



# Public Document Pack

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Committee Manager Andrew Bishop

12 July 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 20 July 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. 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.
3. 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](mailto: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](http://www.arun.gov.uk/planning)**

## **A G E N D A**

### **1. APOLOGIES FOR ABSENCE**

### **2. DECLARATIONS OF INTEREST**

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

Members and officer should make their declaration by stating:

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

### **3. VOTING PROCEDURES**

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

### **4. MINUTES**

(Pages 1 - 8)

To approve as a correct record the Minutes of the meeting held on 22 June 2022.

### **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. A/256/21/RES LAND AT WATER LANE, ANGMERING**

(Pages 9 - 30)

#### **7. AL/34/22/PL LAND AT WINGS NURSERY, LISDEY ROAD, WOODGATE PO20 3SU**

(Pages 31 - 54)

#### **8. AW/84/22/PL LAND TO THE NORTH OF 276 ALDWICK ROAD, BOGNOR REGIS PO21 3QH**

(Pages 55 - 68)

9. **BR/61/22/PL 20 NYEWOOD LANE, BOGNOR REGIS PO21 2QB** (Pages 69 - 78)
10. **EP/55/22/PL 4 BEECHLANDS COTTAGE, BEECHLANDS CLOSE, EAST PRESTON BN16 1JT** (Pages 79 - 84)
11. **FG/58/22/PL 4 THE PANTILES, FERRINGHAM LANE, FERRING BN12 5NE** (Pages 85 - 92)
12. **K/12/22/HH MEADOW HOUSE, KINGSTON LANE, KINGSTON BN16 1RS** (Pages 93 - 100)
13. **LU/382/21/PL 71 HIGH STREET, LITTLEHAMPTON BN17 5AE** (Pages 101 - 116)
14. **M/29/22/HH OAKWOOD, 102 MIDDLETON ROAD, MIDDLETON ON SEA PO22 6DL** (Pages 117 - 124)
15. **DEVELOPMENT MANAGEMENT ADVICE NOTE JULY 2022** (Pages 125 - 130)

## **PLANNING APPEALS**

16. **APPEALS** (Pages 131 - 136)

## **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.

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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 COMMITTEE

22 June 2022 at 2.00 pm

Present: Councillors Blanchard-Cooper, Bower, Chace, Clayden (Substitute for Edwards), Haywood, Kelly, Lury, Oliver-Redgate (Substitute for Chapman), Thurston and Tilbrook

Apologies: Councillors Chapman, Edwards and Goodheart

### 74. ELECTION OF THE CHAIR

The Committee Manager opened the meeting and explained that the Chair and Vice-Chair had both given their apologies for the meeting. The Committee's first acts therefore must be the election of a Chair and Vice-Chair for this meeting only as per Section 2 Part 5 3.1 of the Constitution.

Councillor Bower was proposed and seconded as Chair.

The Committee

RESOLVED

That Councillor Bower be Chair of this meeting.

### 75. ELECTION OF THE VICE-CHAIR

Councillor Lury was proposed and seconded as Vice-Chair.

The Committee

RESOLVED

That Councillor Lury be Vice-Chair of this meeting.

### 76. DECLARATIONS OF INTEREST

Councillor Haywood declared a Personal Interest in Agenda Item 8 [LU/93/22/PL] as she lived in a Listed Building.

### 77. MINUTES

The Minutes of the previous meetings held on 27 April 2022, 28 April 2022 and 25 May 2022 were approved by the Committee and signed by the Chair.

Planning Committee - 22.06.22

78. 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

The Chair confirmed that there were no urgent items to consider at this meeting.

79. P/22/22/PL - LAND WEST OF HOOK LANE, PAGHAM PO21 3PB

2 Public Speakers

Sam Sykes – Agent

Cllr David Huntley – Arun District Council Ward Member

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

The Strategic Development Team Leader presented the report with updates. This was followed by 2 Public Speakers.

The recommendations were then proposed and seconded.

The Committee

RESOLVED

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

80. LU/85/22/PL - 38-40 HIGH STREET, LITTLEHAMPTON BN17 5ED

1 Public Speaker

Luke Austin – Agent

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 from 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.

The Planning Area Team Leader presented the report. This was followed by 1 Public Speaker.

Members then took part in a full debate on the application where a number of points were raised and responded to by Officers, including:

- the need for care and updating to the front windows and shopfront sign
- clarification over the permissions for change of use for other units on the site

The recommendations were then proposed and seconded.

The Committee

#### RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report subject to the conditions as detailed.

81. LU/93/22/PL - NIGHTINGALE NURSING HOME, 43 BEACH ROAD, LITTLEHAMPTON BN17 5JG

*[Councillor Haywood re-declared her Personal Interest made at the beginning of the meeting. Councillor Clayden declared a Personal Interest as the Director of a charity based in a property in close proximity to the application site.]*

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

The Planning Area Team Leader presented the report.

Members then took part in a full debate on the application where a number of points were raised and responded to by Officers, including:

- concern raised for the lack of weight given to the comments of the Conservation Officer and the Arun Design Guide's direction for 'buildings of character'
- the need for a more sympathetic replacement
- concern that approval would make PVCu windows acceptable throughout the Littlehampton area of character
- the prohibitive cost of wooden replacement windows, especially for particular types of organisations (charities, for example)
- the replacement double glazing's impact on carbon reduction due to improvements in energy retention and insulation
- support for the application as it was not out of keeping with the area and would improve the look of it
- the variety of windows in neighbouring properties

Planning Committee - 22.06.22

The Planning Area Team Leader clarified that the building was a 'Locally Listed Building' rather than a 'Listed Building' and the distinction meant the protections given to it were considerably fewer. He also clarified that an 'Area of Character' did not hold the same weight as a 'Conservation Area'. The Group Head of Planning confirmed that this course of action would not require planning permission under Permitted Development if it were a single dwelling rather than a block of flats.

The recommendations were then proposed and seconded.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report subject to the conditions as detailed.

82. LU/112/22/PL - 135A WICK STREET, LITTLEHAMPTON BN17 7JY

1 Public Speaker

Kathleen Magee – Objector

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

The Planning Officer presented the report with updates. This was followed by 1 Public Speaker.

Members then took part in a full debate on the application where a number of points were raised and responded to by Officers, including:

- the extension's protrusion and its impact to the street scene
- the loss of light to neighbouring properties
- the material being used for the staircase and whether an alternative could be found, and added to the conditions, to reduce noise
- clarification of the drainage issues and the impact to neighbouring properties

Cllr Blanchard-Cooper proposed that a condition be added that Officers oversee the materials used for the staircase to minimise noise disruption to neighbouring properties. This was seconded by Cllr Thurston and, after a vote, was CARRIED and thereafter formed part of the substantive conditions of the application.

The substantive recommendations were then proposed and seconded.



The Committee

RESOLVED

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

83. FG/57/22/PL - 12 LITTLE PADDOCKS, FERRING BN12 5NJ

1 Public Speaker

Christine Dickens – Objector

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

The Planning Area Team Leader presented the report. This was followed by 1 Public Speaker.

Members then took part in a full debate on the application where a number of points were raised and responded to by Officers, including:

- diversity of the housing stock in the area
- the restrictive covenants on the land

The Planning Solicitor confirmed that any restrictive covenants on the land were a private matter for the land's shareholders to pursue and were separate to the consideration of the planning application before the Committee as the Local Planning Authority, and as such any planning permission would still need to seek the approval of any local bylaws before commencement.

The recommendations were then proposed and seconded.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report subject to the conditions as detailed.

84. CM/14/22/PL - LAND ADJACENT TO CHURCH FARM BARN, HORSEMERE GREEN LANE, CLIMPING, BN17 5QZ

1 Public Speaker

Colin Humphris – Clymping Parish Council

Planning Committee - 22.06.22

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.

The Planning Area Team Leader presented the report. This was followed by 1 Public Speaker.

Members then took part in a full debate on the application where a number of points were raised and responded to by Officers, including:

- whether the field was to remain grassed or if another surface was to be added, and concern if it was to be covered
- the proximity to cottages and listed buildings
- clarification over the nature of the 'storage' use on the site
- concern for the short-term 5-year assurances regarding the landscaping
- concern for the business signage that may follow this change of use [The Group Head of Planning confirmed that this would have to be applied for as a separate application.]

The recommendations were then proposed and seconded.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report subject to the conditions as detailed.

85. BR/70/22/OUT - 26 BURNHAM AVENUE, BOGNOR REGIS PO21 2JU

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).

The Principal Planning Officer presented the report.

Members then took part in a full debate on the application where concern for the impact on the character of the road was raised.

The recommendations were then proposed and seconded.

The Committee

RESOLVED

That delegated authority be granted to the Group Head of Planning (in consultation with the Chair and Vice-Chair of Planning Committee) to:

1. Approve the outline planning permission subject to conditions; AND
2. Subject to a Section 106 Agreement, the terms of which were substantially in accordance with those set out in the report with any minor amendments being authorised by the Group Head of Planning

Should the Section 106 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:

- a) 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).
- b) 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.

86. BR/85/22/PL - PUBLIC CONVENIENCES, BEDFORD STREET, BOGNOR REGIS

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.

The Planning Officer presented the report.

A number of Members spoke in support of the application and were pleased to see that the site was to remain as public toilets and receive an upgrade. The issue of anti-social behaviour which the site previously suffered from was also raised.

The recommendations were then proposed and seconded.

Planning Committee - 22.06.22

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report subject to the conditions as detailed.

87. APPEALS

The Committee noted the Appeals list.

(The meeting concluded at 3.50 pm)

PLANNING APPLICATION REPORT

REF NO: A/256/21/RES

LOCATION: Land North of Water Lane  
Angmering

PROPOSAL: Approval of reserved matters following outline consent A/248/21/PL for the erection of 525 No residential dwellings with associated parking, landscape, play areas & public open space.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION The application seeks approval of reserved matters (layout, landscaping, scale and appearance) following the amendment of the original outline permission through Section 73 under reference A/248/21/PL.

SITE AREA 32.9 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 35 dwellings per hectare

TOPOGRAPHY The site is sloping in a series of terraces from north to south.

TREES There are a large number of trees on the site, including an avenue of mature trees leading up to the motor racing circuit; and individual trees in the existing hedgerows that bound the fields within the application site, and along the boundary with Dappers Lane. There is a tract of ancient woodland east of the application site, known as Groom's Copse.

BOUNDARY TREATMENT The site boundaries have hedgerows interspersed with trees.

The application site is bounded by Groom's Copse and farmland to the east; Dappers Lane, Broadlees Residential Care Home and commercial developments and housing estates to the west including sites subject to planning applications for housing developments at Greenways, Merry England Nursery, Crete Nurseries and the Laurels; Water Lane to the South; and the A27 to the north.

SITE CHARACTERISTICS The site comprises agricultural land in arable and livestock grazing use and a portion in the north east corner of the site accommodates a motor racing circuit.

CHARACTER OF LOCALITY The site is bounded to the north by the A27; to the south by Water Lane; and to the west by Dappers Lane with existing businesses and residential properties. The land to the south of Water Lane has outline planning permission and reserved matters approval for 175 dwellings with development of this site having commenced. There is further residential development to the south off Roundstone Lane in Angmering.

The area is rural in character with the South Downs National Park to the north of the site beyond the A27 and to the south east beyond the A280, including Highdown Hill.

<b>RELEVANT SITE HISTORY</b>
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A/248/21/PL	Variation of condition imposed under A/40/18/OUT relating to condition 4-approved plans.	Approve 29-04-22
A/40/18/OUT	Outline application with some matters reserved for the development of up to 525 residential dwellings (Class C3), 3 ha (gross) of employment land (Class B1), public open space, play areas, access, associated infrastructure and landscaping.	App Cond with S106 27-08-19

Outline planning permission with some matters reserved was granted under reference A/40/18/OUT for the development of up to 525 residential dwellings (Class C3), 3 ha (gross) of employment land (Class B1), public open space, play areas, access, associated infrastructure and landscaping.

This was subsequently amended through the approval of A/248/21/PL which varied the parameter plans to allow for an extension of the developed area into the northern park; a change in the density ranges and building heights within the developed area; and changed the shape of the employment parcel whilst remaining at 3ha in area.

<b>REPRESENTATIONS</b>
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Angmering Parish Council  
Objection

- The proposed reduction of the northern park will adversely impact upon the countryside and the South Downs National Park.
- Outline approval was for up to 525 houses, therefore if the development is too cramped, they should reduce numbers.
- The proposed apartment blocks are too high and as such conflict with the approved parameter plans.
- Assurances and construction details of pedestrian improvements on Dappers Lane should be secured prior to the commencement of development.
- The Parish Council agree with the objections from the Council's Drainage Engineer.

40 no. Letters of objection:

- No traffic should access to Dappers Lane from the proposed development.
- The bus access road must feature a physical barrier.
- The use of an automatic number plate recognition (ANPR) camera on the bus road is unacceptable.
- The Police do not have sufficient resources to prosecute those caught by the ANPR camera.
- Noise from the A27 is loud at all times of day.

The following comments were made which fall outside the scope of the considerations of this reserved matters application:

- It is disappointing that green field sites are proposed for development in this area.

- We have enough houses and not enough open space or trees.
- Angmering does not need more houses.
- Destruction and loss of natural habitat.
- Proposals will overwhelm existing infrastructure.
- Proposals will cause more flooding.
- Water Lane won't be able to cope with the number of vehicles associated with the development.
- Strong objection to the area of housing extending further to the north of the site due to the damage to the environment and wildlife habitats.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted. Angmering Parish Council have been consulted on the amended proposals but their comments are still awaited.

<b>CONSULTATIONS</b>
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**CONSULTATION RESPONSES RECEIVED:**

Sussex Police

- General comments provided in relation to secured by design.

Engineers (Drainage)

- Holding objection remains.
- An updated buffer plan should be provided which includes proposed drainage features.
- Still awaiting further details regarding potential connectivity to watercourses.
- No evidence concerning urban creep has been provided.
- Perpendicular basic sections have now been provided.
- Flotation calculations have not been provided.
- Will be necessary to review landscape plans when layout is more secure.

WSSC Flood Risk Management

- No comments.

WSSC Public Rights of Way

- Diversion of Footpath 2149 is shown as requiring diversion. This would be under Section 257.
- If the plan is for this route to be used by cyclists as well then, its legal status will need to be upgraded.
- Upgraded routes should be a minimum of 3m wide (ideally 4m where possible) and the surface should be agreed with WSSC before construction.

WSSC Public Rights of Way

- Developer has confirmed intention to upgrade legal status of footpath 2149 to a bridleway.
- The planned width is acceptable and materials confirmed.
- PRow features good visibility, tactile paving, dropped kerbs and tactile paving these measures are welcomed.

Archaeology

- Archaeological evaluation of this site and any subsequent mitigation measures will be secured via Condition 25 imposed on A/40/18/OUT.

WSSC Fire & Rescue

- Planning condition proposed to secure additional fire hydrants for the development.

- Evidence required that Fire Service vehicle access meets the requirements of Approved Document B.

#### Natural England

- No comments.

#### WSSC Highway Authority

- No objection is raised to the reserved matters application subject to conditions relating to phasing.
- A Stage 1 RSA has been undertaken on the proposed bus route through the site and all issues have been addressed.
- The bus gate is to be enforced via ANPR and controlled via a set of signals within the development to provide priority to inbound buses.
- Raised crossings with cyclist priority in line with LTN1/20 are to be provided.
- Bollards are to be provided in the transitions between cycleways and carriageways to restrict vehicular traffic.
- Amendments have been incorporated in the revised plans to ensure visibility splays are not significantly affected by proposed planting or travel through front gardens of dwellings.
- Vehicle tracking for refuse vehicles, fire tenders and buses has been provided and following some amendments to the layout is acceptable.
- The PROW through the central green has been widened to provide an alternative emergency access should the main spine road be obstructed.

#### National Highways

- Is satisfied that the proposals in this reserved matters application will not materially affect the safety, reliability and/or operation of the strategic road network in this location and its vicinity. Therefore, no objection is raised to the reserved matters application.

#### Southern Water

- No discharge of foul sewerage from the site shall be discharged into the public sewer until offsite drainage works to provide sufficient capacity within the foul network to cope with the additional flows are complete.

#### Greenspace

- Recommended general landscape support of the detail proposed. However, further specific detail needs to be submitted as above before approval of RM landscape details could be recommended.

#### South Downs National Park Authority

- Extension of the amended layout to the higher ground to the north, into the landscape buffer will affect the views from the SDNP to the south-east, looking across the site and back into the National Park, where this northern field is clearly visible and contributes to the rural character.
- We note that the overall ridge heights AOD (above Ordnance Datum level) are not intended to change, but this does not necessarily address the settlement core of Angmering in such views, albeit that the general principle of lower density housing to provide more of a rural edge to the site is welcomed.
- It is essential that the LPA secure visualisations in order to properly understand the impacts. These would also help understand the impacts of some of the more bulky flats to the southern end of the site, as well as the effectiveness of tree planting.
- The general principle of stronger green infrastructure, including habitat linkages and increased tree cover within the development is welcomed, as is a planted buffer from Grooms Copse Ancient Woodland.
- It is a pity that the thick copse to the north of the existing motor circuit would be lost and the opportunity should be taken to consider thicker planting to the northern boundary alongside the A27.
- The existing footpath through the site will be upgraded to 3m wide. This footpath links onto Dappers Lane which provides the best opportunity for access to the National Park for recreation by means other



than the car.

- The Lighting Impact Assessment and lighting proposals are for a scheme within ILP Zone 2, although we would point out that some additional/upgraded streetlighting on the approaches to the new A280 junctions may be within the SDNP, which in this area is a zone 1b transition zone.

South Downs National Park Authority

- The scheme proposed *Sorbus torminalis* please change to a species characteristic of this location.
- Use native species within the public realm.
- The boundary to the south of the A27 is understood to be proposed as native woodland, but the key shows it as amenity grass.
- It would be useful to understand what type of woodland is being created on the northern boundary.
- More street trees should be provided.
- Many of the boundaries look to be dominated by small-stature short lived trees. Consideration should be given to including some meaningful positive tree planting for the future, such as oaks.
- Any bunding alongside the A27 must be naturalistic in form and capable of supporting the proposed planting in this area.

Sport England

- The details submitted are satisfactory and no objection is raised.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

#### POLICY CONTEXT

Designation applicable to site:

Within a Strategic Allocation in the Local Plan.

Within the Built Up Area Boundary (BUAB) 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
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
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
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TDM2	T DM2 Public Parking

[Angmering Neighbourhood Plan 2014 POLICY EH2](#) Protect the Landscape setting of the South Downs National Park

Angmering Neighbourhood Plan 2014 POLICY HD3 Housing Mix

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways

Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian

#### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

#### 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
SPD2	Conservation Areas

#### 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 is considered to comply with relevant Development Plan policies in that it is a strategic allocation (SD9) within the built-up area boundary. Whilst, the proposals will not give rise to any adverse impacts upon landscape character or amenities of existing or future 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.

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

The application seeks to secure reserved matters approval for appearance, landscaping, layout, and appearance. All other matters were considered through the determination of A/40/18/OUT and the amendments made under reference A/248/21/PL with conditions included in relation to the following matters which will require discharge prior to commencement of development:

- Noise - Condition 9.
- Employment and Skills - Condition 10.
- Ecology - Condition 11.
- Construction Management - Condition 12.
- Travel Plan - Condition 18.
- Renewable Energy - Condition 22.
- EV Charging - Condition 26.
- Surface Water Drainage - Conditions 27, 28, 29 and 30.
- Foul Drainage - Condition 31.
- Lighting - Condition 32.
- Contaminated Land - Condition 33.
- Accessible Dwellings - Condition 37.
- Bus Access - Condition 39.
- Ground Levels - Condition 40.
- Tree Protection - Condition 43.

#### **PRINCIPLE**

This application relates to a significant portion of the Angmering North strategic housing allocation (SD9) as well as the Angmering strategic employment allocation. The principle of the development has been established through outline permission A/40/18/OUT and subsequent amendment A/248/21/PL which granted permission for up to 525 residential dwellings and 3 ha (gross) of employment land with primary access from Water Lane and bus and pedestrian access to Dappers Lane. The outline planning permission established the principle of development and considered matters of flood risk, impact on wildlife, loss of agricultural land, countryside location, impact upon South Downs National Park, Foul Drainage (the principle of 525 dwellings connecting to the network) and the provision of affordable housing, public open space, children's play and other infrastructure.

#### **COMPLIANCE OF THE PROPOSALS WITH OUTLINE CONDITIONS**

Several conditions imposed on the outline approval (A/248/21/PL) set parameters for the nature and form of the proposed development and these have been summarised and considered below.

Condition (4) states that development shall be carried out in accordance with approved plans which consist of Location Plan (1911-P-100 Rev. F); Building Heights Parameter Plan (19271-P02 Rev D); and

Land Use Parameter Plan (19271-P01 Rev A). In addition to these drawings three further plans were conditioned which relate to access arrangements for the site and these are as follows Site Access to Water Lane and Dappers Lane (ITB9105-GA-102 Rev. G); Proposed Access from Dappers Lane (ITB9105-GA-117); and Access Link from Dappers Lane showing bus / cycle / pedestrian access (ITB9105-GA-118 Rev. B). The development as proposed accord with these plans. However, concerns have been raised through representations to the use of an automatic number plate recognition (ANPR) camera as the means of control for the bus access. This matter will be considered in more detail later in this report.

Condition (5) required that a Design Code Masterplan be approved prior to the submission of the Reserved Matters (RM) application and that the development then be prepared and carried out in accordance with the approved Design Code. In this case the Design Code was submitted for approval alongside the RM application but was approved prior to the preparation of this recommendation. The design code has been approved (A/117/22/DOC) and the submitted RM application is in accordance with the Design Code.

Conditions (27) and (31) required that details of the proposed surface water and foul drainage schemes be agreed prior to commencement. Therefore, design of the drainage schemes does not need to be considered as part of the determination of this application for RM approval.

Condition (37) requires that at least 10% of all dwellings shall be designed and constructed to M4(2) standard and in addition 10 dwellings shall be constructed to M4(3) standard in accordance with 'Access to and use of buildings; Approved Document M'. In this case the proposed layout includes a total of 72 units (35 affordable and 37 private) constructed to M4(2) standard which equates to 14% provision with a further 10 units provided to M4(3) standard.

#### LAYOUT, APPEARANCE AND SCALE

Arun Local Plan (ALP) policies D DM1, D SP1 and LAN DM1 and policies HD3, HD5, HD6 and HD7 of the Angmering Neighbourhood Development Plan (ANDP) 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 (5), which was itself prepared and assessed against the requirements of the NDG and Arun Design Guide as well as the parameter plans approved through A/248/21/RES.

Concerns were raised by the Local Planning Authority (LPA) in relation to the layout, appearance and scale as originally submitted due to the proposals overly urban design and layout in the southern portion of the site. This resulted in a scheme which felt overly car dominated with inappropriate parking solutions (tandem parking courts) to accommodate the necessary provision. Concerns were also raised in relation to the height of some of the buildings proposed which went beyond the scale as established through the outline approval.

Concerns in relation to the details as proposed were also raised by the Parish Council through their representation (dated 28.01.2022) to the extension of the built form into the northern open space and the impact that this would have upon the landscape character of the site and the South Downs National Park (SDNP). However, this matter was considered through the determination of A/248/21/PL in consultation with the SDNPA and the impact upon landscape and the SDNP was found to be acceptable. Further objections were raised in relation to the proposed three storey apartment blocks and the height of some of the 2.5 storey dwellings.

The concerns of the LPA as well as those of the Parish Council (which were not addressed through the approval of A/248/21/PL) were taken on board by the developers who have amended the layout, scale and appearance of the development in order to address these concerns. The revised details have 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 and found to be in complete compliance.

Therefore, by virtue of the proposed developments accordance with the Design Code it is considered that 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 and policies HD3, HD5, HD6 and HD7 of the ANDP.

### PUBLIC OPEN SPACE & PLAY

ALP policy OSR DM1 and HWB SP1 are relevant to open space and play. The Council's supplementary planning document (SPD) 'Open Space, Playing Pitches, Indoor and Built Sports Facilities' (January 2020) sets out specific requirements for on-site public open space (POS) and play provision.

The POS provided in this case measures 10.93ha which exceeds the requirements for a development of this scale as established through the Arun Open Space SPD which would require a total POS provision of 4.62ha. The amendments to the parameter plans approved through A/248/21/PL ensured a better distribution of open space throughout the development than was originally proposed through A/40/18/OUT.

In terms of play provision, the scheme will secure a locally equipped area of play (LEAP) and adjoining local area of play (LAP) will be provided within the village character area (southern portion of the site). This is intended to consist of play huts in sand to create a mini playable village with a grassed area which wraps around this representing the South Downs countryside featuring timber carved sheep and horses. Smaller LAPs within the village area will provide informal play and picnic spots. A destination play space will be provided to the north of the site which will feature a timber pod climbing frame with a mini oval racetrack providing an area where children can ride their bikes. A further LAP will be provided centrally within the site incorporating timber animals, beams and a tractor to create a play farm. Whilst incidental timber equipment will be provided along 'play trails' to encourage movement around the site.

Updated formal comments are still awaited from the Council's Landscape Officer and these are expected prior to the application being presented to the Planning Committee. However, the proposed play provision on the site is of high quality and diverse, drawing inspiration from the wider landscape setting of the site, drawing inspiration from the SDNP and Angmering. In this case the play provision is of high quality and meets the requirements of the outline planning approval.

Therefore, the proposed open space and play provision will accord with ALP policy OSR DM1 as well as the Council's Open Space, Playing Pitches, Indoor and Built Sport Facilities SPD.

### LANDSCAPING AND TREES

ALP policies D DM1, LAN DM1 and D SP1 are relevant to consideration of landscaping and trees as is policy EH2 of the ANDP.

A response was received from the Council's Landscape officer (dated 28.06.2022) which confirms that additional information has been provided to address concerns relating to the variety and diversity of plant species throughout the site. It has been confirmed that several areas of the site have been addressed with the diversity of planting amended as discussed to now sit alongside the greater Green Infrastructure

proposals for the trees, hedges, woodland and buffer planting mixes, which were also amended following consultation from SDNP.

The applicants have engaged with the SDNPA throughout the application process to address their concerns with further discussions taking place in relation to landscape details. Further comments have been provided by the SDNP which confirm there are no outstanding matters of concern. However, general comments have been provided specifically seeking to secure a coppice management regime as part of the Landscape and Ecological Management Plan to continue to develop appropriate dormouse habitat.

## HERITAGE

The heritage impacts of the development were considered at outline stage where it was identified by the Council's Conservation Officer that the site was located some distance from the Conservation Area. It was noted that screening is proposed along the southern boundary, which would reduce the impact of any proposed development from the street-scene. Therefore, the proposal will not impact upon the Conservation Area.

Similar conclusions were drawn within the officer's recommendation report namely, that there would be no harm from the proposed development on the Conservation Area due to the separation distance between the proposed development and the Conservation Area. The proposals would also give rise to no harm to any of the nearby listed buildings as the proposed development would be adequately screened to avoid any adverse harm.

Having reviewed the details provided in support of this reserved matters application there is no basis by which to disagree with the original assessment and conclusions. Therefore, the proposals would accord with the NPPF and policies HER DM1 and HER DM3 of the ALP.

## HOUSING MIX AND AFFORDABLE HOUSING

ALP policy H DM1 provides for a mix of housing to meet local needs and requires all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The supporting text (12.2.4) acknowledges that the final mix will be negotiated on a site-by-site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

The application in this case was accompanied by a document (Quantifying the Addressable Market in Angmering) which looked at factors which influence the housing market in Angmering to identify an optimum mix for the private dwellings for sale on the site. This document assessed the demand from movers within the local sphere of influence (defined as a 22 minute drive time). This document accords with the requirements of policy HD3 of the ANDP in that it demonstrates how the applicant has sought to meet local market needs.

The application proposes a housing mix for the market dwellings which does not accord with the SHMA. Instead providing the following mix of market dwellings:

- 1 bedroom - 0 (0%)
- 2 bedroom - 93 (25%)
- 3 bedroom - 194 (53%)
- 4 bedroom - 79 (22%)

In this case the market dwelling mix is considered appropriate given the evidence which has been

provided in support of the application. The increase provision of 3- and 4-bedroom properties beyond the SHMA is also an appropriate response to the rural character of the site. The lower densities this allows on the boundaries of the site adjacent to the SDNP allow for a softer transition towards the higher density development at the southern end of the site. Therefore, the proposed mix is in accordance with policy H DM1 of the ALP.

In terms of affordable housing provision, a total of 159 affordable dwellings are to be provided which equates to 30% of the total development in accordance with the requirements of policy AH SP2 of the ALP. The affordable housing mix deviates from that identified through the SHMA in relation to both affordable rented and intermediate ownership. In terms of affordable rented there is a 23% over provision of 2-bedroom properties, which results in an under provision of 1- and 3-bedroom dwellings. In terms of the intermediate dwellings there is an overprovision of 3 bed dwellings and an under provision of 2-bedroom properties.

In this case the affordable dwelling mix has been informed by site specific considerations and the higher proportion of two-bedroom dwellings results in a layout which is acceptable and densities appropriate to the sites location. The distribution of the affordable units throughout the site is also appropriate, clustering has been avoided with the units spread across the development. There are several units in proximity of each other in the south-western corner of the northern parcel, but these are spread across multiple roads and as such are adequately disbursed.

Therefore, the proposed affordable housing and market dwelling mix is acceptable in accordance with policies H DM1 and AH SP2 as well as policy H3 of the ANDP.

### RESIDENTIAL AMENITY

ALP policies D DM1 and QE SP1 are relevant to the consideration of amenity. 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.

The layout is reflective of the design code and is substantially in accordance with all separation distances identified within the Arun Design Guide. In instances where the development falls below these standards it is only marginal and is because of the approved design code detail. The standards established through the Design Code have sought to achieve a development of the highest quality with unique character areas. Therefore, in this case given that any deviation from the minimum standards is only marginal and would not result in unacceptably adverse impacts upon the amenity of future occupiers. Appropriate separation distances in accordance with the Arun Design Guide are provided along the boundaries of the site between the proposed and existing residential development.

All gardens will exceed a depth of 10m and whilst not all gardens achieve the 10.5m requirement, 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.

As identified above noise impacts were considered through the determination of A/248/21/PL and were acceptable with the revisions to the parameter plans only resulting in a marginal increase in noise impacts beyond those permitted through A/40/18/OUT. However, the application has been amended with a 1.8m high bund now proposed along the northern boundary of the site. It was identified through the

consultation response and the application discussions with the SDNPA that stronger planting along the northern boundary of the site would enhance landscape character and provide a better transition between the site and the SDNP. The proposed bund would feature native woodland tree planting which would provide additional habitats. The proposed bund by virtue of its scale and design is considered to appear naturalistic and would not adversely impact upon landscape character. Additionally, the bund would provide additional mitigation for noise from the A27 upon future residents. Therefore, the proposed bund by virtue of its form and landscape benefits in conjunction with its amenity benefits for future residents is acceptable.

The proposed development will not result in any adverse harm to the amenities of future occupiers and would accord with policies D DM1 and QE SP1 of the ALP. Whilst the proposal does not fully meet the Arun Design Guide, the development 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 and policy HD8 of the ANDP are relevant although the latter has reduced weight due to the adoption of the Arun Parking Standards SPD. The advice of WSCC Highways is summarised above and they raise no objections to the layout subject to conditions. A condition was requested by WSCC to secured details of the phasing for footways and cycleways. However, condition 15 imposed on A/248/21/PL already requires the submission of a construction programme which includes cycleways and footways. Therefore, the condition as requested is not necessary as these details are already secured through the outline approval.

The access arrangements were approved by the outline planning permission. Therefore, in terms of highway safety the proposal is in accordance with policies T SP1 or T DM1 of the ALP and will not have an unacceptably adverse impact upon the safe operation of the highways network.

The application proposes a total parking provision associated with the residential elements of 1,246 spaces. This provision aligns with the requirements of the Arun Parking SPD as well as the approved Design Code, securing 2 spaces for each 1, 2 and 3-bedroom property; 3 spaces for the 4-bedroom dwellings; and 20% of the total number of dwellings as visitor parking spaces.

Road widths are in accordance with the principles of the road hierarchy established through the Design Code and are as follows:

- Village Street - 6.5m
- Secondary Avenue - 5.5m
- Secondary Street - 5m
- Community Lane - 4.8m
- Green Lanes & Private Drives - 4.8m

Several objections have been received specifically in relation to the use of an automatic number plate recognition (ANPR) system rather than a physical barrier to control the use of the bus access from Dappers Lane. The original outline approval on drawing no. ITB9105-GA-118 Rev B identified that a 'Mechanism for control of bus gate to be agreed at detail design stage'. This has led local residents to conclude that a physical mechanical barrier would be present in this location to prevent access. However, it has been confirmed by WSCC that their preferred mechanism for bus gate control and enforcement is ANPR camera with mechanical barriers having been found to be costly and unreliable. This approach to bus gate enforcement is set out in document 'Bus Gate Enforcement HI12 (20/21)' available through the WSCC website. It has been confirmed in this case that the enforcement of the ANPR camera would sit with WSCC and their partners and would not be the responsibility of the



developer or the police. Therefore, in this case the use of ANPR camera is considered acceptable and in accordance with the standard WSCC bus gate enforcement position and would not conflict with the details previously approved by drawing ITB9105-GA-118 Rev B.

WSCC Public Rights of Way (PROW) team have been consulted on the proposals and their original consultation response has been taken into consideration by the developer with the requests addressed through the revised layout. Therefore, the proposals would enhance the PROW network running through the site and as such the proposals are acceptable as the site layout respects & enhances existing public rights of way and provides new foot and cycle paths as part of the development the proposals are in accordance with Policy T DM1 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 and the application is supported by refuse vehicle tracking as well as details of individual bin storage and communal bin stores. It is considered that the application achieves sufficient provision for the storage of waste and 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**

Surface water drainage is covered by conditions 27, 28, 29 and 30 imposed on the outline planning permission and will need to be agreed through their discharge. However, the Council's Drainage Engineer has been consulted and has raised a holding objection. The applicant has provided additional information in response to drainage concerns and updated comments are still awaited from the Council's Drainage Engineers. However, as these details will need to be agreed through the discharge of the relevant conditions imposed on the outline permission not through the determination of this application resolution of this detail should not delay determination. Therefore, this reserved matters application can be determined without the full support of the Council's Drainage Engineers and as such it is not necessary to demonstrate compliance with policy W DM3 at this time.

#### **SUMMARY**

The applicant has made significant amendments to the application to overcome/address the concerns raised by the LPA and statutory consultees. The amended proposals are in accordance with the Arun Design Guide as well as the site specific Design Code and relevant development plan policies. As such, it is recommended that the application is approved subject to the conditions proposed.

<b>HUMAN RIGHTS ACT</b>
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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.

<b>DUTY UNDER THE EQUALITIES ACT 2010</b>
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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.

<b>RECOMMENDATION</b>
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**APPROVE CONDITIONALLY**

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

- Site Layout Masterplan (1:1000) - P101 Rev K
- Coloured Site Layout Masterplan - C101 Rev C
- Site Layout (Dappers Lane parcel) - P102 Rev C
- Site Layout (South) - P103 Rev D
- Site Layout (North) - P104 Rev D
- Proposed Street Scenes A to E (sheet 1 of 3) - P105 Rev B
- Proposed Street Scenes F to K (sheet 2 of 3) - P106 Rev B
- Proposed Street Scenes L to Q (sheet 3 of 3) - P107 Rev C
- Coloured Street Scenes A to E (sheet 1 of 3) - C105 Rev A
- Coloured Street Scenes F to K (sheet 2 of 3) - C106 Rev A
- Coloured Street Scenes L to Q (sheet 3 of 3) - C107 Rev A
- Coloured selected Key building house elevations - C108 Rev A
- Coloured selected Apartment Building Elevations - C109 Rev A
- Affordable Housing Distribution Plan - C110 Rev D
- Dwelling Size Distribution Plan - C111 Rev D
- Materials Distribution Plan - C112 Rev G
- Building Heights Parameter Plan - C113 Rev D
- Plots 120-122 - Proposed Plans and Elevations - P110 Rev A
- Plots 187-188 - Proposed Plans and Elevations - P111 Rev A
- Plots 158-159 - Proposed Plans and Elevations - P112 Rev A
- Plots 136-137 - Proposed Plans and Elevations - P113 Rev A
- Plots 123-126 - Proposed Plans and Elevations - P114 Rev A
- Plots 113-116 - Proposed Plans and Elevations - P115 Rev A
- Plots 337-339 - Proposed Plans and Elevations - P116 Rev A
- Plots 133-135 - Proposed Plans and Elevations - P117 Rev A
- Plots 138-140 - Proposed Plans and Elevations - P118 Rev A
- Plots 170-172 & 189-191 - Proposed Plans and Elevations P119 Rev A
- Plots 156-157 - Proposed Plans and Elevations - P120 Rev A
- Plots 166-168 - Proposed Plans and Elevations - P121 Rev A
- Plots 109-110 - Proposed Plans and Elevations - P122 Rev A
- Plots 395-397 - Proposed Plans and Elevations - P125 Rev A
- Plots 398-400 - Proposed Plans and Elevations - P126 Rev A
- Plots 435-443 - Proposed Plans - P127 Rev A
- Plots 435-443 - Proposed Elevations - P128 Rev B
- Plot 472 - Proposed Plans and Elevations - P129 Rev A

- Plots 468-469 & 470-471 - Proposed Plans and Elevations - P130 Rev B
- Plots 377-379 - Proposed Plans and Elevations - P131 Rev A
- Plots 192-195 - Proposed Plans and Elevations - P132 Rev P
- Plots 33-45 - Proposed Plans and Elevations - P133 Rev P
- Plots 131-132 - Proposed Plans and Elevations - P134 Rev P
- Plots 207-208 & 209-210 - Proposed Plans and Elevations - P135 Rev A
- Plots 334-336 - Proposed Plans and Elevations - P136 Rev A
- Plots 332-333 - Proposed Plans and Elevations - P137 Rev A
- Plots 82-83 - Proposed Plans and Elevations - P138 Rev A
- Plots 79-81 - Proposed Plans and Elevations - P139 Rev A
- Plots 211-212, 236-237 & 238-239 - Plans & Elevs - P140 Rev A
- Plots 199-202 - Proposed Plans and Elevs - P141 Rev A
- Plots 25-27 & 28-30 - Proposed Plans and Elevations - P142 Rev A
- Plots 31-33 - Proposed Plans and Elevations - P143 Rev A
- Plots 253, 268, 269, 276, 277, 283 & 284 - Proposed Plans and Elevations - P144 Rev B
- Plots 444-445 - Proposed Plans and Elevations P145 - Rev A
- Plots 402-403 & 433-434 - Proposed Plans and Elevs - P146 Rev B
- Plots 451-452 - Proposed Plans and Elevs - P147 Rev B
- Plots 453-455 & 456-458 - Proposed Plans and Elevs - P148 Rev B
- Plots 390-392 - Proposed Plans and Elevations - P149 Rev B
- Plots 485-486 - Proposed Plans and Elevations - P150 Rev A
- Plots 404-405, 429-430 & 431-432 - Plans and Elevs - P151 Rev A
- Plots 407-409 - Proposed Plans and Elevations - P152 Rev A
- Plot 206 - Proposed Plans and Elevations - P153 Rev P
- Plot 149 - Proposed Plans and Elevations - P154 Rev P
- Plots 46-47, 48-49, 57-58 & 111-112 - Plans & Elevs - P155 Rev A
- Plots 63-64 & 117-118 - Proposed Plans and Elevs - P156A
- Plots 141-142 - Proposed Plans and Elevations - P157 Rev A
- Plots 129-130 - Proposed Plans and Elevations - P158 Rev A
- Plots 1-2 - Proposed Plans and Elevations - P159 Rev A
- Plots 75 & 76 - Proposed Plans and Elevations - P160 Rev A
- Plots 50, 67, 71, 86 & 90 - Proposed Plans and Elevations - P161 Rev A
- Plots 3 & 143 - Proposed Plans and Elevations - P162 Rev A
- Plots 173, 185, 186, 196, 198, 250, 255, 291, 299, 304, 311, 314, 319, 330 & 341 - Proposed Plans & Elevs - P163 Rev A
- Plots 180, 232, 235 & 243 - Proposed Plans and Elevs - P164 Rev A
- Plot 176 - Proposed Plans and Elevations - P165 Rev A
- Plots 127-128 - Proposed Plans and Elevations - P166 Rev B
- Plots 5, 6, 11, 12 & 51 - Proposed Plans and Elevations - P167 Rev A
- Plot 179 - Proposed Plans and Elevations - P168 Rev A
- Plot 52 - Proposed Plans and Elevations - P169 Rev B
- Plot 53 - Proposed Plans and Elevations - P170 Rev A
- Plots 155 - Proposed Plans and Elevations - P171 Rev A
- Plots 177-178, 181-182, 183-184, 233-234, 240-241, 256-257 & 300-301 - Proposed Plans and Elevations - P172 Rev A
- Plots 84-85 - Proposed Plans and Elevations - P173 Rev A
- Plots 65-66, 73-74 & 77-78 - Proposed Plans & Elevs - P175 Rev B
- Plots 7-8, 9-10, 55-56, 68-69 & 88-89 - Proposed Plans and Elevations - P176 Rev A
- Plot 145 - Proposed Plans and Elevations - P177 Rev B
- Plots 279-280, 289-290, 312-313, 315-316, 317-318, 321-322 & 344-345 - Proposed Plans and Elevations - P178 Rev A
- Plots 174, 175, 222, 224, 226, 229, 247, 249, 320, 323, 326 & 346 - Proposed Plans and

## Elevs - P179 Rev A

- Plot 4 - Proposed Plans and Elevations - P180 Rev A
- Plots 144 & 151 - Proposed Plans and Elevations - P181 Rev A
- Plots 153 & 154 - Proposed Plans and Elevations - P182 Rev A
- Plots 197, 215 & 231 - Proposed Plans and Elevations - P183 Rev A
- Plot 213 - Proposed Plans and Elevations - P184 Rev A
- Plots 223, 225, 248, 272, 274, 286, 302, 303 & 329 - Proposed Plans & Elevations - P185 Rev P
- Plots 287-288 - Proposed Plans and Elevations - P186 Rev P
- Plots 72 & 87 - Proposed Plans and Elevations - P187 Rev P
- Plot 70 - Proposed Plans and Elevations - P188 Rev P
- Plots 342 & 343 - Proposed Plans and Elevations - P189 Rev P
- Plots 146-148 - Proposed Plans and Elevations - P190 Rev P
- Plots 419-420 & 421-422 - Proposed Plans and Elevs - P191 Rev B
- Plots 414, 446, 473, 474 & 475 - Proposed Plans & Elevs - P192 Rev B
- Plots 417-418, 423-424, 427-428, 490-491, 492-493 & 519-520 - Proposed Plans and Elevations - P193 Rev B
- Plots 505-506 - Proposed Plans and Elevations - P194 Rev B
- Plots 356, 370, 375, 394, 416, 511 & 517 - Proposed Plans and Elevations - P195 Rev A
- Plots 480 & 500 - Proposed Plans and Elevations - P196 Rev A
- Plot 504 - Proposed Plans & Elevations - P199 Rev B
- Plots 355,359,376,393,406,410,413,425,477,478,487,496, 497 & 518 - Proposed Plans & Elevations - P200 Rev B
- Plot 479 - Proposed Plans and Elevations - P201 Rev B
- Plot 426 - Proposed Plans and Elevations - P202 Rev A
- Plot 495 - Proposed Plans and Elevations - P203 Rev A
- Plot 150 - Proposed Plans and Elevations - P204 Rev P
- Plots 217, 219, 242 & 298 - Proposed Plans and Elevations - P205 Rev A
- Plot 351 - Proposed Plans and Elevations - P206 Rev A
- Plots 411 & 412 - Proposed Plans and Elevations - P207 Rev A
- Plots 307 & 308 - Proposed Plans and Elevations - P208 Rev A
- Plot 203 - Proposed Plans and Elevs - P209 Rev A
- Plots 204, 205, 214, 216, 227, 228, 230, 246, 278, 281 & 328 - Proposed Plans and Elevations - P210 Rev A
- Plots 152, 245 & 347 - Proposed Plans and Elevations - P211 Rev A
- Plots 54, 221, 244 & 324 - Proposed Plans and Elevations - P212 Rev A
- Plots 292, 305, 310 & 352 - Proposed Plans and Elevs - P213 Rev A
- Plots 220 & 325 - Proposed Plans and Elevations - P214 Rev A
- Plots 254, 295, 306 & 309 - Proposed Plans and Elevs - P215 Rev A
- Plot 348 - Proposed Plans and Elevations - P216 Rev A
- Plots 218 & 327 - Proposed Plans and Elevations - P217 Rev A
- Plots 293, 294, 349 & 350 - Proposed Plans and Elevations - P218 Rev A
- Plots 251, 252, 266, 270, 282, 296 & 297 - Proposed Plans and Elevations - P219 Rev B
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- Swept Path Analysis - Vehicle Passing Alternate 2 of 2 - 2003033-TK-04-02 Rev D
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- Horizontal Illuminance - 2215-DFL-ELG-XX-CA-EO-13004-S3Rev P02
- Horizontal Illuminance - 2215-DFL-ELG-XX-CA-EO-13005-S3Rev P02
- Horizontal Illuminance - 2215-DFL-ELG-XX-CA-EO-13006-S3Rev P02
- Horizontal Illuminance - 2215-DFL-ELG-XX-CA-EO-13007-S3Rev P01
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- Horizontal Illuminance - 2215-DFL-ELG-XX-RP-EO-13001-S3Rev P01
- Note on planting mixes - HBA-889 27.06.2022

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

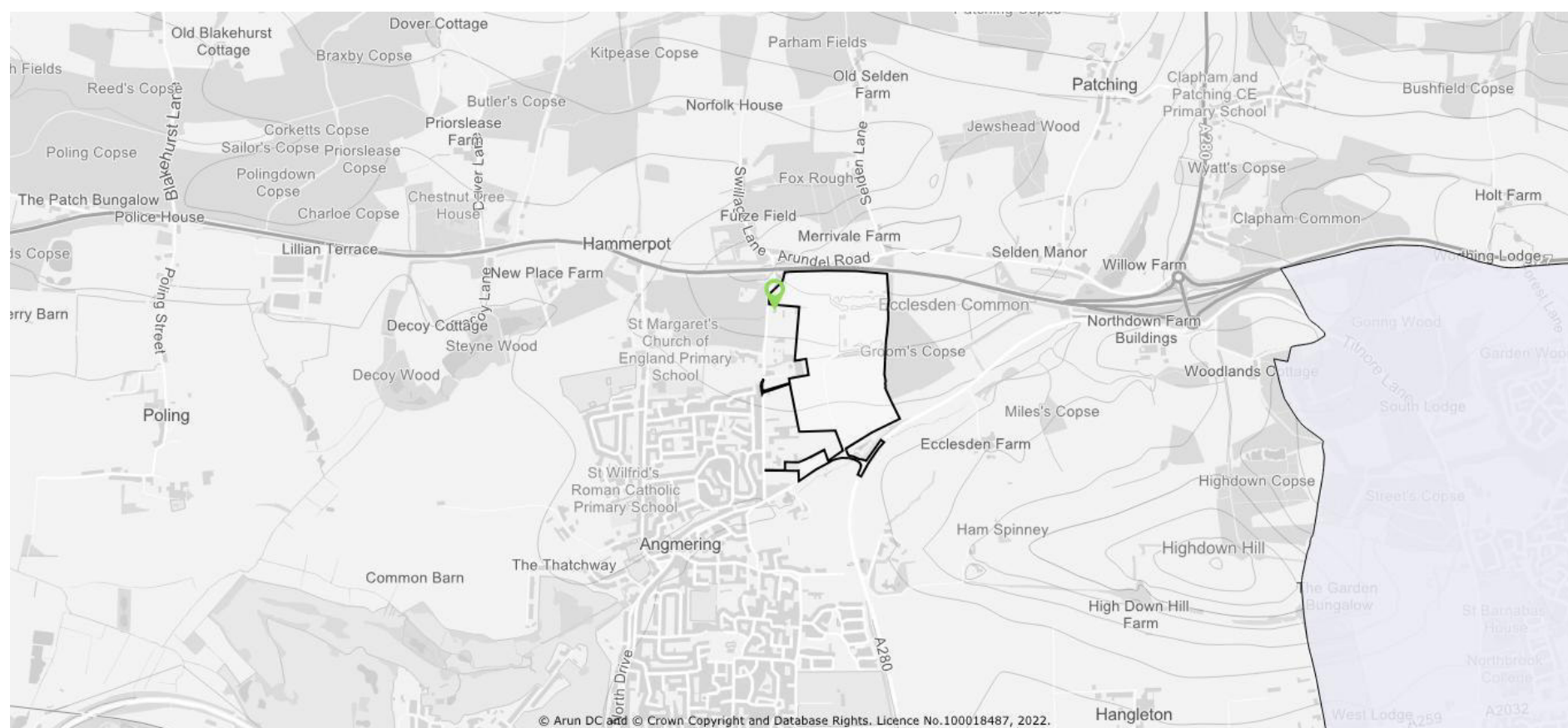
- 2 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highways Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **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)



**A/256/21/RES - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: AL/34/22/PL

LOCATION: Land At Wings Nursery  
Lidsey Road  
Woodgate  
PO20 3SU

PROPOSAL: Variation of conditions imposed under AL/20/21/PL relating to conditions 2-plans condition (three bungalows changed to two storey houses, other elevation detail changes and highway drawings amended to reflect layout changes) and 5-hours of demolition/construction (to make it so that the additional bat working restrictions do not apply outside of bat hibernation times).

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application seeks to amend the permission by:  (1) replacing three chalet bungalows (plots 1, 2 & 63) with three, two-storey houses that remain M4(2) compliant and with the same number of beds. This results in amendments to the footprint of these dwellings and the location of the parking spaces for plots 1 & 2 (nut has no effect on the parking provision) thus also necessitating an update of all of the plans that currently show the layout. (2) adding elevational details (brick sills and enhanced gable entrance canopies) to plots 3, 4, 11, 12, 17, 18, 34, 35, 61 & 62; and (3) amending the construction hours condition to allow working outside of the sunrise to sunset period between November and February as this is when bats are not generally active (but still only between 8am and 6pm Mon-Fri / 8am and 1pm Sat).
TOPOGRAPHY	Predominantly flat.
TREES	There are several trees on the east and west site boundaries and in the site. AL/20/21/PL allowed the removal of 22 trees including 10 category B trees. The 9 Pedunculate Oak trees protected by TPO/1/18 are retained. Two sections of hedgerow forming part of the boundaries of the existing dwelling have also been removed as per AL/20/21/PL.
BOUNDARY TREATMENT	Various - including 1m high post and rail fencing to the front and mix of 1.4m post & wire, hedging & trees of various heights to the other boundaries.
SITE CHARACTERISTICS	Former garden nursery and two storey dwelling with enclosed curtilage. The land surrounding this is a mix of semi-improved grassland, amenity grassland and scrub vegetation. Drainage ditches to all site boundaries.

**CHARACTER OF LOCALITY**

The character is semi-rural. Opposite to the east is a row of houses extending the length of the site's frontage. These are predominantly single storey and semi-detached. To the south, there are two further detached houses (Stockhearn and Stockhearn House) with more extending south along Lidsey Road. Stockhearn house is two storeys whilst Stockhearn is a bungalow. Both have rear elevations facing the site. To the north is an access driveway into the land to the west with a small paddock and the Prince of Wales public house beyond. To the west are glasshouses associated with horticultural use.

**RELEVANT SITE HISTORY**

AL/77/22/DOC	Approval of conditions reserved by condition imposed under AL/20/21/PL relating to condition 14-Construction and Environmental Management Plan.	
AL/57/22/DOC	Approval of details reserved by condition imposed under AL/20/21/PL relating to conditions 10-surface water drainage, 11-discharge flows to watercourses, 12-maintenance and management of surface water drainage system and 16-level survey.	
AL/20/21/PL	Demolition of Wings House & erection of 71 No. replacement dwellings (70 net new dwellings), access arrangements, sustainable drainage measures, public open space, landscaping & all other associated works (resubmission following AL/46/20/PL). This application is a Departure from the Development Plan.	App Cond with S106 28-02-22

AL/20/21/PL was approved by the Planning Committee in February 2022. Several conditions have been discharged albeit pre-commencement conditions 10, 11, 12 & 16 remain outstanding (but the subject of current application AL/57/22/DOC).

AL/77/22/DOC proposes an amendment to the agreed Construction & Environmental Management Plan to state all external lighting on site shall be directional LED lighting which shall be directed away from retained hedgerows. In addition, lighting around Plots 42-45 & 28-29 will only be operational during sunrise/sunset hours only to minimise disturbance to the neighbouring hedgerow.

**REPRESENTATIONS**

Aldingbourne Parish Council - object to the change from bungalows to two storey houses as this does not allow for anybody with a disability and precludes them from the development.

One objection stating bats should be left alone as they are finding less and less areas around to live and they are just as important as the people who want to live here.

The applicant has forwarded a letter of support from the Aldingbourne Barnham & Eastergate Community Land Trust (ABE CLT) stating:

"The ABE Community Land Trust has been working with the applicant Southern Housing Group and has a nominations agreement in place through the Section 106 agreement. This Minor Material Amendment application proposes to remove the three bungalows and switch these to three, two-bedroom houses. The ABE Community Land Trust supports this proposed change due to the lack of demand for bungalow dwellings in this particular location and the high demand for starter and young family housing."

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The letter of support is noted. The impact on bats is discussed in the conclusions.

Regarding the Parish objection, it should be noted that AL/20/21/PL was approved with the provision of 3 x M4(2) dwellings which were two-bedroom chalet bungalows (plots 1, 2 & 63). These three person dwellings had the master bedroom and a bathroom on the first floor. Whilst they would allow for a person/s to sleep in the second bedroom on the ground floor, they were not designed to be accessible for wheelchairs or those unable to climb stairs (and so the fixtures/fittings e.g. plug sockets would not be suitable for a wheelchair). M4(2) homes are suitable for the older generation and capable of adaption but are not wheelchair user dwellings - these are covered by M4(3) and were not secured by AL/20/21/PL. The two-storey houses (plots 1, 2 & 63) remain M4(2) compliant with no loss of this provision.

<b>CONSULTATIONS</b>
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**CONSULTATION RESPONSES RECEIVED:**

NATURAL ENGLAND - stated they are not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application.

WSCC HIGHWAYS - raises no objections with no comments.

ADC ENVIRONMENTAL HEALTH - no objections and no comments.

COUNCILS ECOLOGIST - requested further information from the applicant to ensure it is beyond scientific doubt that the variation to condition 5 will avoid adverse effects on the integrity of the The Singleton & Cocking Tunnels Special Area of Conservation (SAC) and that the LPA can provide an updated Appropriate Assessment to Natural England for comments.

**COMMENTS ON CONSULTATION RESPONSES:**

NATURAL ENGLAND - notwithstanding the comments, given the location of the site within 12km of the Singleton & Cocking Tunnels SAC, an Appropriate Assessment was prepared and issued on the 16th of June to Natural England for review. They state they will respond by 14th of July and their response will be reported to the Planning Committee.

COUNCIL ECOLOGIST - a meeting was held on 26/05/22 between the council's ecologist, case officer and the applicant's ecologist where it was agreed that the key retained bat habitat on the site was the northern part of the western boundary hedgerow. It was agreed the applicant would amend the approved Construction & Environmental Management Plan to specify all lighting will be directed away from all of

the boundaries and that lighting around those plots closest to the important part of the western boundary will be subject to additional controls (these being plots 42-45 & 28-29).

## POLICY CONTEXT

Designations applicable to site:

Within the Built-Up Area Boundary (as per the Neighbourhood Plan);  
 Countryside (as per the Arun Local Plan);  
 CIL Zone 3;  
 Current & Future Flood Zone 1;  
 Lidsey Treatment Catchment Area;  
 TPO/AL/1/18;  
 Archaeological Notification Area;  
 Area of Special Control of Adverts; and  
 Within 12km of the Singleton & Cocking Tunnels SAC.

## 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
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM5	ENV DM5 Development and biodiversity
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment

### [Aldingbourne Neighbourhood Plan 2019-31 Policy H2](#) Housing Mix

Aldingbourne Neighbourhood Plan 2019-31 Policy H9 Attention to detail

Aldingbourne Neighbourhood Plan 2019-31 Policy EH10 'Unlit Village' status

Aldingbourne Neighbourhood Plan 2019-31 Policy EH2 2019 Protection of bat habitation

## PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
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 Aldingbourne Neighbourhood Development Plan was made on 14/07/21 and its policies are referred to in this report.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

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

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

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

The proposal complies with the development plan in that the proposal does not materially alter the agreed provision of parking or homes suitable for older people and there will not be any adverse harm to the character of the area, the amenities of existing/future residents, to local biodiversity or to the integrity of the Singleton & Cocking Tunnels SAC.

**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 benefits from an extant permission which has not been commenced but is valid until February 2025. This application seeks to replace three chalet bungalows with three, two-storey dwellings and incorporate additional design details to ten dwellings. It also proposes an alteration to the construction hours condition although the agreed hours remain the same.

Due to the nature of the changes, it is only necessary to re-assess the impact of the proposal on biodiversity (particularly bats), on the character & appearance of the site/area and on internal space standards. This report will determine whether the changes now sought cause additional harm compared to the approved scheme, and if harm is considered to arise, is it sufficient to warrant refusal.

**BIODIVERSITY & IMPACT ON BATS:**

ALP policy ENV DM5 states development shall seek to achieve a net gain in biodiversity and protect habitats on site. ANDP policy EH6 requires that developments retain hedgerows, incorporate biodiversity in layouts and demonstrate biodiversity net gain.

The site is wholly in the 12km buffer zone of the Singleton and Cocking Tunnels Special Area of Conservation (SAC). ANDP policy EH12 2019 states proposals for development of greenfield sites in this area must evaluate whether there is a potential for the loss of suitable foraging habitat and/or the severance of commuting flight lines, such as in the form of mature tree lines. Such features should be retained unless it is proven that they are not used by Barbastelle, Bechstein's or other bats linked with nearby roosting sites.

AL/20/21/PL was approved following the submission to Natural England of a revised Appropriate Assessment (AA) and subsequent receipt of Natural England's comments on 31/08/21 in which it was stated:

"No objection - subject to appropriate mitigation being sought. We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Singleton and Cocking Tunnels Special Area of Conservation (SAC); and
- damage or destroy the interest features for which Singleton and Cocking Tunnels Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- the measures as detailed in the final Habitats Regulation Assessment (AA)."

One measure in the AA was a condition stating "No demolition or 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 (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays. In addition, there shall be no external working an hour before, during and an hour after sunset and sunrise even if those times fall within the above time periods."

Natural England in their response of 31/08/21 state "Regarding disturbance which could be caused by the construction of the proposal we endorse the time restrictions on activity between 8am and 8pm. We also agree that restricting activity an hour either side of sunrise and sunset will be effective at reducing disturbance. We advise these measures are secured by an appropriate planning condition."

Subsequently, the applicant highlighted that the supporting information provided during the application (which informed the revision of the AA) recommended the condition be worded to only restrict works an hour before, during and an hour after sunset & sunrise between March and October.

Advice was sought from Natural England and the council received a response in January 2022 to state that "Natural England advise that the current condition is sufficiently precautionary to account for recent mild winters and associated continued bat activity. Furthermore, any changes will need to be accompanied by an updated AA." The applicant was asked to submit a variation of condition application to seek approval for the proposed change in the wording.

On 26/05/22, a meeting was held between the council's ecologist, case officer and the applicant's ecologist when it was agreed the key retained bat habitat on site was the northern part of the western boundary hedgerow. It was agreed that the applicant would amend the approved Construction & Environmental Management Plan (CEMP) to specify that construction lighting will be directed away from all boundaries and lighting around those plots closest to the important part of the western boundary will be subject to additional controls (these being plots 42-45 & 28-29).

This aims to avoid impacts to Barbastelle bats which have been recorded in the vicinity of the site. These bats could be flying during any periods of mild winter weather outside the March to October period and



using the western boundary hedgerow as a route to/from the Singleton & Cocking Tunnels SAC and would then be unaffected by lighting during the construction period. On this basis, it was agreed that subject to Natural England agreement, the change to condition 5 could be supported by officers.

The applicant has submitted a new application to re-discharge condition 14 of AL/20/21/PL (AL/77/22/DOC) and this proposes the following revision to the agreed CEMP: "All external lighting on the construction site shall be directional LED lighting which shall be directed away from retained hedgerows. Lighting around Plots 42-45 & 28-29 shall be operational during sunrise/sunset hours only to minimise disturbance to neighbouring hedgerow."

This application is pending but subject to agreement from the council's ecologist (which is expected as the change is in response to the agreed position), the condition will be agreed, and the revised CEMP will then take effect. AL/77/22/DOC will be determined prior to committee as the recommendation on AL/34/22/PL is dependent on that approval - and the comments of Natural England.

The condition requiring details of lighting concerned with the completed housing development has not been discharged so the council retains full control over this aspect of lighting and will similarly ensure (in association with the advice of our ecologists) that lighting is directed away from the boundaries.

On this basis, and assuming Natural England raise no objections, then there is no conflict with policy ANDP policy EH12 2019 so it recommended that the hours of working condition be varied to remove the additional hours restriction other than in respect of the plots closest to the important hedgerow. There are no conflicts with other biodiversity policies as there are no changes to the approved scheme that result in new impacts.

### DESIGN & CHARACTER:

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. The Arun Design Guide is a material consideration. Section J refers to building design and states new development must ensure the existing character and sense of place of an area is respected and enhanced.

ANDP policy H3 states the density should be appropriate to the location but there is no change to the approved density. Policy H8 requires the design of dwellings include things like cycle stores, meter boxes, bin stores, flues/ducts, gutters, and communications connections. The drawings show cycle/bin storage in respect of the flats and do not show any of the other required features however these would all be required to make the houses useable and therefore there is certainty that the houses will have them. Conditions will be used to secure broadband connections, cycle stores and bin spaces.

The increase in height to plots 1, 2 & 63 is acceptable and reflects the two-storey nature of the other 68 approved dwellings. Whilst all houses opposite on Lidsey Road are bungalows and those to the south are chalet bungalows, two storey is not inappropriate, and the approved scheme had two storey dwellings along the frontage. The new detailing to ten of the plots is a positive change that does not harm character.

The amended proposal will have no material impact on the character of the area or the appearance of the development and so is not in conflict with the relevant development plan policies or the Design Guide.

### INTERNAL SPACE STANDARDS

As per ALP policy D DM2, it is necessary to assess the proposal against the internal space standards set

out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use. The changes to plots 1, 2 & 63 have reduced the associated floor areas (now 79.9m<sup>2</sup>, 80.45m<sup>2</sup> & 80.45m<sup>2</sup>) but these are still in the tolerances of the national space standards which requires 79m<sup>2</sup> for a two storey, two bed, four-person house. Due to the change in footprint (and some alterations to the parking layout for plots 1 & 2), there is a greater amount of garden to all three plots.

**CONDITIONS:**

The original permission has not yet been implemented but many of the conditions have been discharged or are subject to current applications. The following changes have been made to the previous conditions, as set out below:

- Condition 1 is amended to reflect that the permission is to commence 3 years from the date of the decision on the original permission ref AL/20/21/PL.
- Condition 2 is amended (as requested) to reference the amendments to the agreed plans as proposed by this application.
- Condition 4 has been amended to reference the Biodiversity Enhancement Strategy agreed through AL/33/22/DOC.
- Condition 5 has been amended (as requested) to reflect the changes to the construction hours.
- Condition 6 has been amended to reference the hedgerow mitigation strategy agreed through AL/21/22/DOC.
- Conditions 7 & 8 have been amended to reflect the fact that the tree protection measures have already been implemented and agreed by the Tree Officer. These conditions have then been combined into one condition (the condition is now numbered condition 7).
- Condition 9 has been amended to reference the energy reduction details agreed through AL/25/22/DOC (now numbered 8).
- Condition 13 has been deleted as archaeological survey work has taken place and the condition was discharged with the agreement of the council's archaeologist through AL/22/22/DOC.
- Condition 14 has been amended to reference the Construction & Environmental Management Plan as approved through application ref AL/23/22/DOC and to be amended prior to the committee meeting by the approval of AL/77/22/DOC (now numbered 12).
- Condition 15 has been amended to reference the agreed foul drainage scheme as approved through AL/27/22/DOC (now numbered 13).
- Condition 17 has been amended to reference the part approval of the contamination condition by way of AL/30/22/DOC) with only the verification report outstanding (now numbered 15).
- Condition 18 has been amended to reference the agreed internal noise mitigation measures as approved through AL/45/22/DOC (now numbered 16); and
- Condition 21 has been amended to reference the agreed materials as approved by AL/45/22/DOC (now numbered 19).

No new conditions have been imposed.

**SUMMARY:**

The scheme as amended will not result in any demonstrable harm to the local streetscape or the visual amenities of the locality and there will be no significant harm to the amenities of nearby residential properties or the living conditions of future occupiers. The impact to bats associated with the proposed change to the working hours condition has been mitigated by the amendment to the agreed Construction Environmental Management Plan. As per the NPPF, para 11(c), development proposals that accord with an up-to-date development plan should be approved without delay. It is therefore recommended that this section 73 planning application be granted 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.

## SECTION 106 DETAILS

The decision will be made in accordance with the s106 agreement completed in connection with AL/20/21/PL and which secured the following obligations. The completed agreement contains a clause that enables it to apply to subsequent variation of condition permissions thus avoiding the need for a Deed of Variation to the existing agreement.

### AFFORDABLE HOUSING

22 dwellings consisting of 15 Affordable Rented and 7 Intermediate/Shared Ownership.

### HIGHWAY IMPROVEMENTS

New uncontrolled crossing facilities at the following locations:

- Lidsey Road adjacent to development frontage to facilitate pedestrian movement across Lidsey Road;
- At the junction of Woodgate Road/Lidsey Road to facilitate pedestrian movement along the footway flanking the eastern side of Lidsey Road;
- At the junction of Oaktree Lane/Lidsey Road to facilitate pedestrian movement along the footway flanking the eastern side of Lidsey Road;
- At junction of Willows Caravan Park/Lidsey Road to connect with the relocated southbound bus stop;
- 25m past the site's southern boundary, in close proximity to the relocated bus stop, a pedestrian crossing to link Lidsey Road's western footway to the relocated southbound bus stop;
- Across the primary and secondary access points for the site;

Pedestrian footway shown on the west of A29 will be locally widened and extended up to the boundary of the Prince of Wales public house.

New footway provided on the east side of Lidsey Road taken from junction of Willows Caravan Park access road to Lee's Yard and tactile paving provided at the access road serving Willows Caravan Park linking to this footway provision.

The northbound bus stop opposite the site would be improved with a new shelter and an increased area of hardstanding.

The southbound bus stop opposite the site would be relocated south of the Willows Caravan Park access to provide more space for the facility and be improved with a new shelter, seating and increased area of hardstanding.

Additional public cycle parking (4 cycle spaces) will be provided on the roadside verge of Hook Lane adjacent to the convenience shop.

Travel Plan and Monitoring Fee.

#### STRATEGIC HIGHWAY IMPROVEMENTS

A contribution of £36,090.60 to be spent on further mitigation of the A27 junctions in Arun (exact project to be confirmed).

<b>RECOMMENDATION</b>
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#### APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of the planning permission under AL/20/21/PL (28/02/22).

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:

- 2019/6115/001 Rev J Access Overview and Visibility Splays;
- 2019/6115/002 Rev J Refuse Vehicle Swept Path Analysis;
- 2019/6115/003 Rev J Car and Fire Tender Swept Path Analysis;
- 2019/6115/004 Rev L Secondary Access Visibility Splay and Hook Lane Cycle Parking;
- 2019/6115/005 Rev J Secondary Access Car and Fire Tender Swept Path Analysis;
- 2019/6115/006 Rev I Internal Layout Visibility Splays;
- 2019/6115/007 Rev K Internal Layout Turning Head Swept Path Analysis;
- 2019/6115/008 Rev J Refuse and Car Passing Swept Path Analysis;
- 2019/6115/009 Rev K Fire Tender Access Swept Path Analysis;
- 2019/6115/010 Rev K Car Parking Swept Path Analysis;
- 2019/6115/011 Rev L NMU Offsite Works Overview;
- 19-121\_0001 Site Location Plan Rev 3;
- 19-121\_0003 Proposed Block Plan Rev 6;
- 19-121\_0004 Proposed Site Plan Rev 9;
- 19-121\_0060 Site Sections 1 Rev 2;
- 19-121\_0061 Site Sections 2 Rev 3;

19-121\_0008 Cycle store and substation details Rev 1;  
 19-121\_0110 Plans and Elevations Units 1-2 Rev 3;  
 19-121\_0111 Plans and Elevations Units 3-4 Rev 3;  
 19-121\_0112 Plans and Elevations Units 5-6 Rev 1;  
 19-121\_0113 Plans and Elevations Units 7-8 Rev 1;  
 19-121\_0114 Plans and Elevations Units 9-10 Rev 1;  
 19-121\_0115 Plans and Elevations Units 11-12 Rev 4;  
 19-121\_0116 Plans and Elevations Units 13-14 Rev 1;  
 19-121\_0117 Plans and Elevations Units 15-16 Rev 1;  
 19-121\_0118 Plans and Elevations Units 17-18 Rev 4;  
 19-121\_0119 Plans and Elevations Units 19-21 Rev 1;  
 19-121\_0120 Plans and Elevations Units 22-23 Rev 1;  
 19-121\_0121 Plans and Elevations Units 24-27 Rev 1;  
 19-121\_0122 Plans and Elevations Units 28-29 Rev 1;  
 19-121\_0123 Plans and Elevations Units 30-31 Rev 1;  
 19-121\_0124 Plans and Elevations Units 32-33 Rev 1;  
 19-121\_0125 Plans and Elevations Units 34-35 Rev 4;  
 19-121\_0126 Plans and Elevations Units 36-37 Rev 1;  
 19-121\_0127 Plans and Elevations Units 38-39 Rev 2;  
 19-121\_0128 Plans and Elevations Units 40-41 Rev 1;  
 19-121\_0129 Plans and Elevations Units 42-43 Rev 2;  
 19-121\_0130 Plans and Elevations Units 44-45 Rev 2;  
 19-121\_0131 Plans and Elevations Units 46-47 Rev 2;  
 19-121\_0142 Plans and Elevations Units 48-49 Rev 1  
 19-121\_0143 Plans and Elevations Units 50-51 Rev 1  
 19-121\_0132 Plans and Elevations Units 52-54 Rev 1;  
 19-121\_0133 Plans and Elevations Units 55-56 Rev 1;  
 19-121\_0134 Plans and Elevations Units 57-58 Rev 1;  
 19-121\_0135 Plans and Elevations Units 59-60 Rev 1;  
 19-121\_0136 Plans and Elevations Units 61-62 Rev 6;  
 19-121\_0137 Plans and Elevations Unit 63 Rev 4;  
 19-121\_0138 Plans and Elevations Units 64-65 Rev 1;  
 19-121\_0139 Plans and Elevations Units 66-67 Rev 1;  
 19-121\_0140 Plans and Elevations Unit 68-69 Rev 1;  
 19-121\_0141 Plans & Elevations Units 70-71 Rev 1;

Ecology Assessment (ref DFA21007V3);

Bat Survey Report (ref 9896.21 v2, 10/07/20);

Reptile Survey (ref DFA21027V2, May 21);

Habitat Suitability Index & eDNA Test Report (letter dated 12 June 2019);

The Arboricultural Report (incorporating Arboricultural Impact Assessment and Method Statement), ref. B/0300/21, Jan 2021; and

The separately amended Appendix 6 "Development Proposal Plan" (13/05/21), Appendix 7 "Tree Protection Plan" (13/08/21), Appendix 13 - Tree 1 detail phase 1 protection (13/08/21), Appendix 14 - Tree 1 detail phase two protection (13/08/21) and Appendix 15 - T15 detail.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies QE SP1, D DM1, ENV DM5, T SP1 and T DM1 of the Arun Local Plan.

3 The preparation and development of the site must be carried out in accordance with the protection and mitigation measures as set out within the submitted Soil Resource Plan by Geo

Environmental Soils Limited ref GE192231-SRP-JAN21 (27/01/21). The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction process.

Reason: In accordance with Arun Local Plan policy SO DM1 and the National Planning Policy Framework.

- 4 The development shall be carried out in complete accordance with the precautionary approach, mitigation measures and other enhancements as set out in the following documents:

Ecology Assessment (ref DFA21007V3) - section 6 "Impacts, Mitigation and Enhancements";  
Bat Survey Report (ref 9896.21 v2, 10/07/20) - section 5 "Summary & Recommendations";  
Reptile Survey (ref DFA21027V2, May 21) - section 4 "Mitigation";  
Habitat Suitability Index & eDNA Test Report (letter dated 12 June 2019) - "Evaluation and Recommendations" section;  
Information to Inform a Habitat Regulations Assessment (ref DFA21025V2); and  
The Biodiversity Enhancement Strategy (March 2022) as agreed through AL/33/22/DOC.

The mitigation measures shall be implemented in full and permanently adhered to throughout the development of the site.

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

- 5 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 (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays. In addition, there shall be no external working in respect of plots 28/29 & 42-45 in the north-western corner only, an hour before, during and an hour after sunset and sunrise even if those times fall within the above time periods

Reason: To protect the amenity of local residents and on-site biodiversity in accordance with policies ENV DM5, QE SP1 and QE DM1 of the Arun Local Plan.

- 6 The development shall proceed in full accordance with the hedgerow mitigation method strategy (in the form of a letter from Derek Finnie Associates ref DF/THK/LR/MG03, 25/01/22 and accompanying Tree Protection Plan) as approved by AL/21/22/DOC. The development shall proceed in accordance with the approved hedgerow protection and enhancement measures.

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

- 7 All activity at the site is to be carried out in strict accordance with the "Arboricultural Report" (incorporating Arboricultural Impact Assessment and Method Statement), ref. B/0300/21, January 2021 and the separately amended Appendix 6, 7, 13, 14 & 15 plans. The tree protective fencing and ground protection measures that have been implemented on the site and reviewed by our Tree Officer (reference the email to Jonathan Rodwell and Ellie Wilkins dated 06/05/22) must continue to be in place throughout the construction process.

If there is deemed to be a need for any Utility Service Route connections to bisect retained

tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

- 8 Unless otherwise agreed in writing, the physical measures identified in the Energy Statement dated 24/01/22 as agreed by AL/25/22/DOC shall be installed and then maintained in good working condition throughout the development.

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.

- 9 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. This will be subject to consultation with ADC's Drainage Engineers and Tree Officer.

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

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

- 11 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.

- 12 The development shall proceed in full accordance with the Construction & Environmental Management Plan as approved through application ref AL/23/22/DOC (as amended by the approval of AL/77/22/DOC). This plan shall be in force throughout the construction process.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area, biodiversity (particularly bats) and in the interests of highway safety in accordance with policies D DM1, ENV DM5, QE SP1, QE DM1, QE DM2, QE DM3, W DM1 and T SP1 of the Arun Local Plan and the NPPF.

- 13 Unless otherwise agreed in writing, the development shall proceed in full accordance with the foul drainage scheme approved through application ref AL/27/22/DOC. The drainage scheme shall be implemented in accordance with the approved scheme and permanently retained in good working order in perpetuity.

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

- 14 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. It is considered necessary for this to be a pre-commencement condition because levels need to be checked before any initial laying of house foundations takes place.

- 15 Prior to the commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy ("Remedial Strategy & Verification Plan - Land off Lidsey Road, Woodgate, Chichester, West Sussex, PO20 3SU", ref GE19228-RSVPv2AP210930, September 2021, as agreed through AL/30/22/DOC) and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement



condition because these details have to be agreed and in place before any work commences.

- 16 Unless otherwise agreed in writing, the development shall proceed in full accordance with the recommendations of the Proposed Residential Development | Land at Wings Nursery, Woodgate | Noise Impact Assessment | Technical Report" (ref R9214-1 Rev 0, 24th March 2022) as agreed through AL/45/22/DOC. As per the report, glazing units in zone 1 shall achieve a minimum acoustic performance of 31 dB RW and ventilators in zone 1 shall achieve a minimum acoustic performance of 33 dB Dn, e, w. In addition, as per section 5.35 of the report, a 1.8 metre close boarded fence must be installed in the gardens of plots 5 & 6.

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

- 17 No development above damp-proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including full details of soft landscaping and details of existing trees and hedgerows to be retained. 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.

The landscaping scheme should include new native tree planting on a ratio of 2 for every 1 that is felled unless there is clear evidence/justification as to why this is not possible. The landscaping scheme should also avoid any new trees closer to the drainage attenuation features or if this is unavoidable then the root potential areas of these trees shall be shown to allow assessment.

Reason: In the interests of amenity, the environment and biodiversity of the development in accordance with policies D DM1 and ENV DM5 of the Arun Local Plan.

- 18 No development above damp-proof course (DPC) level shall take place until details (including elevations and materials) of all new screen walls and fences within and around the site have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and fences associated with them have been erected.

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

- 19 Unless otherwise agreed in writing, the development shall proceed in full accordance with the materials approved through AL/45/22/DOC and these details shall be permanently retained.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and local character in accordance with policy D DM1 of the Arun Local Plan.

- 20 No development above damp-proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrants have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 21 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.

- 22 Prior to the first use of the electricity substation, an acoustic report assessing the impact of its use on local residents shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise (including low frequency noise) and vibration from the station to ensure that there is no adverse effect to residential properties.

The scheme shall ensure that the low frequency noise emitted from the substation is controlled so that it does not exceed the 'Low Frequency Criterion Curve' for the 10 to 160 Hz third octave bands inside residential accommodation as described in the DEFRA funded University of Salford Manchester guidance document entitled 'Procedure for the Assessment of Low Frequency Noise Complaints' (NANR45 Rev.1 - December 2011), see [http://sciencesearch.defra.gov.uk/Document.aspx?Document=10470\\_NANR45-procedure\\_rev1\\_23122011.pdf](http://sciencesearch.defra.gov.uk/Document.aspx?Document=10470_NANR45-procedure_rev1_23122011.pdf).

The electricity substation equipment shall thereafter be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. No future new substation plant shall be used without the written consent of the Local Planning Authority.

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

- 23 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.

- 24 Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as

a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 25 Prior to the occupation of any part of the development, full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. In particular, there should be no external lighting that illuminates the wildlife buffer areas to the western and southern site boundaries. The lighting approved shall be installed and maintained in accordance with the approved details.

Within 3 months of the completion of the development, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in the scheme are achieved. Where these levels have not been met, a report to demonstrate what measures have been taken to reduce the levels to those agreed within the application scheme shall be submitted to and approved in writing by the Local Planning Authority.

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

- 26 No part of the development, hereby permitted, shall be occupied until the accesses as shown on the approved planning drawings have been constructed to a final specification to be agreed with the local Highway Authority through a formal S38 and/or S278 process.

Reason: To ensure fit-for-purpose accesses constructed to appropriate design and safety standards in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 27 No part of the development shall be occupied until the internal access road layout has been constructed in accordance with the approved plans.

Reason: To ensure fit-for-purpose roads constructed to appropriate design and safety standards in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 28 No part of the development, hereby approved, shall be occupied until provision for parking and turning of cars associated with the development has been provided in accordance with the approved plans. Provision should thereafter be maintained solely for the purpose of the parking and turning of vehicles clear of the highway.

Reason: To ensure that adequate provision for the parking and turning of vehicles is provided for the development in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 29 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved

details and the charge points shall thereafter be permanently retained and maintained in good working condition.

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 National Planning Policy Framework.

- 30 No part of the development shall be first occupied until covered and secure cycle parking spaces for the individual houses have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. No details are required for the proposed flats as the communal store has been approved through the application decision.

Reason: To provide alternative travel options to the use of the car in accordance with Local Plan policies T SP1 & T DM1 and the National Planning Policy Framework.

- 31 No development shall be occupied until any disused crossovers and/or accesses no longer required as part of the development, have been permanently removed and reinstated in accordance with plans to be submitted to and approved by the Local Planning Authority in consultation with West Sussex Highways.

Reason: To ensure that any access points not required to serve the development are permanently removed to avoid risk of inappropriate reopening in the future and also in the interests of road safety in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 32 Upon the first occupation of the dwellings, the applicant shall implement the measures incorporated within the approved travel plan. The applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 33 None of the dwellings shall be occupied unless and until full details of the public open space (POS) management arrangements have been submitted to and approved in writing by the Local Planning Authority. The POS shall thereafter be implemented in accordance with the provision as agreed by application AL/20/21/PL (or any subsequent variation application) prior to occupation of the 36th dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

Reason: To ensure that the POS is provided and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

- 34 None of the dwellings shall be occupied unless and until full details of the proposed play provision and the management arrangements for this provision have been submitted to and approved in writing by the Local Planning Authority. The public play provision shall be implemented in accordance with the approved details prior to occupation of the 36th dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

Reason: To ensure that play provision is in place for future residents and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

- 35 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a

completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

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

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

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 37 Should any pumping station be required to be installed on the site then noise associated with it shall not exceed 45dB LAeq (15mins) with no tonal components evident at the boundary of the nearest noise sensitive property. In addition, when assessed by a competent acoustic engineer, the Vibration Dose Value (VDV) shall not exceed the applicable 'low probability of adverse comment' level for the test environment in question (i.e. residential buildings) contained within BS6472-1:2008 (Guide to evaluation of human exposure to vibration in buildings - Part 1: Vibration sources other than blasting) inside the nearest property. A test or prediction of the noise levels and a test or estimation of the expected vibration environment to demonstrate compliance with the levels shall be undertaken within 3 months of the pumping station first being operational.

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

- 38 All bathroom and toilet windows in the elevations of any of the buildings hereby approved shall be glazed with obscured glass and permanently retained so thereafter.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 39 No windows (other than those shown on the plans hereby approved) shall be constructed in the flank elevations of any of the dwellings hereby approved without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 40 Notwithstanding the provisions of Parts 1 & 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting this Order) no rear dormer/roof extensions/alterations to the buildings associated with plots 5-21 inclusive shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of protecting the amenities of the existing dwellings adjacent to the southern boundary in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 41 Notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no fences, walls, gates or other means of enclosure (other than those specified on the approved plans) shall be erected on land within the curtilage forward of the primary or side elevations of any of the approved houses, unless permission is granted by the Local Planning Authority on an application in that behalf.

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

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

- 43 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to 22 affordable houses, a strategic highways contribution and various local highway/sustainable transport improvements.

- 44 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.

- 45 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 46 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.

- 47 **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](http://www.southernwater.co.uk). Please read the New Connections Services Charging Arrangements documents which are available to read on the SW website: <https://beta.southernwater.co.uk/infrastructurecharges>.
- 48 **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.
- 49 **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. A Natural England Bat Licence will be required to demolish Wings House and the linked garage.
- 50 **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. For further information please contact the Environmental Health Department on (01903) 737555.
- 51 **INFORMATIVE:** The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and/or ash from fires or noise from the cutting and/or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should be contacted regarding Exemption Permits to burn on site.
- 52 **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 18/02/21) as available on the Councils website.
- 53 **INFORMATIVE:** If deemed necessary, the applicant should contact West Sussex County Council Legal Services to obtain necessary information to enter into the Section 59 Agreement under the Highways Act 1980. This Agreement is would be required in the event that extraordinary traffic required to build the development is generated during the construction phase/s in order to provide a means of making good the public highway following the cessation of construction traffic and building work on the site. Full details of the process can be obtained from the Local Highways Manager WSCC.
- 54 **INFORMATIVE:** Applications for S38 and/or S278 Agreements should be made to WSCC as Highway Authority. Full details are available on the WSCC website. Roads not forming part of the adopted highway network and/or not intended to be offered for adoption, will not be inspected by the Highway Authority during or after any construction phases. Such roads should, however, be assessed and formally signed-off/approved by a suitable Chartered Civil Engineer to the satisfaction of the LPA.

**BACKGROUND PAPERS**

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



**AL/34/22/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: AW/84/22/PL

LOCATION: Land to the North  
of 276 Aldwick Road  
Bognor Regis  
PO21 3QH

PROPOSAL: Variation of condition imposed under AW/28/19/PL relating to condition 2-plans condition (updated plans and Arboricultural Impact Assessment and Method Statement).

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION This proposal seeks to amend condition 2 of AW/28/19/PL, to change the approved plans to alter the approved layout of dwellings and fenestration. A new outer chimney is proposed on the northern elevation. Condition 2 of AW/28/19/PL required compliance with the submitted plans - this application would vary those plans.

SITE AREA 0.04 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 25 dwellings per hectare.

TOPOGRAPHY Predominantly flat but ground level is slightly higher than the surrounding roads in places.

TREES There are several trees along boundaries of the site and in the very northern corner. These are plotted on the Tree Constraints Plan and are predominantly classed as unsuitable for retention. The only tree of moderate quality is the TPO protected Cypress Monterey on the east boundary.

BOUNDARY TREATMENT The site is bordered by 1.8m high close boarded fencing to the rear & rear sides, and with a lower 1m high fence to the front/front sides of the existing house and above 2m high construction site gates to the rear.

SITE CHARACTERISTICS The site is part of the former rear garden to a substantial 2 storey detached dwelling. On the western side of the rear garden, there is a bell-mouth access off Margaret Close.

CHARACTER OF LOCALITY Part of a residential area comprising a mixed style of detached, semi-detached and terraced dwellings and between 1-2 storeys in height. The site's location in an 'island' formed by the Lower Bognor Road to the east, Aldwick Road to the south, Margaret Close to the North and a part Margaret Close off-shoot/part footpath to the west, means that it is not read visually in the context of surrounding development. There is a duck pond and public amenity/seating area to the west of the footpath. The site is edged on all sides by grass verge.

## RELEVANT SITE HISTORY

AW/28/19/PL	Erection of 1 No. dwelling & associated works.	App Cond with S106 09-10-19
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## REPRESENTATIONS

Aldwick Parish Council: Objection.

- The trees listed under for felling are amenity trees and their loss would represent a serious loss to the community.
- Removal of the trees does not represent a good arboricultural practice - the benefits of the development do not outweigh the loss of the 7 trees.
- ALP policy ENV DM4 states: where any trees which are removed as part of a development, at least an equivalent number of a similar species and age (where practical) are planted on the proposed development site. Sufficient space for replacement trees to mature without causing future nuisance or damage shall be provided. The planting of new trees shall form an integral part of the design of any development scheme.

No objections from the locality.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. AW/28/19/PL proposed to fell 6 trees & 1 shrub and carry out pruning works to a further 4. 8 trees, 2 groups of shrubs and 1 mix of tree/shrubs are to be removed under the amendments. The Tree Officer concluded his comments: 'I have no objection to the development in principle as arboricultural impacts are minimal relative to the scheme approved under AW/28/19/PL.'

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

ADC TREE OFFICER - Full comments are available on the Councils website (25/05/22) - no objection with the following comments:

- What has been illustrated is a greater extent of building footprint encroachment, north into the root protection area (RPA) of trees T06, T08 & T09.
- No detailed soft landscape plan has been provided; this should be seen as necessary to compensate for the loss of established tree cover.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. A condition will be imposed to ensure that any replacement tree planting will occur.

## POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary;  
 Class B & C Roads;  
 Pagham Harbour Zone B;  
 No Public Sewer on site;  
 Area of Special Character;  
 Within 2km of Bognor Reef SSSI; and  
 Tree Preservation Orders (refs Bognor No. 2 & AW/26/10).

TPO/AW/26/10 protects a Magnolia and a Beech to the front of the existing dwelling. It protects a Cypress Leyland and a Cypress Monterey on the eastern boundary (only the Monterey is in the application site).

## 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
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM4	HER DM4 Areas of Character
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

### SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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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.

There is no Neighbourhood Plan for Aldwick.

## 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 the Arun Local Plan in that it would not cause demonstrable harm to the character of the area (including existing trees), to the amenity of neighbouring residents, the biodiversity value of the site & surroundings or result in a severe impact on the local highway.

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:**

Regard should be had to policy SD SP1 of the ALP which states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)."

The site is in a sustainable location in cycling distance of local shops and Bognor Regis town centre. There are several bus stops in the area which are a short walk from the site. All walking/cycling routes are safe and well lit. The development supports the local community by providing a new house to help meet future needs, increase Council tax receipts, create/maintain construction jobs and result in additional spending in the local area by future residents.

Due to the position of the site the dwelling would not conflict with the policies above which allow for development in the built up area. The development complies with policies SD SP2 and SD SP1 of the Arun Local Plan and relevant paragraphs of the NPPF. The policies most relevant to this application are not out of date.

##### **HERITAGE ASSETS:**

The site forms part of the locally designated Aldwick Road Area of Character (AOC) which has historical connections and is considered for the purposes of the NPPF to be a non-designated heritage asset. ALP Policy HER DM4 is relevant and states that planning permission will be granted subject to the following relevant criteria:

- the retention of buildings and other features such as boundary walls, hedges, trees, railings, open spaces, etc. which make positive contributions to the special character of the areas; and
- new development preserving, and where possible, enhancing the special character of these areas.

Paragraph 203 of the NPPF states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

There may as a result of the development be future pressure to prune or fell additional trees. Despite the AoC designation, there are no planning controls on the felling or pruning of trees (other than for trees protected by TPO's).

Although the proposal has an impact on the Area of Character it is not of a scale likely to affect the significance on the non-designated heritage asset and will not be materially harmful to the character of the AoC. The proposal broadly complies with guidance in the NPPF and policy HER DM4.

#### **CHARACTER & DESIGN:**

ALP policy D DM1 requires the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area.

The proposal represents back land development as it is in the rear garden of a dwelling which would face part of Margaret Close. The amendments involve changes to fenestration of the approved dwelling. Two smaller roof-lights on the western roof plane would be replaced with one larger one, a side window of the entrance door would be replaced with a side whole height window, the size of windows would be adjusted to the size of the windows on the side projection and two small roof-lights would be inserted to the roof plane above it. Two small roof-lights would be inserted to the eastern roof plane of side projection and three larger to the eastern roof plane of the main building to the right of an approved dormer. The window on east elevation of the side projection and French doors of the main building would be replaced with bi-folding doors. A large casement window would replace two small windows on this elevation. A chimney is proposed on the northern elevation. To level the difference between the garden and the ground floor two stairs are proposed on the rear elevation to access the bi-fold doors.

The changes would not be readily visible from the public view, except the chimney which is a common feature of the area.

The Aldwick Parish Design Statement is not policy but as adopted guidance has to be considered as a material planning consideration. The Aldwick Parish Design Statement has very limited weight and pre-dates the Local Plan. In respect of the Aldwick Road Character Area 13, one of development control criteria is: 'The amenity trees, spaces and access ways should be retained trees lost to damage or disease should be replanted/replaced.'

Whilst the proposal conflicts with the above in respect of the loss of some trees and the development of an existing garden, The Aldwick Parish Design Statement has very limited weight and pre-dates the Arun Local Plan. Furthermore, the ADC Tree Officer concluded his comments: '... arboricultural impacts are minimal relative to the scheme approved under AW/28/19/PL.'

The proposal generally complies with policy D DM1 as the character of the resulting development is acceptable.

#### **RESIDENTIAL AMENITY:**

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". Para 130 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

All changes are aesthetical only changing some parts of elevations, the materials are the same as approved. There will be changes in fenestration and they would not affect the residential amenity of surrounding dwellings. The proposed changes would not have an adverse impact to users and occupiers of the neighbouring dwellings such that a refusal could be justified.

The proposal complies with policies D DM1 and QE SP1 as well as the guidance on amenity within the NPPF (para. 130).

#### **INTERNAL & EXTERNAL SPACE STANDARDS:**

The house has a private garden to three sides of the site. The existing dwelling will have private garden on three sides including a predominantly 12.5m deep rear garden. The scheme provides a good standard of amenity for future occupiers.

The internal space is of the same size as that approved and the same applies to the size of approved private garden. Proposal complies with Arun Local Plan policies D DM1 & D DM2 and the guidance on amenity in the NPPF.

#### **IMPACT ON TREES:**

ALP policy ENV DM4 seeks to protect trees protected by a Tree Preservation Order (TPO) or those contributing to local amenity. It allows for tree removal where required in the interests of good arboricultural practice, or where this would enhance the survival and growth prospects of other protected trees or where the benefits outweigh the harm.

Although removal of 6 trees and pruning works on a further 4 out of a total of 32 has been approved, the proposal seeks to remove 8 trees, 2 groups of shrubs and 1 mix of trees/shrubs. The proposal is supported by an updated Arboricultural Impact Assessment and Method Statement and Tree Retention and Protection Plan. None of the trees to be felled are covered by the TPO. The only TPO protected Cypress Monterey on the eastern boundary will be crown reduced by 1m to its westerly aspect.

Due to the replacement of previously submitted Arboricultural Impact Assessment and Method Statement with Tree Retention and Protection Plan conditions 3 and 6 imposed under AW/28/19/PL have been amended to reflect the revised documents.

The ADC Tree Officer assessed the submitted documents and pointed out: 'What has been illustrated is a greater extent of building footprint encroachment, north into the root protection area (RPA) of trees T06, T08 & T09. No detailed soft landscape plan has been provided so there is no certainty of any replacement tree planting will occur what should be seen as necessary to compensate for the loss of established tree cover and improve visual screening of this new development, from surrounding areas noted for special character (heavy, extremely attractive and mature landscaping). The applicant should approach WSCC and explore the possibility of securing off-site standard tree planting within the ample public highway verge which wraps around the north and east boundaries, if internal space does not permit sufficient quantity of large trees to achieve their full growth potential. A scheme of planting should rely on native tree species of potential stature (>10m ht.) and longevity such that they will grow to



enhance the local landscape.'

No objection has been raised by the Tree Officer, subject to conditions. The development complies with the Arun Local Plan policy ENV DM4.

#### **HIGHWAYS & PARKING:**

Access would be unchanged, from an existing lightly trafficked and low speed road (a part of Margaret Close). This in turn feeds onto the main section of Margaret Close. WSCC Highways have appraised the approved proposal and raised no objections. The impact of a dwelling would not be severe. With regards to parking, amended proposal would unlikely generate a materially different number of vehicular movements to the site.

There is a demand for 2 off street spaces and the proposal accords with the likely demand. Visitor parking requirements could be met locally without harm to highway safety. There is space on the site for a cycle storage shed. The proposal provides sufficient parking for the needs of the dwelling and therefore complies with Arun Local Plan policy T SP1.

#### **IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:**

ALP policy ENV DM2 requires that new residential developments within 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 residential unit was agreed by the Councils Cabinet on 10th April 2017.

The site lies in the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 1 dwelling results in a contribution of £871 at the current rate. The s106 should be completed no later than 1 month from the date of the Committee meeting. If the agreement is not complete by that date the application will be refused for failing to provide the necessary s106.

#### **SUMMARY**

This proposal represents an appropriate redevelopment without unacceptably compromising the visual amenity of the area amenities of neighbouring residential occupiers. The proposal represents sustainable development.

The policies most relevant to this application are not considered out of date in accordance with paragraph 11 of the NPPF. The scheme is acceptable when applying the Local Plan policies (that are relevant and up to date) and it is recommended that in accordance with paragraph 11c of the NPPF that permission is granted subject to conditions.

<b>HUMAN RIGHTS ACT</b>
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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.

#### **SECTION 106 DETAILS**

The agreement entered into for AW/28/19/PL only contained one obligation, to pay the Assess Management Contribution of £871 on execution of the deed and it was confirmed that the contribution has been paid. There is no provision in the agreement for it to be transferred to subsequent applications so a new agreement/variation of the existing will need to be agreed within one month of the Committee meeting.

#### **CIL DETAILS**

This application is not CIL Liable since AW/28/19/PL has been granted prior to CIL coming into effect and current application is a s.73 application and there is no increase in a floor area.

#### **RECOMMENDATION**

**APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT**

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of the planning permission under AW/28/19/PL (9th October 2019).

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:

2021.337.01, Proposed Block Plan;  
2021.337.02, Proposed Layouts and Elevations;  
LLD2330-ARB-DWG-002-02, Tree Retention and Protection Plan;  
LLD2330-ARB-DWG-003 Rev 00, Location of Section Lines;  
LLD2330-ARB-DWG-004 Rev 00, No Dig Construction Indicative Section;  
LLD2330-ARB-DWG-005 Rev 00, No Dig Construction Section A-A;  
LLD2330-ARB-DWG-006 Rev 00, No Dig Construction Section B-B;  
LLD2330-ARB-DWG-007 Rev 00, No Dig Construction Section C-C.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies T SP1, QE SP1, D DM1, HER DM4 and ENV DM4 of the Arun Local Plan.

- 3 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment and Method Statement, LLD2330-ARB-REP-001. If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837:2012 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

- 4 The development must be carried out in accordance with the mitigation and enhancement measures as set out within sections 5.0 and 6.0 of the submitted Ecological Impact Assessment by Lizard Landscape Design and Ecology (ref LLD1612 Rev 00, dated 09/05/19). The enhancements and mitigation measures shall be implemented as per the document and then permanently retained and thereafter maintained as fit for purpose. There shall also be continued management of the site to prevent reptile habitat from developing on the site during the construction process.

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

- 5 No construction activities shall take place, other than between the hours of 8:00am - 18:00 Monday to Friday, 08:00 - 13:00 Saturday and no working activities at any time on Sundays, bank and public holidays.

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

- 6 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Retention and Protection Plan, LLD2330-ARB-DWG-002, Rev 02, date 06.05.22.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.

Reasons: To comply with BS5837:2012 and ensure the retention and maintenance of trees and vegetation which are an important feature of the area, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 7 Prior to the commencement of development, the developer shall provide a buffer zone to the hedges along the site boundaries to be secured by temporary security fencing placed in such a manner so that the fencing is not touching the hedgerow. The habitat within the buffer zones shall be maintained as existing and there shall be no access to these buffer zones during the construction process. Once construction is completed, the fencing shall be removed and the hedgerows permanently retained as a natural area for wildlife.

Reason: In order to protect wildlife habitat (bats, reptiles) and in the interests of general biodiversity in accordance with policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure that the wildlife habitat is protected prior to the start of construction works.

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

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

- 9 No development above damp proof course (DPC) level shall take place unless and until a colour 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 and the character & appearance of the surroundings by endeavouring to achieve a building of visual quality in accordance with policies D DM1 and HER DM4 of the Arun Local Plan.

- 10 The dwelling, hereby approved, shall not be occupied until the car parking has been constructed in accordance with the approved site plan. This space shall thereafter be retained at all times for its designated use.

Reason: To provide adequate on-site car parking space for the development in accordance with policy T SP1 of the Arun Local Plan.

- 11 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plan. The cycle parking spaces shall be retained unless otherwise agreed in writing by the LPA,

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

- 12 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 permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure

Study (November 2017) and the National Planning Policy Framework.

- 13 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policy ENV DM5 of the Arun Local Plan.

- 14 All tree pruning considered essential to enable the agreed development must meet the requirements of BS3998:2010  
Tree work - Recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010; and
- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interest of continued health/vitality of trees and to accord with current industry guidelines and sound arboricultural practice and policy ENV DM4 of the Arun Local Plan.

- 15 A detailed tree planting plan shall be submitted to the Local Planning Authority for approval to compensate for the loss of established tree cover and improve visual screening of this new development. The applicant should approach WSCC and explore the possibility of securing off-site standard tree planting within the ample public highway verge which wraps around the north and east boundaries, if internal space does not permit sufficient quantity of large trees to achieve their full growth potential.

The applicant shall during the next planting season following the felling of the trees, the subject of this application, plant replacement trees of a species and maturity and in positions approved by the Local Planning Authority and under its supervision and in the event that any such trees die within five years following such planting shall replace them by similar trees in similar positions during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with policy D DM1 of the Arun Local Plan.

- 16 **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 infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance of 40% on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. The design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 40%).

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 groundwater table in support of the design. The applicant is advised to discuss the extend of

ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

17      INFORMATIVE: This decision has been granted with a s106 legal agreement relating to a contribution of £871 towards the provision of accessible natural open green spaces to serve the Pagham area.

18      INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

19      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](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

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

**AW/84/22/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/61/22/PL

LOCATION: 20 Nyewood Lane  
Bognor Regis  
PO21 2QB

PROPOSAL: Change of use to 5 bed house in multiple occupation.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Permission is sought for the change of use of a detached house to a house in multiple occupation (HMO). The HMO would consist of two en-suite bedrooms on the ground floor, three (one of them en-suite) on the second floor. There is one bathroom and utility room on the first floor and a shared kitchen and dining/garden room with access to the rear garden and a hall on the ground floor. No changes are proposed to the external appearance. Parking for five cars with bin storage to the front and side is available.
SITE AREA	299.00 sqm.
BOUNDARY TREATMENT	Approximately 0.60m high wall to the southern boundary to the front. Slightly above 1m high timber panel fence to sides in front of property. Open to the front.
SITE CHARACTERISTICS	Two-storey detached, L shaped house with gabled roof to the front and half-hipped to the side with a side entrance, west facing front elevation and single storey rear extension. The property already has 5 bedrooms there is no change in the number of beds. The property is on the east side of Nyewood Lane, close to the junction with Stocker Road. The frontage is laid out for car parking, including vehicle access along the south of the building. The rear garden is laid to lawn with mature shrubs in borders.
CHARACTER OF LOCALITY	Residential with some tourist uses to the west of Bognor Regis. Properties vary from blocks of flats on Marine Park Gardens to two storey detached dwellings of a similar style and character and commercial premises to the north on the junction with Aldwick Road. Residential and Care Homes along Stocker Road.

**REPRESENTATIONS**

Bognor Regis Town Council - objection:

- Loss of another family home to an HMO.
- Increased risk of crime; and
- Potential to increase traffic generation at the junction of Nyewood Lane/Richmond Avenue in an area

with a Traffic Regulation Order.

No letters of objection received.

#### COMMENTS ON REPRESENTATIONS RECEIVED:

The issues are discussed in the conclusions.

### CONSULTATIONS

#### CONSULTATION RESPONSES RECEIVED:

**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.

**PRIVATE SECTOR HOUSING:** no objection. Full comments are online. Any property that has 5 or more people sharing facilities requires a license. Housing standards, including room sizes and facilities must be complied with.

**ENVIRONMENT AGENCY:** initially raised objection but following the submission of Flood Risk Assessment, now state no objection and recommend no conditions.

#### COMMENTS ON CONSULTATION RESPONSES:

**NATURAL ENGLAND** - An Appropriate Assessment (AA) was issued to Natural England for review on the 30 June 2022. It is likely Natural England will advise that subject to the contribution being secured, there will be no adverse effect on the integrity of the European Site in view of its conservation objectives. A copy of the AA is on the website. Should a response be received then this will be reported to members by way of a report update.

### POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary.

Class C Road.

Part Current/Future Flood Zone 3 (the site frontage); and

Pagham Harbour Zone B.

#### DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HSP4	H SP4 Houses in multiple occupation
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment

SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
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
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. There are no relevant policies within the Bognor Regis Neighbourhood Development Plan for 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."

Section 70(2) of TCPA provides that:-

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

The proposal is considered to comply with the Arun Local Plan in that it would not cause demonstrable harm to the character of the area, to the amenity of neighbouring residents, to the amenities of future residents, to the integrity of the Pagham Harbour Special Protection Area or result in a severe impact on the local highway.

**OTHER MATERIAL CONSIDERATIONS**

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

**CONCLUSIONS**

PRINCIPLE:

The site is 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 Local Plan covering such issues as change of use, visual/residential amenity, highway safety and parking.

The proposal is acceptable in principle given its location in a sustainable location within a short walk from a local shopping parade. Since the proposal is for a change of use from class C4 to a sui generis HMO, the proposal should be assessed against ALP policy H SP4.

Policy H SP4 states where applications for houses in multiple occupation are not covered by permitted development rights, they will be favourably considered where proposals contribute to the creation of sustainable, inclusive, and mixed communities and meeting the detailed criteria:

- a. Do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing.
- b. Do not contribute to the generation of excessive parking demands or traffic in an area.
- c. Provide adequate areas of open space.

These criteria are discussed in the rest of these conclusions, but it is concluded that the proposal is compliant with the criteria.

CHARACTER OF THE AREA:

Regarding criterion (a) of policy H SP4, there are existing HMOs in this area. Within a 100m radius of the site there are 5 HMOs: 17 & 26 Nyewood Lane, 18-20 Stocker Road and 83 & 86 Aldwick Road. Temporary planning permission for 86 Aldwick Road (change of use from care home to temporary accommodation for 58 seasonal agricultural workers) expired on 02/12/21, however a new application for the continued use of the property for the same (BR/97/22/PL) has been submitted. Within a 200m radius of the proposal site there are further 4 HMOs: 49 Aldwick Road, 120-124 Aldwick Road (Ashley House), and 110/110a Aldwick Road.

The character of the locality has an increased density derived from recent conversions of housing stock into smaller household types and conversions to HMO's. 20 Nyewood Lane is already in use as a small HMO under use class C4. A condition will be imposed to the decision to limit the number of occupants up to maximum of 8. Therefore, there would only be 2 additional residents above the C4 allowance (shared dwelling houses occupied by between 3-6 unrelated individuals does not require permission).

The building is two storeys with a plain tile roof and textured render finish walls. Door and window openings remain unchanged, apart from the replacement of a single glazed door and window frames in the same opening format.

The area is mixed with residential properties on the east side of Nyewood Lane and a parade of shops opposite, further shops and dwellings on Aldwick Road and then dwellings on the remainder of Nyewood Lane. There are flats above shops on the junction with Aldwick Road and a purpose-built flatted building on Nyewood Lane. Along Marine Park Gardens, to the immediate north is a guesthouse and there is also a HMO at 26 Nyewood Lane and at 17 opposite. A slightly larger number of residents in the dwelling would not be out of character in this location. The development would not result in an unacceptable increase of population in this area and would not affect its character.

Paragraph 12.5.5 of the Local Plan (HMO) also makes clear that 'larger households tend to generate more refuse, regardless of whether the property is occupied by a single family or in multiple occupation.'

Therefore, there should be no discernible difference in waste production between the existing and proposed uses.

The proposal complies with ALP policies D DM1 & H SP4 (a) and with the guidance on character within the NPPF. Criteria (c) and (d) of policy H SP4 will be analysed elsewhere in this report.

#### RESIDENTIAL AMENITY INCLUDING NOISE POLLUTION:

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. Policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. Policy QE DM1 seeks to protect against the impacts of new noise generating development.

20 Nyewood Lane has a C4 use which allows for the accommodation of at least 6 people in an HMO arrangement and the use would provide accommodation for up to 8 people. The use remains residential and will have similar characteristics to residential properties in the locality. A noise report and evidence are not required given the nature of the development which would result in only a slight intensification. The use will not adversely affect the residential amenity of the area in respect of noise pollution to a greater degree than a C4 use would do.

The only change is a replacement of single glazed door and window frames in the same opening format, therefore there would not be any new overlooking impacts that would occur. The proposal therefore complies with ALP policies D DM1, QE SP1 and QE DM1.

#### HIGHWAYS, TRAFFIC AND PARKING:

ALP policy T SP1 requires development to reduce the need to travel by car by identifying opportunities to improve access to public transport services whilst making provision for safe access to the highway network. Policy T SP1(f) (iv) requires development to incorporate facilities for charging electric and plug-in hybrid vehicles. Policy H SP4(b) makes clear the provision of HMO's should not contribute to the generation of excessive parking demands or traffic in the area.

The Arun Parking Standards 2020 has no specific category for HMO use but at Table 3.1 shows the expected level of parking provision for residential development. In Zone 4 it is one parking space for a 1 bed unit and 1 cycle parking space per unit for 1 bed flats/houses.

The applicant proposes a 5-parking space provision for 5 bed HMO. However, inspection of the plan shows that the proposed hardstanding (5.2 x 9.8 metres) is only large enough to accommodate 3 parking spaces (2.4 x 6 metres, health and safety obstruction of a doorway or window escape) plus one space in tandem.

No secure and covered cycle parking facilities are proposed and so a condition will be imposed to require the provision of cycle parking spaces in accordance with the Arun Parking Standards 2020 which would help promote the use of sustainable alternative modes of transport to the private car. A condition will be imposed requiring the car parking spaces to be available prior to occupation.

WSCC local mapping shows there are comprehensive parking restrictions prohibiting additional vehicles from parking in places that would be detriment to highway safety. Subject to planning conditions to secure vehicular & cycle parking and EV points, the proposal would accord with ALP policies T SP1, T DM1 and with criterion (b) of policy H SP4, the ADC Parking Standards SPD (2020) and the NPPF.

#### INTERNAL & EXTERNAL SPACE STANDARDS:

Both the ALP policy D DM2 and the Design Guide require that new residential development provide sufficient internal living space to ensure a decent standard of amenity for future occupants. However, the national standards do not provide any relevant guidance for HMOs and as the proposal includes shared kitchen/dining accommodation, it is not appropriate to apply the standards for a 1 bed flat. Instead, reference is made to Arun's Environmental Health Private Housing Standards.

The standards reference the following documents: "LACORS Promoting Quality Regulation" (LGA) 2009 and "Chichester and Arun Landlord Accreditation Scheme Standards" 2013. The Chichester and Arun Landlord Accreditation Scheme Standards 2013 include requirements such as number of bathrooms/toilets, number of electric sockets per room, kitchen facilities, heating, waste disposal, energy efficiency and windows. The room size requirements are:

- (1) 6.5m<sup>2</sup> for a single bedroom where a lounge and kitchen or kitchen diner is shared.
- (2) 10m<sup>2</sup> for a single bedroom where a kitchen is shared without a shared lounge.
- (3) 10.5m<sup>2</sup> for a double bedroom where a lounge or dining room or sized kitchen diner is shared.
- (4) 12m<sup>2</sup> for a double bedroom where a kitchen is shared without a shared lounge area; and
- (5) 13m<sup>2</sup> for a one roomed unit with kitchen facilities for a single person.

In the case of this application, all rooms comply as the smallest bedroom is 7.7m<sup>2</sup> whilst the largest is 20.3m<sup>2</sup>.

Policy HSP4, criterion c. requires the provision of adequate areas of open spaces. There is a garden of 61m<sup>2</sup> to the rear and there is also easy access to nearby public open spaces like Marine Park Gardens and West Park at a distance of 100m and 480m. The sea is approximately 150m away. On this basis, the development complies with ALP policy H SP4(c) as the rear garden is of an acceptable size for up to 8 people.

#### **FLOOD RISK:**

The site frontage lies in current Flood Zone 3 with no predicted increase due to climate change. No part of the building is affected. ALP policy W DM2 states development in areas at risk from flooding will only be permitted where certain criteria have been satisfied.

The applicant has supplied a Flood Risk Assessment (FRA) which concludes that the site (building) is within Flood Zone 1 and therefore no need to consider the sequential or exception tests or to propose mitigation and this is appropriate. The Environment Agency have considered the FRA and raise no objections with no conditions recommended. There is no conflict with ALP policy W DM2.

#### **PAGHAM HARBOUR SPECIAL PROTECTION AREA:**

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 this application results in a net increase in a slight intensification in occupancy.

Based on the net gain of people (equal to one dwelling), the applicant has agreed to the £871 contribution, and this is secured by the signed Section 106 legal agreement. There is no conflict with ALP policy ENV DM2 of the Arun Local Plan.

Notwithstanding, Arun DC are required to carry out an Appropriate Assessment (AA) to assess the

impact of increased recreational disturbance arising from the proposal on the Pagham Harbour Special Protection Area (SPA) & Ramsar Site. An AA was issued to Natural England for review on the 30th of June 2022 with a request for a response within 10 days. Natural England's response will be reported to the committee by report update.

**BIODIVERSITY:**

ALP policy ENV DM5 requires that development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. The application is not accompanied by an ecological appraisal but existing buildings in high density urban areas tend to have low potential as habitat for protected species therefore this is acceptable. However, it is still necessary to demonstrate biodiversity net gain. As there is no response from the applicant on this, it is proposed to impose a condition to require details of improvements to secure biodiversity net gain. This would satisfy policy requirements.

**SUMMARY:**

The conversion of this property represents an efficient use of urban land without compromising the visual amenities or character of the area, highway safety or the amenities of nearby residential occupiers. The proposal represents sustainable development.

The policies most relevant to this application are not considered out of date and so an approval would be in accordance with paragraph 11c of the NPPF and therefore it is recommended that permission is granted subject to conditions and the agreed legal agreement.

**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).

There is no level access to the existing building and so access for those in a wheelchair would be difficult but not impossible. There would be a neutral impact on the other protected characteristics.

<b>SECTION 106 DETAILS</b>
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This decision will be granted with a s106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to the Pagham Harbour Special Protection Area by the proposed intensification of the existing building.

<b>CIL DETAILS</b>
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This application is not CIL liable.

<b>RECOMMENDATION</b>
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**APPROVE WITH SECTION 106 AGREEMENT**

- 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:

Dwg No P 01 Block and Location Plan;  
Dwg No P 04 Proposed Floor Plans;  
Dwg No P 05, Proposed Elevations.

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

- 3 The use hereby approved shall be for the benefit of a maximum of eight occupants only.

Reason: To protect the amenities of the locality and adjoining property in accordance with policies D DM1 and H SP4 of the Arun Local Plan.

- 4 Within 3 months of the date of commencement of this permission details of improvements to secure biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be completed on site within 6 months of the date of approval of the details and retained thereafter.

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

- 5 No part of the development shall be first occupied until the car parking spaces shown on the approved plans have been constructed and shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use in accordance with policies D DM1 and T DM1 of the Arun Local Plan.

- 6 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.



Reason: New petrol and diesel cars/vans will not be sold beyond 2030, to mitigate against any potential adverse impact of the development on local air quality and to provide sustainable travel options in accordance with policies T SP1, T DM1 & QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the NPPF.

- 7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided and shall be retained unless otherwise agreed by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policies T DM1 and T SP1 of the Arun Local Plan.

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

- 9 **INFORMATIVE:** This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to the Pagham Harbour Special Protection Area by the proposed intensification of the existing building.

- 10 **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

<b>BACKGROUND PAPERS</b>
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[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/61/22/PL - Indicative Location Plan (Do not Scale or Copy)**  
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100018487. 2015

PLANNING APPLICATION REPORT

REF NO: EP/55/22/PL

LOCATION: 4 Beechlands Cottages  
Beechlands Close  
East Preston  
BN16 1JT

PROPOSAL: Variation of condition imposed under EP/41/17/PL relating to condition 2-approved plans.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION This application seeks amendments to Condition no 2 (approved plans) of EP/41/17/PL on land adjacent to 4 Beechlands Cottages.

The proposed amendment to the approved plans sought is the simplification of the ground floor layout. An inset bay window to the front of the property, serving the kitchen was proposed in 2017, with an overhanging projection from a bedroom above forming the roof of the bay. It is now proposed to build the ground and first floor in line with one another, this will therefore increase the size of the ground floor by removing the inset bay and positioning an equally sized window in the external wall. The proposed increase in floor area is approx. 2 sqm.

SITE CHARACTERISTICS The site is a block of 4 terraced 2/3 bedroomed properties. There is an unmade private access road 10 metres wide to the east side serving a block of land to the rear of a nearby parade of shops including a garage block, unmade hard standing parking areas and a small dilapidated commercial building.

CHARACTER OF LOCALITY A residential area with a commercial shopping parade to the west. Beechlands Close is accessed from the main road, Sea Road and intersects a parade of local shops. The applicant's terraced block is just behind the parade of shops faces onto a residential street with a similar terrace block opposite and a cul-de-sac of bungalows to the east.

**RELEVANT SITE HISTORY**

EP/168/19/PL	1 no. dwelling & alterations to roof of existing dwelling (4 Beechlands Cottages) including the provision of new dormer to front elevation.	Refused 05-03-20
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EP/41/17/PL            1 No. dwelling & dormer to front elevation & velux roof windows to rear roof slope to 4 Beechlands Cottages.            ApproveConditionally  
25-05-17

EP/41/17/PL - permission was granted for a 3-bedroom dwelling, for which amendments to the plans are now proposed. This application was implemented in April 2020, confirmed by evidence contained within a Building Control Application, for the laying of a part of the foundations for the proposed beam and block floor, and as such is extant.

**REPRESENTATIONS**

East Preston Parish Council - Object

- Unbalance set of cottages.
- Building in from of existing building line.
- Leading to lack of visual integration with existing cottages.
- Cladding and position of front door will appear out of character.
- The narrowing of access driveway to rear of shops will cause larger vehicles to block main service road of shops.
- Lack of provision for amenity space.
- Concerns relating to east opening front door (on to garage access way).
- Concerns about parking provision.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The issues raised by the Parish Council relate to the provision of a new dwelling, the principle of the new dwelling has already been agreed, therefore this application will solely deal with amendments to the approved plans and no other issues.

**POLICY CONTEXT**

Designation applicable to site:  
Built Up Area Boundary.

**DEVELOPMENT PLAN POLICIES**

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

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

[East Preston Neighbourhood Plan 2014 Policy 1](#)            Housing - General Principles

East Preston Neighbourhood Plan 2014 Policy 3            Design in Character Area Two

**PLANNING POLICY GUIDANCE:**

- NPPF            National Planning Policy Framework
- NPPG            National Planning Practice Guidance

**POLICY COMMENTARY**

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

East Preston has a made neighbourhood plan. Housing General Principles and Policy 3 - Design in Character Area Two of the East Preston Neighbourhood Plan are considered relevant to this application.

## **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

On balance, the proposal will comply with Development Plan policies. Whilst there are impacts upon the character of the area, the proposals are the same as previously granted permission and those impacts are not so substantial as to justify a refusal of permission.

## **CONCLUSIONS**

### **PRINCIPLE**

The site falls within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations are Policy D DM1 and D DM4 of the Arun Local Plan; Policy 1 of the East Preston Neighbourhood Plan (EPNP); and the NPPG and NPPF.

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

Policy D DM4 states that when considering extensions to existing buildings requires the extension sympathetically relates to and is visually integrated with, the existing building, that it is visually subservient to the main building and that it should not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

Arun recently adopted a Design Guide which provides detailed guidance that will help raise design standards across the district. Developments should respond to the distinctiveness and characteristics of their surroundings in terms of scale massing and materials, protect the amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance. Part J (building Design) is of relevance to this application.

Policy 1 of the East Preston Neighbourhood Development plan seeks to ensure that development reflects and enhance the architectural and historic character and scale of the surrounding buildings and that development meets adopted car parking standards.

Policy 3 of the East Preston Neighbourhood plan ensures that scale, density, massing, height, landscape design, layout and materials of, including alterations to existing buildings, will: maintain a consistent low building height and not exceed existing ridge heights.

### **BACKGROUND**

The principle for the proposed 3-bedroom dwelling was granted under EP/41/17/PL. This application was implemented in April 2020 when a Building Regulations application was submitted to the Local Authority for works to the foundations (in part) to support the beam and block floor, under application EP/89/17/BR. The application is therefore extant. This application seeks amendments to the approved plans only. It will not change the intensity or description of the application and all conditions which formed part of

EP/41/17/PL will still be applicable.

#### **DESIGN AND VISUAL AMENITY**

The proposed amendment to the approved plans sought is the simplification of the ground floor layout. An inset bay window to the front of the property, serving the kitchen was proposed in 2017, with an overhanging projection from a bedroom above forming the roof of the bay. It is now proposed to build the ground and first floor in line with one another, this will therefore increase the size of the ground floor by removing the inset bay and positioning an equally sized window in the external wall. The proposed increase in floor area is approx. 2 sqm.

The proposed additional built form at ground-floor level will achieve visual integration as it will be built with materials which match the existing dwellings, namely flint and brick. As only a small increase to the footprint on the ground-floor is proposed, which sits directly under that of the first floor the building line will be retained, and the extension will sit in line with the approved built form. By reason of its siting and appropriate scale the proposed development will be subservient to the host dwelling.

The alterations will be visible from the street, however the simplification in design will sit comfortably alongside the other dwellings in the terrace as inset bays are not an existing feature, as such the increase to the ground floor will not adversely affect the character of the area.

Part J.01 relates to buildings form and character and states that new development must ensure that the existing character and sense of place of an area is respected and enhanced. Additionally, policy 1 and 3 of the EPNP seek to control development so that it visually respects the sense of place. The proposed development, by reason that it is appropriately scaled, does not alter the overall bulk of the building and will be built to be visually integrated with the host dwelling and the terrace of existing cottages, accord with both policy and guidance.

In this context, the proposed development achieves an acceptable level of visual integration and a high standard of design quality and accords with policies D DM1(1) & (2) and D DM4 (a), (b) & (e) of the Arun Local Plan and policy 1 and 3 of the East Preston Neighbourhood Plan and Part J of the Arun Design Guide.

#### **RESIDENTIAL AMENITY**

Given that only 2 sqm of additional footprint is proposed to the ground-floor, which does not impact the size of either the first or second floors, and by reason that the proposed development will occur to the front of the property, no negative impact from the proposal being overbearing or overshadowing neighbouring properties will arise.

In terms of overlooking, views will be decreased from the site as the side returns to the bay window are being removed with the amendments. Furthermore, the window effected is to the ground floor and faces over the public realm, as such, no negative impact to privacy from overlooking will occur.

The development accords with policy D DM1(3) and D DM4 (c) of the Arun Local Plan.

<b>HUMAN RIGHTS ACT</b>
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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;

- Proposed Plans and Elevations 2.02
- Proposed Site Plan, Block and Location Plans 2.03 Rev A

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 The materials and finishes of the external walls of the alteration to the building hereby permitted shall match in colour and texture those of the existing buildings within the terrace.

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

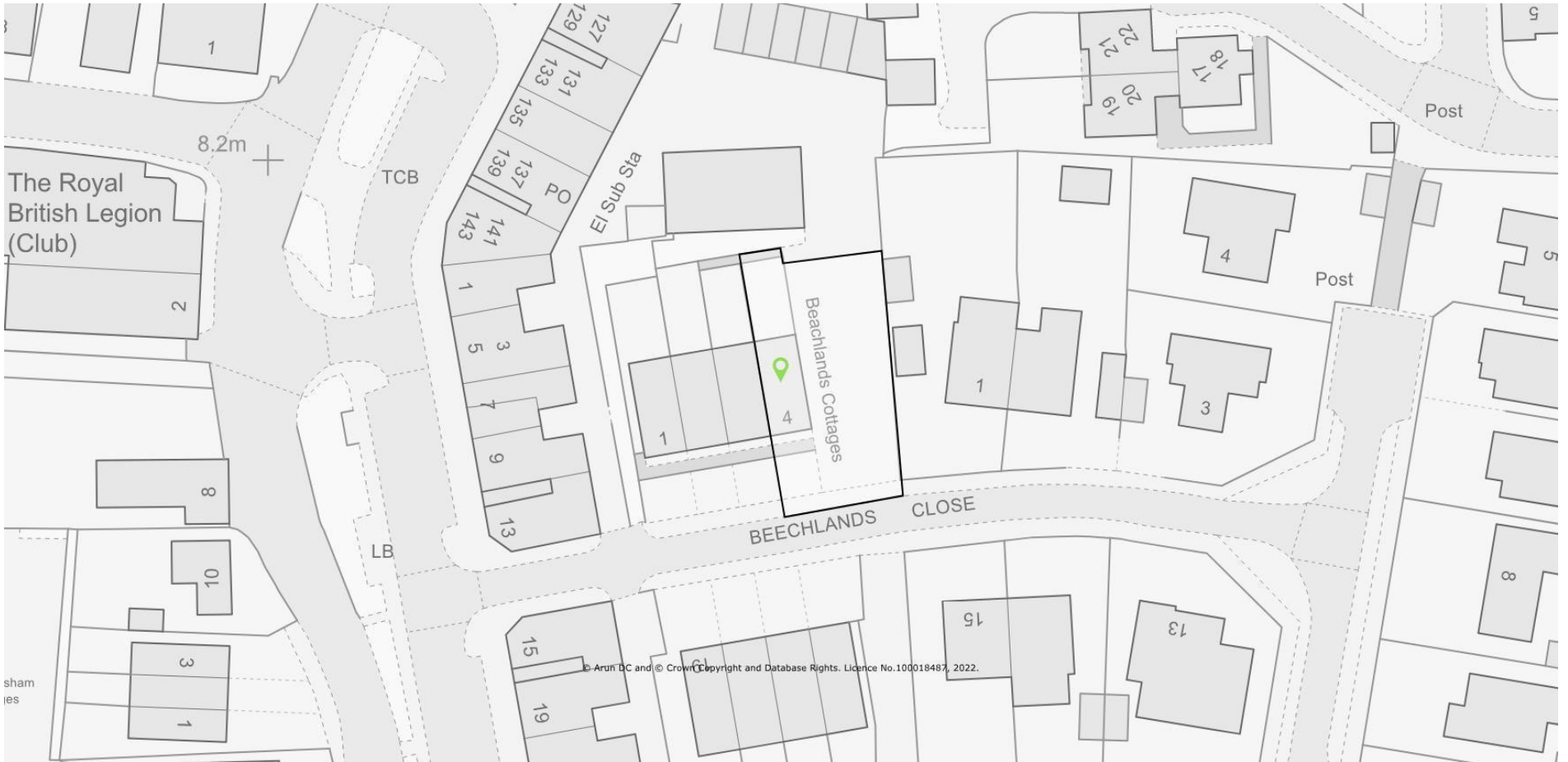
3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations,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

4 **INFORMATIVE:** This permission relates to the variation of approved plans of planning permission EP/41/17/PL only and does not seek to alter or discharge any of the conditions attached to the original approval which still stand.

#### **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)

**EP/55/22/PL - Indicative Location Plan (Do not Scale or Copy)**  
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PLANNING APPLICATION REPORT

REF NO: FG/58/22/PL

LOCATION: 4 The Pantiles  
Ferringham Lane  
Ferring  
BN12 5NE

PROPOSAL: Conversion of the top two floors into a 1 No 3 bed flat (resubmission following FG/22/22/PL). This site is in CIL Zone 4 (Zero Rated) as other development.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application seeks conversion of the top two floors of the building to form a 1No. 3 bed flat (resubmission following FG/22/22/PL).
SITE CHARACTERISTICS	The site forms a beauty salon which is occupied over three floors.
CHARACTER OF LOCALITY	The area is predominately residential. The site is occupied by a row of terraced properties. They have retail uses to the ground floor serving a local shopping parade with residential above.

**RELEVANT SITE HISTORY**

FG/22/22/PL	Change of use of top two floors from treatment rooms to 1 No 1 bed flat and 1 No 2 bed flat. This application is in CIL Zone 4 (Zero Rated) as flats.	Withdrawn 06-04-22
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An application was withdrawn in April 2022 and this proposal removes a dormer from the previous application.

**REPRESENTATIONS**

- Ferring Parish Council - Objection.
- Following the resubmission to create a single dwelling and the removal of the north facing dormer, some design and overlooking issues have been overcome.
  - The application does not define the Riparian Ownership responsibilities for the watercourse (shown on the plan) which crosses the site at the front of the property. It is not known whether that responsibility will rest entirely with the owner of the ground floor premises or be held jointly with the residential property on the first and second floors.
  - There are no defined parking spaces and it is not clear whether any dedicated spaces are provided for the flat or how they would be allocated for the residents private use.

No representation received from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted and addressed in the conclusion.

A riparian owner is the person, or people, with watercourses on, next to or under their property. Riparian responsibilities usually lie with the person who owns the land or property but may be the tenant depending upon the agreement in place and would be a private matter.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

**WSCC HIGHWAYS**

It does not appear that any off-street parking provision is provided for the proposed flat. The parking standards require 2 spaces be provided. The existing 4 treatment rooms spread across the two upper floors would have generated its own parking demand which would likely have been similar to the proposed use. The existing parking would likely have made use of what appears to be some communal parking within the site frontage, but outside the red edge of this application. In conclusion WSCC does not consider that the proposal would have and an unacceptable impact on highway safety.

**ENVIRONMENTAL HEALTH**

Environmental Health has no objection to the above proposal subject to a noise and construction hours condition.

**PRIVATE SECTOR HOUSING**

Full comments regarding compliance with room sizes, fire safety, ventilation and other general requirements can be found on the Council's website.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. A condition limiting hours of construction and noise test are not necessary with no external changes proposed.

**POLICY CONTEXT**

Built up area boundary

**DEVELOPMENT PLAN POLICIES**

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

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

[Ferring Neighbourhood Plan 2014 Policy 1A](#)                      A Spatial Plan for the Parish

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
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NPPG National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD13 Arun District Design Guide (SPD) January 2021

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, 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 Development Plan was made on 14/01/15 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 conflicts with policy T SP1 in that no parking is provided, although it is in compliance with other relevant development plan policies.

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 other material considerations that address and overcome the conflict with T SP1 as outlined below in the report.

**CONCLUSIONS**

**PRINCIPLE**

The site is in the Built-Up Area Boundary in accordance with policy SD SP2 of the Arun Local Plan (ALP). Whilst the area is suitable for residential development in principle, being in the built-up area boundary, such development should comply with the policies in the Development Plan. The relevant issues are visual amenity/character, residential amenity, highway safety and parking.

Policy 1A of the Ferring Neighbourhood Development Plan states that proposals within the built-up area boundary will be supported, subject to accordance with other relevant development plan policies. The proposal complies being located within the BUAB.

The Council has an adopted Design Guide which provides up to date advice in Section R on matters such as new development and the need for it to successfully integrate with the existing prevailing character of an area.

The Council acknowledges that it cannot currently demonstrate a five-year supply of deliverable housing sites (2.42 years). The proposal would deliver 1 dwelling in a sustainable location which will provide a minor contribution to the shortfall in housing supply.

#### **DESIGN AND VISUAL AMENITY**

The building is currently a beauty salon occupied over three floors. The proposal will retain the salon to the ground floor and convert the top two floors into a flat.

The retention of the commercial use on the ground floor is supported as the site is located within a local shopping parade.

The Arun Design Guide SPG seeks to raise design in the district. Part R.O1 which deals with apartments, requires development to provide flatted developments which integrate well with and respond sensitively to their setting. Part J.02 requires the appropriate scale for new extensions/alterations to existing forms that should be determined by their context, their location within the order of streets, and their function and positioning. There are no external changes proposed and as such the development complies with the guidance.

With the conversion resulting in no external changes and its proposed use in keeping with the residential area, the proposal will not result in harm to the appearance or character of the area in accordance with D DM1 and D DM4 of the Arun Local Plan and Arun Design Guide.

#### **RESIDENTIAL AMENITY**

Policy D DM1 of the Arun Local Plan seeks that new development should 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.

Policy QE SP1 states that the Council requires that all development contributes positively to the quality of the environment and will ensure development does not have a significantly negative impact upon residential amenity.

NPPF paragraph 130 (f) states development should have a high standard of amenity for existing and future users.

The proposal converts the first and second floor into living accommodation with a kitchen/living area and bedroom to the first floor and 2 bedrooms to the second floor.

There are no additional windows proposed and whilst the use of the rooms will change, this will not result in a significant increase in overlooking upon amenity.

The proposed residential use would not result in additional noise, with the use having similar characteristics to existing and to that of other properties in the locality.

There are no changes proposed that result in unacceptable adverse harm upon amenity by way of overlooking, overbearing, or overshadowing in accordance with D DM1 and D DM4 of the Arun Local Plan and the Arun Design Guide.

## **SPACE STANDARDS**

ALP policy D DM2 states that internal spaces should be of an appropriate size and that the nationally described space standards provide guidance. The required internal space standard for a 3 bed, 3 persons, two storey property is 84sqm.

The floor plan measures 82sqm and is slightly short of the requirements, such that it would not result in substandard living accommodation warranting refusal of the application.

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. It advises that Residential Communal Shared Spaces should be minimum 40sqm plus 10sqm for each unit. These standards are applicable in the majority of cases, but innovative approaches to more compact building layout may be supported by ADC, where appropriate.

To the rear there is a small garden area. This narrows towards the rear but nonetheless does provide a suitable amount of private external space for the residents of the flat. The site is also in close proximity to the beach.

## **PARKING**

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.

Regard should be had to para 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'.

ADC Parking Standards for a 3-bed property in this location (Parking Behaviour Zone 2) requires an expected level of 2 car parking spaces on site. There are no parking spaces provided and therefore it does not comply with the guidance.

To the site frontage there is an area for communal parking to serve the shops that front Ferringham Lane.

WSSCC Highways have considered the application and do not object, noting that the highway immediately adjacent to the site is maintained privately and therefore it is not anticipated to impact upon the local highway network. The existing business use which consisted of 4 treatment rooms was spread across the two upper floors and would have also generated its own parking demand which would likely have been similar to the proposed use.

The lack of parking provision is acceptable in this case and will not result in adverse harm upon the highway. This is due to the site being located in a sustainable location, opposite a bus stop, adjacent to a possible source of off street parking and given that the existing use of the site requires parking similar to that proposed.

Cycle storage has been demonstrated on the plan, located to the rear garden. Full details of the storage provided will be conditioned to encourage sustainable transport methods.

## **SUMMARY**

This proposal represents an appropriate conversion of existing floor space and does so without compromising the visual amenity of the area or the amenities of existing neighbouring residential occupiers. For the reasons given above it is recommended that 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**

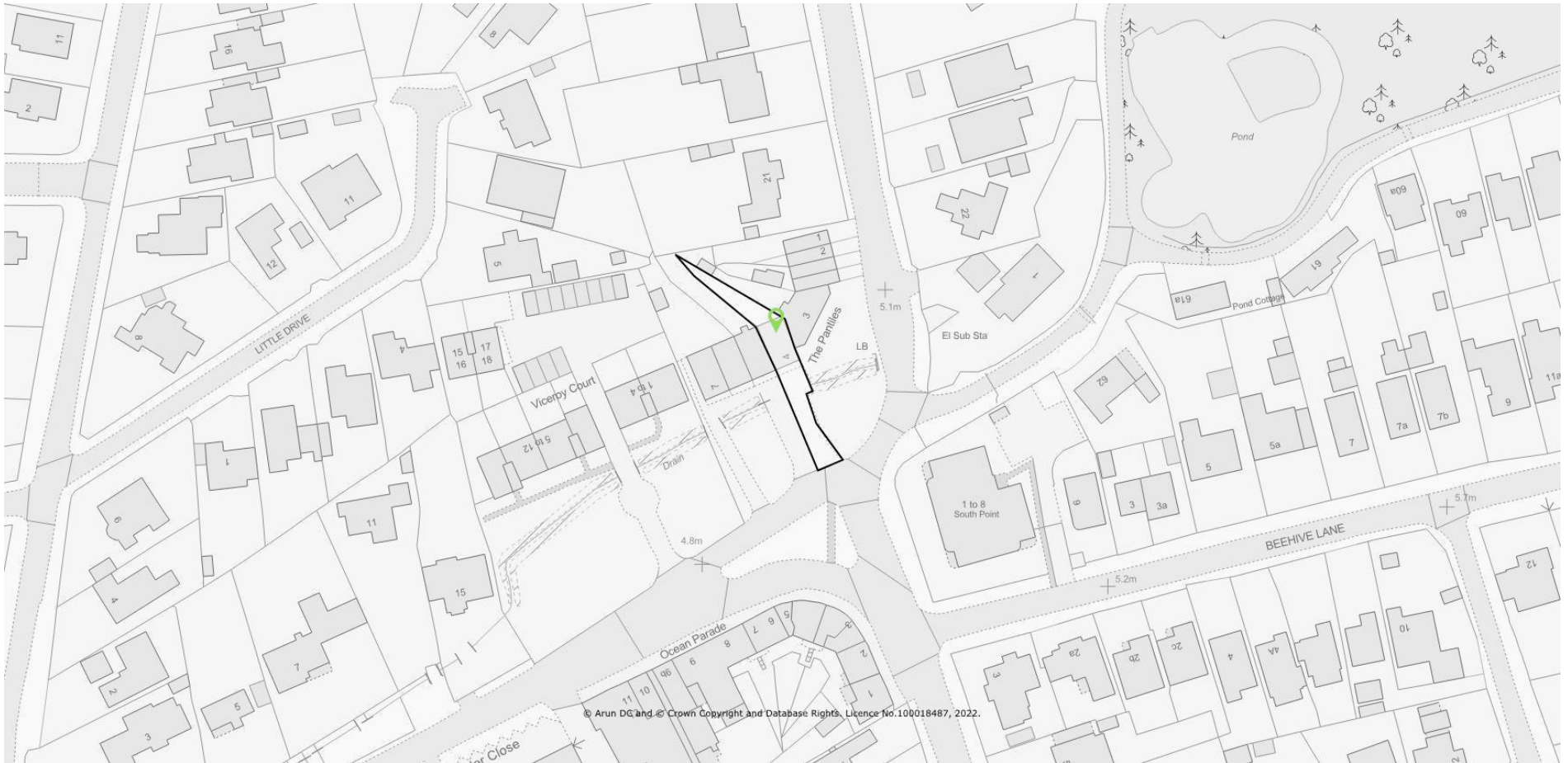
- 1           The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2           The development hereby approved shall be carried out in accordance with the following approved plans  
  
- Location, Site, Elevation and Floor Plans - 154/01  
  
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           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.  
  
Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 and T 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.](https://www.arun.gov.uk/weekly-lists)

**FG/58/22/PL - Indicative Location Plan (Do not Scale or Copy)**  
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100018487. 2015



PLANNING APPLICATION REPORT

REF NO: K/12/22/HH

LOCATION: Meadow House  
Kingston Lane  
Kingston  
BN16 1RS

PROPOSAL: Erection of single storey rear and front porch extension, erection of self contained detached annex and alterations to fenestration.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION      The application seeks to construct a single storey rear extension measuring approx. 11.3m by 6m to the northern elevation of the host dwelling and a proposed new build annex for habitable accommodation. The new annex is in place of an existing stable block.

**RELEVANT SITE HISTORY**

K/12/84	Erection Of Detached Stables & Store	ApproveConditionally 02-05-84
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**REPRESENTATIONS**

Parish Council - Objection:

- Council has no objection in principle to the proposed rear extension and front porch extension to the existing dwelling but is concerned that a section of the 'U' shaped drive to the rear will be built over. It is essential that adequate parking and turning space is provided and clearly identified on a site map.
- Council does object to the creation of a self contained annexe by the conversion of a stable block. The stable is for equine use. This proposal represents a change of use on a site that is outside of the built up area boundary and in the Gap between Settlements that is predominantly agricultural countryside.
- Council considers that the proposed annexe is too far from and detached from the main residence to be considered subservient to or ancillary to the main dwelling. It would be a separate dwelling.
- Will the section of the driveway to the east of the property that goes towards the existing garage be a dedicated access for the proposed annexe and possibly the separate existing garage?
- Windows to the east elevation could overlook and would be in close proximity to the neighbouring field used for grazing. Windows should be obscure glass or with a condition that suitable screening fencing be installed in perpetuity.

**CONSULTATION RESPONSES RECEIVED:**

Application K/12/84 was for the stable block. Having investigated this application, the application site

area shown was equal to that of this application. As such the stables have always been within the curtilage and linked to use in conjunction with Meadow House. The field to the east will remain as a grazing paddock, the conversion of the stable block will not influence this land use.

All other issues raised will be addressed in Conclusions section of this report.

**POLICY CONTEXT**

Designation applicable to site:  
 Outside of built up area boundary  
 East Preston - Ferring Gap

**DEVELOPMENT PLAN POLICIES**

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

CSP1	C SP1 Countryside
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
SDSP3	SD SP3 Gaps Between Settlements

[Kingston Neighbourhood Plan 2014 Policy KPNP7](#)

DESIGN & DEVELOPMENT

Kingston Neighbourhood Plan 2014 Policy KPNP3

SETTLEMENT STRUCTURE & GREEN INFRASTRUCTURE

**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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**CONCLUSIONS**

**PRINCIPLE**

The site is outside the built up area boundary defined by SD SP2 of the Arun Local Plan. The proposal is for extensions and alterations to a building with the plot of an existing dwellinghouse. The proposal is in accordance with C SP1 (f) of the Local Plan, as it is in accordance with D DM4 of this plan. In this case, the key policies are D DM1 & D DM4 of the Arun Local Plan and KPNP 7 of the Kingston Neighbourhood Development Plan.

Policy C SP1 of the Arun Local Plan states that land outside of the Built-up boundaries will be defined as countryside and recognised for its intrinsic character of beauty. There are then six caveats which allow development to be permitted. Development can be in accordance with C SP1 if it refers to a specific use or type of development that is covered by another policy, policy D DM4 in this case.

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

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing

buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy SD SP3 relates to the gaps between settlements in which development will only be permitted if it does not undermine the physical/visual separation of the gap, it cannot be located elsewhere and it maintains the character of the undeveloped coast. The proposal site falls within the East Preston to Ferring Gap.

Policy T SP1 requires that development creates safe and secure layouts for traffic, cyclists and pedestrians.

Policy KPNP 3 of the Kingston Neighbourhood Plan (KNP) Sets out the criteria for allowing development within the settlement gap which includes; development not undermining the physical or visual separation of the gap, would not stop recreational access along the coast or to the SDNP, would not endanger the biodiversity of the area and would not disrupt the tranquil setting.

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

Arun recently adopted a Design Guide which provides detailed guidance that will help raise design standards across the District. Developments should respond to the distinctiveness and characteristics of their surroundings in terms of scale massing and materials, protect the amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance. In this instance, a rear extension should also not negatively impact adjoining properties in terms of privacy and overshadowing and preserve rear amenity space to at least 10.5m in depth. Part J.02 relates to building design and their scale and massing and states that development for new buildings or extensions to existing properties should have an appropriate scale determined by their context, function and positioning stating that buildings within coastal towns will tend to have a larger scale.

Part J.01 relates to buildings form and character and states that new development must ensure that the existing character and sense of place of an area is respected and enhanced.

#### **DESIGN AND VISUAL AMENITY**

The rear extension is to be a flat roof single storey projection with two roof lights and bifold doors and will provide the host dwelling with an enlarged kitchen dining area. The host dwelling is a substantial house set on a substantial plot along a private roadway away from the highway. As a property situated in a countryside location it does not have immediate neighbours.

The single storey extension is located to the rear of the dwelling, projecting from the Northern elevation of the main part of the host dwelling. Due to this siting, the large residential curtilage and the boundary treatment present in the area, there will be limited views of the extension from the public realm. Whilst large, the extension appears subservient to the host dwelling due to the overall height of the proposal being significantly lower than the maximum height of the host dwelling. An open oak porch with pitched tiled roof is proposed to the front southern elevation. It is a small addition to the built form on site and will be subservient in scale and use to the host dwelling. As such, the development will not result in any harmful impact upon the character of the host dwelling, as it appears well integrated and sympathetic to its established character.

The extensions achieve good visual integration due to the matching external finishes.

It is also proposed to demolish an existing stable block and replace it with a proposed annex with 2 bedrooms and kitchen/living space. The overall length of the building is 13.2m and its maximum depth is 8.2m. It exceeds the overall measurements of the existing stable block by 2m in length and 850mm in depth, giving the proposed structure a higher ridge line.

The design and style of the annex is of a very similar to the existing stable block and retains the 'L' shape configuration and traditional timber clad finish. It will be located to the northeast of the host dwelling and it will not be visible from the footpath so will have no adverse effect on the character of the area. The proposed structure, being in the position of an existing structure and adjacent to another outbuilding on site will not significantly alter the spatial composition of the property/curtilage.

The development accords with policies D DM1, D DM4 of the Arun Local Plan, Part J and M of the Design Guide and Policy 7 of the KPN.

#### **NEIGHBOURING RESIDENTIAL AMENITY**

The development does not result in any harmful overbearing or overshadowing impact upon the occupiers of neighbouring dwellings. This is due to the scale of the proposed development, and its siting allowing a significant separation distance (over 100m to the neighbouring property to the east) to mitigate any potential harm. Regarding the potential for loss of privacy as noted by the Parish, the proposed development does not provide views any different to those available from the host dwelling at current. The annex accommodation will provide new views to the east but given that these views are of open countryside/fields, there will be no negative impact.

The development accords with policies D DM1(3) and D DM4(c) of the Arun Local Plan and Part M of the Arun Design Guide.

#### **HIGHWAY**

In response to the Parish Council's comments, it is acknowledged that the in/out drive and parking to the rear of the property will be affected by the proposed development. However, the extent of the disruption to the drive/parking has not been shown on plan. Given the nature and size of the plot there is sufficient space to provide new turning space/parking on site should the occupant require this and, as the property is served by a private roadway, no concerns relating to road safety in relation entry/exit from the driveway are expected. The proposed store will be conditioned so that it is only used for the benefit of the host dwelling and not as a separate dwelling and will therefore not require any additional parking. As such parking provision and turning are not a concern and compliant with policy T SP1 of the Arun Local Plan.

#### **DEVELOPMENT WITHIN SETTLEMENT GAPS**

The proposal being of a residential nature to an existing property, which already includes several outbuildings situated around the host dwelling, will not undermine the visual separation or alter the massing of existing buildings on site. It will maintain the physical separation between settlements, not lead to their coalescence nor compromise the integrity of the East Preston to Ferring Gap in accordance with Policy SD SP3 of the Arun Local Plan and Policy KNP 3 of the Kingston Neighbourhood Plan.

#### **SUMMARY**

The development is in accordance with relevant development plan policies for the reasons set out above and is recommended for approval subject to the following conditions.

<b>HUMAN RIGHTS ACT</b>
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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**

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;

- AR-169 04 Proposed Annex Plans and Elevations
- AR-169 02 Proposed Plans and Elevations
- AR-169 03 Proposed First Floor and Roof Plan

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 detached annex accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of Meadow House as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policy D DM1 of the Arun Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 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.](https://www.arun.gov.uk/weekly-lists)

**K/12/22/HH - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

**REF NO:** LU/382/21/PL

**LOCATION:** 71 High Street  
Littlehampton  
BN17 5AE

**PROPOSAL:** Refurbish and renew the first and second floors of the existing building to the southern side of the site, with a new build proposal to the northern half of the site, creating a new entrance and entrance stairwell with bicycle and bin storage to the existing ground floor area and a new two storey (1st and 2nd floor) build co-living, 23 bed HMO scheme above, together with the change of use to the former bank (Use Class E) to four commercial units (Use Class E). This application may affect the setting of a listed building.

<b>SITE AND SURROUNDINGS</b>
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**DESCRIPTION OF APPLICATION**

This application seeks planning permission to refurbish and renew the first and second floors of the existing building to the southern part of the building (fronting the High Street). There will be a new build to the northern half of the site alongside East Street. This will create a new entrance with bicycle & bin storage to the existing ground floor area and a new two storey (1st and 2nd floor) co-living, 23 bed HMO scheme above. The former bank will be converted into four commercial units under Use Class E with floor areas of between 36m<sup>2</sup> and 61m<sup>2</sup>. The proposal also incorporates separate entrances, commercial display areas, separate cycle stores, 2 stairwells and a shared bin store.

The proposed first floor would have 11 no. 1 bedroom units, each with en-suite toilet and bathroom, storage unit and single aspect window. There are communal kitchen & dining rooms, utility rooms and a 35m<sup>2</sup> communal terrace. The bedroom sizes range from 9.9 to 16.0m<sup>2</sup>. The proposed second floor would have 12 no. similar 1 bedroom units ranging from 10.2 to 16.3m<sup>2</sup>.

The floor levels and ceiling heights integrate with the existing floor levels and ceiling heights of the existing building. The roof design of the proposed extension is part flat and part pitched with the latter reflecting an existing roof and extending along the East Street frontage to mask the flat roofed element behind. The roof also incorporates photovoltaic panels for renewable energy generation. The application has also been amended to propose sash style windows in the upper floors to match those on the existing building.

**TREES**

None affected.

**SITE CHARACTERISTICS**

The application site is situated at the corner of High Street and East Street. It comprises of a 3 storey business premises and was previously occupied by Barclays Bank. There is no space for any parking on the site.

**CHARACTER OF LOCALITY**

The area is part of the town centre which is predominantly commercial but there are also other uses including residential dwellings.

There is no recent or relevant site history.

**REPRESENTATIONS**

Littlehampton Town Council have objected on the grounds of overdevelopment, design and parking provision. They did however welcome the new commercial units.

Five other objections (including from the Littlehampton Society) raising the following concerns:

- Poor & unresponsive design including the flat roof and modern windows.
- The building is locally listed and opposite Grade 2 Listed Buildings and the East Street Conservation Area.
- Three storey height is not in character.
- Overshadowing of adjacent building to north.
- Overloading of the existing sewer.
- No parking provision.
- Conversion to flats would be better.
- Proliferation of HMO uses in Littlehampton and reduction in wealth of the town's residents.
- Local need is for family housing.
- HMO accommodation does not provide for a good quality of life.
- Encourage undesirables into the town centre; and
- Location is dangerous for young children due to busy roads.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The comments of the Town Council and objectors are noted, and the objections are considered in the conclusions section except as discussed below.

- The impact of the HMO on the wealth of residents is not a material planning consideration.
- There may well be a need for family housing but it would not be sustainable to refuse on this basis and in any case conversion to flats may not suitable for all family sizes.
- HMO accommodation provides for a specific housing need and is supported by the NPPF and by policy H SP1 of the Arun Local Plan. Quality of life is not a consideration of this policy.
- There is no evidence to suggest HMO residents are undesirables; and
- WSCC raise no objections on highway safety grounds and traffic speeds in this location are low.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

ENVIRONMENT AGENCY - no objection subject to a condition to prevent any habitable rooms or residential units being located on the ground floor.

WSSC HIGHWAYS - no objection subject to conditions to secure a construction management plan and cycle storage. Comment:

- There are extensive parking controls in the area to prevent unsafe on-street parking.
- There is good connectivity for pedestrians in this location.
- Servicing will be from the carriageway as per the existing arrangements.
- The proposal as a whole generates a minimum demand of 34 parking spaces based on the council's standard of 1 space per 1 bed flat and the commercial floor areas. However, the HMO use coupled with the town centre location combine to reduce the demand for parking.
- It is also noted that there is no parking for the former Bank/office uses.
- A car parking capacity survey has been undertaken to review overnight parking availability within 200m of the site and this shows that there is some capacity for long stay parking on Goda Road or Church Street as well as local car parks. Therefore, raise no objection to the nil parking provision.
- The new trip generation is likely to be negligible and will be absorbed by the existing local road network; and
- Site is located where various sustainable transport modes can be utilised within acceptable travel distances.

ADC DRAINAGE ENGINEERS - no objection and advise no conditions. State any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions regarding noise assessment, sound insulation, plant noise, post construction noise validation, land contamination and construction management.

ADC PRIVATE SECTOR HOUSING - no objection and advise a number of points as regards fire safety, internal room sizes, ventilation and safety of balconies which will be relevant for when a license is applied for.

ADC CONSERVATION OFFICER - comments set out in full on the website but in summary:

- The building is designated as a Building of Character (a non-designated heritage asset).
- The site is opposite three Grade II Listed Buildings (67/99 High Street & 1 East Street) and is within 20m of the East Street Conservation Area which starts beyond no. 4 East Street.
- No objection to the changes of use of the existing building.
- Concerned with the size, height, scale, massing, form and detailing of the extension.
- State the height and form of the building will appear incongruous, overlarge, and distinctly out of keeping with the two storey, pitched roof form of the buildings opposite and to the north of the application site.
- The flat roof is out of character as are the proposed windows.
- Concern over the loss of visual separation between the host building and 2/4 East Street; and
- The proposal is such that the impact can be described as causing less than substantial harm and it will be necessary to weigh this harm against public benefits.

CONSERVATION AREA ADVISORY PANEL - objection: concerns over the size, height, scale, massing, form and detailing of the proposed extension. The proposal will harm the existing heritage asset and those nearby.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted except as discussed below:

ENVIRONMENT AGENCY - their position is acknowledged however a specific condition is not necessary as the plans clearly show no habitable accommodation on the ground floor and any permission will be made subject to the submitted plans.

WSSC HIGHWAYS - a construction management plan condition would not be appropriate for a site of this size so instead a construction working hours condition will be imposed. The plans already show cycle storage however a condition is still necessary to ensure that this is provided and to control the details of internal bike racks in the interests of security.

ADC ENVIRONMENTAL HEALTH - as above re the construction management plan condition. A contamination condition is not necessary as the extensions are largely taking place above an existing building and only approx. 25m<sup>2</sup> of non-built on land is being developed. A condition will instead be imposed to cover a situation where unexpected contamination is found. The requested noise conditions will be covered by the Building Regulations and so are not appropriate.

ADC CONSERVATION OFFICER - revisions have been made to the design to change the flat roof for a pitched roof and to maintain the existing window design. The Conservation Officer has verbally stated that he is happy with these changes but maintains a concern with the height of the extension, loss of the stepped nature of the existing building and the loss of visual separation to 2/4 East Street.

<b>POLICY CONTEXT</b>
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Designations applicable to site:

- Built Up Area Boundary.
- Building of Character.
- Close to Grade II Listed Buildings and the East Street Conservation Area.
- Flood Zone 3.
- Secondary Retail Frontage.
- Littlehampton Town Centre.
- Littlehampton Economic Growth Area; and
- Within 2km of Climping Beach SSSI.

**DEVELOPMENT PLAN POLICIES**

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitagation
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
HSP4	H SP4 Houses in multiple occupation

QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

<a href="#">Littlehampton Neighbourhood Plan 2014 Policy 1</a>	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town

**PLANNING POLICY GUIDANCE:**

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

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021
SPD9	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 the Littlehampton Neighbourhood Development Plan have been taken into account in the determination of this application.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is for development within the Built-Up Area Boundary and would not cause demonstrable harm to highway safety, local character or residential amenity. It would also not conflict with development plan policies regarding flooding. However there is harm to heritage assets and an under-provision of parking.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: "In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal will result in less than substantial harm to the setting of the nearby 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**

There are other material considerations to be weighed in the balance with the Development Plan and these are set out in the report below in respect of heritage and parking provision.

#### **CONCLUSIONS**

##### **PRINCIPLE:**

The site lies within the built-up area boundary (BUAB) where residential development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) and policies 1 & 2 of the Littlehampton Neighbourhood Development Plan (LNDP) and provided it is in accordance with other policies of the ALP covering such issues as flood risk, biodiversity, heritage, design, highway safety/parking, residential amenity, space standards, pollution, and climate change.

ALP policy RET DM1 allows for town centre uses on secondary retail frontages. The policy sets out a clear preference for A1 retail shops and places additional restrictions on uses in classes A2 (financial & professional services) and A3 (food & drink). However, as of August 2020, A1-A3 uses are now all within the E use class and so the proposed commercial units could take the form of any such uses without the need for planning permission. It is positive that all commercial units have display windows. It should also be noted that policy RET DM1 sets out support for the use of vacant upper floors for residential uses.

##### **PLANNING POLICY ON HMOs:**

ALP policy H SP4 states planning applications for houses in multiple occupation (HMOs) will be favourably considered where the proposal contributes to the creation of sustainable, inclusive, and mixed communities and meet the following criteria:

- a. Do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing.
- b. Do not contribute to the generation of excessive parking demands or traffic in an area; and
- c. Provide adequate areas of open space.

The location is predominantly commercial and separated from other housing areas although there are other dwellings in the town centre area such as above commercial premises (and so similar to what is proposed) therefore the character of the area would not be significantly harmed. As stated above, policy RET DM1 states support for the use of vacant upper floors within principal shopping areas for residential uses. Design and heritage impact are discussed elsewhere.

As per the Councils Parking Standards SPD, the proposal as a whole generates a minimum demand of 34 parking spaces. This takes account of the 1 space per 1-bedroom residential use standard (23

spaces) and the minimum position for the commercial units (this being dependent on the final use of the units). There is no space on the site to provide car parking and so none is proposed which results in conflict with ALP policy T SP1.

However, it is material that there are extensive parking controls in the area to prevent unsafe on-street parking, the site is in a highly sustainable location with good access to bus & rail services and cycle & walking routes and a parking capacity survey has shown there to be overnight parking availability within 200m of the site. In addition, the proposal includes cycle stores to accommodate 14 cycles for the commercial units and 28 for the HMO use. This provision is in excess of the minimum requirements set out by the SPD. WSCC Highways raise no objections regarding parking provision.

Policy H SP4 does not define what level of open space is adequate and the Councils Design Guide only provides standards for flatted accommodation. The scheme includes a 35m<sup>2</sup> communal terrace at first floor and the site itself is located in easy reach of nearby public parks and the seaside. Balconies would not be appropriate in this location due to the narrow nature of East Street (and so balconies could reduce the existing interface distances) and the need to maintain the existing character.

Overall, whilst there is some conflict with the policy in respect of parking, there are material considerations that serve to outweigh any harm arising from this.

### FLOOD RISK:

The whole of the site area lies in Flood Zone 3. ALP policy W DM2 states that development in areas at risk from flooding, will only be permitted where certain criteria have been satisfied. The National Planning Practice Guidance states that residential development in Flood Zone 3a is only acceptable provided that the sequential and exceptions test are met. However, commercial development is appropriate in such locations.

The applicant has supplied a Flood Risk Assessment (FRA) which refers to both the sequential test and exceptions test. The latter requires (1) that the proposal will provide wider sustainability benefits to the community that outweigh the flood risk; and (2) that it will be safe for its lifetime without increasing flood risk elsewhere and where possible reduce flood risk overall.

The FRA states that residential development in this location is acceptable as it is entirely comprised within the upper floors of an existing building so the habitable accommodation will be out of the flood area and that it will provide for much needed housing within a central and highly sustainable location. Residual risks will be limited to exceedance rainfall events causing overtopping of the designed drainage or blockage in underground drainage. It is proposed to construct the ground floor using flood resilient construction methods to include:

- Concrete floors at ground floor where feasible.
- Raised electrical wiring.
- Closed-cell insulation below predicted flood level in external walls and on pipework and services.
- Air brick protection; and
- Fixtures and fittings to be made from waterproof materials.

The Environment Agency have considered the FRA and raise no objections provided that there is no habitable accommodation at ground level as is proposed. The proposal is in accordance with ALP policy W DM2.

### HERITAGE:

The application property is designated by the ALP as a Building of Character and so is classed as a non-designated heritage asset. In addition, the site is opposite three Grade II Listed Buildings (which are all joined together) and within only a short distance of the East Street Conservation Area.

ALP policy HER SP1 states that development likely to prejudice heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. HER DM2 requires that buildings of character be extended/altered sensitively and that such works respect its architectural, landscape or historic interest. Interest features should be preserved. HER DM3 sets out criteria for proposals affecting the setting of a Conservation Area and those relevant are:

- (b) Alterations or additions to existing buildings are sensitively designed, constructed of appropriate materials and are sympathetic in scale, form and detailing and retain or emphasise the features and qualities of the existing buildings, townscape, or streetscape in the area; and
- (f) It does not harm important views into, out of or within the Conservation Area.

Paragraph 194 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in para 202).

In respect of non-designated heritage assets, it is necessary to refer to the guidance in para 203 which states in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposal is supported with a heritage statement, but the Conservation Officer states it provides little information regarding the significance of the heritage assets affected. The Conservation Officer considers the host building to have some architectural significance particularly the step down in height from three to two storeys on the corner of East Street & the High Street. The Conservation Officer also states the nearby Grade II Listed Buildings are of historical significance and that the East Street area in the vicinity of the site contributes to the setting of the Conservation Area.

The Conservation Officer raises no concerns with the proposed uses and is happy with the changes made to the roof form & windows but states the height and form of the extended structure will appear incongruous, overlarge, and distinctly out of keeping with the two-storey form of the buildings opposite and to the north of the application site. There is also a concern as to the loss of the existing separation between the host building and the building identified as 2/4 East Street to the north. It is concluded that whilst there may well be potential to provide a larger extension to the existing building, this would have to be of appropriate materials, design etc.

The Conservation Officer advises that there will be harm and that it is categorised as less than substantial. As such, it is necessary to take account of the public benefits of the proposal which consist of:

- The contribution to the Councils current housing land supply (HLS) shortfall.
- The provision of residential accommodation to meet a specific need in the community.
- The financial benefits to the town centre from the occupants of the 23 new HMO bedrooms.
- The new natural surveillance of this town centre area that the occupiers will provide.



- The reuse of existing vacant upper floor areas.
- Residential development in a highly sustainable location thus reducing pressure on roads elsewhere; and
- The creation of a co-living environment thus promoting social interaction and inclusion.

The height and form of the extensions partially conflicts with the development plan policies in respect of the proposed height, solid building form (loss of the existing stepped nature) and affect on the separation to the adjacent building, but it is material that due to the public benefits, there is no conflict with the NPPF guidance. There will be only less than substantial harm to the Conservation Area or the nearby Listed Buildings. Conditions will be imposed to ensure that the extensions match with the existing materials and also to control the materials used on the new windows as the Conservation Officer objects to the use of uPVC.

#### DESIGN:

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. These seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours, and the locality.

Section J of the Arun Design Guide refers to building design and states new development must ensure the existing character and sense of place of an area is respected and enhanced. This can allow for new design forms but only where these take cues from well-designed elements of the existing area. New development should generally reflect the scale of existing buildings and should avoid overshadowing of neighbouring properties. Roof extensions should not be visually intrusive or block light into surrounding properties. They should not detract from the character and appearance of the building and local area.

The extensions will extend out from an existing secondary roof form on the host building thus ensuring continuity with the host building and a sense of subservience to the existing main roof ridge. The extensions are significant and will result in a change to the character of the streetscene with the change from a stepped down building and significant area of single storey to a solid three storey building. However, the proposed fenestration and roof form will be coherent with the existing design and the use of render also reflects the Bank building in style such that the new build will be read as a continuation of the built form.

The majority of the buildings immediately opposite are two storeys however there is existing three storey development elsewhere in the streetscene - the host building, on the south side of the High Street, to the west on Smarts Corner & the adjoining building on East Street, to the north on the corner of East Street & Anchor Springs (the former Waitrose building) and also to the east above commercial premises on Church Street. The scale of the proposed extension will also help to screen out views from the street of the more modern 3 storey brick block of flats to the east which will be positive. The Arun Design Guide advises that development of this size and density is generally appropriate in the town centre area.

Therefore, the proposed scale, form, massing, and design details of the proposal is acceptable, and the proposal is in accordance with the aims of the relevant ALP policies and the Design Guide.

#### RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. Policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The Arun Design Guide sets out guidance on interface distances between dwellings and these are: 21m for back-

to-back, 16m for front to front and 14m for front/back to side.

The proposed extensions largely maintain the existing built footprint on the site with the exception of the incorporation of an approximately 1.4m deep (12m long) area on the west side of the building towards the rear and then the inclusion of the existing rear courtyard. However, separation distances to the extended part are in the region of 16m but this is due to an existing built situation. New upper floor windows will look out over the roofs opposite thus not resulting in new overlooking. There are no windows on the southern flank elevation of 2 East Street therefore no harm to the flat at the first floor of this building.

As per the requirements of ALP policy QE DM1, a noise assessment has been provided which concludes that sound insulation methods and thermal double glazing will be sufficient to protect future occupants. The Councils Environmental Health Officer raises no objections and recommends conditions relating to noise insulation and noise mitigation from any new plant and these will then ensure that no existing or future residential occupiers are adversely affected by noise from the new commercial units.

The proposed development will not result in significant adverse harm on the residential amenities of existing or future occupiers to justify a refusal in this instance. Therefore, the proposal is in accordance with the relevant ALP policies.

#### QUALITY OF ACCOMMODATION:

Both the ALP policy D DM2 and the Design Guide require that new residential development provide sufficient internal living space to ensure a decent standard of amenity for future occupants. However, the national standards do not provide any relevant guidance for HMOs and as such accommodation has shared living accommodation, it is not appropriate to apply the standards for a 1 bed flat.

The Councils Private Sector Housing Team has stated that room sizes should meet the minimum standards for houses in multiple occupation but also that any property that has 5 or more people sharing facilities will require a license from the Council and the property must meet minimum standards. As this is covered by separate legislation, it is not a material planning consideration and does not require assessment through this planning application.

Notwithstanding, it is noted that the new HMO bedrooms will all have south, west or north facing single aspect windows, private bathrooms and storage space and that there is access to a communal terrace accessible from the first floor.

#### HIGHWAY SAFETY:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

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 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."

WSCC Highways have not raised any objections and state the proposal would not have an unacceptable

impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal. Therefore, the proposal is in accordance with ALP Policy T SP1. Car and cycle parking has been discussed elsewhere in this report.

**WASTE:**

ALP policy WM DM1 advises that all new residential development must be designed to ensure that kerbside collection is possible for municipal waste vehicles. Section H.07 of the Arun Design Guide advises that it should meet the requirements of users of the buildings while being as unobtrusive as possible. It should be convenient and safe for users to access and ensure efficient collection by waste vehicles.

The proposal incorporates a single bin store within the building which can be accessed internally and also externally to allow easy kerbside collection without the need to put bins on the roadside. Therefore, the waste solution will adequately cater for the waste generated from the proposed development and complies with WM DM1.

**TELECOMMUNICATIONS:**

ALP policy TEL SP1 state all proposals for new residential, employment and commercial development must be designed to be connected to high quality communications infrastructure. This policy will be adhered to by means of a condition to require evidence of such a connection before the HMO rooms and commercial premises are occupied. On this basis, there is no conflict with the policy.

**CLIMATE CHANGE/SUSTAINABLE CONTRUCTION:**

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. The proposal incorporates photovoltaic panels on the roof of the second floor to generate renewable power. This is positive and is compliant with the policies.

**BIODIVERSITY:**

ALP policy ENV DM5 requires proposals achieve a net gain in biodiversity and protect habitats on site. The application is not accompanied by an ecological appraisal but existing buildings in town centres tend to have low potential as habitat for protected species therefore this is acceptable. However, it is still necessary to demonstrate biodiversity net gain. As there is no response from the applicant on this, it is proposed to impose a condition to require that suitable bird boxes be placed on the building. This would satisfy policy requirements.

**SUMMARY:**

This report identifies policy conflicts relating to an under provision of parking and harm (less than substantial) to heritage assets. However, there are either material considerations to outweigh the policy conflicts or the harm is outweighed by public benefits. The proposed development would represent a small boost to the Council's current HLS shortfall, meets the definition of sustainable development, is generally policy compliant and an approval would accord with paragraph 11c of the NPPF. The proposal is therefore recommended for approval subject to conditions.

## HUMAN RIGHTS ACT

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

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

## DUTY UNDER THE EQUALITIES ACT 2010

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 makes no reference to provisions for disabled access. The floor plans do not include any lifts thus preventing access to the upper floors for disabled or those with mobility issues. The elevations do not show level access to any of the commercial units except for unit 3 (the former bank entrance) however ramps could be added at a later date to ensure level access to the remaining units. As such, the proposal as it stands would largely preclude access by those with a disability but would have a neutral impact on the other protected characteristics.

## CIL DETAILS

There is no CIL payable for residential development of more than 11 units in Zone 4 or for town centre shop developments in all areas.

## 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:

0419-P001 RevA.  
0419-P002 RevA.  
0419-P003 RevA; and  
0419-S001.

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 ground floor commercial units shall be used for class E (a), (b), (c), (d), (e) or (g) (i) and for no other purpose (including any other purpose in Class E of the Schedule to the Town & Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or any other Statutory Instrument revoking, re-enacting or amending these regulations).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities of the residential properties above and the vitality & viability of the town centre area in accordance with Arun Local Plan policies QE SP1, RET DM1 and D DM1.

- 4 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays.

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

- 5 No works to the extensions shall take place unless and until the applicant has submitted a scheme for approval in writing by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of any part of the building 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 the NPPF and policy ECC SP2 of the Arun Local Plan.

- 6 No works to the extensions shall take place unless and until full details (design, operation & materials) of the proposed new windows and external doors to be used in the extensions have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extensions. Once approved, the development shall be undertaken in accordance with these details and retained as such at all times thereafter in perpetuity.

Reason: In the interests of the heritage value of the host building and the surrounding historic character in accordance with policies HER SP1, HER DM1 and HER DM2 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until details of the method of securing cycles within the proposed bike stores have been provided to and approved in writing by the Local Planning Authority. The cycle stores and associated racks shall then be provided and retained in good working condition in perpetuity.

Reason: To provide secure alternative travel options to the use of the car in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

- 8 Prior to the occupation of any of the new dwellings or commercial premises, 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.

- 9 No part of the development shall be first occupied until full details of the placement of two suitable bird boxes on the building have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full prior to occupation and thereafter retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of securing biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 10 The materials, finishes and detailing of the external walls, roofs and guttering of the extended building hereby permitted shall match in design, colour and texture with those of the existing building.

Reason: In the interests of amenity and heritage in accordance with policies D DM1, HER SP1, HER DM1 and HER DM2 of the Arun Local Plan.

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

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

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

- 13 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](http://www.southernwater.co.uk). Please read the New Connections Services Charging

Arrangements which is available to read at:

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

14 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

15 INFORMATIVE: The Environment Agency strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. The following web document may also be useful: [www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings](http://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings).

The applicant/occupants should also phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-forflooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

16 INFORMATIVE: Please note the recommendations of our Private Sector Housing Team on our website dated 19/01/22 which includes guidance on fire safety, ventilation, railings to terraces/balconies, other hazards and HMO standards.

<b>BACKGROUND PAPERS</b>
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[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)





PLANNING APPLICATION REPORT

REF NO: M/29/22/HH

LOCATION: Oakwood  
102 Middleton Road  
Middleton-On-Sea  
PO22 6DL

PROPOSAL: Erection of first floor side extension.

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION**

This application seeks the construction of a first-floor extension above an existing portion of the ground floor. The extension extends approximately 3.5m from the rear wall and by 7.5m from the eastern elevation of the existing dwelling house. It is proposed to be located above the footprint of an existing ground floor extension.

The property is situated in a residential area, characterised by large 1.5/2 storey properties. The properties are all set back from the main road and include mature landscaped gardens most with hedging to their frontages.

This is a resubmission of application M/107/21/HH which was withdrawn due to concerns from relating to the fire safety of the thatch roof. Comments from Building Control confirm that these issues have now been resolved with the introduction of a section of tiled roof covering the most easterly section of the proposed roof.

**RELEVANT SITE HISTORY**

M/107/21/HH	Erection of first floor side extension	Withdrawn 09-12-21
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**REPRESENTATIONS**

Middleton Parish Council - No objection.

Middleton-On-Sea Association - No objection.

1 Letter from neighbouring property - Object:  
- Fire risk to neighbour from close proximity to thatch.

- Density of structure.
- Loss of light.
- Loss of privacy.
- Loss of value to property.

Comments will be addressed in the conclusion section of this report. Loss of property value are not a material planning consideration.

**CONSULTATION RESPONSES RECEIVED:**

Arun District Council Building Control. No objection:

- Any new building work involving thatch which is close to the boundary should use the Dorset model.
- The 1m of tiled roof is proposed so as to remove the thatch overhang on the boundary. The hybrid roof covering would still need the Dorset Model (the rafters support both the tiles and the thatch).
- The remaining issues would be of a practical nature such as constructing and supporting the narrow strip of thatch along the rear edge, creating a weatherproof transition between the thatch and tiles (sufficient overlap), creating the horizontal section of valley between bedroom 4 and the new bedroom.

The Council's Building Control Officer has confirmed that there is no concerns in relation to the spread of fire.

**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)
HERDM4	HER DM4 Areas of Character
DSP1	D SP1 Design

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD13	Arun District Design Guide (SPD) January 2021
SPD7	Middleton on Sea Village Design Statement

<b>CONCLUSIONS</b>
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**PRINCIPLE**

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

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

Arun recently adopted a Design Guide. Part M provides detailed guidance that will help raise design standards across the district. Developments should respond to the distinctiveness and characteristics of

their surroundings in terms of scale massing and materials, protect the amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance. In this instance, side extension should be subservient to the host dwelling, respect the space between buildings and in retain good separation gaps at first floor level or above between neighbouring properties.

Middleton has a Village Design Statement which states proposals should have a high-quality design, relate well to the existing site and its surroundings and seek to minimise overshadowing.

Arun Local Plan Policy HER DM4 (Areas of Character) seeks to retain features which make a positive contribution to the character of the area.

#### **DESIGN AND VISUAL AMENITY**

The proposed extension will sit atop an existing single storey addition to the property. Its footprint is equal, albeit the proposed first floor has a small set back on the southern elevation of 800mm, leaving part of the extension flush with the existing rear wall of the house. The proposal extends towards the east by 7.5m and will accommodate an additional small bedroom, new master bedroom and bathroom. In accordance with design guidance, development above an existing structure is seen as an effective use of the site.

The property sits on a good size plot with an immediate neighbour to the east. To the west there is an access drive with another property beyond. The amount of development is appropriate when considered against the size of the plot on which it sits. The design features proposed are appropriately scaled and in-keeping with the existing dwelling, the addition of a first floor above an existing ground floor extension will not compromise the spatial character of the site.

The extension is to be built of materials which match the existing dwelling. It includes a distinctive and characterful thatched roof, appropriate for its setting within the area of character where cohesive design is encouraged within the Village Design Statement and Part M of Design Guidance.

The eaves line of the extension will match the existing dwelling and it is therefore considered to be visually integrated with the host dwelling.

The extension will have little impact on the street scene due to the high hedging and gates to the front of the site. Additionally, the forward most elevation will be built 1.2m back from the primary elevation; behind an existing detached garage. Its ridge height is approximately 1.7m lower, leading to it being both subservient to the existing dwelling and the street scene.

Having regard to design and visual amenity, the proposal accords with D DM1 and D DM4 of the Arun Local Plan, Part M of the Arun Design Guide and the Middleton Design Guide.

#### **RESIDENTIAL AMENITY**

The proposed extension would be located approximately 16.1m from its northern boundary behind an existing thatched roof garage, a minimum of 600mm from its eastern boundary shared with 104 Middleton Road and 18.9m from its southern boundary.

Part M of the Design Guidance states that when taking a 45-degree line from the centre of an adjacent neighbouring window at first-floor level, should the proposed development intersect that line there would be the potential for a loss of light to that window/room. As the most southerly point of the extension is flush with the rear wall of 104 Middleton Road, the extension accords with the 45-degree rule. Furthermore, the height of the eaves at the boundary has been increased by only 1.5m, with the bulk of the new roof sloping in towards the centre of the site.

The gap between the proposed first floor addition and the neighbouring property will respect the established existing character between the site, as the close relationship between dwellings is replicated along the boundary including between the garage/ancillary accommodation at 104 and the garage at 102. For this application, the lower section of roof, up to approx. 1.5m in, has been proposed to be tiled which has had the effect of minimising the roof overhang. The overall gap between dwellings will be approx. 1.3m and massing of existing structures either side of the boundary is in keeping and will not to be overbearing.

As a result, the extension will not have an unacceptable unneighbourly impact on its neighbours.

In terms of overshadowing, which has been raised by objectors, given the orientation of the two properties and as the rear elevations are flush with each other, no increase in overshadowing will occur to the habitable space of No.104 Middleton Road.

When applying Part M of the Design Guide, criteria states that rear gardens above 10.5m in length help to protect the amenity of neighbouring occupiers to the rear. The property will maintain a garden length above these recommended levels.

In terms of overlooking all proposed fenestration will face towards the private rear garden or towards the public realm. There currently exist two east facing bedroom windows approximately 8m away from the boundary. These will be obscured by the proposed extension, thereby improving privacy to the neighbouring property. Additionally, due to the mature planting to both sides of the shared boundary further prevents any negative impacts from overlooking.

For the reasons set out above, the proposed extension will not create unacceptable levels of overshadowing and overlooking or be overbearing to neighbouring properties in accordance with policy D DM4 (c) of the Arun Local Plan and Part M of the Arun Design Guide.

#### AREA OF CHARACTER

The site is within the Council's Area of Character Area and is described further in Arun District Council's Area of Character Supplementary Planning Guidance (SPG).

The property is located at the very western edge of the Area of Character where according to the SPG the road widens but the properties are still set back from the road. There is a more formal layout, the properties comprising of 1½ and 2 storeys. Mature landscaping and hedges dominate the street scene.

The appropriate design, location to the rear and detailing of the extension together with the retention of the mature hedging to the front will create a development that will be harmonious with this description and therefore accord with policy HER DM4 of the Arun Local Plan.

#### FIRE RISK TO NEIGHBOURING PROPERTY

Objections relating to fire risk from the thatch roof have been raised. These are normally matters controlled by Building Control Regulations and not covered by planning legislation. However, the proposed thatch would be built using the Dorset model, an approved Building Regulations Document concerning the spread of fire. The Dorset Model is a construction method to overboard rafters, acting as a 1 hour fire barrier. This will ensure that the altered thatched roof will be constructed in such a way to reduce the spread of fire.

Furthermore, the applicants prior to submitting this new application sought further advice on works to the thatched roof from the Council's building control section. This has resulted in a section of tiled roof (approx. 1.5m) in length being applied to the most eastern edge of the roof as an additional measure to address any concern from fire.

## SUMMARY

The proposed development accords with the relevant development plan policies in that the extension is subservient to and relates well to the host dwelling and its wider area. In addition, it will not negatively impact on the residential amenity of the neighbour to the east. The proposal is therefore 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 CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

### RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Proposed Elevations BD.228.P20 B
- Proposed Plans BD.228.P10

- Location and Block Plan BD.228.P01
- Roof Plan and Section BD.228.P30 B
- Block Plan BD.228.S10 C

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and D DM4 of the Arun Local Plan and Part M of the Arun Design Guide.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for the section of tiled roof of the proposed extension have been submitted to and approved by the Local Planning Authority and the material so approved shall be used in the construction of the extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of character by endeavouring to achieve a building of visual quality in accordance with policy HER DM4 of the Arun Local Plan.

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

Reason: In the interests of amenity in accordance with policies D DM4 and HER DM4 of the Arun Local Plan.

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

<b>BACKGROUND PAPERS</b>
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[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)

**M/29/22/HH - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF PLANNING COMMITTEE ON 20 JULY 2022

**SUBJECT:** Development Management Advice Note

**REPORT AUTHOR:** Neil Crowther

**DATE:** July 2022

**EXTN:** 01903 737839

**AREA:** Place

#### **EXECUTIVE SUMMARY:**

The attached Note has been prepared to set out the customer expectations from the Planning Service. This consolidates a lot of advice that is already published, and it is hoped will result in a consistent approach to customer service throughout the Department.

#### **RECOMMENDATIONS:**

To endorse the publication of the Advice Note.

#### **1. BACKGROUND:**

- 1.1 The attached Advice Note has been prepared and it is proposed to publish it on the Planning web pages on the Council's website.
- 1.2 We have had numerous pieces of customer advice published on the website for a long time around how we will deal with planning applications and confirm when we will or won't negotiate in order that applications are determined and do not remain undetermined for protracted periods of time.
- 1.3 The attached Advice Note consolidates this advice. It also sets out some customer service standards to ensure that all staff have clearly defined expectations in respect of customer service.
- 1.4 The attached note will be sent to the Design Team at Arun before publishing to make it into a booklet and to ensure that corporate logos are attached.

#### **2. PROPOSAL(S):**

To endorse publication of the Advice Note.

#### **3. OPTIONS:**

To amend it or not publish it.

<b>4. CONSULTATION:</b>		
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>		
Financial		x
Legal		x
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		
<b>6. IMPLICATIONS:</b>		
None of the above		

**7. REASON FOR THE DECISION:**  
To make previous advice more visible and to set out customer expectations.

**8. BACKGROUND PAPERS:**  
None

# Arun Development Management Customer Advice Note

## July 2022

Our customers fall under many categories. These can include those applying for planning permission, those making representations on applications, Town and Parish Councils, the business community, Councillors, other council services, statutory bodies, interest groups and other organisations interested in planning applications and the planning process.

We aim to provide a professional, courteous, and timely service and strive to maintain high standards. This allows us to make the best possible decisions for our communities.

The purpose of this note is to provide advice to those considering submitting a planning application. This note will apply to any application received after the 1 August 2022. The content of this note is broadly consistent with the approach being taken by several other council's but reflects the circumstances currently prevalent in Arun.

### **Our Commitment to Customer Service**

- We will keep applicants and agents informed of progress on their applications. The applicant/agent will receive communication from case officers no later than 6 weeks after an application is submitted.
- Planning conditions will only be attached where they are necessary and proportionate. We will not generate unnecessary work for ourselves or applicants.
- Where necessary, pre-commencement conditions will be sent to all applicants/agents to agree prior to determination.
- A site visit will take place on all planning applications **3 weeks** from the date of validation.
- Whilst the determination of pre-application advice applications is a lower priority to planning applications, our aim is to determine them within **6 weeks**. If this is not possible and there are capacity issues, they will be determined in good time with communication with applicants/agents.
- Contact details for case officers will be on all correspondence and can be found at [www.arun.gov.uk/contact-planning/](http://www.arun.gov.uk/contact-planning/). Phone calls and correspondence to case officers from applicants/agents will take place within **4 working days**.
- We encourage public representations on applications via the online form for each application. Representations on applications will not receive responses. They will be reported as representations in the determination of applications. Representations should be sent via the online form. Those sent direct to planning officers will not be acknowledged.
- General enquiries submitted to Planning ([planning@arun.gov.uk](mailto:planning@arun.gov.uk)) will be responded to within **5 working days**.

## **Submission of amended plans and additional information**

The Council accepts that negotiations on proposals are an important part of the application process. However, amendments are not an alternative to well thought out, consulted, and properly prepared schemes in the first place. We continue to recommend that applicants use the pre-application service so that issues can be identified and addressed at early stage, and so that follow-on applications can be determined with the benefit of the pre-application advice if it has been followed and is within reasonable timeframes. This is subject to the caveat set out in the 'Pre-application Advice' section of this note.

It is the responsibility of applicants and agents to ensure that the correct information is submitted with applications. Failure to do so, will result in applications either being unvalidated or refused due to an absence of information. The validation checklist is contained at the following web page.

[www.arun.gov.uk/making-a-planning-application#Planningvalidation](http://www.arun.gov.uk/making-a-planning-application#Planningvalidation)

We will only accept any amendment to the red line site area once an application is validated where the change relates to the location of the proposed access or involves the reduction in the site area to resolve ownership issues and any other changes required to the red line will require the application to be withdrawn and resubmitted.

The Council published its protocols around when amendments will or will not be sought and how applications will be determined in 2019. We only accept amendments or additional information after initial submission and validation of a planning application and during its consideration in the following circumstances:

- If pre-application advice was not obtained or followed it is unlikely that we will negotiate any changes and the application will be decided based on the information originally submitted.
- If pre-application advice has been sought and the proposals do not follow the advice issued, the application will be decided based on the information originally submitted.
- If pre-application advice has been sought and the advice has been followed, we will negotiate on minor amendments if required.
- In the case of applications for matters reserved by condition we will only allow one attempt at amending the application before issuing our decision. All decisions on Discharge of Conditions will be made within 12 weeks as a maximum.
- In the case of householder and non-major applications, case officers may seek one set of amendments to make a scheme acceptable and which would not result in the need for re-consultation and allow the application to be determined within the statutory time limits.
- In the case of major applications, case officers will only seek amendments that do not fundamentally change the form of the proposals and if it is a minor matter in response to consultation responses that can be dealt with

within the statutory time limits. Any amendments that would result in the need to display new notices will not normally be accepted.

- In all cases, if there is an objection to the principle of development, the application will be determined on the information originally submitted.
- If a retrospective application is refused, we will take formal action immediately after the decision is issued.
  
- Extensions of Time will be used in the following circumstances.
  - Where there is a legal agreement that needs to be completed where progress is being made towards completion. In instances where no progress is being made to complete an agreement, applications will be determined without delay.
  - Where the application needs to be considered at Planning Committee.
  - Where it is appropriate to negotiate or seek additional information.
  - Where there are outstanding consultee responses critical to the determination of the application.
  
- Where a breach of condition is identified, any decision where No Further Action is recommended will be agreed by the Group Head of Planning.
- Where a planning obligation is required, we will clearly define a project where a contribution is to be spent and define who is spending that contribution.

#### Major applications (with a Planning Performance Agreement)

The same process will be applied as for Major applications without a PPA but where a PPA has been entered into then at the discretion of the case officer, usually only two sets of amended drawings or one bundle of additional information will be accepted.

#### **Pre-application advice**

The Council's pre-application service is a useful way of ironing-out issues prior to the submission of applications. We will encourage applicants to make the most of, and benefit from, the service. Where the advice given is considered by applicants it should enable applications to run a smoother and speedier course.

#### **Design Principles**

As a result of the changes to the NPPF, the publication of the National Design Guide and the adoption of the Arun Design Guide in 2021 we will now be requiring more details regarding design including your design principles which you should be including in your Design and Access statements. We would particularly draw attention to the requirement to provide, when relevant, open space, landscaping and planting areas, footpath and cycle connections for health and wellbeing and the need for biodiversity measures to be included as an integrated part of design. Trees are specifically referenced within the NPPF including the importance of street trees.

We would draw particular attention to paragraph 73 regarding the use of masterplans and design guides.

Further, for householder extension applications it would be very useful to include the 45 and 60 degree lines set out on page 118 of the Arun Design Guide.

### **Registration of planning applications**

To improve the quality of the applications submitted to the council, we will be reviewing the local validation checklists regularly. Currently about 70% of applications are invalid on receipt. These take time to process and divert resources away from processing applications quickly.

Please note that all application documents will be checked prior to being uploaded to the website for any personally identifying data including signatures, phone numbers, email and postal addresses. Where such data is present in the document this is then blocked out using software. However, this software outputs in black & white which may then affect the appearance of your submission on the public website. Should you wish to preserve the original colours of documents then please ensure that such data is removed prior to submission.

From 1 September 2022, all information relating to an invalid application will need to be provided within 2 weeks of request unless otherwise agreed in writing. Where information is not submitted, the application will be returned and refunded, with a fee of £40.00 per application being retained to cover the costs of administering the return.

### **Photographs accompanying planning applications**

During the covid lock-downs applicants and agents helpfully supplied photographs with their planning applications showing the sites and their surroundings. This proved to be extremely beneficial, enabling many applications to be processed more speedily than would otherwise have been possible. In view of this success, we will be continuing to ask applicants and agents to provide photographs, and so allow us to maintain the momentum. These photographs will aid determination and will rarely be a substitute for an officer site visit.

If submitting photographs, please try and exclude personal identification data such as car registrations and faces.

### **Community Consultation**

The Planning Department do not carry out individual neighbour notifications. A site notice will be displayed for planning applications. Members of the public are encouraged to use the Council's automated Planning Finder service where they will be automatically notified of new planning applications within a defined search area.

[www1.arun.gov.uk/planning-application-finder](http://www1.arun.gov.uk/planning-application-finder)

We will publish comments made on our website for all live planning applications and take these into account in the determination of applications, **unless** the comments are offensive, racist, discriminatory, threatening, anonymous or marked private/confidential.

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

A/110/21/PL

*Original Decision* = Refused

*Received:* 21-02-22

BMW House Chandlers Garage Ltd Water Lane Angmering

*Decision Level* = Delegated

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.

*Public Inquiry*                      **07-06-22**

**PINS Ref:** APP/C3810/W/22/3292333

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A/112/21/PL

*Original Decision* = Refused

*Received:* 20-05-22

Pound Place Roundstone Lane Angmering

*Decision Level* = Delegated

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.

*Written  
Representations*

**PINS Ref:** APP/C3810/W/22/3293621

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A/129/21/PL

*Original Decision* = Refused

*Received:* 25-05-22

Rustington Golf Centre Golfers Lane Angmering

*Decision Level* = Delegated

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.

*Public Inquiry*

**PINS Ref:** APP/C3810/W/22/3298192

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A/168/21/PL

*Original Decision* = Refused

*Received:* 01-04-22

Land South Of Littlehampton Road and East of Worthing Road Angmering

*Decision Level* = Delegated

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.

*Public Inquiry*                      **04-07-22**

**PINS Ref:** APP/C3810/W/22/3295115

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A/45/22/PL

*Original Decision* =

*Received:* 28-06-22

Rustington Golf Centre Golfers Lane Angmering

*Decision Level* =

Erection of 167 No new homes in a mix of 1-4 bedroom properties (2-4 bedroom homes and 1 bedroom apartments), with associated

landscaping, parking, open space, play areas, construction of a new vehicular access from Golfers Lane and all other associated development works (resubmission following A/129/21/PL). This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

***Public Inquiry***

**PINS Ref:** APP/C3810/W/22/3301932

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**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

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**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

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**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***                      **26-07-22**

**PINS Ref:** APP/TPO/C3810/7809

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**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

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**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

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EP/34/22/HH  
*Original Decision* = Refused  
*Received:* 24-06-22

111 North Lane East Preston  
*Decision Level* = Delegated  
Two storey side/rear extension.  
*Written  
Representations*  
PINS Ref: APP/C3810/D/22/3300474

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F/1/22/HH  
*Original Decision* = Refused  
*Received:* 22-06-22

Lock Cottage Station Road Ford  
*Decision Level* = Delegated  
Erection of single storey side extension to detached garage to create link building and double garage, installation of front porch and alterations to fenestration following the conversion of detached garage to habitable use.  
*Written  
Representations*  
PINS Ref: APP/C3810/D/22/3300635

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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

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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

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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

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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  
Page 133

site is in CIL Zone 4 & is CIL Liable as new dwelling.

**Written  
Representations**

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

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**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

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**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

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**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

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**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**

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*                      12-07-22

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

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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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