition, paragraph 130 of the NPPF requires developments to be visually attractive and sympathetic to local character. Government advice in section 12 of the NPPF indicates that design which is inappropriate in its context should not be accepted. Policy CPN 11 of Climping Neighbourhood Plan refers to quality of design and the need to protect and enhance local character as assessed by the Climping Character Assessment.

The site is in a semi-rural area. It is currently used as paddocks and residential development adjoins the site to the south and east. The access to Rudford Industrial Estate is located to the north. The proximity of the site to Rudford Industrial Estate demonstrates the mixed character and appearance and land uses of the area. The site is not located within wholly rural countryside. The character of the area is semi-rural by nature. In addition, the site is well screened by existing planting and would not therefore be readily visible in the wider landscape. The development will be relatively simple and low key both in terms of appearance and activity. It will not be viewed as an isolated feature in the countryside as it is relatively close to other buildings. Landscape mitigation is proposed which seeks to make sure all existing trees and maturing vegetation on the southern boundary of the site is maintained and protected. The development of the site would not require operational development such as the erection of new buildings and can provide the appropriate level of security on site with the applicant residing at an adjacent property.

The use of the site for a storage purpose would be screened from public vantage points by virtue of its backland position and boundary planting. Therefore, there would not be any significant change to the character of the surrounding area where the use would be of a low level in terms of activity. The submitted layout which is recommended for approval by drawing number 21/194/01 D, demonstrates that the proposal would not result in a cramped form of storage with space to individually manoeuvre caravans on site.

The size and position of the site reduces its ability to be used for agricultural purposes and it is already isolated and detached from any adjoining agricultural uses. The proposed development would utilise an existing small paddock as a farm diversification activity which due to the established boundaries would ensure that the site is limited and does not encroach into the surrounding countryside. The scale of the development would make efficient use of the land which is too small to be of value for agricultural activity in a position that has good access to the highway and minimal visual impacts.

The land to the east of the site has planning permission granted for a new residential house and the barn is partly enclosed by a flint and brick boundary wall. The site forms part of an area of green fields/space which separates development along the lane from that of the industrial estate to the north. Land to the south is currently open fields but has outline consent for a large predominantly residential development.

In addition, the level of traffic generated by the use would not be inappropriate in this location given the activity that is generated by the industrial estate to the west and the infrequent nature of traffic levels (as set out below in the highway section) associated with the use proposed. To ensure that the use of the site cannot become a general B8 storage which would have greater traffic levels, a condition is recommended to restrict the use to the caravan storage proposed only.

It is not unusual to use countryside locations for the storage of caravans. The site has a close visual and

physical relationship to a more built-up character of the surrounding area. The scale of the proposed development accords with this countryside location in terms of visual amenity by being unobtrusively located and not readily visible and does not result in material harm in accordance with the NPPF, ALP policies D SP1 and D DM1 and policy CPN 11 of Climping Neighbourhood Plan.

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.

Policy QE DM2 (Light Pollution) of ALP requires that any outdoor lighting shall minimise the impact upon the landscape, be the minimum required for security and working purposes, minimises potential glare and spillage with consideration to be given to powering such lighting by on-site renewable sources.

The site is located close to residential properties to the east Church Farm Barn (the dwelling is 17m from the site boundary) and to the south Church Farm Cottages (18m -15m from the site boundary). Church Farm Barn adjoins the access and Church Farm Cottages have a parcel of land separating them from the site. The caravan site would be visible in longer views at first floor level and may also be glimpsed at ground level in winter when there is less vegetation. However, the proposal is absent of any major built development and would retain a sufficient distance from the properties as to ensure that appropriate levels of amenity remain and therefore the development would not be adversely prominent or overbearing.

Based on their experience running caravan storage sites the applicant has advised that the movement of each caravan is rarely more than twice a year, and in many cases only once a year, and indeed often not at all. Movements generally take place during daylight hours.

The nature of the development for storage purposes would not give rise to adverse levels of harm in terms of loss of privacy or sunlight or daylight. Furthermore, the use would be low level and being for storage of caravans only (to be controlled by condition), would not generate notable levels of noise or disturbance. The use is therefore appropriate for positioning in relation to residential properties, particularly with imposition of the suggested condition restricting the hours of movement of vehicles. The application is in accordance with D DM1(3) and QE SP1 of the Arun Local Plan.

HERITAGE ISSUES

The application site is located next to a Grade 2 Listed Building, Church Farm Barn, an 18th century barn that which has been converted into residential use. Nearby is The Vicarage and The Parish Church of St Mary, both located on Ford Road. The Church of St Mary is a Grade 1 Listed Medieval Building, which is located within a defined churchyard, to the east of the Church Lane and south of the prison site. The Vicarage is a Grade II Listed Building. All of these buildings and their settings are of architectural and historical significance. Therefore, consideration needs to be given to the impact of development within the setting of these heritage assets.

Policy HER SP1 (The Historic Environment) of ALP affords the highest level of protection to designated heritage assets and requires that they are conserved and enhanced in a manner appropriate to their significance. Policy HER DM1 requires that the setting of Listed Buildings are protected and where possible enhanced.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard for the desirability of preserving Listed Buildings and their

settings.

Chapter 16 of the NPPF paragraphs 194, 195, 196 and 197 relates to identification and assessment of the significance of the heritage asset, the weight given to the conservation of the asset and its weight against public benefits of the proposal.

Para 194 of the NPPF requires such information to be provided in order to assess the impact of the proposal upon these assets. In this instance, the development causes less than substantial harm to the setting of neighbouring Listed Buildings given the separation distances and the form of development proposed. The building works are reasonably minor in scale.

Paragraph 195 requires the LPA consider the significance of the impact upon that heritage asset. The heritage assets are important buildings, but the impact of the proposal on them is minimised given the site is outside of their defined curtilages and has a low form. The Conservation Officer has been consulted and has raised no objection. He has agreed that the development will lead to less than substantial harm to the closest designated heritage asset (Church Farm Barn) and in accordance with para 202 of the NPPF the harm is outweighed when considered against public benefits which include efficient reuse of land that has no notable economic value to agriculture and would provide opportunity for rural diversification and support a rural business. Providing a storage site which meets a local need ensures that the site in turn can support other businesses involved in the sale and maintenance of caravans having a positive 'knock-on' effect. This constitutes a positive benefit in the public interest. Furthermore, a small local site would reduce the need for travel further afield, having a positive benefit in the public interest. In determining the application, the proposal should be positively weighed in favour of the public benefits noting that the harm to the significance of the heritage asset is minimal.

The proposal accords with the requirements of the National Planning Policy Framework (NPPF) and policies HER DM1 and HER SP1 of Arun Local Plan.

HIGHWAY CONSIDERATIONS

Arun Local Plan policy T SP1 seeks to ensure that development provides safe access on to the highway network and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

Policy CPN 14 of the Climping Neighbourhood Plan states that development which will have a detrimental impact on highway safety and the living conditions of residents will be resisted.

Para.110 of the NPPF states in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Para. 111 of the 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.

Access to the site would be via the existing access track off Horsemere Green Lane, approximately 100m west of the junction of Horsemere Green Lane and Church Lane. The proposal is supported by a Transport Statement which identifies that the existing visibility splays onto Horsemere Green Lane are in accordance with Manual for Streets (MfS). Visibility splays of 2.4m x 43m are required in each direction at the junction with Horsemere Green Lane. These splays are readily achievable at the access point. Car parking will only be required for staff members. Therefore, 4 parking spaces should be sufficient for the 1 or 2 staff on site.

The survey indicates in terms of additional trips generated by the proposed development that an average over the whole year of 3 arrivals per day is anticipated with 4 arrivals per day, less than 1 vehicle per

hour of the operating day in the peak month of July. Such volumes of additional traffic generated by the proposal would have no material impact on the general operation of the local and strategic highway network with a condition restricting the permission to the specific storage use proposed only.

County Highways have no objection to the proposal in terms of vehicle movements, access, highway safety or car parking. The proposal is not considered to have an adverse impact on highway safety or the living conditions of residents and would therefore comply with policy CPN 14 of Climping Neighbourhood Plan and policy T SP1 of Arun Local Plan.

TREES

ALP policy ENV DM4 seeks to protect trees which contribute to local amenity. Policy CPN 8 (Protection of Trees and Hedgerows) of the Climping Neighbourhood Development Plan ensures that development that will damage or result in the loss of trees or hedgerows of arboricultural and amenity value will not be permitted. Encouragement is given to the retention of trees or hedgerows of good arboricultural and amenity value.

The application is supported by an Arboricultural Method Statement which surveyed a total of thirteen individual trees, four groups of trees, one hedge and identified no trees would be removed. It concluded that the overall quality and longevity of the amenity contribution provided for by the trees within and adjacent to the site will not be adversely affected as a result of the proposal. A landscaping condition is also recommended to ensure that the site remains well screened.

It is concluded that the proposal incorporates acceptable tree protection measures which are secured by condition in accordance with policy ENV DM4 of the Arun Local Plan and CPN 8 of the Neighbourhood Plan.

BIODIVERSITY

Policy ENV SP1 of Arun Local Plan confirms that Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species. Policy ENV DM5 of the Arun Local Plan seeks a net gain in biodiversity. Policy CPN 9 (Protection of Natural Habitats) of the Climping Neighbourhood Development Plan seeks that development avoids harm to existing nationally and locally protected habitats unless the harm can be mitigated or equivalent alternative habitats are provided.

In terms of legislation, development will need to avoid impacts on legally protected species, and where this is not possible, mitigation or compensation will be necessary and a Licence from Natural England may be required. Paras 174 and 180 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 Act and the NPPF.

Due to the low ecological value of the site, an Extended Phase 1 Habitat Survey would be disproportionate. An Ecological Mitigation and Enhancement Plan supports the planning application which identifies that the paddock is dominated by heavily managed grassland and a bare ground track provides access from Horsemere Green Lane. The development area is restricted to areas of grassland only and as such no impacts to nesting birds are anticipated. Ecological mitigation and enhancement specifically in respect of bats, reptiles, nesting birds, and hedgehogs potentially present within the wider landscape is proposed to demonstrate a net gain in biodiversity to comply with current wildlife legislation and planning policy.

The report refers to provision of 2 bird boxes, 2 bat boxes, gaps in fencing to allow hedgehog access and

provision of a hedgehog house, appropriate sensitive lighting to improve the intrinsic biodiversity value of the site. The Council's Ecology officer is satisfied with these proposals. In order to accord with the Environment Act, NPPF and ALP policy ENV DM5 a planning condition is recommended to secure the proposed Biodiversity Net Gain measures.

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, mitigation measures, flood warning and evacuation plans and site drainage plans. Policy W DM3 of Arun Local Plan seeks to increase the levels of water capture and storage and improve water quality by ensuring all development identifies opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS). Policy CPN 11 of Climping Neighbourhood Plan refers to adoption of the principles of sustainable urban drainage and Policy CPN 12 sets out that new development must be designed and constructed to reduce the level of flood risk.

The site is in Flood Zone 1 (lowest risk of flooding), as such a Sequential Test, Flood Risk Assessment and flood mitigation measures are not required. The proposals would have an acceptable impact on flood risk and with the use of appropriate conditions in respect of surfacing, surface water drainage can be increased in accordance with the NPPF, policy W DM3 of the Local Plan and policy CPN11 of the Neighbourhood Plan. A condition is recommended to control surfacing of the site to ensure retention of water capture and storage within the site.

CONCLUSION

The introduction of a storage area would not adversely impact on this rural location. There are already significant levels of activity in the area including a high background noise level from the industrial estate.

The proposal would not generate a need for additional buildings on the site and the storage would not be readily visible from outside the site once additional landscaping is provided and the works will have an acceptable impact on the setting of the nearby Listed Buildings. The policies most relevant to the determination of this application are not out of date and para 11c of the NPPF applies. The application 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 Site Layout 21/194/01 revD
Existing Site Layout 21/194/02
Location Plan 21/239-01

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 building shall be used for caravan storage only and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities in accordance with policies QE DM1 and D DM1 of Arun Local Plan.

4 No caravans or commercial goods shall be loaded, unloaded or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours 07:00 to 19:00 Monday to Friday 08:00 to 18:00 Saturday or at any time on Sunday or Public or Bank Holidays.

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

5 No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the environment, wildlife and local residents from light pollution in accordance with policies ENV DM5 and QE DM2 of the Arun Local Plan.

6 The use shall not commence 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 for the use in accordance with policy T SP1 of Arun Local

Plan.

- 7 The development shall proceed in accordance with the biodiversity enhancements recommended within the Ecological Mitigation and Enhancement Plans (Jan 2022) which shall be provided prior to use of the site commencing and maintained in perpetuity.

Reason: To ensure biodiversity as adequately enhanced in accordance with policy ENV DM5 of Arun Local Plan.

- 8 No caravan storage shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 9 The development shall proceed in accordance with the Arboricultural Method Statement by Arbtech dated 28-03-2022 and Tree Protection Plan 21/94/01 D.

Reason: In the interests of protecting trees within the site in accordance with policy ENV DM4 of Arun Local Plan.

- 10 No surfacing of the site shall be undertaken until details of the materials (which should be mainly porous) to be used have been submitted to and approved by the Local Planning Authority and the development shall proceed in accordance with the surfacing so approved and be retained in perpetuity thereafter.

Reason: In the interests of retaining the levels of water capture and storage at the site in accordance with policy W DM3 of Arun Local Plan.

- 11 **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.

- 12 **INFORMATIVE:** To ensure the site remains unsuitable for reptiles, continued management of the site must take place to event reptile habitat developing onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles.

- 13 **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.

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](#).

CM/14/22/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: BR/70/22/OUT

LOCATION: 26 Burnham Avenue
Bognor Regis
PO21 2JU

PROPOSAL: Outline application with all matters reserved for up to 10 No. new dwellings with associated services, landscaping, car parking & amenity (resubmission following BR/129/21/OUT).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks outline permission for the demolition of the house and erection of up to 10 dwellings (net gain of up to 9 dwellings). Details of scale, appearance, landscaping, access and layout are all reserved at this time. The application is accompanied by an illustrative drawing showing site, floor and elevation plans plus a streetscene, however, these are not being determined at this time.
SITE AREA	0.1378 hectares
RESIDENTIAL DEVELOPMENT DENSITY	Up to 73 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but undulating to the rear garden. Part of the rear garden near to to no. 24 is raised slightly above a small underground cellar/store.
TREES	Some large trees in the rear garden particularly on the rear boundary and in the north east corner. Smaller trees along the north west (side) boundary, on the east side of the rear garden and in the front garden.
BOUNDARY TREATMENT	1.5m high brick wall with 2.2m high timber fencing to the rear and north west sides of the rear garden. The front has a mix of hedge & low wall/fence. There is a 1.5m high brick wall to the south east boundary with 24.
SITE CHARACTERISTICS	Large two storey detached dwelling of brown brick with some white render and timbering to front first floor. Plain clay tile roof. Sides and rear brick finish. Two chimney stacks. Detached pitched roof timber garage to side with area of hardstanding between it and no. 24. Access off Burnham Avenue to the front.
CHARACTER OF LOCALITY	Residential area with reasonably substantial detached dwellings but no purpose built flatted buildings. Mix of design and materials. Neighbouring properties consist of: 28 Burnham Avenue - detached two storey former house with substantial rear projection. Previously a nursing home but

following BR/37/17/PL, now allows occupation as a care home for unaccompanied minors. Has several ground and flank windows on the elevation adjoining the site and these are noted to serve bedrooms, kitchens, bathrooms and an office.

24 Burnham Avenue - detached two storey house with ground floor flank door and kitchen/utility windows facing the site. The rear elevation has a lounge window on the side away from the shared boundary but bedroom windows at first floor across the width.

1 Burnham Gardens - semi-detached two storey dwelling which is flank on to the rear boundary. It has a few flank secondary type windows overlooking the site including a large one which appeared to serve the stairs and one in the roof (which has a side gable and rear dormer).

Brackley, Burnham Gardens - detached bungalow situated part to the rear of the site (behind no. 1 Burnham Gardens). No visible windows on the flank which faces the site.

RELEVANT SITE HISTORY

BR/129/21/OUT Outline application with all matters reserved for up to 10 Refused
No. new dwellings with associated services, landscaping, 26-11-21
car parking & amenity (resubmission following
BR/190/20/OUT).

Two previous applications were withdrawn due to concerns first over overdevelopment and then over a lack of biodiversity surveys and no agreement to the necessary planning obligations. Most recently, the planning committee resolved in July 2021 to approve BR/129/21/OUT but the application was later refused as the s106 agreement was not signed by the agreed 4 month deadline.

REPRESENTATIONS

Bognor Regis Town Council object on grounds of access & highway safety, traffic generation, overbearing nature, design & appearance, visual impact, layout, density of buildings and loss of ecological habitat. It is stated the scale and design of the building fails to reflect the character of the area in conflict with Arun Local Plan policy D SP1. Due to the significant impact on the road network, it is contrary to Policy 8b of the Bognor Regis Neighbourhood Development Plan.

6 letters of objection raising the following concerns:

- (a) No change to refused scheme.
- (b) Overdevelopment.
- (c) Harm to local character with no other instances of flats.
- (d) Scale of the proposed flatted building.
- (e) Impact on highway safety.
- (f) Insufficient parking provision (only 1 per flat).

- (g) Increased highway congestion due to existing on-street parking levels.
- (h) Construction impacts inc parking & dust.
- (i) Harm to wildlife inc bats, birds, hedgehogs.
- (j) Impact on infrastructure.
- (k) Increased surface water flooding of Burnham Avenue.
- (l) Risk of structural damage to road surface/drains from additional traffic; and
- (m) More family houses are needed, to attract young families to the area.

COMMENTS ON REPRESENTATIONS RECEIVED:

The application is submitted in outline with all matters reserved and solely seeks approval of the principle of demolition of the house and redevelopment with up to 10 dwellings. The plans are illustrative only and any approval of this application will not authorise the submitted layout, appearance, scale or density.

The Local Planning Authority (LPA) will retain full control of the detailed scheme through a reserved matters application at which point it will be appropriate to consider the detailed matters including character, site layout, parking, space standards, relationship to trees and residential amenity. It may be the case in the future that the LPA determines that the development shown on the submitted drawings is unacceptable.

Those objections relating to any matters reserved for later approval are not relevant at this time. This report will focus on the loss of the house, the principle of residential redevelopment (including with reference to biodiversity & drainage) and infrastructure requirements. BR/129/21/OUT was resolved by members for approval and was only refused due to the s106 legal agreement not being signed.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - no objection on the basis of no impact on the strategic road network.

NATURAL ENGLAND - no objection but require the Local Planning Authority carries out an Appropriate Assessment to assess the impact of increased recreational disturbance arising from the proposal on the Pagham Harbour Special Protection Area (SPA) & Ramsar Site.

SUSSEX POLICE - no significant concerns but list advisory notes regarding improving security for the development (see letter on the website dated 04 April 2022).

WSCC HIGHWAYS - no objection on safety or congestion grounds subject to additional details being provided at the reserved matters stage. Refer back to their comments on BR/129/21/OUT:

- Burnham Avenue is unclassified public highway subject to a 30mph restriction;
- There are no parking restrictions on Burnham Avenue, on-street parking takes place on both sides of the carriageway;
- The nearby junction with Victoria Drive is protected by double yellow line junction protection markings;
- The existing dropped kerb would need to be extended to provide access to the rear;
- Access route shown on illustrative plans is not wide enough for 2 cars to pass in opposing directions;
- The LPA may want to consider the impact of the loss of existing on-street parking on local amenity;
- The site is well located in respect to options for sustainable transport use including bus, rail, walking and cycling meaning that not all daily journeys would be reliant on the private car.

WSSC LEAD LOCAL FLOOD AUTHORITY - no objection and comment that the site has a low risk for surface water flooding however, the site has a high risk for ground water flooding (albeit this is based on modelled data). State no development should take place within 5m of any ordinary watercourse and there should be no wholesale site levels rise.

ADC DRAINAGE ENGINEER - no objection subject to standard conditions and state that:

- Groundwater levels are expected to be reasonably high therefore would expect to see permeable paving to be incorporated for not only the car parking areas but the driveway also, not only to provide a water storage/infiltration structure but to aid water treatment;
- If infiltration proves not to be viable, then a public surface water sewer exists in Burnham Avenue, to which a connection will need to be sought from Southern Water. The discharge will need to be restricted to an agreed rate and onsite attenuation provided for the 1 in 100 year event plus 40% on stored volumes;
- Conditions ensure the development will be adequately drained and not increase flood risk elsewhere.

ADC LANDSCAPE OFFICER - no response but comments received to BR/129/21/OUT stated:

- Landscape mitigation required to minimise impact on the streetscene and to site boundaries;
- Existing trees will need to be retained & protected with any removals agreed with the Tree Officer;
- Should the development not be liable for CIL then contributions would be required for off-site open space, off-site children's play and off-site playing pitch facilities.

ADC ENVIRONMENTAL HEALTH - no response but comments received to BR/129/21/OUT requested conditions to secure a Construction Environmental Management Plan & Electric Vehicle charging and to control hours of working conditions. Also requested consideration of air quality issues.

ADC TREE OFFICER - no response however comments received to to BR/190/20/OUT raised an objection on the grounds that no supporting arboricultural information had been submitted.

COUNCILS ECOLOGIST - previous comments from BR/129/21/OUT stated no objection subject to further bat surveys being undertaken and conditions to secure bat friendly lighting, bat bricks, bird boxes, no works to trees/hedges during the bird breeding season and biodiversity net gain. The additional bat surveys were undertaken in August 2021, were previously accepted post planning committee and have been submitted with this application. The Councils current ecologist states no objection subject to an appropriate assessment and conditions to secure a construction environmental management plan, secure the various mitigation measures, secure a biodiversity enhancement layout and control lighting.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted except where discussed below.

NATURAL ENGLAND - an Appropriate Assessment was previously prepared in respect of BR/129/21/OUT. Natural England considered it and responded to state that provided that the Pagham Harbour contribution is secured via a legal agreement, then the appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Sites for the duration of the proposed development. A copy of the Appropriate Assessment is on the website files for BR/129/21/OUT. There is no need to reconsider the appropriate assessment as there has been no material change in the scheme or circumstances since the previous decision.

WSSC HIGHWAYS - conditions will be imposed to ensure the reserved matters submission is accompanied by a Lambeth based Parking Capacity Survey, details of swept path tracking plans to demonstrate that cars can turn on site, details of car/cycle parking and an appropriate width of access to allow two cars to pass. It is not currently appropriate to consider the impact of loss of on-street parking on amenity grounds as the application is in outline with no details on number of dwellings or access arrangements.

ADC LANDSCAPE OFFICER - as the development results in a maximum net gain of 9 dwellings, in accordance with the Councils Open Space SPD, the only off-site contribution requirement is for open space. Off-site play/playing field contributions only apply to schemes of 10 or more (net) dwellings.

ADC TREE OFFICER - as this application is outline with all matters reserved, it is not possible to consider the impact on trees at this time. A condition will be imposed to ensure that the Reserved Matters application is accompanied by sufficient supporting arboricultural information.

COUNCILS ECOLOGIST - the conditions imposed on BR/129/21/OUT have been reused but updated to reflect additional comments by the current ecologist.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
 Within 5km of Pagham Harbour Special Protection Area/SSSI;
 Within 2km of Bognor Reef SSSI;
 Within 2km of Felpham SSSI; and
 PD Restriction.

DEVELOPMENT PLAN POLICIES

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

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
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HERSP1	HER SP1 The Historic Environment
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
INFSP1	INF SP1 Infrastructure provision and implementation
TSP1	T SP1 Transport and Development
TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

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
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

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

Bognor Regis Neighbourhood Development Plan policy 1 is relevant to his outline application and is considered in this report. Policy 8b (as referred to by the Town Council objection) relates to parking and so is not relevant at this time.

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 principle of a residential redevelopment of this urban site with up to 10 dwellings is in accordance with the development plan and will not have any significant adverse effects on heritage, biodiversity, drainage or climate change.

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

CONCLUSIONS

PRINCIPLE:

The site lies in the built-up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) provided it accords with other policies of the development plan covering such issues as heritage assets, drainage, biodiversity, climate change and infrastructure.

ALP policies D DM1 and D SP1 seek to ensure that developments make an efficient use of land whilst preserving or improving upon local character. The Arun Design Guide states density should be appropriate to location, balancing the need for efficient use of land with a design that responds to and enhances the existing character of the site or wider locality. In general, higher densities will be appropriate in town and village centres, along strategic routes, and around key movement intersections with good access to public transport and facilities.

Layout is a reserved matter and as the applicant proposed up to 10 dwellings, there is no need to ensure at this time that the full amount of 10 dwellings can be accommodated in the site whilst meeting all other policies. Instead, these considerations will be undertaken on a future reserved matters application. Whilst such a scale of development would likely have an adverse impact on local character, the same outline would allow for a smaller form of development which could be accommodated with minimal impact and so it is not appropriate to consider this at the current time.

The NPPF seeks to promote the effective use of all land (para 119) and gives weight to proposals that develop under-utilised land (para 120d). However, this is not to be at the expense of local character.

HERITAGE:

According to historical maps, the building dates to the 1930's. It has not been formally designated by the Council as a Building or Structure of Character (BSC) but is noted by local residents as being an attractive old building. As such it could be considered as a non-designated heritage asset.

The National Planning Practice Guidance states that local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications and that irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence. In this case, the evidence is the age of the building.

ALP policy HER SP1 states that development likely to prejudice Non-Designated Heritage Assets and their settings will be refused. Bognor Regis Neighbourhood Development Plan (BRNDP) policy 1 states that proposals must identify the significance of any affected heritage asset and assess any harm and benefit.

The NPPF sets out several steps that must be followed when considering impact on heritage assets. Para 189 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. The applicant has not provided any specific statement to address this, but the Design & Access Statement does state that the dwelling is typical of the kind of residential house built in the 1930's with traditional features such as cat-slide roof, leaded windows, brick ground floor, rendered first floor, exposed fake timber panels and a terracotta pantile roof.

Para 197 advises that harm to non-designated heritage assets should be subject to a balanced

judgement having regard to the scale of any harm/loss and the significance of the heritage asset. The loss of an attractive building would be unfortunate however beyond it being from the 1930's, it has no real heritage value and demolition would facilitate new housing development with associated benefits to the local community and a contribution to the current housing land supply shortfall. On this basis, it is acceptable to allow demolition and there is no conflict with ALP policy HER SP1 or BRNDP policy 1.

BIODIVERSITY:

ALP policy ENV DM5 requires that proposals achieve a net gain in biodiversity and protect existing habitats on site. Proposals shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitat. Paragraph 175 of the NPPF states that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then permission should be refused.

The proposal results in the demolition of the house and detached garage plus the development of the gardens. Anecdotal evidence from local residents reports bats, slow worms and bird species are active in the area. The application is accompanied by a Preliminary Ecological Appraisal (PEA) including a Preliminary Roost Survey and additional Bat emergence surveys.

The bird roost potential of the house is acceptable provided that the dwelling is demolished outside of the bird breeding season (or is checked by an ecologist prior to demolition) and this will be secured by a condition. The Bat emergence surveys concluded that bats were not roosting in property and so no licence is required for the demolition. Mitigation and enhancement measures will be secured by condition. The PEA states hedgehogs may be active in the gardens but that there is no suitable habitat for reptiles and there is no reason to doubt this assessment given the qualifications of the consultant.

The application proposes no firm details of biodiversity net gain however this is acceptable on the basis of the application being in outline with no detailed proposals. Conditions will be imposed requiring the reserved matters scheme include full details of biodiversity enhancements reflecting the recommendations of the report as well as comments of the Councils ecologist from the previous applications. On this basis there is no conflict with ALP policy ENV DM5.

SURFACE WATER DRAINAGE:

The site is not affected by any flooding from rivers/sea. ALP policy W DM3 requires that all development 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. The application states surface water drainage will be disposed of to soakaways or SuDS but no details are given as the application is in outline.

The Council's drainage engineer did not object and considers either infiltration & permeable paving could be used or, with agreement from Southern Water, discharge to a public sewer. Conditions are recommended and the engineer states these will ensure the development will be adequately drained and will not increase flood risk elsewhere. As there are no objections to the principle of drainage, there is no conflict with the relevant policy.

FOUL DRAINAGE:

ALP policy W DM1 states all major developments must demonstrate adequate foul drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there is a requirement that facilities are upgraded prior to the completion and occupation of development.

Although this proposal is for up to 10 dwellings, so is correctly classified as a major application, given the presence of the existing house, the net number of dwellings is up to 9 and on that basis, it would not be a requirement to demonstrate foul drainage capacity.

The application does not specify how foul sewage will be disposed of, but it is likely that this will be to a Southern Water sewer as per the existing house. This would be an acceptable arrangement and there is no conflict with the relevant policy.

INFRASTRUCTURE:

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. With the introduction of the council's Community Infrastructure Levy (CIL), it is no longer possible to secure financial contributions for off-site projects through a s106 unless the CIL charging schedule does not cover the type of development proposed.

This development is liable for the CIL, but it is not possible to calculate this at outline stage due to there being no confirmation of the number of dwellings and their floor areas. Whilst new houses in this location would be subject to CIL, new flats are not - and it is appropriate to use s106 to collect infrastructure contributions for flatted developments.

The proposal is for up to 10 dwellings and so there is no certainty as to the number of dwellings that will be permitted. It is proposed that any s106 contributions (only relevant for new flats) be secured on the basis of a contribution per net new flat. This will ensure that the sum collected reflects the final mix of flats and houses. Any houses proposed will then be subject to CIL in the normal way.

With the net number of dwellings being only 9 (max) and as per the relevant policies (including the Council's Open Spaces SPD), there are no requirements for contributions to education, libraries, fire & rescue or for off-site public open space, playing pitches, sports or leisure facilities. It only a requirement to secure a contribution of £1730.30 for off-site play per net new flat alongside the Pagham Harbour contribution as discussed below. Overall, there is no conflict with ALP policies ENF SP1, OSR DM1 or the Open Space SPD.

PAGHAM HARBOUR:

ALP policy ENV DM2 requires residential developments in a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £871 per new unit was agreed by the Council's Cabinet on 10 April 2017. The site lies in the designated Zone B and the proposal results in a net increase of up to 9 dwellings. This would require a contribution of £871 per new dwelling to a maximum of £7,839. Subject to this being secured by a s106, there will be no conflict with policy ENV DM2.

SUMMARY:

This report concludes no harm in respect of principle, heritage, biodiversity, drainage or climate change and identifies no other policy conflicts. It is not appropriate to consider other matters raised by the objectors until the reserved matters stage. The approval of this application does not give agreement to the scheme presented by the illustrative plans.

The proposal meets the definition of sustainable development, is policy compliant and an approval would accord with para 11c of the NPPF which states that development proposals that accord with an up-to-date development plan should be approved without delay. The proposal is recommended for approval

subject to conditions and s106 agreement. The s106 has been drafted and is currently with the applicant (and their mortgage lender) for signing. It is unlikely that it will be completed before the date of the committee.

The recommendation is for the Planning Committee to delegate the decision to the Group Head of Planning in consultation with the Chair and Vice Chair with authority to grant the outline planning permissions subject to conditions and subject to the section 106 Agreement, the terms of which are substantially in accordance with those set out in this report with any minor amendments authorised by the Group Head of Planning.

Should the s106 not be completed within 2 months of the date of the Planning Committee's resolution to grant planning permission, then the application shall be refused for the following reasons:

(1) In the absence of a signed Section 106 agreement, the development makes no provision for contributions to off-site public open space and is thereby contrary to the aims and objectives of the National Planning Policy Framework, Arun Local Plan policies INF SP1, HWB SP1 & OSR DM1 and the Council's supplementary planning document "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020).

(2) In the absence of a signed Section 106 agreement, the application fails to make a financial contribution towards the cost of providing accessible natural open green spaces to mitigate the harm to the Pagham Harbour Special Protection Area and the proposal is therefore not in accordance with Arun Local Plan policies ENV DM1 and ENV DM2.

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.i

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.

SECTION 106 DETAILS

This decision will be subject to a s106 legal agreement to include the following obligations:

PAGHAM HARBOUR - a contribution of up to £7,839 (£871 per new dwelling) towards agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area.

PUBLIC OPEN SPACE & PLAY - a contribution of up to £15,572.70 (£1730.30 per net new flat) to be spent on off-site play equipment at Hotham Park, Bognor Regis.

CIL DETAILS

This application is not CIL Liable due to it being in Outline.

RECOMMENDATION

APPROVE WITH SECTION 106 AGREEMENT

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 2 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Access;
- (e) 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 4 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 No 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 work involving power tools or machinery 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 policy QE DM1 of the Arun Local Plan.

4 The demolition of the house and garage should be carried out between September and January inclusive to avoid impacting on breeding birds. If demolition during the breeding season is unavoidable, the buildings shall be first checked before work commences by a suitably qualified ecologist to identify active birds' nests. Should any nests be present, the nest and a suitable buffer around it, must be retained until it has been confirmed by an ecologist that the young have left the nest or that the nest is no longer active.

Reason: To mitigate harm to breeding bird in accordance with Arun Local Plan policy ENV

DM5 and the NPPF.

- 5 No development shall commence until a Construction Environmental 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) An indicative programme for carrying out of the works;
 - b) Details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works;
 - c) Measures to minimise the noise (including vibration) generated by the construction process to include proposed methods of piling for foundations, the careful selection of plant & machinery and use of noise mitigation barrier(s);
 - d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
 - e) The parking of vehicles of site operatives and visitors;
 - f) Loading, unloading and storage of plant & materials, including permitted times for deliveries;
 - g) The erection and maintenance of security hoarding, where appropriate;
 - h) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway;
 - i) Measures to control the emission of dust and dirt during construction;
 - j) A scheme for recycling/disposing of waste resulting from demolition and construction works i.e. no on-site burning permitted;
 - l) The storage and safe disposal of any chemicals or pollutants used or created by the development.

The Construction & Environmental Management Plan shall also include reference that during construction, any trenches deeper than 1.0m, or drainage pipework greater than 200mm diameter, shall be covered or capped overnight or a means of escape made available to prevent animals from becoming trapped. In addition, excavations should be checked each morning for the presence of any mammals or other species. Any hazardous chemicals need to be suitably stored away so animals cannot access them.

The approved Plan shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To protect the amenity of local residents and local wildlife in accordance with policies ENV DM5 and QE SP1 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 6 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.

- 7 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.

- 8 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. 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.

- 9 Prior to the commencement of development a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building 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.

- 10 The development shall be carried out in complete accordance with the recommendations of the "Preliminary Ecological Appraisal and Preliminary Roosts Assessment Survey" (29 March 2021) and the "Bat Emergency and Re-entry Surveys" (16 August 2021) both by Arbtech. The Reserved Matters submission shall then include a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within these documents:

- Bat bricks/tiles integrated into the buildings facing south/south westerly and positioned 3-5m above ground;
- Sufficient Swift boxes for 6 pairs of birds to be installed on the buildings and/or trees within

the garden;

- Log piles on the site;
- Gaps included in the bottom of fences to allow movement of small mammals across the site;
- Two hedgehog nesting boxes included on the site;
- Full details of lighting proposals in accordance with the recommendations of the Survey report.

This may also necessitate the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy ENV DM5 of Arun Local Plan and the NPPF.

- 11 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 are to be removed. These required details are to include a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule', a 'Tree Constraints Plan', and in the event that a root protection area of any tree which is proposed for retention overlaps the development, then an 'Arboricultural Method Statement' and a 'Tree Protection Plan'. 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.

- 12 The landscape scheme required by and referred to in condition 1 shall incorporate the following biodiversity improvements
- additional planting benefitting invertebrates and bats including both day & night flowering species;
 - any trees removed should be replaced at a ratio of 2:1 with new native species;
 - the use of wildflower meadow planting;
 - filling in any gaps in tree lines or hedgerows with new native species;
 - management of grassland areas to benefit reptiles.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 13 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 2030, 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 NPPF.

- 14 The layout and access details referred to in condition 1 shall include the following supporting

information:

- Swept Path drawings to demonstrate that a car can turn on the site.
- Sufficient access road width to ensure that two cars can pass each other; and
- Full details of the access, car & bicycle parking.

Reason: In accordance with Arun Local Plan policy T SP1 and the NPPF.

- 15 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.

- 16 A lighting design scheme for biodiversity as recommended in the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (ArbTech, March 2021) and Bat Emergence and Re-entry Surveys (ArbTech, August 2021) shall be submitted to and approved in writing prior to occupation of any of the approved dwellings by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) in line with Policy ENV DM5 of the Arun Local Plan and the NPPF.

- 17 If any residential properties are to be completed and occupied prior to the whole development being finished, then a scheme to protect those early occupants from noise and vibration associated with construction activities should be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in full and retained throughout the rest of the construction process.

Reason: To protect the amenity of future residents in accordance with Policy QE DM1 of the Arun Local Plan.

18 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 and in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

19 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 NPPF.

20 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 event plus 40% on stored volumes/rainfall intensity (allowance for climate change) 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 storm event plus 40% on stored volumes/rainfall intensity. 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/drainage-planning-consultations>. A surface water drainage checklist is available on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

21 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.

22 INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>, this clearly sets out our requirements for discharging this condition

23 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:- <https://beta.southernwater.co.uk/infrastructurecharges>.

24 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the following obligations:

PAGHAM HARBOUR - a contribution of up to £7,839 towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area.

PUBLIC OPEN SPACE & PLAY - a contribution of up to £15,572.70 (£1730.30 per new dwelling) to be spent on off-site play equipment at Hotham Park in Bognor Regis.

- 25 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 04/04/22) as available on the Councils website.
- 26 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.
- 27 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 28 INFORMATIVE: This application may be liable for CIL in accordance with the Councils CIL Charging Schedule available to view at: <https://www.arun.gov.uk/cil>.
- 29 INFORMATIVE: The applicant should be aware that a Natural England Protected Species License may be required for the demolition works, and this will need to be obtained prior to any works taking place.
- 30 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. For further information please contact the Environmental Health Department on (01903) 737555

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)

BR/70/22/OUT - Indicative Location Plan (Do not Scale or Copy)
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PLANNING APPLICATION REPORT

REF NO: BR/85/22/PL

LOCATION: Public Conveniences
Bedford Street
Bognor Regis

PROPOSAL: Internal reconfiguration of existing public conveniences with associated changes to the entrance and removal of part of roof, This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks internal reconfigurations of the toilet block and some external alterations to the entrance and the design of the roof.
TREES	None affected by the development.
BOUNDARY TREATMENT	The building has no boundary treatment, fronting Bedford Street.
SITE CHARACTERISTICS	The site is occupied by a single storey detached building that serves as public toilets. It is to the east of a supermarket (Morrisons).
CHARACTER OF LOCALITY	The area is mixed in use featuring both residential and commercial uses.

REPRESENTATIONS

Bognor Town Council - No objection.

5 representations from nearby occupiers with three noting objections.

- Much better to have fewer toilets that open to the street and were larger to accommodate buggies, children, wheelchairs.
- Will replacement toilets be constructed?
- Does this plan take into account peoples (both female & male) right to privacy and safety.
- It would be unsafe to have unisex toilets.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The toilets will not be removed, just reconfigured.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary
Town Centre Retail Boundary
Economic Growth Area
Pagham Harbour Zone B

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)

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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 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 revised Bognor Regis Neighbourhood Development Plan was made on 11/11/2015 although none of the policies are relevant to this proposal.

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 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.

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

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

CONCLUSIONS

PRINCIPLE

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

Bognor Regis has a made Neighbourhood Plan although none of the policies are relevant to this application.

DESIGN AND VISUAL AMENITY

The proposal retains the footprint of the building with external and internal reconfigurations including opening up the entrance to form one large in/out access and blocking up individual male/female entrance doors. Internally the cubicles will be replaced and the building will form a unisex unit opening to a wide central communal area. Basins and dryers would be contained in each cubicle.

The site is one of the councils most well used public conveniences. They are subject to frequent anti-social behaviour, including drug dealing in the closed communal area. The design is proposed to help combat this anti-social behaviour. Existing closed communal areas in the toilets are out of sight and anti-social behaviour is less likely to occur by having a visible communal area with closed cubicles.

The entrance to the southern (front) elevation will be enlarged and the individual entrances blocked up with lockable gates, similar to the existing.

The central communal area does not have a roof above and instead has an open section which runs the length of the building.

The scheme will provide 2 accessible access toilets with baby change, one more than currently, supporting the needs of the wider community. A further two of the cubicles would have baby change facilities.

The alterations will have a modest impact on the external appearance of the building, with changes predominately internal. The infill to the doors will be in materials to match the building and is in character with development on site.

The Arun Design Guide encourages development that 'responds to the existing scale and massing of the surrounding built environment, emulating this scale in the majority of cases' and 'Responds to the existing landscape by considering orientation, key views and natural features'. The proposal complies with this maintaining the existing scale, in keeping with the area and with the entrance to the south, its orientation fronts the public realm.

With changes to the external appearance minor in nature, the development will not have an adverse impact on the appearance of the building or the surrounding area in compliance with D DM1 and D DM4 of the Arun Local Plan and the Arun Design Guide.

RESIDENTIAL AMENITY

No neighbouring dwellings will be significantly affected by the proposal. To the rear of the site is Crescent Road. The building will retain its existing dimensions and would have the same visual appearance from the rear of the site as it does currently with no changes to this elevation.

The internal alterations and changes to the entrance would not result in an increased level of noise and disturbance additional to that which are currently achieved.

Given the scale of the building will not change, the development would not have a significant impact on neighbouring residential amenity in terms of overbearing, overshadowing or overlooking in accordance with D DM1 and D DM4 of the Arun Local Plan.

SUMMARY

The policies most relevant to the determination of the application are not out of date and therefore paragraph 11(c) of the NPPF applies.

The development complies with relevant development plan policies and is recommended for approval subject to 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 positive impact on the protected characteristics of age, disability and maternity.

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 - 1008/05
- Existing and Proposed Floor Plans - 1008/01 Rev D
- Proposed Elevations - 1008/03 Rev A
- Existing and Proposed Roof Plan - 1008/04 Rev A
- Section through proposed parapet - 1008/09

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 materials used to infill the entrances to the southern elevation shall match in colour and texture to those of the existing building.

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

4 **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](#).

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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

<p>A/110/21/PL <i>Original Decision</i> = Refused <i>Received:</i> 21-02-22</p>	<p>BMW House Chandlers Garage Ltd Water Lane Angmering <i>Decision Level</i> = Delegated</p> <p>Erection of retirement apartment with 20 No. 1 Bed flats & 13 No.2 Bed flats with communal facilities & car parking, erection of a retail store with car parking & associated highway works. This application affect the character & appearance of the Angmering Conservation area, affects the setting of listed buildings and is in CIL Zone 2 (Zero Rated) as other development.</p> <p style="text-align: right;"><i>Public Inquiry</i> 07-06-22</p> <p>PINS Ref: APP/C3810/W/22/3292333</p> <hr/>
<p>A/112/21/PL <i>Original Decision</i> = Refused <i>Received:</i> 20-05-22</p>	<p>Pound Place Roundstone Lane Angmering <i>Decision Level</i> = Delegated</p> <p>Application for the removal of Condition 14 following grant of A/3/21/PL relating to the provision of a footpath along the site frontage with Roundstone Lane.</p> <p style="text-align: center;"><i>Written Representations</i></p> <p>PINS Ref: APP/C3810/W/22/3293621</p> <hr/>
<p>A/129/21/PL <i>Original Decision</i> = Refused <i>Received:</i> 25-05-22</p>	<p>Rustington Golf Centre Golfers Lane Angmering <i>Decision Level</i> = Delegated</p> <p>Erection of 191 new homes in a mix of 1 to 4 bedroom dwellings and 1 bedroom apartments, with associated landscaping, parking, open space, play areas, construction of a new access from Golfers Lane, and all other associated works. This application is a Departure from the Development Plan & is in CIL Zone 3 and is CIL Liable as new dwellings.</p> <p style="text-align: center;"><i>Public Inquiry</i></p> <p>PINS Ref: APP/C3810/W/22/3298192</p> <hr/>
<p>A/168/21/PL <i>Original Decision</i> = Refused <i>Received:</i> 01-04-22</p>	<p>Land South Of Littlehampton Road and East of Worthing Road Angmering <i>Decision Level</i> = Delegated</p> <p>Erection of 76 No. dwellings, means of access, public open space, play areas, associated infrastructure & landscaping. This application is a Departure from the Development plan, is in CIL Zone 5 and is CIL Liable as new dwellings & affects a Public Right of Way.</p> <p style="text-align: right;"><i>Public Inquiry</i> 04-07-22</p> <p>PINS Ref: APP/C3810/W/22/3295115</p> <hr/>
<p>AB/130/21/HH <i>Original Decision</i> = Refused <i>Received:</i> 29-03-22</p>	<p>55 Fitzalan Road Arundel <i>Decision Level</i> = Delegated</p> <p>Erection of single storey rear extension. First floor front and rear facing dormer. Porch to front.</p>

**Written
Representations**

PINS Ref: APP/C3810/D/22/3294699

AW/131/19/T

Original Decision = Refused

Received: 12-07-19

12 Hunters Close Aldwick Bay Estate Aldwick

Decision Level = Delegated

Reduce height by 8m to 1 No. Lombardy Poplar tree.

**Written
Representations**

PINS Ref: APP/TPO/C3810/7494

AW/30/21/T

Original Decision = Refused

Received: 31-10-21

55 Christchurch Crescent Aldwick

Decision Level = Delegated

3 No. Corsican Pine trees - Crown reduction to height approx. 13.5m and spread 10.5m and Crown lift to 3m

**Written
Representations**

PINS Ref: APP/TPO/C3810/8499

BR/347/19/T

Original Decision = Refused

Received: 20-03-20

4 Pinewood Gardens Bognor Regis

Decision Level = Delegated

Fell 1 No. Liquid Amber tree.

Informal Hearing

PINS Ref: APP/TPO/C3810/7809

BR/93/21/PL

Original Decision = Refused

Received: 16-03-22

22 Neville Road Bognor Regis

Decision Level = Delegated

Erection of a single storey one bed dwelling house with private amenity space, car parking space and refuse / recycling store

**Written
Representations**

PINS Ref: APP/C3810/W/21/3287276

EP/125/21/PL

Original Decision = Refused

Received: 03-05-22

22 Vermont Drive East Preston

Decision Level = Delegated

Demolition of existing single storey projection on host dwelling, removal of swimming pool and erection of 1 No. detached 1 1/2 storey self-build dwelling with detached garage building on existing garden land. This application is in CIL Zone 4 and is CIL liable as new dwelling.

**Written
Representations**

PINS Ref: APP/C3810/W/22/3292613

FG/142/21/PL

Original Decision = Refused

Received: 09-05-22

Land North of Highdown Vineyard (Formerly McIntyre Nursery)
Littlehampton Road Ferring

Decision Level = Delegated

Change of Use of the land for the storage of building materials; 2 no.

proposed storage containers and 2.4m high Pallisade or Paladin fencing (coloured green) to perimeter with access gates. This application is a Departure from the Development Plan.

***Written
Representations***

PINS Ref: APP/C3810/W/22/3290113

FG/163/21/PL

Original Decision = Refused

Received: 20-05-22

The Chalet Littlehampton Road Ferring

Decision Level = Committee

Development comprising of marine workshop & boatyard, martial arts gym (Class E) & storage container compound (Class B8) to replace former glasshouses. This site is a Departure from the Development Plan & is in CIL Zone 3 (Zero Rated) as other development.

***Written
Representations***

PINS Ref: APP/C3810/W/22/3290960

FG/92/20/T

Original Decision = Refused

Received: 26-04-21

3 Lavender Court Ferringham Lane Ferring

Decision Level = Delegated

Fell 1 No. Himalayan Cedar

Informal Hearing

PINS Ref: APP/TPO/C3810/8172

FP/32/21/PL

Original Decision = Refused

Received: 02-03-22

Land adjacent to 10 Second Avenue Felpham

Decision Level = Delegated

Two storey, 4 Bed detached dwelling with new access & parking. This site is in CIL Zone 4 & is CIL Liable as new dwelling.

***Written
Representations***

PINS Ref: APP/C3810/W/21/3284860

LU/257/20/HH

Original Decision = Refused

Received: 14-01-21

2 Meadow Way Littlehampton

Decision Level = Delegated

Two storey brick side extension under tiled roof

***Written
Representations***

PINS Ref: APP/C3810/D/20/3264683

LU/76/21/PL

Original Decision =
ApproveConditionally

Received: 11-02-22

71 Beach Road Littlehampton

Decision Level = Delegated

Sub division of dwelling into 3 No. 2 bed flats. This application may affect the setting of a listed building & is in CIL Zone 4 (Zero Rated) as flats.

***Written
Representations***

PINS Ref: APP/Y3805/W/21/3282362

P/137/21/PL
Original Decision = Refused
Received: 15-03-22

Land at the rear of 69 The Causeway Pagham

Decision Level = Delegated

Change of use from public amenity land to private residential garden together with boundary works. This site is in CIL Zone 4 (Zero Rated) as other development.

***Written
Representations***

PINS Ref: APP/C3810/W/21/3289261

P/141/21/PL
Original Decision = Refused
Received: 15-03-22

Land at the Rear 71 The Causeway Pagham

Decision Level = Delegated

Change of use from public amenity to private residential garden together with boundary works. This site is in CIL Zone 4 (Zero Rated) as other development.

***Written
Representations***

PINS Ref: APP/C3810/W/21/3289260

WA/32/21/PL
Original Decision = Refused
Received: 20-05-22

Land at West Walberton Lane Walberton

Decision Level = Delegated

Construction of 30 No. dwellings together with associated access, parking, public open space & landscaping. This site may affect the setting of listed buildings, affects the character & appearance of the Walberton Green Conservation Area, is a Departure from the Development Plan & is in CIL Zone 3 & is CIL Liable as new dwellings.

***Written
Representations***

PINS Ref: APP/C3810/W/22/3291254

WA/68/20/OUT
Original Decision = Refused
Received: 02-12-21

Land west of Tye Lane Walberton

Decision Level = Delegated

Outline application with all matters reserved, other than means of access, for the construction of up to 155 No. dwellings (30% affordable homes) & amendment to boundary of garden land to serve adjoining property. This application affects the character & appearance of the Walberton Village Conservation Area, may affect the setting of listed buildings & is a Departure from the Development Plan.

Informal Hearing **13-04-22**

PINS Ref: APP/C3810/W/21/3278130

Y/71/21/OUT
Original Decision = Refused
Received: 31-03-22

Land At Little Meadow And East Of Bilsham Road Yapton

Decision Level = Delegated

Outline application with access for up to 73 No. new dwellings (but retaining Oak Trees & Little Meadow dwellings), 405 sqm of new light industrial buildings as part of an enlarged employment site & Public Open Space. The existing junction of Grevatts Lane West & Bilsham Road will be closed & Grevatts Lane West diverted to a new access point to the South. This application may affect the setting of Grade II

Listed Buildings & is a Departure from the Development Plan.

Informal Hearing **12-05-22**

PINS Ref: APP/C3810/W/22/3293935

ENF/248/21

Maidenhead Aquatics (inc The Arundel Gardener) Former Bairds Farm shop
Crookthorne Lane A259 Climping

Received:

Written Representations

PINS Ref: APP/C3810/C/21/3287807

ENF/248/21

Maidenhead Aquatics (inc The Arundel Gardener) Former Bairds Farm shop
Crookthorne Lane A259 Climping

Received:

Written Representations

PINS Ref: APP/C3810/C/22/3296912

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