



# Public Document Pack

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Committee Manager Andrew Bishop (Ext. 37984)

12 October 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 26 October 2022 at 2.00 pm** and you are requested to attend.

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

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. 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 ONLINE AT [www.arun.gov.uk/planning](http://www.arun.gov.uk/planning)**

## AGENDA

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

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

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

Members and officer should make their declaration by stating:

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

### 3. **VOTING PROCEDURES**

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

### 4. **MINUTES**

(Pages 1 - 10)

To approve as a correct record the Minutes of the meeting held on 28 September 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. **Y/93/22/PL THE STEDDLES, NORTH END ROAD, YAPTON BN18 0DT** (Pages 11 - 24)

### 7. **M/92/22/PL 13 ELM DRIVE, ELMER, MIDDLETON ON SEA PO22 6JE** (Pages 25 - 36)

8. **CM/34/22/PL LAND TO THE REAR OF VINCENT COTTAGE, RUDFORD INDUSTRIAL ESTATE, FORD ROAD BN18 0BF** (Pages 37 - 50)
9. **BR/63/22/PL SALISBURY HOUSE, THE STEYNE, BOGNOR REGIS PO21 1TX** (Pages 51 - 64)
10. **BN/21/22/PL THE HOLLIES, 84 BARNHAM ROAD, EASTERGATE PO22 0ES** (Pages 65 - 80)

## **PLANNING APPEALS**

11. **APPEALS LIST** (Pages 81 - 86)
12. **HOUSES IN MULTIPLE OCCUPATION (HMO) IN ARUN** (Pages 87 - 96)

The report seeks the Planning Committee's agreement that Article 4 Directions removing Permitted Development rights for smaller scale Houses in Multiple Occupation (i.e.C4 Use Class), be established covering the three specific Wards of Marine and Hotham (Bognor Regis) and River (Littlehampton). The report further seeks that the harm to the specific wards that is identified in the BRE evidence study is used as a material consideration for decision making.

## **OFFICER REPORT UPDATES**

Will be circulated ahead of the meeting if there are any.

## **BACKGROUND PAPERS**

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

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

Contact Officers :

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Note: Reports are attached for all Members of the Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager.

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

Note: Filming, Photography and Recording at Council Meetings - The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link – [PART 8 - CP - Section 5 Filming Photographic Protocol](#)

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# Agenda Item 4

Subject to approval at the next Planning Committee meeting

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## PLANNING COMMITTEE

28 September 2022 at 2.00 pm

Present: Councillors Chapman (Chair), Edwards (Vice-Chair), Blanchard-Cooper, Bower, Chace, Mrs Haywood, Kelly, Lury, Thurston and Warr

The following Member was absent from the meeting during consideration of the matters referred to in the Minutes indicated:-  
Councillor Warr – Minute 302.

Apologies: Councillor Goodheart

### 296. DECLARATIONS OF INTEREST

Councillor Warr declared a Prejudicial Interest in Agenda Item 7 (BE/57/22/PL Land adjacent to Tesco Express, 351 Chichester Road, Bersted PO21 5AN).

### 297. MINUTES

The Minutes of the previous meeting held on 24 August 2022 were approved by the Committee and signed by the Chair.

### 298. 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.

### 299. K/22/22/PL LAND EAST OF KINGSTON HOUSE, KINGSTON LANE, KINGSTON

3 No stables and a barn. This site is in CIL Zone 3 (Zero Rated) as other development.

The Planning Area Team Leader presented the report with updates. He explained that the application was deferred by Committee on 24 August 2022 [Minute 226] pending a site visit to establish if there was a bridleway on the land. A site visit on 2 September 2022 attended by 4 Members of the Committee established that there was no bridleway on the land.

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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 site being part of the strategic gap between East Preston and Ferring
- the exposed nature of the site and how visually set apart from other buildings the proposed buildings were
- access to bridleways, the lack of any in the immediate vicinity, horses having to cross the A259 and use public footpaths in accessing them, and therefore a lack of a justification in approving what was proposed
- concerns over the impact the size of the proposed building and the area of hardstanding that would surround it may have on the area
- the similarity of a previous planning application granted but expired on the site

The Planning Area Team Leader noted the planning history as outlined in the Officer report and stated that he was unaware of the details of the previous permission but it had expired and was no longer extant.

The Officer recommendation to approve conditionally was then proposed by Councillor Edwards and seconded by Councillor Blanchard-Cooper. After a vote, the recommendation was declared NOT CARRIED.

Reasons for refusal were then discussed by Members. These included the application being an unacceptable encroachment into the strategic gap, the proposed development being out of character with its surroundings and the character of the locality, a lack of justification for it due to the limited access to the bridleway network, and the proposal not meeting the full tests of policy EQU DM1 in the Arun Local Plan.

The recommendation to refuse was then proposed by Councillor Bower and seconded by Councillor Lury.

The Committee

RESOLVED

That the application be REFUSED on the grounds of the impact to the strategic gap and character of the locality, and the accessibility to the bridleway network.

The Members who voted against the Officer's recommendation to approve and for the recommendation for the application to be refused were Councillors Bower, Chace, Chapman, Haywood, Kelly and Lury. There were no votes cast against this recommendation and the Members who abstained during the vote were Councillors Blanchard-Cooper, Edwards, Thurston and Warr.

300. BE/57/22/PL LAND ADJACENT TO TESCO EXPRESS, 351 CHICHESTER ROAD, BERSTED PO21 5AN

*[Having declared her Prejudicial Interest, Councillor Warr did not participate in the discussion or vote on this item.]*

2 Public Speakers

Stephen Potts – Objector

Molly McLean – Agent

Erection of 6 No. 2-storey dwellings consisting of 2 No 2 bed units & 4 No 3 bed units, access, parking, cycle storage, bin store and other associated landscape works (resubmission following BE/104/21/PL). This site is in CIL Zone 4 & is CIL Liable as new dwellings.

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

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

- concerns over impacts to parking and traffic whilst noting that the site used to be a pub with lots of traffic accessing it so not a grounds for refusal
- developers using the fact that Arun did not have a 5-year housing land supply to justify development whilst at the same time not building out approved planning applications at the rate they were supposed to
- the sustainability of the plot with good access to the public transport network
- the current state of the site, described by one Member as an eyesore
- the site having been identified in the Bersted Neighbourhood Plan for housing and therefore the inevitability of development
- concern for the impact on surrounding properties, some of which were of character
- the distances from the proposed development to the existing houses behind being consistent with the Arun Design Guide

The recommendation was then proposed by Councillor Chace and seconded by Councillor Kelly.

The Committee

RESOLVED

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

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301. BE/73/22/PL ARUN RETAIL PARK, UNIT G, SHRIPNEY ROAD, BOGNOR  
REGIS PO22 9NF

2 Public Speakers

Kirill Malkin – Agent

Kevin Hydes – Supporter

External alterations to the existing building associated with the change of use from Class E Restaurant to Sui Generis (consisting of a coffee shop / restaurant selling food and drink for consumption on and off the premises), alterations to car park including the creation of a drive-through lane, reconfiguration of cycle parking, new pedestrian crossings, and the increase in number of car parking spaces, relocation of footpath, removal of 2 x TPO trees (to be replaced), landscaping and associated works.(Resubmission following BE/16/22/PL). This application is in CIL Zone 4 (zero rated) as other development).

The Planning Area Team Leader presented the report with updates. He verbally updated Members on a proposed change to Condition 8 [the location of required fire hydrants] of the recommendation following communication with the applicant but before confirmation could be sought from West Sussex County Council's Fire and Rescue Service. This was followed by 2 Public Speakers.

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

- issues with parking and the size of parking spaces at the Arun Retail Park and the additional impacts a Drive Thru might have
- whether Arun needed another Drive Thru
- the condition of the trees with Tree Preservation Orders (TPOs) [identified as Category U] not having been mentioned before and what this meant for their longevity
- whether more needed to be done to keep the trees with TPOs
- the delayed benefits of the proposed new trees which would be significantly smaller for a long time

The recommendation was then proposed by Councillor Chace and seconded by Councillor Edwards.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions as detailed, with a proviso that Condition 8 would only be applied if West Sussex County Council's Fire and Rescue Service following further consultation did not accede to the applicant's request.



302. BR/156/22/PL 62-64 HIGH STREET, BOGNOR REGIS PO21 1SP

*[Councillor Warr declared a Prejudicial Interest at the beginning of the item and left the meeting for its duration. She did not participate in the discussion or vote on the item.]*

1 Public Speaker

Tania Tindale – Agent

Upward extension of one storey and conversion of the existing first and second floors of the building to provide 38 student rooms along with associated elevational changes and reconfiguration of ground floor, including provision of refuse and recycling facilities and cycle store to the rear. This application may affect the setting of a Listed Building and is in CIL Zone 4 (zero rated) as flats.

The Planning Area Team Leader 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:

- whether the accommodation was solely for students and whether any agreement had been entered into with a local university
- the lack of justification for the extra floor
- concerns of overdevelopment
- the loss of character to the area around the High Street

The Planning Area Team Leader confirmed that, in this instance, the development was a HMO in planning terms with the intention that they be student accommodation not a planning issue.

The recommendation was then proposed by Councillor Edwards and seconded by Councillor Chace.

The Committee

RESOLVED

To delegate to the Group Head of Planning in consultation with the Chair and Vice Chair authority to:

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

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Should the Section 106 Agreement not be completed within 4 months of the date of the Planning Committee's resolution to grant planning permission, then the application shall be refused for the following reasons:

1. In the absence of a signed Section 106 agreement, the development makes no provision for contributions to improving local fire & rescue services and is thereby contrary to the aims and objectives of the NPPF and Arun Local Plan policy INF SP1.
2. In the absence of a signed Section 106 Agreement, the application fails to make a financial contribution towards the cost of providing accessible natural open green spaces to mitigate the harm to the Pagham Harbour Special Protection Area and the proposal is therefore not in accordance with Arun Local Plan policies ENV DM1 and ENV DM2.

303. LU/205/22/PL 25 RIVER ROAD, LITTLEHAMPTON BN17 5BZ

1 Public Speaker

Molly McLean - Agent

Demolition of existing car garage (B2) and the erection of 2no. residential buildings comprising 4no. flats (C3) with associated works (resubmission of LU/151/21/PL). This application affects the character and appearance of the Littlehampton (River Road) Conservation area and is in CIL Zone 4 (zero rated) as flats.

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:

- how the development would look from the street
- the conditions on window design and materials
- underground parking by excavation and concerns with setting a precedent
- the impact of the underground parking to the street scene and whether the access should have some sort of door or other means of obscuration
- support for the design
- Arun's long established policy regarding underground parking and the need to replicate the conditions from previous underground parking applications
- concerns over the scale and character of the proposals

When questioned about whether there was any kind of door to the garage area, the Planning Area Team Leader confirmed that there was not but that one of the suggested conditions could be amended to include a requirement for a door. The Group Head of Planning then stated that it was probably not sensible to require a door because of the flood zone in which the application site was located within.

The recommendation was then proposed by Councillor Blanchard-Cooper and seconded by Councillor Bower.

The Committee

RESOLVED

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

304. P/96/22/HH 97 HARBOUR VIEW ROAD, PAGHAM PO21 4RJ

2 Public Speakers

Christopher Barrow – Agent

Cllr David Huntley – Arun District Council Ward Member

Erection of single storey outbuilding to rear.

The Planning Area Team Leader presented the report. This was followed by 2 Public Speakers.

After discussing the position of the existing shed in relation to the proposed one and seeking clarification that the outbuilding would be ancillary to the main residence and not separate from it, the recommendation was proposed by Councillor Chace and seconded by Councillor Bower.

The Committee

RESOLVED

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

305. M/145/21/HH 44 SOUTHDEAN DRIVE, MIDDLETON-ON-SEA PO22 7TB

Roof extension to facilitate conversion of loft to habitable use and alterations to fenestration.

The Legal Services Manager presented a covering report which explained that the application was considered and determined by an Officer but that it had since come to light that the application was a 'Member application' and as such could only have been determined by Committee. The Planning Area Team Leader then presented the planning application.

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

- clarification of the checks and balances in the process to screen applications for this sort of issue to ensure there were no grounds for accusations of favouritism
- whether erroneous applications should be voided in their entirety and completely new corrected applications should be submitted
- the error being that of the agent who submitted the application on behalf of the applicant, and the duty of care and trust in this professional relationship

The Legal Services Manager explained that planning applications were often submitted by architects and agents on behalf of the applicant who might not be fully aware of an applicant's Local Authority status, that the application was valid in itself when it was made and as was usual practice with any incomplete application Officers would go back to the agent or applicant and ask for more information as they had done in this situation. The Interim Head of Development Management clarified that the national planning application form did have a section in which the applicant could declare if they were a Member of the Council or related to a Member, and that on this occasion the agent had completed that section in error by not declaring the applicant's status. The Group Head of Planning noted that the Planning department received over 2000 planning applications a year and issues of resources meant that a process which ensured applications were 100% free from errors was not possible because every part of every planning application form simply could not be checked.

The recommendation was then proposed by Councillor Edwards and seconded by Councillor Bower.

The Committee

RESOLVED

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

The Chair highlighted paragraph 7.1 of the Officer's report [on page 99 of the Agenda Pack] which noted a conflict between parts 7 and 8 of the Council's Constitution. The Chair of the Constitution Working Party (and Member of the Committee) confirmed that this conflict would be addressed in the next review of the Constitution.

306. AL/72/22/PL ROCK HOUSE, WESTERGATE STREET. ALDINGBOURNE

1 Public Speaker

Clare Blatchford-Hanna – Applicant

Demolition of Servac Int workshops keeping certain structures and features, to renovate them in to a 2 No carport, with storage loft and re-landscaping to provide new gardens and biodiversity zones. This application may affect the setting of a listed building and is in CIL Zone 3 (Zero Rated) as other development.

The Legal Services Manager presented a covering report which explained that the application was considered and determined by an Officer but that it had since come to light that the application could only be determined by Committee as it was excluded from the delegation to Officers due to the Parish Council concerned having previously given their approval for the application. This was followed by 1 Public Speaker given permission to speak at the Chair's discretion. The Planning Area Team Leader then presented the application which Officers were recommending be refused.

The Group Head of Planning apologised that this error had happened. He stated that the Case Officer was not a permanent member of staff but that this was not an excuse because they should have been briefed on the scheme of delegation. He also stated that this was the first report of this kind that he could ever recall having to present to Committee. When questioned, he confirmed that there were no other cases that needed to be brought to Committee for this reason.

After one Member raised the issue of determining the application whilst further information was still being sought, a recommendation to defer was proposed by Councillor Bower and seconded by Councillor Chace.

The Committee

RESOLVED

That the application be DEFERRED for further consideration of information yet to come forward.

It was noted that the decision would be delegated to Officers, in accordance with the adopted scheme of Officer delegations, if following consideration of the further information, Officers were minded to recommend approval, consistent with the views of the Parish Council.

307. APPEALS LIST

The Committee noted the Appeals list.

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308. KEY PERFORMANCE INDICATORS 2022-2026 - QUARTER 1 PERFORMANCE REPORT FOR THE PERIOD 1 APRIL 2022 TO 30 JUNE 2022

Upon the invitation of the Chair, the Interim Head of Development Management presented the report which set out the performance of the Key Performance Indicators at Quarter 1 for the period 1 April 2022 to 30 June 2022. He noted that the Planning department did not routinely rely on the use of Extension of Time for applications which had run over proscribed times for determination which meant that the figures available were more accurate and better reflected the service of the department.

One Member queried how KPI 'CP27 Minor applications determined in 8 weeks or agreed extension of time' would be improved by the issuing of a new Customer Advice Note which set out to applicants and members of the public Arun's approach to negotiation and other relevant matters which influenced the speed of determination. The Interim Head of Development Management explained that one way in which performance could be improved was by improving the quality of applications in the first instance and the Advice Note would support this.

The Committee then noted the report.

(The meeting concluded at 3.58 pm)

PLANNING APPLICATION REPORT

REF NO: Y/93/22/PL

LOCATION: The Steddles  
North End Road  
Yapton  
BN18 0DT

PROPOSAL: Variation of condition following Y/158/21/PL relating to Condition No 2 - approved plans, to include a substation.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The purpose of this application is to agree revisions to the approved scheme to site a new electricity substation in a fenced enclosure with its own parking space on the site frontage. This necessitates a small reduction in the garden of plot 1. The substation will have a standard design and will be delivered by the relevant statutory undertaker. It will comprise of electrical plant housed within a chamber measuring approximately 3.13m by 2.82m and 2.26m tall. It will be enclosed by a 1.8m fencing with timber gates with capped brick corner piers and some native hedging on the southern side.
SITE AREA	0.45 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected.
BOUNDARY TREATMENT	The substation is to be sited adjacent to approved 1.8m high close boarded fencing.
SITE CHARACTERISTICS	Former site of a detached dwelling with large gardens. The site has been cleared and works are underway to implement the approved residential permission.
CHARACTER OF LOCALITY	Edge of settlement location but with recent built residential development to the south (Paddock View) and east (Saxon Way) plus a further committed residential scheme (Clays Farm) to the west. Two residential dwellings in large gardens to the immediate north and beyond that the Redrow development (Land at Street Buildings) and further Redrow development opposite (Land to the south of Ford Lane & East of North End Road).

**RELEVANT SITE HISTORY**

Y/44/22/DOC	Approval of details reserved by condition imposed under Y/158/21/PL relating to conditions 8-Method Statement	DOC Approved 24-05-22
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for service crossings, 15-materials and finishes, 16- details of screen walls and fences and 18-broadband speed.

Y/37/22/DOC	Approval of details reserved by condition imposed under ref Y/158/21/PL relating to Condition Nos 7 - mitigation method statement providing details of how existing hedgerows to be retained, protected & enhanced; 9 - decentralised & renewable or low carbon energy; 11 - foul drainage system; 12 - Construction & Environmental Management Plan; 13 - bat method statement/mitigation strategy; covered & secure cycle parking spaces; 22 - charging of electric vehicles and 25 - external lighting.	DOC Approved 26-05-22
Y/158/21/PL	Demolition of existing dwelling and outbuildings and construction of 11 No dwellings (net increase 10 units) with access, landscaping and associated works (alternative to approved Y/121/19/PL). This site is in CIL Zone 3 and is CIL Liable as new dwellings & is a Departure from the Development Plan.	ApproveConditionally 03-03-22
Y/121/19/PL	Demolition of existing dwelling & outbuildings & erection of 11 No. dwellings (net increase 10 units), access, landscaping & associated works.	ApproveConditionally 30-07-20

Permission on this site was first granted in July 2020 (Y/121/19/PL) and revised in early 2022 with the approval of Y/158/21/PL. Several conditions associated with Y/158/21/PL (including those to be agreed pre-commencement) have been discharged by Y/37/22/DOC and Y/44/22/DOC.

## REPRESENTATIONS

Yapton Parish Council state an objection re materials for the fenced enclosure. YPC insist the fencing is either softened by new native hedging or provided in brick & flint. YPC request the frontage of North End Road should maintain its rural setting as reflected in all new boundary treatments located along this part of North End Road.

## COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and are discussed in the conclusions section.

## CONSULTATIONS

## CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - no objection. State the electricity substation will require a new dropped kerb and



this should be included in any off-site highway works as part of the section 278 agreement. Also commented that the substation & enclosure is set behind the visibility splay from the new access so will not interfere with it.

ADC LANDSCAPE OFFICER - no objection. The fencing proposals would appear suitable for location without causing conflict to visibility splays in this location. No landscape conditions required.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

#### POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary (BUAB).

Lidsey Treatment Catchment Area.

Current/Future Flood Zone 1.

Class B Road.

CIL Zone 3; and

Area of Special Control of Adverts.

#### DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

#### PLANNING POLICY GUIDANCE:

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

#### SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021

#### POLICY COMMENTARY

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

The relevant policies within the Yapton Neighbourhood Development Plan (YNDP) have been considered in the preparation of this report. Yapton are currently working on a revised Plan (YNDP2) and

are currently at regulation 17 stage such that it is necessary to refer to the emerging policies. The YNDP2 shows the site as being within the BUAB.

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

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

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

The proposal complies with relevant Development Plan policies in that the changes would not result in any significant harm to the character of the area and the streetscene, to the amenities of existing/future residents or to the safety of the 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 material that there are permitted development rights for substations under Schedule 2, Part 15, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). If the site of the proposed substation was on land used or owned by a statutory undertaker for the purpose of carrying out their undertaking, then the substation and accompanying fencing could be constructed under permitted development rights as the chamber itself is under the permitted cubic volume (29m<sup>3</sup>). As this application is made on land owned by the developer, planning permission is required.

#### **CONCLUSIONS**

PRINCIPLE:

The site benefits from an extant permission which has been lawfully commenced. This application seeks to add a substation and associated enclosure to the site frontage. Due to the nature of the changes, it is only necessary to re-assess the application in terms of impact on the character & appearance of the area & the streetscene, on the amenities of existing/future residents and on the safety of the highway. 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.

DESIGN & CHARACTER:

ALP policy D DM1 requires development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area and demonstrate a high standard of design. The Arun Design Guide is a material consideration but the only reference to substations is that section I sets out that developments should have sufficient electricity supply in order to cope with future demand.

The YNDP2 proposes a new "Yapton Contextual Appraisal and Design Guide". This states North End Road is a main street in the village and such main streets are known for their variety in enclosure to the street and there is not a continuous corridor of development. Section 2.8 states boundary treatments in the village comprise: brick and flint walling, hedgerows, metal railed fencing, post and rail fencing, tall and low walls. Section 4. j. states the visual impact of boundary materials should be sensitive to the location and in keeping with the character of the street scene. The use of flint with brick walls should be encouraged as well as using natural materials and native species of hedging and post & rail fencing.

The site to the immediate south (Paddock View by Dandara) has timber fencing (with concrete posts) to its northern boundary which is visible in the North End Road streetscene and is in only a few metres of the substation. The boundary treatment for the Steddles site approved by Y/44/22/DOC entails 1.8m high timber fencing along the southern boundary (facing the afore mentioned Paddock View timber fencing) with 1.8m timber fence panels on a brick/flint wall to the frontage where the substation will sit. Therefore, there is already and would have been (but for this application) the presence of timber fencing in the local streetscene.

The proposal includes brick piers to the front corners of the fenced enclosure which will be positive whilst the fenced areas are in character with nearby boundary treatments. It is material that if this were being proposed by the appropriate statutory undertaker then they would be able to implement any chosen fence design with no need for a planning application. Due to the position of the substation, the need for front gated access and the side parking space, there is limited room for landscaping. The applicant has been able to propose some native hedging on the southern side of the substation enclosure and this will soften its appearance when approaching from the South. The council's Landscape Officer raises no concerns.

Given the nearby residential developments, the Local Planning Authority disagrees with YPC that the area still has a rural setting. There is some conflict with the emerging "Yapton Contextual Appraisal & Design Guide" but overall, the proposal is acceptable in terms of the relevant development plan policies.

#### HIGHWAY SAFETY:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network and provide appropriate levels of parking. Beyond the initial construction of the substation, the associated parking space will only be used occasionally for maintenance purposes and as such, WSCC Highways raise no objections and do not anticipate any concerns with highway safety or capacity. There are no standards in the council's guidance for substation parking but 1 space is likely to be sufficient for those times when access is required.

#### EXISTING/FUTURE 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 (section H.04) requires that rear gardens be at least 10.5m deep.

Electric substations are commonly found in close proximity to dwellings and are able to co-exist in such situations. Permission was recently granted for a substation in a central part of the Bonhams Field, Yapton development site (Y/117/21/PL) and the submission was accompanied by a noise assessment which concluded the noise from the substation would have no adverse impact on the adjacent residential occupiers. This position was accepted by the council's Environmental Health officers.

The rear garden of plot 1 is to be reduced to accommodate the substation and its parking space however

the garden depth is not affected, and the rear garden is also very wide (approx. 11.5m) plus there is a side garden. As such, there is no harm to the amenity of existing or future residents arising from the substation development.

**CONDITIONS:**

The approved development has been implemented and many of the previous conditions imposed on Y/158/21/PL have been discharged and are now relevant only insofar as they relate to details approved by them. It has been necessary to amend previous conditions 2, 7, 8, 9, 11, 12, 13, 15, 16, 18, 19, 22 & 25 to reference either new plans or the previous condition approvals. Previous condition (10) relating to the implementation of tree protection measures has been deleted because the Tree Officer visited the site to check compliance. Previous condition 1 has also been deleted as the development has been implemented. No new conditions have been added.

**SUMMARY:**

The scheme will not result in any demonstrable harm to local character, the natural environment, highway safety or residential amenity. 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 updated 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 approved shall be carried out in accordance with the following

approved plans:

Site Location Plan 0001 Rev P03.  
 Proposed Block Plan 0002 Rev P04.  
 Proposed Site Plan 0003 Rev P05.  
 Plots 1 & 7 Floor Plans, Elevations, Roof Plan 0005 Rev P04.  
 Plot 2 Floor Plans, Elevations, Roof Plan 0006 Rev P04.  
 Plots 3 & 8 Floor Plans, Elevations, Roof Plan 0007 Rev P04.  
 Plots 4 & 11 Floor Plans, Elevations, Roof Plan 0008 Rev P04.  
 Plots 5 & 6 Floor Plans, Elevations, Roof Plan 0009 Rev P04.  
 Plots 9 & 10 Floor Plans, Elevations, Roof Plan 0010 Rev P04.  
 Proposed Car Ports 0011 Rev P02.  
 Proposed Ecological Enhancement Plan SDL-MHA-00-XX-DR-A-0020 Rev P01.  
 Tree Protection Plan, dwg. no. 2382-02-P2.  
 Proposed External Works Plan 0102 Rev C02; and  
 Electricity Sub Station Plans, Elevations & Detail Dwg No SDL-MHA-ZZ-XX-DR-A--0305-P01.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, QE SP1, ENV DM4, ENV DM5 and T SP1 of the Arun Local Plan.

- 2 The development shall proceed in full accordance with the approved surface water drainage scheme and management & maintenance regime as set out in the following documents that were previously approved by Y/158/21/PL:

435409/01/P8 Drainage General Arrangement;  
 435409/02/P7 Drainage Construction Details; and  
 435409 SuDS Maintenance and Management Plan dated 07/01/22.

The drainage scheme shall be implemented in accordance with the approved scheme prior to occupation of any of the dwellings and permanently retained in good working order in perpetuity. 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.

- 3 The development must be carried out in accordance with the "Proposed Ecological Enhancement Plan" (drawing SDL-MHA-00-XX-DR-A-0020 Rev P01) with the exception that the bat box shown on the southern aspect of plot 8 must be moved to the northern aspect of plot 7. The enhancements and mitigation measures shown on the drawing shall be implemented in full and permanently retained and thereafter maintained as fit for purpose.

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

- 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 and on-site biodiversity in accordance with policies ENV DM5, QE SP1 and QE DM1 of the Arun Local Plan and the NPPF.

- 5 Any brush piles, compost or debris piles on the site must only be removed outside of the hedgehog hibernation period (mid-October to mid-March inclusive) unless first checked by a qualified ecologist. If any small mammals are found then they must be relocated away from

the construction area into surrounding suitable habitats. All piles removed outside of the hedgehog hibernation period must undergo soft demolition.

Reason: To mitigate harm to any hedgehogs using the site in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

6 The development shall proceed in full accordance with the hedgerow mitigation method statement as approved through application ref Y/37/22/DOC on 13/05/22

Reason: Bats use the hedgerows for foraging and commuting and therefore in accordance with the NPPF and policy ENV DM5 of the Arun Local Plan.

7 All activity at the site is to be carried out in strict accordance with the approved Arboricultural Impact Assessment & Method Statement, Ref: 2382 Rev-01, 7 October 21 and the documents subsequently approved on 24/05/22 through application ref Y/44/22/DOC, namely:

- Tree Constraints Plan (1892-01-01);
- Tree Retention Plan (2382-02-P1); and
- Tree Protection Plan (2382-02-P2).

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 The development shall proceed in full accordance with the energy minimisation approach as approved through application ref Y/37/22/DOC on 13/05/22 and the approved measures shall be retained as operational thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan.

9 The development shall proceed in full accordance with the foul drainage scheme as approved through application ref Y/37/22/DOC on 13/05/22 and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

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

10 The development shall proceed in full accordance with the Construction & Environmental Management Plan as approved through application ref Y/37/22/DOC on 26/05/22. The approved Plan shall be implemented and adhered to throughout the entire construction period.

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

11 The development shall proceed in full accordance with the Bat Mitigation Class Licence ref WML-CL21 which was confirmed as being sufficient to discharge the relevant condition through application ref Y/37/22/DOC on 13/05/22. The development shall thereafter proceed in accordance with the approved Licence.

Reason: Bats use the site for commuting/foraging and are known to roost within the Dwelling known as "The Steddles" and therefore in accordance with the NPPF and policy ENV DM5 of

the Arun Local Plan.

- 12 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 details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The scheme shall ensure that two native trees are planted for each one lost.

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

- 13 The development shall proceed in full accordance with the materials approved through application ref Y/44/22/DOC on 24/05/22 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.

- 14 The development shall proceed in full accordance with the boundary treatments approved through application ref Y/44/22/DOC on 24/05/22 and no dwellings shall be occupied until such hard boundary treatments associated with them have been erected.

Reason: In the interests of amenity and of wildlife in accordance with policies D DM1 and ENV DM5 of the Arun Local Plan and the NPPF.

- 15 No development above damp proof course (DPC) level shall take place unless and until details are provided and approved in writing by the Local Planning Authority to show how at least two of the 1/2/3 bedroom houses will be delivered to meet M4(2) of the Building Regulations 2010 (as amended). These particular dwellings shall thereafter be delivered in accordance with the approved details and these shall be maintained in good working condition thereafter.

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with policy H3 of the Yapton Neighbourhood Development Plan and policy D DM1 of the Arun Local Plan.

- 16 The development shall proceed in full accordance with the proposed broadband connection arrangements as approved through Y/44/22/DOC on 24/05/22. The development of the site must continue in accordance with the approved strategy.

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

- 17 Covered and secure cycle parking spaces shall be provided in accordance with the plans and details approved through Y/37/22/DOC on 26/05/22. These spaces so provided shall then be retained in perpetuity.

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

- 18 No part of the development shall be first occupied until the vehicle parking (including the

garage and car ports) and turning spaces have been constructed in accordance with the approved plan. These parking spaces, car ports and garages shall thereafter be retained for their designated use.

Reason: In the interests of road safety and to provide adequate on-site car parking & turning space for the development in accordance with Arun Local Plan policy T SP1.

- 19 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Plan and numbered 003 P05.

Reason: In the interests of road safety in accordance with Arun Local Plan policy T SP1.

- 20 Electric vehicle charge points shall be provided in accordance with the plans and details approved through Y/37/22/DOC on 26/05/22. These charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel 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 District Council Electric Vehicle Infrastructure Study (November 2017) and the NPPF.

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

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

- 22 Any 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
- 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 and vitality of trees and to accord with current industry guidelines and sound arboricultural practice including policy ENV DM4 of the Arun Local Plan.

- 23 Lighting on the site shall be in full accordance with the details approved through Y/37/22/DOC on 26/05/22. The lighting approved shall be installed and maintained in accordance with the approved details

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

- 24 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.

25 All bathroom, dressing room and toilet windows hereby approved shall be glazed with obscured glass and permanently retained 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.

26 No windows (other than those shown on the plans hereby approved) shall be constructed in the first floor 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.

27 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) there shall be no rear extensions or outbuildings constructed in the curtilages of plots 5, 6 or 11 unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain adequate private amenity space and to protect important trees in accordance with policies D DM1 and ENV DM4 of the Arun Local Plan.

28 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) there shall be no alterations to any of the approved car ports within the site (plots 1, 2, 3, 4, 7, 8 & 11) unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain an adequate supply of parking spaces within the development in accordance with policy T SP1 of the Arun Local Plan.

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

30 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or

www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which is available to read on the following website: <https://beta.southernwater.co.uk/infrastructurecharges>.

- 31 INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>, this clearly sets out our requirements for discharging this condition
- 32 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 33 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.
- 34 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.
- 35 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.
- 36 INFORMATIVE: A Natural England Protected Species License will be required for the works to the existing house and this will need to be obtained prior to any works taking place.
- 37 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 ash from fires or noise from the cutting 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 also be contacted regarding Exemption Permits to burn on site. 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.
- 38 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 09/11/21) as available on the Councils website.

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

[this link.](#)

**Y/93/22/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: M/92/22/PL

LOCATION: 13 Elm Drive  
Elmer  
Middleton-on-sea  
PO22 6JE

PROPOSAL: 1 No. replacement dwelling. This application is in CIL Zone 4 and is CIL liable as new dwelling.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION      The proposal involves the demolition of a 3-bed bungalow and replacement with a 3-bedroom part two-storey part single storey dwelling with an integral garage in a similar position on the site.

Walls will be painted render. Roof, zinc metal standing seam roof. Windows, ppc aluminium. Doors, timber composite. Decking, composite decking. Feature timber frame details, galvanised steel. Feature cladding, cedar and Balustrading, frameless glass.

The design encompasses a two-storey middle section with a monopitch roof falling north to south, single storey sections on either side also with monopitch roofs. At first floor between the single-storey and two-storey sections on the northern side of the building is a balcony at the rear (east) linking to a narrower outdoor corridor running east west providing a lightwell to the downstairs hall and screening for the two upstairs bedrooms. Dimension of the proposed house are as follows:  
Ridge height approx.7.5m.  
Eaves height approx. 5.4m.  
Width (north-south) at first floor approx.4.4m.  
Width at ground floor approx. 13m.  
Depth (east -west) approx.16.4m (17m at two storey height).  
Balcony areas serving rooms at first floor. Front and rear.

SITE AREA      0.580 hectares.

TOPOGRAPHY      Predominantly flat.

TREES      None of any significance affected by the proposed development.

BOUNDARY TREATMENT      Fencing to site boundaries.

SITE CHARACTERISTICS      Detached bungalow with rendered elevations, concrete tile roof and conservatory on western front elevation on edge of parking area. Flat roofed extension to rear.

Dwelling to the south is chalet style with no first-floor windows. Dwelling to the north is two-storey, has a garage adjacent to the boundary and is separated from the application site by a path.

**CHARACTER OF LOCALITY**

Residential area characterised by a mix of two storey dwellings and chalet style bungalows. The houses are in general sited in relatively close proximity to one another and are set back from the road, with varying front boundary treatments including shrubs and low walls within front garden.

**RELEVANT SITE HISTORY**

M/75/20/PL Demolition of existing dwelling & erection of replacement dwelling. This site is in CIL Zone 4 & is CiL Liable as new dwelling. Approve Conditionally 29-01-21

M/75/20/PL Planning permission for a replacement 4 bed two storey house.

The dimensions of the approved house are as follows:

Ridge height approx. 8.4m.

Eaves height approx. 5.4m.

Width (north-south) at first floor approx. 7.5m.

Width at ground floor approx. 11.25m.

Depth (east-west) approx. 20.5m (17m at two storey height).

Covered balcony areas serving rooms at first floor. Front and rear.

The design approved under this planning permission is modern in style and set further east on the site.

**REPRESENTATIONS**

Middleton-on-Sea Parish Council - Objection. Out of character with the streetscene. The appearance of the proposed development has a significant harmful impact upon the character of the dwelling and may not meet the regulations within the Arun DC Design Guide.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The content of the representation is noted and addressed in the conclusions section of the report.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

Environment Agency - No objection to the proposal as submitted.

Southern Water - No response at time of writing. Under M/75/20/PL informative sough regarding exact position of sewer.

County Highways - No response at time of writing. Under M/75/20/PL no objection.

Environmental Health - No response at time of writing. Under M/75/20/PL no objection.

Drainage Engineer - Will accept sustainable drainage features in this location and would expect to see infiltration fully investigated. Conditions requested.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

Appropriate conditions have been recommended and where appropriate repeated from the previous planning permission.

**POLICY CONTEXT**

Designation applicable to site:

Within Flood Zone 3

Within Built Up Area

**DEVELOPMENT PLAN POLICIES**

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

SDSP2	SD SP2 Built-up Area Boundary
QESP1	QE SP1 Quality of the Environment
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
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM5	ENV DM5 Development and biodiversity
WSP1	W SP1 Water
TSP1	T SP1 Transport and Development

**PLANNING POLICY GUIDANCE:**

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

**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 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.

Middleton does not have a made Neighbourhood Plan.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is considered to comply with relevant Development Plan policies in that there would be no materially adverse effect on residential or visual amenity or flood risk.

#### 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 NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development.

Policy SD SP1 Sustainable Development states that ADC will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy SD SP1a Strategic Approach (g) encourages the effective use of previously developed land in accordance with the strategy, provided that it is not of high environmental value.

The site lies within the built-up area boundary where development is acceptable in principle subject to other policies of the Arun Local Plan covering such issues as visual amenity/character, residential amenity, highway safety and parking. Policy D SP1 Design development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Arun Local Plan Policy D DM1 sets out design aspects of which applications should be assessed against including Character, Appearance, Impact, Density and Scale.

Middleton Parish Council does not have a Neighbourhood Plan.

The principle of a replacement dwelling has already been established under M/75/20/PL. The design of the house previously granted planning permission is also contemporary but with a significant two-storey element and catslide style roof running from the ridge to the northern side of the site. The scheme under consideration proposes a smaller first floor and will be single storey on both northern and southern elevations. Both schemes include balcony areas at first floor.

##### CHARACTER AND DESIGN.

There is a variety of styles of detached houses and materials used in the area which have, historically, developed in an incremental way. The height, scale and mass of the proposed property would be comparable to nearby dwellings and would not be in excess of the scale of nearby properties in the area. The principle of a two-storey house has already been accepted.

Having regard to the size, scale, massing and overall design of the proposed dwelling, it will not have a detrimental impact on the street scene or wider area. The proposal complies with policies D SP1 and D DM1 of the Arun Local Plan.

Overall, the scale and massing will be less than the previously approved house. The proposed contemporary design is not considered out of character in the local area but rather responds to it.



The use of good quality materials already used elsewhere in the neighbourhood ensures that the proposed dwelling would not look out of keeping with surrounding properties.

The design offers a contemporary style with simple detailing whilst retaining the form of a typical domestic property that has character and enhances the quality of the immediate area and street scene.

The asymmetric roof and lower single storey wings reduce the overall visual mass of the scheme. As the house has been designed in a contemporary style, the fenestration echoes the simple detailing of the elevations taking advantage of the western aspect by using larger areas of glazing to the living accommodation and bedrooms.

Section J of the Arun Design Guide refers to new building design and states development must ensure the existing character and sense of place of an area is respected and enhanced. New development should generally reflect the scale of existing buildings and should avoid overshadowing of neighbouring properties. The proposal complies with these statements, being sympathetic in appearance to the area.

Section P of the Arun Design Guide, Infill Development, seeks development which emulates the established pattern of building height, scale, plot width, boundary treatment and building line. The proposal is a replacement dwelling on an established plot whose design and siting will accord with these aims. The proposed materials will be complementary to the surrounding area and the design reflects the prevailing mixed character of the area.

Similarly, the proposal complies with para. 130 of the NPPF which states: "decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change."

As the dwelling is a replacement, bin storage will operate as existing in accordance with WM DM1 of the Plan.

Having regard to the size, scale, massing and overall design of the proposed dwelling, it is considered that the proposed dwelling would not have a detrimental impact on the street scene, public areas and wider area. The proposal is therefore considered to comply with policies D SP1, D DM1, QE SP1 of the Arun Local Plan and the Arun Design Guide.

#### RESIDENTIAL AMENITY

Arun Local Plan policy D DM1 requires that the Council have regard to certain criteria when considering the impact of new developments on neighbouring properties which include avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

Regard should be had to paragraph 127 of the NPPF which states that Planning policies and decisions should ensure that developments should ensure a high standard of amenity for existing and future users.

The replacement dwelling has been located in a similar position to the existing dwelling but is closer to side boundaries. It maintains a 1m minimum gap to side boundaries.

Whilst the footprint of the new dwelling is larger than the existing, to the north there is a path dividing the neighbouring dwelling from the application site. The floor plan of the proposed dwellinghouse, the orientation and style of windows on the side elevations at first floor level will prevent adverse impacts on privacy or overbearing impact to the neighbouring dwellings to the north and south.

The window serving the stairwell at first floor in the southern elevation is recommended to be conditioned to be obscure glazed and fixed shut which accords with a condition applied to the previous approval.

The adjacent chalet style dwelling has no windows at first floor level in its side elevation and the main aspects of both adjacent properties are to the front and rear. The dwelling to the north is separated by a garage and path and additional windows at first floor. Additional windows are also controlled by condition.

The Arun Design Guide recommends the use of the 45-degree rule in which new built development should not encroach within a 45-degree line drawn from the centre of the neighbour's windows in order to avoid a loss of outlook, overbearing impacts and a loss of light to those properties. The proposed development does not breach this 45-degree rule. The single storey elements on the north and south of the house reduce impact to both neighbours.

A balcony is proposed to the rear elevation at first floor with views over the rear. The bungalows to the rear (east) are separated from the boundary by their access road. The rear garden length exceeds 20m, the front garden of the dwellings to the rear are over 25m from the rear elevation which is sufficient distance to preclude adverse overlooking particularly since front garden areas are not private amenity areas. The balcony area to the front is modest and will look over the road. Balconies were approved under the previous planning permission.

In summary the proposed development would not cause a significant loss of residential amenity to neighbouring properties, and it complies with policy D DM1 of the Arun Local Plan and para. 127 of the NPPF.

#### **SPACE STANDARDS**

ALP Policy D DM2 seeks internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance.

For a 3 bedroomed house Nationally Described Space Standards require minimum gross internal floor area of 102m<sup>2</sup>. The gross internal floor area of the proposed dwelling is 221m<sup>2</sup> (including garage), which exceeds the minimum standard for a 3-bedroom dwelling.

In respect of outside amenity space, the proposal includes a rear garden length of over 20m which exceeds the 10.5m referred to in the Arun Design Guide and is acceptable.

#### **SUSTAINABLE DEVELOPMENT**

Policy ECC SP2 of Arun Local Plan seeks to ensure that new dwellings energy efficiency. The application is silent on these matters. In the absence of detail regarding energy efficient measures, appropriate conditions are proposed including the requirement to provide an electric vehicle charge point.

#### **PARKING AND HIGHWAY SAFETY**

Arun Local Plan policy T SP1 seeks to ensure that development provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, compliance with Arun's adopted parking requirements is sought. The site currently has 2 parking spaces, and 2 spaces will be retained in the development which accords with these standards.

In respect of highway safety, it states that transport and development proposals relating to new development need to demonstrate how it will provide efficient and safe access onto and off site that prioritises pedestrians and cyclists, maximising access to public transport facilities. There will be little

change from the existing and previously approved arrangements. Under the previous consent WSCC Highways did not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

Regard should also be had to paragraph 109 of the National Planning Policy Framework (NPPF) which states that development should only be prevented where the residual cumulative impacts on the road network would be severe which will not be the case with the proposals under consideration.

The proposal is in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

#### **FLOODING AND DRAINAGE**

A flood risk assessment has been submitted with the application. There are no objections to the development from the Environment Agency and therefore the proposal complies with policy W DM2 Flood Risk, which requires a site-specific flood risk assessment.

In accordance with policy W DM3 Sustainable Urban Drainage Systems, a condition has been imposed to ensure that the development is adequately drained and does not increase flood risk elsewhere.

#### **BIODIVERSITY**

The proposal is a one for one replacement dwelling on a site with no biodiversity designation. Policy EMV DM5 requires development schemes to achieve a net gain in biodiversity and protect existing habitats on site.

No enhancements are proposed within the scheme, so it is proposed to impose a condition requiring provision of bird boxes within the garden. Subject to the proposed condition the proposed scheme complies with policy ENV DM5 of Arun Local Plan.

#### **SUMMARY**

This proposal is considered to represent an efficient use of urban brownfield land without harming the visual amenity of the area, highway safety or the amenities of existing residential occupiers. It is therefore recommended that permission be granted 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.

<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.

**CIL DETAILS**

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

**RECOMMENDATION**

**APPROVE CONDITIONALLY**

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

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

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

- Existing Plan and Elevations DWG No IBA/558/02
- Existing and Proposed Sections DWG No IBA/558/06
- Location Plan, Block Plan and Site Plan DWG No IBA/558/01
- Illustrative Street Scene and Roof Plan DWG IBA/558/05
- Proposed Elevations DWG No IBA/558/04
- Proposed Floor Plans DWG No IBA/558/03
- Materials as listed in the Design and Access Statement July 2022

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 windows on the south elevation at first floor shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m internal floor level.

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

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

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

5 No demolition/construction activities shall take place, other than between 08:00 to 18:00 hours Monday to Friday and 08:00 to 13:00 hours Saturday with no noisy work on Sunday or Bank/Public Holidays.

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

6 The development shall be carried out in accordance with the submitted flood risk assessment

(QFRA 2181) and the mitigation measures detailed in Section 6.

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

Reason: In line with section 9 of the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to reduce the risk of flooding to the proposed development and future occupants and policy W DM2 of Arun Local Plan.

- 7 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

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

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

- 9 No part of the development shall be first occupied until an electric vehicle charging space has been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

- 10 Prior to occupation of the dwelling 2 bird boxes shall be provided within the garden/on the dwelling in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure provision of biodiversity enhancements in accordance with policy ENV DM5 of Arun District Local Plan.

- 11 The dwelling shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems including full details of solar panels or air source pumps. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained and maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun.

- 12 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.

- 13 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 14 INFORMATIVE: The exact position of the public foul sewer asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The 150mm public foul sewers requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

- 15 INFORMATIVE: From The Environment Agency: Flood resistance and resilience. The EA 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 documents may also be useful: Flood resilient construction of new buildings: <https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>.

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

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

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

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

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

- 16      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)

**M/92/22/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: CM/34/22/PL

LOCATION: Land to rear of Vincent Cottage  
Rudford Industrial Estate  
Ford Road  
BN18 0BF

PROPOSAL: Retrospective laying of hard surfacing and change of use of land for the parking of vehicles and siting of a storage container with erection of floodlighting. This application is in CIL Zone 2 (zero rated) as other development. This application is a dual parish application with Ford Parish Council.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION The application seeks planning permission for the retrospective laying of hard surfacing and change of use of land for the parking of vehicles and siting of a storage container with associated floodlighting.

The application form refers to parking for 9 LGV/ Public carrier vehicles. The site has been fenced with 2m Palisade fencing; the car park surface is surfaced with crushed aggregate. The storage container is a standard shipping container.

SITE AREA 1157 sq m.

TOPOGRAPHY Predominantly flat.

TREES None affected by the development.

BOUNDARY TREATMENT The site is enclosed by metal palisade fencing approx. 2m in height. The site has gates on the northern entrance. These are a palisade design matching the fencing.

SITE CHARACTERISTICS The application site is a vehicle carpark on land that lies to the east of Rudford Industrial Estate and is accessed from Ford Road along a section of industrial estate road that is understood to act as an exit, unofficially identified as no entry and gated to the main industrial estate to the west. The road provides access to the Concrete Mouldings business that lies to the west immediately next to the access section of the proposal.

The site sits within a larger piece of grassed land, part of which is edged in blue and under the ownership of the applicants.

CHARACTER OF LOCALITY Rudford Industrial Estate to the west is an industrial and commercial site comprising a range of business/industrial units.

East of the site are two residential properties. North beyond the access road is Ford Prison. Immediately to the west of the site is a Concrete Moulding business. Beyond the site to the west is the main Rudford Industrial Estate.

<b>RELEVANT SITE HISTORY</b>
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CM/24/16/PL	Change of use of grassland to storage area - This is a Departure from the Development Plan	ApproveConditionally 17-01-17
CM/6/14/PL	Change of use of unused land for use as open storage for caravans (Class B8) together with associated works.	ApproveConditionally 09-06-14
CM/16/10/	Construction of electric kart track and provision of parking for 12 cars. (Re-submission following CM/28/09/) This application is a departure from the development plan.	ApproveConditionally 10-11-10

The development of the site has resulted in operational development (laying of the hard surfacing and installation of lighting) the applicant advises on the form that the works started on 02/05/21 and were completed on 08/11/21.

Whilst there have been planning permissions on the site in the past, none are implemented at the time of writing, of particular note are the following:

CM/24/16/PL - storage facility connected to the established Concrete Mouldings business immediately to the west of the application site, the hours of operation were as proposed in the condition included in this report.

CM/6/14/PL - storage of caravans and included part of the current application site; the closest part of this proposal lay within approx. 12m of the boundary of the residential properties to the east. This application included hedge planting around the perimeter of the site. A condition requiring a suitable landscaping scheme has been included in this report.

<b>REPRESENTATIONS</b>
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**Climping Parish Council - Objection**

The Parish Council initially enquired regarding more details about the portable 'floodlighting' and reasons as to why the solar lighting is portable. They went on to object with specific concerns regarding the floodlighting.

- At the date of writing this objection, the Planning Officers advises that no explanation has been received from the applicant re the portable lighting.
- When the Planning Officer is considering this application, deliberation must be given to any increase in light pollution in this location and how the additional light pollution will impact the adjacent to residential dwellings.

- Should additional lighting be permitted, stricter controls on the intensity of light and the hours need to be conditioned.

Two letters of Objection:

- Live directly backing on to this development and concerned by the implications of further development.
- Development was undertaken with the object of circumventing normal planning regulations and making full use of the suspension of some inspections during the Covid crisis.
- Suffering nightly disturbance of sleep generally at 3.00/03.30 hours of vehicles starting, being left to idle and conversations in what should be the still of the night.
- On occasions headlights shining on bedroom windows have occurred, infringes our human rights.
- Concerned about the flood lighting. It is not clear from the application how neighbours will be impacted. Multiple houses in proximity to this proposal, on the other side of the road and already have issues with the bright lights and comings and goings from the Rudford Estate. Further clarity on the brightness and scope of the lighting is needed.
- Unclear as to whether this plan is increasing traffic. As it is proposing that vehicles will be kept here - assuming so, but again no details can be found from the application.
- Whilst the Highways Agency may view this as a non-issue, this must be reviewed in the context of other developments in the area - all using Church Lane/ Ford Road. There are 300 houses proposed further along, a new 40-strong caravan storage park, new houses along Horsemere Green Lane and countless in neighbouring Yapton, all developments that affect traffic must be considered holistically.
- Sets a precedent for further industrialisation of a residential area.

#### COMMENTS ON REPRESENTATIONS RECEIVED:

The points raised have been noted and are addressed in the report that follows. Additional information regarding the lighting has been requested but not received at the time of writing.

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

Environmental Health - No Objection in principle. Condition proposed re loading/unloading and timing of operation.

County Highways (LHA) - Does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 111), and that there are no transport grounds to resist the proposal.

Ecology - No response at the time of writing.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.  
Requested conditions have been imposed.

<b>POLICY CONTEXT</b>
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Designation applicable to site:  
Outside built up area boundary

HELAA site FO1B Potential Employment  
 No public sewer  
 Article 4 Direction

## DEVELOPMENT PLAN POLICIES

### Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
QEDM4	QE DM4 Contaminated Land
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
EMPSP1	EMP SP1 Strategic Economic Growth
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution

<u>Clymping Neighbourhood Plan 2015 Policy CPN12</u>	Reducing the risk of flooding
Clymping Neighbourhood Plan 2015 Policy CPN11	Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment

## PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

## SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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## POLICY COMMENTARY

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

The relevant policies of the Climping Neighbourhood Plan have been considered.

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the use of the site for remote parking during normal business hours would not result in a materially adverse impact on residential amenity or due to its commercial local context is significantly out of character with the area.

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

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

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

#### OTHER MATERIAL CONSIDERATIONS

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

#### CONCLUSIONS

##### PRINCIPLE

The site is outside the built-up area where development will only be acceptable in principle if accords with other policies within the Development Plan.

Policy SD SP2 of the ALP seeks to focus new development within the Built-Up Area Boundary of settlements, subject to consideration against other policies in the Plan. The site lies outside of the built-up area boundary but on land that is not perceived as countryside and that has had previous planning permission for commercial activity. Policy C SP1 Countryside confirms that development will be permitted where it accords with other policies in the plan. In this case it complies with policy EMP DM1.

Policy SD SP1 of the Local Plan encourages the effective use of previously developed land provided that is not of high environmental value.

Policy EMP DM1 (6) relates to economic growth outside the Built-up Area Boundary and advises that planning permission will be granted on sites outside the built-up area, provided that the proposals meet the criteria identified a-h relating to whether it is appropriate to the area in question.

Policy EMP SP1 Strategic Economic Growth provides for sustainable growth of differing economic sectors whilst also securing for the integration of other uses and forms of development where it fosters growth and provides for appropriately scaled development.

Part 11 of the NPPF seeks to make effective use of otherwise vacant undeveloped land.

Whilst the site would not employ any staff the proposal supports an established business on currently unused site. The proposal meets the aims of the above policies.

In conclusion and for the reasons set out below the principle of development is acceptable and the proposals will have an acceptable impact on the landscape context and neighbouring residential properties.

##### LANDSCAPE AND VISUAL AMENITY

Policies D DM1 and D SP1 of Arun Local Plan (ALP) state that permission will be granted where development meets amongst other criteria, the highest standards of design, providing a high-quality living environment in keeping with the character of the surrounding area.

The Arun Design Guide suggests development in rural areas respects and enhances this distinctive rural

character. In addition, paragraph 130 of the NPPF requires developments to be visually attractive and sympathetic to local character. Government advice in section 12 of the NPPF indicates that design which is inappropriate in its context should not be accepted. Policy CPN 11 of Climping Neighbourhood Plan refers to quality of design and the need to protect and enhance local character as assessed by the Climping Character Assessment.

The site is in a semi-rural area, the parking area bordered on three sides by rough grassland. Rudford Industrial site lies west of the site, a storage facility has recently been granted planning permission south-west of the site, on a disused parking area. Ford Prison lies beyond the immediate application site to the north and south. Whilst outside of the built-up area boundary the site is not in rural open countryside. The character of the area is semi-rural by nature.

The vehicle park will not result in a detrimental impact on the wider landscape, it is not seen outside of the wider site. ADC have in past approved alternative uses on site which have a similar appearance, i.e., fenced open storage. There are storage containers on the Concrete Moulding site to the west.

The parking area, associated storage container and lighting are in accordance with the aims of the policies identified above and will not appear out of keeping with the character of the surrounding area.

#### RESIDENTIAL AMENITY

The nearest residential properties are a pair of semi-detached dwellings, east of the application site fronting Ford Road. The boundaries of these houses are approximately 11.5m (minimum) and 15.9m (maximum) east of the site. The closest part of the cottages is approx. 25m from the closest part of the parking area. The rear boundaries of the gardens are screened from the site by hedging.

Policy D DM1 of the ALP states 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. QE SP1 states the Council requires development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity.

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

ADC under consideration of previous permissions have accepted that use of part of the application site and neighbouring land for low impact commercial uses (open storage) is appropriate, subject to control. The distance between the parking and neighbouring dwellings is comparable to the proximity of the previously approved caravan storage. It should be noted however that the bulk of the caravan storage lay further south and west of the properties which means that the impact on residential amenity would have been different to the proposal current under consideration, but not so different as to be unacceptable in this case.

The use of this site for parking should not result in an unacceptable loss of neighbouring residential amenity provided the use and associated lighting take place during normal business hours as stipulated by the proposed condition. The concrete moulding business already immediately to the west of the application site. The introduction of daytime traffic to the parking area is not substantially different to the activity experienced from nearby sites but is acknowledged to be closer to the houses.

In light of the proximity and potential for increased perception of disturbance once nearby uses have ceased for the day a condition limiting use to normal business hours is proposed, in order to ensure nearby residents do not suffer distance from noise or light. Further details will be sought under condition

to ensure that the lighting installed is the minimal required.

A condition has been proposed to require a section of hedge to be planted along the eastern boundary of the site which should enhance separation from neighbouring properties and is in line with details approved previously for the caravan storage, which was to have a hedge around the whole perimeter of the site.

The proposals are in accordance with the aims of the policies identified above and provided activity is controlled as per the conditions recommended below will not significantly impact upon residential amenity.

#### ACCESS AND HIGHWAY SAFETY

Para.110 of the NPPF states in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Para. 111 of the NPPF states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

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

The application form advises that the car park is for 9 Light goods vehicles/ public carrier vehicles and associated Driver's cars. A parking layout has not been provided; a condition has been imposed to ensure that the parking is laid out and retained appropriately.

Given the location close to an existing industrial site and provided the use only takes place within the conditioned hours of operation then it will not have an adverse impact on the living conditions of residents and would comply with policy CPN 14 of Climping Neighbourhood Plan and policy T SP1 of Arun Local Plan.

WSCC Highways advised they do not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. Nor that it is contrary to the NPPF (paragraph 111). There are no transport grounds to resist the proposal.

The proposals are in accordance with the aims of the policies identified above and provided activity is controlled as per the conditions recommended below will not have an unacceptable impact.

#### HOURS OF OPERATION

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

On the application form the applicants have not provided hours of operation. Given the proximity to the houses to the east, control over hours of operation will be essential to ensure that the use does not result in loss of amenity.

ALP Policy QE DM1 Noise Pollution, recognises the impact noise exposure can have on quality of life. The application site is located close to the western boundary of residential properties. Whilst there is a tall hedge between the houses and the application site the close proximity and use of the site for parking

will result in noise generating activity which could pose a disturbance to neighbouring occupiers.

Whilst it is accepted that during normal hours of business noise generated from the site would be heard against the backdrop of nearby industrial uses, outside of these hours, activity related to the use (gates being opened and closed, vehicle doors opening and closing, engines starting, opening and closing the shipping container and people's voices) would be more perceptible and likely to prove detrimental to the amenities of neighbouring residents.

For this reason, it is proposed to impose a condition restricting hours of operation which are detailed in the proposed conditions. Use of the site outside of these hours would give rise to an unacceptable loss of amenity for nearby residents. The proposed use controlled by appropriate conditions will meet the aims of the above policies.

#### LIGHTING

ALP Policy QE DM2 Light pollution states that planning permission for proposals which involve outdoor lighting must be accompanied by a lighting scheme prepared according to the latest national design guidance and relevant British Standards publications.

With respect to criteria listed in Policy QE DM2 the site does not lie in the Dark Sky Reserve and is close to existing industrial uses which employ outdoor lighting. Further details will be sought under condition to ensure light levels be the minimum required for security and working purposes and that the scheme minimises the potential glare and spillage. The lighting detailed incorporates solar power, further details are required.

QE DM2 requires that where appropriate, the Local Planning Authority will seek to control the times of illumination, in this case it is important that the lighting is the minimum required and only on during the controlled hours of operation to minimise the potential impact on neighbouring occupiers.

Whilst some lighting details have been provided, they do not fully meet the requirements of this policy. In order to ensure that the requirements are met it is proposed to impose a condition requiring the submission of a detailed lighting scheme.

#### COMMERCIAL

The applicants have a commercial waste facility at Fort Road, Littlehampton. The application site provides additional secure parking for their vehicles as well as the drivers' vehicles. The application form indicates the proposal does not involve the carrying out of industrial or commercial activities. Applicants advise that no waste will remain on the vehicles whilst parked, doing so would be against the terms of their licence. The container is required to store the packs drivers carry with them in their cabs.

The ADC review of the HELAA, February 2020. Site FO1B including the application site was assessed for potential for employment purposes.

Whilst the site would not employ staff the proposal would support an existing local business, Policy EMP SP1 (Strategic Economic Growth) provides for sustainable growth of differing economic sectors whilst also securing for the integration of other uses and forms of development where it fosters growth and provides for appropriately scaled development.

Policy EMP DM1 Employment Land: Development Management 6 focuses on economic growth outside the Built-up Area Boundary. The proposals meet the following criteria identified in this policy.

- a. it is an appropriately sized extension of an existing employment site, although not an extension in traditional terms the site is linked to an existing local business.
- b. it would not intensify uses at the site to the detriment of existing public access routes and highways.



- c. the design, layout and landscaping of the parking area is appropriate to the context.
- g. the proposed conditions will ensure a satisfactory relationship with neighbouring uses in order that the amenities of nearby residents, in particular, are protected.

The proposed parking supports the operations of an established local business and meets the aims of ADC Local Plan policies identified above.

#### ECOLOGY

The site is not in any area designated for its ecological interest and does not contain trees subject of a Tree Preservation Order. The remainder of the land in the applicant's ownership and control (blue line) would continue to provide for biodiversity surrounding the site.

This site has been considered for development through the HELAA. It is accepted there may be a change to the vegetated coverage on site in due course. It is proposed that lighting be conditioned to ensure that the impact on wildlife is acceptable.

In order to fully comply with policy ENV DM5 of Arun Local Plan which seeks not only to retain and protect existing habitats, but also to achieve a net gain in biodiversity the provision of ecology enhancements is conditioned. In this location, given the proximity of the domestic residents to the east and requirements of previous permissions a condition requiring hedge planting on the eastern perimeter of the site is proposed.

#### DRAINAGE

ALP policy W DM2 sets out the requirements for development in areas at risk of flooding, including the need for the sequential test, a FRA, mitigation measures, flood warning and evacuation plans and site drainage plans. Policy W DM3 of Arun Local Plan seeks to increase the levels of water capture and storage and improve water quality by ensuring all development identifies opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS). Policy CPN 11 of Climping Neighbourhood Plan refers to adoption of the principles of sustainable urban drainage and Policy CPN 12 sets out that new development must be designed and constructed to reduce the level of flood risk.

The site is in Flood Zone 1 (lowest risk of flooding), as such a Sequential Test, Flood Risk Assessment and flood mitigation measures are not required. The proposals would have an acceptable impact on flood risk and do not alter the amount of surface water retained on the site given that the site is hard surfaced already in accordance with the NPPF, policy W DM3 of the Local Plan and policy CPN11 of the Neighbourhood Plan. The applicants have been asked if any drainage interceptors have been installed to manage run off from vehicles, it is understood that no specific drainage has been installed. The applicants advise that the compacted aggregate is porous.

The proposal is in accordance with the above policies.

#### CONCLUSION

The site and the wider part of the grassed land around it have in the past been accepted as suitable for open storage and other activities. There are already significant levels of activity in the wider area including a significant daytime background noise level from the industrial estate, these uses are on the whole tightly controlled in terms of hours of operation.

The introduction of remote vehicle parking, connected with an established local business, where vehicles and drivers arrive and depart within controlled hours of operation would not result in an adverse impact on the amenities of neighbouring occupiers beyond the impact of activities and uses previously approved on part of the application site, immediately adjacent land and the established Industrial site to the west.

The key policies which seek to protect the amenities of neighbouring occupiers and the wider environment, including D DM1, D SP1, QE DM1 and QE DM2 have been addressed, the proposals, provided they are subject to appropriate controls, will meet the aims and objectives of these policies. Hours of operation, layout, control over lighting and hedge planting are addressed in the recommended conditions.

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

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**RECOMMENDATION**

APPROVE CONDITIONALLY

- 1 The use of the land hereby permitted shall be discontinued permanently and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending on 30th October 2023.

Reasons: In order not to prejudice consideration of future proposals for the area.

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

Location Plan 22/26401Rev A  
Pre-existing Block Plan 22/264-02  
As Existing Block Plan 22/264-03  
Site Plan 21/264-04 Rev A  
As existing Container Unit 22/264-05

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

- 3 Within 3 months of the date of this decision details of a mix of native hedging species along the eastern boundary of the application site shall have been submitted for the approval of the Local Planning Authority (LPA). Within 3 months of approval by the LPA the agreed scheme shall have been planted. In the event that any such trees or shrubs die or become seriously damaged or diseased within a period of 5 years following planting they shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the amenities of the locality in accordance with policy D DM1 and ENV DM4 of the Arun Local Plan.

- 4 No commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours 07:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday or at any time on Sunday or Public or Bank Holidays.

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

- 5 Within 3 months of the date of this decision parking spaces shall have been laid out in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

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

- 6 Within 3 months of the date of this decision details of the external lighting shall have been submitted to and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

- 7 Within 3 months of the date of this decision, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved development shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 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 District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

- 8 Within 3 months of the date of this decision biodiversity enhancements shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority. The enhancements shall be retained in perpetuity maintained in perpetuity.

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

- 9 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)

**CM/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: BR/63/22/PL

LOCATION: Salisbury House  
The Steyne  
Bognor Regis  
PO21 1TX

PROPOSAL: Change of use of 5 No self-contained flats for adults with learning difficulties to 5 No self-contained flats and formation of 5 No further flats from HMO rooms, garage and office, repairs and decoration of external surfaces, minor alterations to elevation facing Sadler Street, change one window facing rear courtyard to French doors & apply obscure film to 2 windows in courtyard area. This application affects the setting of listed buildings, affects the character & appearance of The Steyne Conservation Area and is in CIL Zone 4 (Zero Rated) as flats.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal is for the change of use of 5 self-contained flats for adults with learning difficulties at the ground and second floor, 6 bed HMO at the first floor and a garage with an office of the 2-storey rear element accessible from Saddler Street to create 10 self-contained flats alongside minor internal alterations.
	Repair and redecoration of the front elevation and minor fenestration alterations to the rear and internal courtyard, minor external alterations to garage/office facing Sadler Street to accommodate residential unit are proposed as well.
SITE AREA	365.00sqm
RESIDENTIAL DEVELOPMENT DENSITY	274 dwellings/hectare
TOPOGRAPHY	Predominantly flat.
SITE CHARACTERISTICS	The property is a mid-terrace, Grade II Listed Building arranged over three floors with a two-span slate roof and stuccoed finish. Otherwise sash windows. The building is set back from the pavement by a small area of amenity space which is covered with decorative tiling. The building extends rearwards to the minor service road to the rear where there is garage provision and an office.
CHARACTER OF LOCALITY	A residential area of varied age and style properties. Salisbury House occupies a prominent position in the historic street scene of The Steyne Conservation Area. It focuses around two squares, the pier, and several smaller service roads. "Dating from the 1820's, The Steyne is an area of modest terraces, imitative in style of the earlier resorts and with a

jostling vitality quite different in character from the formal buildings of Sir Richard Hotham's resort about a mile away, and the brashness of the modern seaside activities nearby. The Steyne is an open-ended rectangle at right angles to the sea, lined with two and three storey terraced houses with bay windows and balconies." (Taken from the Conservation Areas Supplementary Planning Guidance October 2000)

## RELEVANT SITE HISTORY

BR/65/22/L	Listed building consent for the change of use of 5 No self-contained flats for adults with learning difficulties to 5 No self-contained flats and formation of 5 No further flats from HMO rooms, garage and office, repairs and decoration of external surfaces, minor alterations to elevation facing Sadler Street, change one window facing rear courtyard to French doors & apply obscure film to 2 windows in courtyard area.	
BR/334/03/	Change of use to the north side to 5 self contained flats 2, 3, 5, 9 & 10 for adults with learning difficulties.	ApproveConditionally 11-02-04

## REPRESENTATIONS

Bognor Regis Town Council: Objection.

- Parking requirement has increased considerably in The Steyne, which has led to amenity issues deriving from parking demands in this already congested and narrow street.
- Overdevelopment of the site.
- Adding additional flats would result in the generation of excessive parking demands, inevitably causing complications for access for emergency service vehicles and harming public amenity in this important heritage area of the Town; this would be contrary to Policies H SP4 and QE SP1 of the Arun Local Plan.

One letter of objection:

- No provisions are being made for bin storage and refuse.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The issues are discussed in the conclusions.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

PRINCIPAL CONSERVATION OFFICER: - The proposal includes extensive internal alterations to the layout which involve the removal and/or relocation of a significant amount of walling. This will have a direct impact on the floor plan of the building, whose cellular layout can still be understood. Such a



change is significant and harmful to the understanding of the buildings as formerly two separate homes (one of which was larger than the other). Listing covers a whole building, including the interior, unless parts of it are explicitly excluded in the list entry. As a result, the entire of the interior of this building is covered by the listing and protected by relevant legislation.

Whilst some works are acceptable, the internal works which affect the layout of the building is harmful. On balance, the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). As such, the public benefits that the development may achieve should be considered along with the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

**ARUN DISTRICT CONSERVATION AREA ADVISORY PANEL:** No objection. Trust the Council will ensure that the external alterations in terms of their materials and design are appropriate for a Listed Building and the Conservation Area.

**NATURAL ENGLAND:** No objection but require the Local Planning Authority to carry 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.

**ENVIRONMENTAL HEALTH:** No objection subject to suggested conditions relating to Internal Noise Levels and Construction Hours.

**WSCC HIGHWAYS:** This 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 NPPF (paragraph 111), and that there are no transport grounds to resist the proposal.

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

#### **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.

**Parking** - A Transport Technical Note was been submitted on 16/08/2022 and assessed by WSCC Highways who concluded: 'A parking beat survey was undertaken between 3rd - 4th August within 200m radius from the site. Between various restrictions 19 parking spaces were available on the Wednesday (3rd) and 20 on Thursday (4th). Based on the above assessment, the site is situated in a sustainable location with potential to accommodate the overspill parking. Consequently, no highways concerns would be raised.'

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

Within the Built-Up Area Boundary;  
 Conservation Area the Steyne, Bognor;  
 Grade II Listed Building; 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
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
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
WMDM1	WM DM1 Waste Management

<u><a href="#">Bognor Regis Neighbourhood Plan 2015 Policy 1</a></u>	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 2	Promoting the Seaside Identity

## PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

## SUPPLEMENTARY POLICY GUIDANCE:

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

## POLICY COMMENTARY

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

Bognor Regis has a made Neighbourhood Plan with Policies 1 and 2 of the Bognor Regis Neighbouring Development Plan being of relevance.

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that it would not have unacceptable adverse effect on the heritage, the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have adverse impact upon the Conservation Area.

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

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

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

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

##### **KEY ISSUES**

The key issues are principle, design and visual/residential amenity, space standards, highways/traffic, heritage, and natural environment.

##### **PRINCIPLE**

The site is in the Bognor Regis Built-up Area Boundary in the Local Plan where development is acceptable in principle in accordance with policy SD SP2 provided it accords with other Local Plan policies covering such issues as visual amenity/character, residential amenity and parking. Key policies of the Arun Local Plan are D SP1, D DM1, D DM2, ENV DM2, HER DM1, HER DM3 and T SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.

Policy D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrate and the proposed development should have a minimal impact to users and occupiers of nearby properties and land. Policy D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard. Policies HER DM2 and HER DM3 stresses the importance of the historic environment and its preservation and policy ENV DM2 requires contribution towards the agreed strategic approach to access management at Pagham Harbour for all development involving an increase in residential units.

Regard should be had to policy SD SP1 of the Arun Local Plan 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)." Para 120 (d) of the NPPF states that planning policies and decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively". Paragraph 124(d) NPPF

requires planning policies and decisions to support development that makes efficient use of land, considering the desirability of maintaining an area's prevailing character and setting.

The Council is unable to identify a 5-year supply of housing land and the relevant housing policies of the development plan are out of date.

The proposal is acceptable in principle given its position in walking distance of a range of shops, facilities, and services. There are frequent bus services on The Esplanade Road and the proposal site is within walking distance of Bognor Regis Railway Station. It would provide ten self-contained flats on a previously developed site which is sustainably located. Such an approach is supported by policies SD SP1 and SD SP2 of the Arun Local Plan and NPPF.

## VISUAL IMPACT

ALP policy D DM1 looks at aspects of form and design quality, including character, appearance, density, scale, innovation, adaptability, residential amenity impact, trees, and crime prevention. Successful development should respond to locally distinctive patterns, buildings methods and detailing, history, and culture.

Policy 2 of the Bognor Regis Neighbourhood Development Plan (BRNDP) stresses: "Development proposals within the 'Wider Town Centre Area' and concerned with extensions and alterations to the exterior of Designated and Non-designated Heritage Assets and their settings must adhere to a 'Secure, restore and boost our seaside identity first' principle by echoing and responding eloquently and innovatively to the local built environment character and setting."

The Arun Design Guide Supplementary Planning Document (SPD), adopted on 25th January 2021, is a material consideration in determination applications. Part N.O1 deals with building conversions requiring new uses must be appropriate for the building and location in which they are to be accommodated and should always make a positive contribution to the surrounding area. All conversions should consider the impacts of improved thermal performance on existing and retained building fabric, with a particular focus on moisture control.

Paragraph 130 expects developments to be visually attractive as a result of good architecture and sympathetic to local character and history.

The proposal is for the change of use of five self-contained flats for adults with learning difficulties to 5 No self-contained flats and formation of 5 further flats from HMO rooms, a garage, and an office. The description identifies works of repairs and decoration of external surfaces, minor alterations to the elevation facing Sadler Street including the replacement of two garage doors with two large casement windows, a door to flat 4 would replace a window and one window facing the rear courtyard would be replaced with French doors with obscure film to 2 windows in courtyard area is proposed.

The change of use includes extensive internal alterations to the layout which will involve the removal and/or relocation of a significant amount of walling. This will have a direct impact on the floor plan of the building, whose cellular layout can still be understood. The impact is discussed below.

The ground floor would contain Flat 1 (2bed/4p), Flat 2 (2bed/4p) and Flat 3 (1bed/2p). Flat 4 (2bed/3p) and Flat 5 (2bed/4p) would be over two floors and would have access from Sadler Street. All ground floor flats would have small amenity spaces. There are 3 flats at the first floor: Flat 6 (2bed/3p), Flat 7 (1bed/2p), Flat 8 (1bed/2p) and bedrooms of Flats 4 and 5. Only flats 6 and 7 have an access to the front balcony. The third floor consists of Flat 9 (2bed/4p) and Flat 10 (3bed /6p).

The external changes would not be visible from The Steyne and works to the rear are fairly minor in scale, therefore it would not harm the character and appearance of the area and would comply with Arun Local Plan policies D SP1 and D DM1, the Arun Design Guide and with the guidance on character within the NPPF.

#### HERITAGE CONSIDERATIONS:

Policy HER DM1 of the Arun Local Plan requires proposals affecting statutory Listed Buildings to preserve or enhance the historic character, qualities and special interest of the buildings and policy HER DM3 states permission will be granted for development which preserves or enhances the character and appearance of a Conservation Area or its setting.

Policy 1 of the Bognor Regis Neighbourhood Development Plan stresses that proposals must identify the significance of any affected heritage asset and assess any harm and benefit. Policy 2 requires development proposals in the 'Wider Town Centre Area' and concerned with extensions and alterations to the exterior of Designated and Non-designated Heritage Assets and their settings must adhere to a 'Secure, restore and boost our seaside identity first' principle by echoing and responding eloquently and innovatively to the local built environment character and setting.

Paragraph 199 (NPPF 2021) states when considering the impact of a development on Conservation Areas, great weight should be given to conserving the heritage asset. Significant features can be harmed or lost through alterations. Paragraph 201 states where a development will lead to substantial harm to the heritage asset, it should be refused.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) affirms that in the exercise of any function, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area by Local Planning Authorities.

Salisbury House is a Grade II Listed Building. The neighbouring buildings are identified as listed and collectively they form an attractive group. The main elevation faces The Steyne and the property extends back to have a secondary frontage on Sadler Street. The building is of architectural significance. The building has already had some form of conversion to create a number of apartments which would have impacted on its fabric. The site falls in the Bognor Regis (Steyne and Waterloo Square) Conservation Area which contains two squares: The Steyne and Waterloo Square.

The proposal for a change of use includes extensive internal alterations to the layout which involve the removal and/or relocation of a significant amount of walling. This will have a direct impact on the floor plan. Such a change is significant and harmful to the understanding of the buildings as formerly two homes (one of which was larger than the other). A timber window and door facing Sadler Street have been replaced with uPVC without consent. The applicant has confirmed that the window and door will be replaced with timber ones.

Whilst works to the rear are minor, the creation of the new door opening results in the loss of a small area of historic fabric, the area affected by this is minor. The Principal Conservation Officer is of the opinion that these are acceptable and have a neutral impact on the appearance of the building, subject to the design, materials, and appearance of the alterations. Details of windows and doors should be provided by way of condition. Whilst these works are acceptable, the internal works which affect the layout are harmful. On balance, the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). The public benefits that the development may achieve should be considered which include:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting.
- Reducing or removing risks to a heritage asset.
- Securing the optimum viable use of a heritage asset in support of its long-term conservation.
- Providing additional residential accommodation in a sustainable location.

The impact of the conversion of the Listed Building, namely the internal works which affect the layout of the building, would be outweighed by the benefits of bringing this underutilised building into a beneficial use which would help to meet identified needs for housing; where land supply is constrained, and available sites could be used more effectively whilst maintaining the area's prevailing character and setting.

The application details include a Level 3 Survey Report where it is noted there is significant damp to outer walls, at all levels, some to inner walls and in the existing flat 9 indicators of a dry-rot infestation were spotted. From the above it is clear the building is in relatively poor state of repair. The use would ensure its future and would preserve and enhance this Listed Building and setting of the adjacent Listed Buildings and the character and integrity of the Conservation Area. The conversion would provide 10 self-sufficient flats whilst preserving the historic value of this Grade II Listed Building.

The development satisfies requirements of NPPF, Section 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and policy HER DM1 and HER DM3 of the Arun Local Plan and Policy 1 and 2 of the BRNDP.

#### 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.

Para 130(f) of the NPPF states decisions should ensure that developments create places with a high standard of amenity for existing and future users. Paragraphs 120, 125(c) and 127(f) are consistent with Arun Local Plan policies in that they seek to deliver appropriate development without being to the detriment of existing residential amenities.

The property has been partly used as self-contained flats for adults with learning difficulties and partly as an HMO. The proposed use remains residential and will have similar characteristics to other residential properties in the locality given the nature of the development which would result in 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 current use.

The only external changes are the replacement of two garage doors with two casement windows and replacement of an existing window with doors on the rear elevation at the ground floor level. Both the first-floor window of flat 6, facing to the east, and flat 8, facing to the west, would serve corridors so could be conditioned to be obscure-glazed and fixed shut to a height of 1.7m to avoid any overlooking towards the bedroom of flat 7. The first-floor windows facing to Sadler Street would serve bedrooms and they will be in a separation distance of 6m; however, these are existing bedroom windows.

The Environmental Health Officer confirmed no objection, subject to a condition related to standard construction hours, to ensure occupants and neighbouring residents are suitably protected from noise, light, air pollution.

The proposal would, subject to planning conditions, have an acceptable impact on residential amenity, in

accordance policies D DM1, QE SP1 and QE DM1 of the ALP and relevant paragraphs of the NPPF.

#### 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 flats will be suitable for residential use.

The flats would satisfy the requirements of the Nationally Described Space Standards.

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.
- Communal spaces (common in flatted developments) provide an element of amenity to complement lower levels of private outdoor space. These can be provided as exterior spaces enclosed by block buildings, or first floor roof gardens enclosed by courtyard buildings.
- Communal spaces should be safe, usable, designed to a high standard and well managed; being subject to natural surveillance from both people moving through the space and from windows.
- The amount of shared space to be provided will depend on the quality, quantity and accessibility of local public open space, but rough guidelines are provided below.
- Outdoor amenity spaces may comprise gardens, balconies, play areas, allotments, community gardens, or public spaces; and in combination should provide for a range of activities including relaxation, play, gardening, hanging washing and socializing.
- Balconies: max. 2m beyond the building frontage, subject to minimum balcony to balcony distances of 17m. At least 3sqm of useable space.

The proposal does not benefit from a rear garden, however there is a provision of a small amenity space for 7 flats. Whilst the proposed balconies and terraces are beneficial, they would not satisfy the requirements of the Arun Design Guide. The proposal fails to comply with relevant external standards providing limited amenity space, however, the development is acceptable given it involves the change of use of a building which situated in vicinity of public open space and the coast within a highly sustainable location.

The development would be in general compliance with the ALP policy D DM2 and the Arun Design Guide.

#### HIGHWAY SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network, contributes to highway improvements & promotes sustainable transport. Proposals will be supported where they explain how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists, and pedestrians whilst avoiding street clutter.

Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes/facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network. The Council has adopted a Parking Standards Supplementary Planning Document (SPD).

The site falls in Zone 4 where for a 1 bed and 2 bed flats is provision of 1 parking space and for 3 bed flats 2 parking spaces are required. Visitor parking will be required to be provided at a ratio of 20% of the

total number of residential units.

The proposal results in the loss of the single garage to the rear and a 'nil parking' provision is proposed that would not satisfy the requirements of the Arun Parking Standards. However, section 2.31 of Principle 1 states: 'If parking could reasonably be expected to take place in existing streets, then it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate the expected parking demand.'

WSSC Highways have advised that there are no concerns with the proposal from a highway safety or capacity perspective. The site is in a highly sustainable location and access to local services and amenities can be undertaken on foot or by public transport. Further, if there is a future parking demand from this development, residents can apply for a parking permit as this is in the town centre controlled parking zone. WSSC conclude the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, and therefore is not contrary to the NPPF (paragraph 111), and there are no transport grounds to resist the proposal.

The SPD sets out standards for cycle parking and the proposal provides cycle storage for up to 10 cycles within a two-storey racking system to meet the requirements. Whilst the LHA acknowledged this is not the most convenient storage solution for residents; given the site constraints and that the racks will be covered, and the cycle/bin store area will be secure accept the proposed arrangements.

The proposal is acceptable in respect of policies relating to highway safety & parking and broadly in accordance with ALP policies T SP1 & T DM1 and the NPPF.

#### CLIMATE CHANGE/SUSTAINABLE CONTRUCTION:

ALP policy ECC SP2 requires new residential and commercial development (including conversions, extensions, and changes of use) be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. unless it is demonstrated this is unviable. ECC SP1 requires new development be designed to adapt to impacts arising from climate change.

As there are no technologies proposed, a condition would be necessary to secure compliance with the policy.

#### 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.

The net increase in 5 units resulted in a contribution of £4,355 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.

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 01/07/22 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 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, the amenities of nearby residential occupiers or heritage. The proposal represents sustainable development.

The policies most relevant to this application are not considered out of date, however the proposal conflicts with some of those policies. However, with the safeguards and mitigations provided by the proposed conditions and section 106 agreement, as set out below, the proposals are considered to be generally in accordance with the up-to-date policies of the local plan and national guidance, taken as a whole, and therefore a recommendation for approval under 11c is justified.

**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 negative impact on the protected characteristics (disability) due to the loss of the current accommodation..

**SECTION 106 DETAILS**

Any approval of planning permission in this case will be subject to a section 106 legal agreement relating

to a contribution of £4,355 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.

**CIL DETAILS**

This application is not CIL Liable: CIL Zone 4 (Zero Rated) as flats.

**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 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 NAD.21.244-03 Rev A, Proposed Floor Plans & Elevations;  
Dwg No NAD.21.244-04, Proposed Sections A-A and B-B;  
Dwg No NAD.21.244-1, Location & Block 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 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

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

- 4 No development shall commence until full details (at a scale of 1:10 or 1:50) of the new external doors and windows (including sections) and their treatment have been submitted to and approved in writing by the Local Planning Authority. These works shall then be undertaken in strict accordance with the approved details and thereafter retained as such.

Reason: To protect the significance of the listed building and its setting and the character and appearance of the Conservation Area, in accordance with policies HER SP1, HER DM1 and HER DM3 of the Arun Local Plan.

- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the proposed plan. The facilities shall thereafter be retained in perpetuity.

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

- 6 The flats shall not be occupied unless and until a scheme has been submitted for approval by the Local Planning Authority to demonstrate that the development will incorporate energy efficiency measures that reflect standards at the time of submission, together with decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation and any approved renewable energy supply

systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 7 Within 3 months of commencement of development 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 within a month of first occupation of hereby approved flats and retained thereafter.

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

- 8 The window on the eastern elevation of the hereby permitted flat 6 and windows on the western elevation of the hereby permitted flat 8 shall at all times/be glazed with obscured glass/fixed to minimum height of 1.7m to be permanently non-opening.

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

- 9 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the 'Indoor ambient noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014 and shall be complied by a competent acoustician on sound insulation and noise reduction for buildings and shall be submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required for noise affected rooms. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

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

- 10 **INFORMATIVE:** This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £4,355 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

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

**BR/63/22/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: BN/21/22/PL

LOCATION: The Hollies  
84 Barnham Road  
Eastergate  
PO22 0ES

PROPOSAL: Demolition of existing care home and construction of 5 no. dwellings and garaging, with landscaping and associated works. This application affects the setting of a listed building and is in CIL Zone 2 and is CIL Liable as new dwellings.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION As above. The houses would be in a linear pattern fronting the access road. The existing vehicular access on Barnham Road would be utilised.

SITE AREA 0.34 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 15 dwellings/hectare

TOPOGRAPHY Predominantly flat.

TREES There are trees on the site and third party land which may be affected by the development.

BOUNDARY TREATMENT Close boarded fencing to the rear and western boundary, in combination with white rendered brick walls approximately 1.8m - 2m in height.

SITE CHARACTERISTICS The site is in an Area of Character in the centre of Barnham and the property immediately to the south is a Grade II listed building. The site contains a former care home - a two-storey building with a multi-pitched hipped roof, and a single-storey rear addition which extends from the eastern elevation. It sits to the rear of the plot with lawn to the front. The plot is large and heavily treed to the eastern boundary forward of the building on site.

CHARACTER OF LOCALITY The surrounding area to the west, north and east is residential with services and retail uses along Barnham Road to the south and Barnham Railway Station on the other side of the road to the west. The Area of Character description notes the "collection of Edwardian style dwellings (which) enhances the area substantially, reflecting the growth of the settlement after the completion of the railway junction.

**RELEVANT SITE HISTORY**

EG/104/06/ One bedroom flat unit for 2 no. care residents within ApproveConditionally

existing residential care home.

15-01-07

EG/68/04/

Change of use of 'The Retreat' from office/administration to a single residential unit.

ApproveConditionally  
01-09-04

## REPRESENTATIONS

Barnham and Eastergate Parish Council: objection.

- This site is not allocated in the new made Barnham & Eastergate Neighbourhood Plan.
- The increase in traffic would have a negative impact on the villages.
- The scheme is not in conformity with policies H1 Housing, H2 Windfall sites, EE2 Retention of employment land, ES7 Conserving and enhancing Non-designated Heritage Assets, ES5 Quality of design, ES10 Trees and Hedgerows, ES17 Singelton and Cocking tunnels and policy ES16 Dark night skies.

2 letters of objection:

- The second story window on the northeast side of plot 5 would overlook windows and gardens of adjacent property.
- If an existing care home is to be demolished then a purpose-built care home should be constructed in its place, not 5 dwelling adding to the already congested area around the Barnham Road.

## COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The issues are discussed in the conclusions.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

PRINCIPAL CONSERVATION OFFICER:

The loss of the existing building will not result in a loss of historic fabric, and, in fact, offers the opportunity for development to better reflect the character of the local area. Some vegetation forming the southern boundary of unit one, which if carefully designed will, along with the communal area, will help to soften and screen the development. Any new planting should be specified at a size to allow for instant impact, whilst allowing for it to further mature.

The application is considered to not cause harm to the significance of the heritage assets or their setting.

ADC GREENSPACE: No objection subject to submission of soft landscape details.

DRAINAGE ENGINEERS: No objection, subject to conditions.

Existing and proposed trees (root protection zones) must not conflict with suds features/pipework. The tree officer would need to be consulted about the proposals for permeable paving installed with no dig construction in tree root protection areas when a discharge of conditions application is made.

WSCC HIGHWAYS: No objection, subject to conditions.

This proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative

impacts on the operation of the highway network, therefore it is not contrary to the NPPF (paragraph 111), and there are no transport grounds on which to resist the proposal.

SOUTHERN WATER: Requires a formal application for a connection to the public foul sewer to be made.

ENVIRONMENTAL HEALTH: No objection subject to conditions.

NATURAL ENGLAND: No comments.

ECOLOGY: Further bat emergence surveys were required by the Ecology Officer to determine if bats are roosting onsite prior to determination. This survey needs to be undertaken by a suitably qualified ecologist during the active breeding period (May - September). The applicant provided the required Extended Phase 1 Ecological & Bat Roost Assessment on 8th of August 2022 and the Ecology Officer has been re-consulted. Any comments received will be reported in a supplementary report.

ADC TREE OFFICER: No objection subject to conditions.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

### POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary;  
Lidsey Treatment Catchment;  
WSCC Mineral Consultation Area;  
HRA Buffers (SD10);

### 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
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERDM4	HER DM4 Areas of Character
QEDM1	QE DM1 Noise Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality

WDM3 W DM3 Sustainable Urban Drainage Systems

WMDM1 WM DM1 Waste Management

[Barnham & Eastergate Neighbourhood Plan 2019](#)  
POLICY ES10 Trees and Hedgerows

Barnham & Eastergate Neighbourhood Plan 2019  
POLICY ES16 Dark night skies

Barnham & Eastergate Neighbourhood Plan 2019  
POLICY ES17 Singleton and Cocking Tunnels SAC

Barnham & Eastergate Neighbourhood Plan 2019  
POLICY ES1b Reducing Flood Risk

Barnham & Eastergate Neighbourhood Plan 2019  
POLICY ES5 Quality of design

Barnham & Eastergate Neighbourhood Plan 2019  
POLICY GA4 Parking and new development

Barnham & Eastergate Neighbourhood Plan 2019  
POLICY H5 Outdoor space

Barnham & Eastergate Neighbourhood Plan 2019  
POLICY H6 Attention to detail

**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

**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.

Relevant policies in the Barnham and Eastergate Neighbourhood Development Plan 2019-2031 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 complies with relevant Development Plan policies in that it would have no materiality



adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have adverse impacts upon the setting of the Listed Building or the established character of the surrounding area.

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

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

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

##### **KEY ISSUES**

The key issues are principle, design and visual/residential amenity, space standards, highways/traffic, heritage, and natural environment.

##### **PRINCIPLE**

The proposal seeks permission for the replacement of a care home in the Built-Up Area Boundary (BUAB). This accords with Arun Local Plan (ALP) policy SD SP2 which seeks to focus new development in the BUABs. The development is acceptable in principle subject to accordance with relevant development plan policies. The key policies of the Arun Local Plan are D SP1, D DM1, D DM2, HER DM1 and T SP1 of the Arun Local Plan, policies ES5, GA4 of B&ENDP and relevant paragraphs of the NPPF.

Policy SD SP1 of the Arun Local Plan advocates that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area.

Para 120 (d) of the NPPF states that planning policies and decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively)". Paragraph 124(d) NPPF requires planning policies and decisions to support development that makes efficient use of land, considering the desirability of maintaining an area's prevailing character and setting.

Due to the position of the site the dwellings would not conflict with the policies above which allow for development or redevelopment 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.

##### **VISUAL IMPACT**

Policy D SP1 of the Arun Local Plan (ALP) states development should reflect the characteristics of the

site and local area, including in respect of scale, character, materials, finish. ALP policy D DM1 looks at aspects of form and design quality, including character, appearance, landscaping and scale.

Policy ES5 Quality of Design of the B&ENP requires new residential developments to be of high- quality design and will only be permitted where they conserve and enhance landscape character, integrate with the local landscape and built environment; contribute to and conserve the features which contribute to the distinctive character, pattern and evolution of the landscape.

Part 4 of the B&E Design Guide (2020) refers to the size of a proposed development, whether of new properties or extensions to existing properties, and advises that this should be appropriate to the size of the plot and the extent to which the development will 'urbanise' the street scene. Sufficient distances between properties must be maintained. The density and character of each part of the parish should be respected.

The Arun Design Guide Supplementary Planning Document (SPD), adopted on 25th January 2021, is a material consideration in determination applications. Part P.O1 deals with infill development requiring development to respond positively to the character of surrounding buildings and balance the benefits of more efficient and intense use of development land, whilst preserving the character and local amenities of the site's context.

Paragraph 130 of the NPPF expects developments to be visually attractive as a result of good architecture and sympathetic to local character and history.

The site has a rectangular shape approximately 31m wide and 100m deep stretching from Barnham Road towards the north-east, up to the boundary with The Cedars. To the south-east there are terraced dwellings in Market Close and dwellings in the small cul de sac to the north-east. The dwellings would be set well back from Barnham Road (approximately 33m) and built in a linear pattern fronting the new access road running alongside of the north-western boundary.

There are two types of dwellings proposed. Dwellings at plots 1, 4 and 5 are identical two storey 4 bed dwellings with double garage (detached at plot 1 and 5 and attached at plot 4). They are characterised by a hipped roof, a two storey front projection and a bay window to the rear. The ground floor would comprise of hall, sitting, dining/family room, kitchen, utility room, bathroom, and study. All bedrooms would be at first floor level.

Dwellings at plots 2 and 3 would be 3 bed with an attached single garage with a crown hipped roof. They are mirror image of each other, being two storey with hipped roofs and two storey gabled front projection with bay window and plain tile hanging at the first floor. The ground floor would comprise of hall, sitting room, dining/family room, kitchen, utility room, bathroom, and study. All bedrooms would be at first floor level.

There would be a separation distance of 2m between dwellings 1 and 2, 1m between 2 and 3, the distance between attached side garages (7m at first floor level). A wider gap of more than 8m is proposed between dwellings 3 and 4 and 2m between dwellings 4 and 5.

Materials would be similar to those of neighbouring residential properties: stock brickwork/contrasting brick details for the walls (dwellings 1,4 and 5) stock brickwork and plain tile hanging (dwelling 2). Dwellings 1 and 4 would have slate roof and dwelling 2,3 and 5 plain tiles. Windows and doors would be white composite. The houses would be well screened by mature trees along the boundary (the majority third party land trees). Only dwelling 1 would be visible from Barnham Road in context with the nearby listed building. The applicant was asked to provide a street-scene viewed from Barnham Road instead of from the access road as submitted. However, this has not been provided.

The Leisure and Landscape Officer requests the provision of landscaping towards screening and softening of the proposal including details regarding existing trees and boundary planting. This will be secured via condition.

Whilst clearly of contemporary design and detailing, the development would still respect the character of local development and would be in harmony with surrounding area. It would comply with those aspects of Policies D SP1 and D DM1 of the Arun Local Plan, policies ES5 of the B&ENP, relevant paragraphs of NPPF, the Arun Design Guide (SPD) and B&E Design Guide.

## RESIDENTIAL AMENITIES

Arun Local Plan policy D DM1 indicates permission will only be granted for schemes displaying high quality design and layout and which takes into account impact on adjoining occupiers, land, use or property by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. The Council requires in policy QE SP1 all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity.

The development would have similar characteristics to other properties in the locality. The proposal would result in dwellings of a similar size as the existing with sufficient separation distances from neighbouring properties. There would be a separation distance of a minimum of 14m between the rear elevations of the proposed dwellings and side elevations of existing terraces to the south-east of the site, consistent with the 14m required by the ADC Design Guide.

The listed property known as The Cedars would have a separation distance of 2.8m at ground floor level and 4.7m at first floor level from the side elevation of dwelling at plot 5 with a small window of first floor bedroom on flank wall facing this property. It is unlikely that this relationship would result in an adverse impact on residents of The Cedars by overlooking due to the position of both dwellings, not directly facing each other.

The separation distance from the front elevation of the proposed dwellings to the nearest dwelling to the north-west would be approximately 20m. The development would not result in an adverse impact on living conditions of occupiers of neighbouring dwellings by reason of overbearing, overlooking, or overshadowing.

The development would accord with policies D DM1, QE SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.

## INTERNAL and EXTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Section J.08 of the ADC Design Guide SPD reiterates the need to comply with the national internal space standards.

The application proposes 2-storey, 3 bed, 6-person dwellings and 2-storey, 4 bed 8-persons dwellings. The minimum Gross Internal Area (GIA) for which, according to the standards, would be 102sqm and 124sqm respectively whilst floor plans indicate a GIA of 165sqm and 177sqm which would considerably exceed the national internal space standards and comply with policy D DM2 of the ALP.

The dwellings benefit from 10.5m deep rear gardens of a regular shape as such it would comply with the ADC Design Guide SPD.

**HERITAGE CONSIDERATIONS:**

Policy HER SP1 of the Arun Local Plan stresses designated heritage assets including Listed Buildings and their settings will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance and policy HER DM1 remarks that proposal affecting statutory Listed Buildings will be required to protect and where possible enhance the setting of the building. Policy HER DM4 states that planning permission within Areas of Character will be granted subject to new development preserving and where possible, enhancing the special character of these areas.

Policy ES7 of the BENDP states development affecting Non-designated Heritage Assets should be designed so as to preserve and enhance them, so as to reinforce the quality, character and distinctiveness of the villages.

Paragraph 199 (NPPF 2021) states when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and paragraph 201 prompts where a development will lead to substantial harm to the heritage asset, it should be refused.

Section 661) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) affirms that in the exercise of any function, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area by Local Planning Authorities.

The site is in the vicinity of a Grade II listed building and within the setting of an Area of Special Character - a non-designated heritage asset for the purposes of the NPPF. The new dwellings would be of a fairly standard design and they would be set well to the back, they will unlikely affect Designated and Non-designated Heritage Assets within surrounding area.

The Principal Conservation Officer is of the opinion that the development will have a neutral impact on heritage assets, subject to the use of high quality, traditional materials as opposed to standard, modern ones. It is suggested that smaller design features such as recessing windows to create a shadow line and carefully considered eaves details will enhance the more standard appearance. The application is considered to not cause harm to the significance of the heritage assets or their setting.

The dwellings by reason of their position and design accords with policies HER DM1 and HER DM4 of the ALP, policy ES7 of the BENDP, relevant paragraphs of the NPPF and Section 661) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**SITE ACCESS, PARKING AND HIGHWAYS IMPACT**

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies The ADC Parking Standards (SPD) sets out the vehicle/cycle and EVCP parking standards.

Policy GA4 of the BENDP will support only development proposals only if they include the maximum level of off-street parking consistent with the most current standards.

The site is on Barnham Road, a B-classified road subject to a speed restriction of 30 mph. The applicant proposes to utilise the existing access, and shows 16 car parking spaces, comprising of garages, parking bays and driveways. According to the ADC Parking Standards, 15 car parking spaces would be required for the development and Principle 6, 2.19(a) states: 'If garages are provided, they must be at least 6m x 3m internally and if they meet this requirement, they will be regarded as an allocated parking space of

0.5." There are parking bays, driveways, and spaces in front of the garages which can be used for parking as well.

No details of cycle parking provision has been provided, however as the Local Highway Authority (LHA) pointed out, the garages are of suitable size to be considered for the secure parking of cycles, in accordance with WSCC Parking Standards.

Subject to conditions, the proposals would provide a safe and suitable access, and adequate parking and EVCP provision, and would not give rise to unacceptable highways safety or operation impacts. The proposals would therefore accord with the NPPF, ALP policies T SP1 and T DM1, policy GA4 of the BENDP and the ADC Parking SPD (2020).

## PROTECTION OF TREES

Policy ENV DM3 of the Local Plan in section 17.3.1 underlines the importance of trees as producers of oxygen and in urban settings groups of trees can contribute significantly to the successful integration of new dwellings into the landscape. The retention of mature trees can contribute to amenity and more attractive developments as well as retaining important wildlife habitats and should be considered at the design stage of all developments.

Paragraph 131 (NPPF) highlights the important contribution trees make to the character and quality of urban environments, and can help mitigate and adapt to climate change. Planning policies and decisions should ensure that appropriate measures are in place to secure the long term maintenance of newly planted trees, and that existing trees are retained wherever possible.

The site is heavily treed to the eastern boundary forward of the existing building and is covered by a group tree preservation order ref TPO/BN/1/98. Consideration of existing trees and hedges within the site would be required and existing trees and vegetation within the site and to the perimeter of these proposals would need to be protected and retained.

The Tree Officer has been consulted and is of an opinion that the proposed development is achievable without undue detriment to retained on-site trees, provided there is adequate site supervision at key stages by the project arboriculturist. He points out that the absence of an approved surface water drainage and foul water strategy for the site could impact heavily on retained trees/landscape plans therefore this fundamental element of the design ought to be addressed to satisfaction in association with layout proposals.

Approval is recommended, subject to suitably worded conditions addressing the above and, on that basis, the development would comply with policies ENV DM3 and ENV DM4 of the Arun Local Plan, policy ES10 of the Barnham and Eastergate Neighbourhood Plan and NPPF's paragraph 131.

## WATER SUPPLY AND QUALITY

The site is in the Lidsey Wastewater Treatment Works Catchment Area. Policy W DM1 (ALP) states although minor developments are unlikely to raise significant flood risk, due to the cumulative impact all development within this area must also be accompanied by a Drainage Impact Assessment.

Policy ES1 of the BENDP highlights that planning permission will only be supported for new development subject to a drainage condition(s) in the Lidsey Wastewater Treatment Works Catchment Area.

Arun District Council's Drainage Engineers have not objected subject to certain pre-commencement conditions which will be imposed.

The development would comply with those aspects of policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan and policy ES1 of the B&ENP and paragraph 167 of the NPPF.

#### **BIODIVERSITY**

ALP policy ENV DM5 asks development schemes to achieve a net gain in biodiversity and protect habitats on site.

The site is generally laid to lawn with existing trees and vegetation. An Extended Phase 1 Ecological & Bat Roost Assessment has been submitted and there are mitigation recommendations and biodiversity enhancements proposed. Comments from ecology are awaited.

In line with Policy ENV DM5 of the Arun District Local Plan information on Biodiversity Net Gain will need to be provided. Further information would be required demonstrating what will be included within the scheme and what level of net gain will be created.

A condition will be imposed to ensure this takes place. The proposal complies with Policy ENV DM5 of the Arun District Local Plan and relevant paragraphs of the NPPF.

#### **CLIMATE CHANGE:**

ALP policy ECC SP2 requires residential development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems.

As there are no decentralised, renewable and low carbon energy supply systems proposed, a condition would be necessary to secure compliance with the policy. A condition is proposed to ensure an electric car charge point is provided at the property.

#### **SUMMARY**

This proposal represents an appropriate redevelopment without 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 and informatives.

<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 some impact on provision for elderly people/people with disabilities due to the loss of the care home. However, it is considered that this is outweighed by the public benefit of 5 new dwellings meeting current Building Regulations requirements in relation to access that would also contribute to the housing stock in the District, at a time when there is a significant shortfall in housing land supply.

## 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:

Dwg 2123-01A Location Plan;  
Dwg 2123-02B, Block Plan;  
Dwg 2123-03B, Context Plan;  
Dwg 2123-12B, Site Layout;  
Dwg 2123-13A, Floor Plans, Plot 3;  
Dwg 2123-14A, Floor Plans, Plot 1,4&5;  
Dwg 2123-18, Elevations Plot 1;  
Dwg 2123-19, Elevations Plot 2;  
Dwg 2123-20, Elevations Plot 3;  
Dwg 2123-21, Elevations Plot 4;  
Dwg 2123-22, Elevations Plot 5;  
Dwg 2123-23, Street Scene.

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 development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the buildings have been submitted to and approved by the Local

Planning Authority and the materials so approved shall be used in the construction of the buildings.

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

- 4 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

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

- 5 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. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and are an overriding factor in terms of requirements. 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.

- 6 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.

- 7 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, written confirmation is required from the Arboricultural Expert representing the site owner(s), confirming that all protective fencing and ground protection has been inspected and found to be 'Fit for Purpose' as required under British Standard 5837:2012 and been erected and positioned exactly as shown on the Tree Protection Plan, dwg no. TH/A3/3023/PP.

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.

8 Part a)

All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment, Method Statement & Tree Protection Plan, ref. TH 3023, 8 March 2022.

Part b)

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 in accordance with policy ENV DM4 of the Arun Local Plan.

9 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

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

10 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 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

11 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

12 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses

a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

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

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

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

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

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 14 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 details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

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

- 15 Within 3 months of commencement of development 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 within a month of 1st occupation of the approved dwellings and retained thereafter.

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

- 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 at <https://www.arun.gov.uk/drainageplanning-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: 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.
- 18      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.
- 19      INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the 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)

**BN/21/22/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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## 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/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**                      **06-09-22**

**PINS Ref:** APP/C3810/W/22/3298192

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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**                      **06-09-22**

**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/93/22/HH**

**Original Decision** = Refused

**Received:** 18-07-22

10 Boxgrove Gardens Aldwick

**Decision Level** = Delegated

Detached canopy car port.

**Written**

***Representations***

**PINS Ref:** APP/C3810/W/22/3300621

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**BE/163/21/PL**

***Original Decision*** = Refused

***Received:*** 26-07-22

22 Osprey Gardens Bersted

***Decision Level*** = Delegated

Erection of 1 No. dwelling. This site is in CIL Zone 4 and is CIL Liable as a new dwelling.

***Written***

***Representations***

**PINS Ref:** APP/C3810/W/22/3294374

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**BR/180/21/T**

***Original Decision*** = Refused

***Received:*** 02-08-22

4 The Orchard Close Bognor Regis

***Decision Level*** = Delegated

Fell 1 No. Sycamore tree in rear back garden 3m from house and replace with either Willow or Silver Birch as directed.

***Written***

***Representations***

**PINS Ref:** APP/TPO/C3810/8754

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**BR/4/22/PL**

***Original Decision*** = Refused

***Received:*** 22-09-22

83 Aldwick Road Bognor Regis

***Decision Level*** = Committee

Enlargement of existing HMO (Sui Generis). Single storey rear extension, rear roof dormer, front and rear rooflights (resubmission following BR/79/21/PL).

***Written***

***Representations***

**PINS Ref:** APP/C3810/W/22/3296267

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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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**F/22/21/PL**

Land rear of Plot 52 Croft Burndell Road Yapton

**Original Decision** = Refused

**Received:** 25-08-22

**Decision Level** = Delegated

23 No dwellings with associated access, infrastructure, landscape and open space (resubmission following F/5/21/PL). This application is a Departure from the Development Plan & is in CIL Zone 3 and is CIL Liable as new dwellings.

**Informal Hearing** 08-11-22

**PINS Ref:** APP/C3810/W/22/3304106

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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/210/21/HH**

**Original Decision** =  
ApproveConditionally

**Received:** 06-07-22

23 Little Paddocks Ferring

**Decision Level** = Delegated

Front balcony/inset dormer and 1st floor rear extension.

**Written  
Representations**

**PINS Ref:** APP/C3810/W/22/3296083

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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** 15-11-22

**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 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/151/21/PL**

**Original Decision** = Refused

**Received:** 01-08-22

25 River Road Littlehampton

**Decision Level** = Delegated

Demolition of existing car garage and the erection of 2 no. two-storey residential buildings comprising 5 no. flats with associated works. This site affects the character & appearance of the Littlehampton River Road Conservation Area & is in CIL Zone 4 (Zero Rated) as flats.

**Written  
Representations**

**PINS Ref:** APP/C3810/W/22/3296422

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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/417/21/OUT**

**Original Decision** =

**Received:** 23-08-22

Land north of Toddington Lane (adjacent to Lyminster Bypass) Hampton Park Littlehampton

**Decision Level** =

Outline application with some matters reserved (except access) for the erection of up to 71 No dwellings.

**Informal Hearing** 15-11-22

**PINS Ref:** APP/C3810/W/22/3304168

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**LU/78/22/HH**

**Original Decision** = Refused

**Received:** 02-08-22

101 Clun Road Wick Littlehampton

**Decision Level** = Delegated

Erection of part single, part two storey side extension.

**Written  
Representations**

**PINS Ref:** APP/C3810/D/22/3303677

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**P/178/21/OUT**

**Original Decision** = Refused

**Received:** 08-09-22

Land West of Pagham Road Pagham

**Decision Level** = Delegated

Outline application with all matters reserved (except access) for the construction of up to 106 new homes, formation of access onto Pagham Road, new pedestrian and cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure. This application is a Departure from the Development Plan and may affect the setting of a Listed Building.

**Informal Hearing** 15-11-22

**PINS Ref:** APP/C3810/W/22/3302023

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WA/80/21/OUT  
*Original Decision* = Refused  
*Received:* 07-10-22

Land East of Yapton Lane Walberton

*Decision Level* = Delegated

Outline application with all matters reserved (except access) for up to 75 No. dwellings. This application affects the setting of a listed building, affects the character & appearance of the Walberton Village Conservation Area & is a Departure from the Development Plan.

*Written  
Representations*

PINS Ref: APP/C3810/W/22/3299514

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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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<b>REPORT TO:</b>	<b>Planning Committee - 26 October 2022</b>
<b>SUBJECT:</b>	<b>Houses in Multiple Occupation (HMO) in Arun</b>
<b>LEAD OFFICER:</b>	<b>Neil Crowther, Group Head of Planning</b>
<b>LEAD MEMBER:</b>	Councillor Terence Chapman
<b>WARDS:</b>	<b>Marine, River and Hotham</b>
<b>CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:</b>	
<p>The recommendations supports: -</p> <ul style="list-style-type: none"> <li>• Improve the Wellbeing of Arun;</li> <li>• Delivering the right homes in the right places.</li> </ul>	
<b>DIRECTORATE POLICY CONTEXT:</b>	
<p>The proposals will help to enhance the quality of the natural and built environment, protect the district's natural and heritage assets and to promote economic growth in a sustainable manner, striking a balance between the need for development and the protection of scarce resources.</p>	
<b>FINANCIAL SUMMARY:</b>	
<p>The designation of an Article 4 Direction would remove permitted development rights for small scale HMOs and make them subject to requiring planning permission. The consequence of this is a loss of planning application fees. There will be an administrative and resource cost to preparing the Article 4 Directions that can be accommodated within existing budgets.</p>	

## 1. PURPOSE OF REPORT

- 1.1. The report seeks the Planning Committee's agreement that Article 4 Directions removing Permitted Development rights for smaller scale Houses in Multiple Occupation (i.e.C4 Use Class), be established covering the three specific Wards of Marine and Hotham (Bognor Regis) and River (Littlehampton). The report further seeks that the harm to the specific wards that is identified in the BRE evidence study is used as a material consideration for decision making.

## 2. RECOMMENDATIONS

- 1.2. Planning Committee agrees that notice is given of the authority's intention to designate Article 4 Directions under Article 4(1) Schedule 3 (1) separately, for the three Wards of Marine, Hotham and River, following a notice period of six weeks (including to the Secretary of State) commencing on 02/11/21 (which specifies twenty one day representation period ).

- 1.3. Agrees any representations and amendments be reported to back to planning Committee on 11 January, prior to recommending the Article 4 Directions are confirmed by Full Council on 18 January to commence on 19 January 2023.
- 1.4. Agrees that the collective evidence studies demonstrably show harm to the Wards of River, Marine and Hotham, arising from the concentration of HMO developments and that this may be used as a material consideration in refusing further HMO proposals in those areas.

## **2. EXECUTIVE SUMMARY**

- 2.1. The report sets out the evidence base establishing a planning justification for the designation of Article 4 Directions in the three wards of Marine and Hotham (Bognor Regis) and River (Littlehampton). This measure will remove permitted development rights for proposals for C4 Houses in Multiple Occupation (HMO) and make them subject to a planning application. The collective evidence to support this approach is primarily, set out in the BRE Study and a previous report to Planning Committee (25 November 2021) showing demonstrable harm in the three identified wards. This this may be used as a material consideration in determining planning applications for further HMO proposals in those wards. This report, therefore, recommends that the notification process for Article 4 Directions be implemented and that the start date is confirmed by Full Council in the new year which will allow sufficient time for the associated notification and representations procedures to be completed. This intervention will help to safeguard the amenity of those areas affected and future regeneration of Bognor Regis and Littlehampton.

## **3. DETAIL**

- 3.1. At Full Council on 15 January 2020 a motion was agreed as follows;

*That Officers be requested to explore what options might exist for introducing further controls on the definition, number and quality of Homes in Multiple Occupation and prepare appropriate reports for the relevant decision body of the Council.”*

- 3.2. Consequently, officers from Housing and Planning Policy were instructed to consider the different types of HMO (a definition of Houses in Multiple Occupation is set out in Appendix 1 to this report) and their distribution within Arun Local Planning Authority area. This included reviewing any associated evidence that could be used to inform decisions, both with respect to need for further licensing, and in relation any justification to introduce planning regulation via an Article 4 Direction (s).
- 3.3. Planning Committee will be familiar with the application of Article 4 Directions under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in the regulation of extensions and other changes to buildings within Conservation Areas. This instrument removes specified permitted development rights and can be applied to a defined area or to the whole of the authority area. The removal of permitted development rights means that planning applications are required to be submitted for matters which

would otherwise have been permitted development. An Article 4 Direction does not create a new/additional planning policy.

- 3.4. The adopted Arun Local Plan (2011-2031) includes policy H SP4 for regulating HMO developments for those C3 class housing through changes of use/conversions that require planning permission (i.e. excluding smaller C4 use HMOs which enjoy permitted development rights). The policy seeks to secure well balanced sustainable communities, with adequate parking and social infrastructure. The policy strikes a balance, recognising the contribution of HMOs to the economy particularly, as a source of housing for people on low incomes, those on benefit payments, students, seasonal workers, and those starting off in the economy as young professionals. However, the policy also recognises that a large concentration of HMOs can have significant and potentially damaging impact on the amenity of a local area, such as noise and disturbance, generation of more refuse and a greater demand for off-street parking.
- 3.5. In relation to HMOs, the Article 4 instrument would only bring proposals for change of use/conversion of C3 housing to class C4 HMO under the Development Management process requiring a planning application and determination against policies and material considerations (planning fees would, however, be forgone).
- 3.6. Introducing such a mechanism may be necessary where HMOs are generating amenity issues individually or cumulatively, within an area. The effect of this could be to improve the standard and/or restrict the presence HMO development in an area.
- 3.7. The initial scoping work concluded that there was insufficient evidence to justify proceeding through either the Licensing or Article 4 Direction regulatory routes, and this conclusion was reported to:
  - Housing and Customer Services Working Group on 22 October 2020;
  - Planning Committee 25 November 2020.
- 3.8. The Planning Committee 25 November 2020 minute stated: -

*“The Committee RECOMMEND TO FULL COUNCIL that: -*

*The Council undertake further research with housing services in order to establish robust evidence to determine the justification and role for designating Article 4 Direction(s) in Bognor Regis as a priority and to keep the matter under review for Littlehampton, unless the work also confirms that there is sufficient justification to bring a further Article 4 Direction(s) forward at the same time.”*
- 3.9. This report, therefore, updates Planning Committee on the further research commissioned jointly with Housing and Planning Services, in the spring of 2021 – the report is titled:-

*BRE Integrated Dwelling Level Housing Stock Modelling and Database for Arun District Council: Additional Analysis of the Private Rented Sector.*

- 3.10. The above BRE Study (Background Paper 1), is now finalised and sets out an analysis of available evidence on HMOs in Arun Local Planning Authority area together with conclusions and recommendations on the need for additional licensing and whether Article 4 Directions may be designated.
- 3.11. A separate report has already been considered by Environment Committee on 14 July 2022 dealing with the licensing matters which considered several regulatory indicators assessing property standards including state of repair and hazards within HMOs (Background Paper 2).
- 3.12. This report focusses on the findings of the BRE study relevant to the regulation of HMOs from a planning perspective i.e. the impact on amenity which includes environmental considerations and 'Anti-social Behaviour' (ASB). The BRE Study in section 2.2.4 explains that ASB can have a personal individual impact (e.g. harassment), nuisance impact (e.g. trouble, annoyance in the community at large) and environmental impact (within public space/buildings amenity - such as vandalism for example).
- 3.13. The BRE Study identifies that: -
- There are an estimated 1,396 Houses in Multiple Occupation (HMO) in Arun Local Planning Authority area
  - Marine ward has the highest number of HMOs (193 HMOs, 10% of private rented stock in that ward), followed by River ward (177 HMOs, 9%) and Hotham ward (156 HMOs, 14%)
  - The HMOs in all three of these wards stand out as also having higher levels of category 1 hazards: i.e. a hazard which is a serious and immediate risk to a person's health and safety (Marine 8%, River 5%, Hotham 9%)
  - Overall, the percentage of dwellings in the private rented sector across Arun is 19%, which is comparable to the national average of 19%
  - Of the 23 wards in Arun, 7 have a percentage of private rented sector dwellings greater than the national average, in particular Marine (52.8%), River (40.5%) and Hotham (39.2%)
  - Of the wards within Arun with over 30% private rented stock, Marine and River ward has the highest level of category 1 hazards (9%) and disrepair (5%)
  - Compared to Arun's overall private rented stock, all three of these wards generally tend to have slightly higher levels of each of the property condition indicators
  - Incidents of Anti-Social Behaviour (ASB) in recent years (2019 and 2020) have been highest in River and Marine wards
  - 75% of private rented dwellings in Marine ward are located in the 20% most deprived Lower Super Output Areas (LSOA) in England, closely followed by 74% in River ward and 52% in Hotham ward (these are all notably higher than the figure for Arun's private rented stock as a whole (27%))

- 3.14. The analysis and data in the BRE report brings together indicators that relate to condition of properties and wider ASB data. It is the ASB data together with other wider environmental amenity data that is of relevance to determining the justification for designating an Article 4 Direction.
- 3.15. For example, Planning Committee on 25 November 2020 considered: -
- Private Sector Housing Register data on housing complaints and noise complaints.
  - Census Lower Super Output Area deprivation indicators looking at Crime; Barriers to Housing Services; Living Environment.
- 3.16. That analysis (although some of the data was incomplete), pointed to potential clusters of amenity related problems arising in Bognor Regis and that Littlehampton should also be kept under review.
- 3.17. Whilst it is not possible to attribute ASB specifically to particular tenures or occupiers in an area, as they can occur across all tenures and types of households and be misreported, it is possible to look at where ASB problems are clustered together with deprivation and other associated ward HMO characteristics, to gauge whether threshold problems exist in an area demonstrating harm, and that these matters would therefore, appropriately be resolved through imposing an Article 4 Direction. This would require HMO development to be subject to a planning application which given the demonstrable harm from clustering of such developments, could be a reason for refusal using the BRE study as a material consideration in accordance with H SP4 of the Local Plan.
- 3.18. The BRE Study sets out (in section 2.1.3) the rationale for Article 4 Directions and supporting evidence – in particular the ASB incidence by Ward and this is shown in Table 8 (and illustrated on Map 3 which can be compared to Map 1 HMO locations, and Map 2 Licensable HMOs) forming the basis for many of the threshold points listed under paragraph 4.13 above.
- 3.19. Furthermore, Table 12 (page 54 of the BRE Study) demonstrates that Marine, River and Hotham Wards stand out across the deprivation and ASB indicators, their share of Arun’s HMOs and indeed their share of private rented stock is significantly above national thresholds. The BRE Study, therefore, considers that these locations may be considered for targeted interventions (i.e. introducing Licensing controls and Article 4 Directions).
- 3.20. A number of other wards and locations are of interest which although not currently demonstrating these levels across all indicators, nevertheless, appear to show signs of emergent issues (e.g. Courtwick with Toddington) which should be monitored.

## **Conclusion**

- 3.21. Officers consider that there is sufficient evidence with the BRE Study and the previously reported data, collectively, to demonstrate harm within the three wards identified, which warrants planning intervention through imposing Article

4 Directions. This would require HMO development to be subject to a planning application which, given the demonstrable harm from clustering of such developments within the private housing stock within Marine and Hotham (Bognor Regis) and River (Littlehampton) Wards, could in the opinion of officers be a reason for refusal using the BRE study as a material consideration. This will help to safeguard the amenity of those areas and future regeneration of Bognor Regis and Littlehampton.

3.22. The most appropriate route, therefore, would be:-

- The Town and Country Planning (General Permitted Development) (England) Order 2015 - SCHEDULE 3: Procedures for Article 4 directions
- Procedure for article 4(1) directions without immediate effect

3.23. This route allows the Article 4 Direction to specify when it will come into effect following a statutory notice (to all occupiers and in at least two locations within the Wards affected, and separately, to the Secretary of State); and an advert specifying a period of 21 days for representations. Following the representation period, the Direction date must be confirmed a minimum of 28 days from the close of the representation period and before 2 years. The logistics of this exercise will need sufficient preparation time to prepare the statutory Notice, mapping, advert and mailout including subsequent confirmation by the Council following the representation period. This is achievable in existing budgets.

3.24. Committee should request the Group Head of Planning make the necessary preparations with legal and planning services with a view to confirming the Article 4 Directions via Planning Committee following a notice and representation period (timetable subject to confirmation of the regulation consultation requirements):-

- Notice 6 weeks 02/11/22- 14/12/22
- Representation period 21 days 02/11/22 – 23/11/22
- Report to Planning Committee 11/01/23 on amendments if necessary
- Confirmation Full Council 18/01/23 to come into effect 19/01/23

#### **4. CONSULTATION**

4.1. The Planning and Housing Services have coordinated on the commissioning of the BRE Evidence base study and its outputs and the earlier collation and reporting of available evidence in 2020.

#### **5. OPTIONS / ALTERNATIVES CONSIDERED**

The Council can choose to make the Article 4 Directions in response to the evidence on the environmental impact of HMOs and help to safeguard the amenity of the affected Wards and Towns or the Council can choose not to introduce Article 4 Directions and rely on other licensing interventions – however, these measures would not regulate the number of HMOs or wider amenity considerations.



**6. COMMENTS BY THE GROUP HEAD OF CORPORATE SUPPORT / SECTION 151 OFFICER**

- 6.1. The implementation of the recommendations can be accommodated within existing budget and resources.

**7. RISK ASSESSMENT CONSIDERATIONS**

- 7.1. Implementing the recommendation will minimise the risk of needing further interventions and associated costs to the Council in taking enforcement and other environmental measures.

**8. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER**

- 8.1. Under the Planning Acts the Council has the powers to introduce Article 4 Directions in accordance with regulations, removing Permitted Development rights, in order to protect amenity and the environment and ensure the effective planning and regeneration of local communities.

**9. HUMAN RESOURCES IMPACT**

- 9.1. There are no implications arising from the proposals.

**10. HEALTH & SAFETY IMPACT**

- 10.1. The proposals should help to improve the amenity and regeneration prospects of the wards and towns affected as well as the concentration and quality of HMO accommodation, leading to healthier and safer living conditions.

**11. PROPERTY & ESTATES IMPACT**

- 11.1. There are no direct implications for Council property. However, the proposals would mean that any land and property owned by the Council put forward, falling within the affected wards, for small scale C4HMO development would be subject to planning approval.

**12. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE**

- 12.1. There is a risk that the availability of smaller scale HMO property for rent may be restricted in the Wards affected at a time where there is increasing cost of living (i.e. energy and food price inflation) impacting on more disadvantaged households finding suitable living accommodation.

**13. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE**

- 13.1. There are no direct adverse implications for Climate Change and the proposed recommendations are likely to improve the amenity of the Wards affected through ensuring that smaller scale HMOs are subject to planning regulation.

#### **14. CRIME AND DISORDER REDUCTION IMPACT**

- 14.1. The proposed recommendations will help to regulate the concentration of smaller scale HMO properties within the Wards identified, by making smaller scale HMO subject to planning applications.

#### **15. HUMAN RIGHTS IMPACT**

- 15.1. There is a risk that the availability of smaller scale HMO property for rent may be restricted in the Wards affected at a time where there is increasing cost of living (i.e. energy and food price inflation) impacting on more disadvantaged households finding suitable living accommodation.

#### **16. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS**

- 16.1. There are no implications.
- 

#### **CONTACT OFFICER:**

Name: Kevin Owen  
Job Title: Planning Policy & Conservation Manager  
Contact Number: 01903 787853

#### **BACKGROUND DOCUMENTS:**

Background Paper 1: "BRE Integrated Dwelling Level Housing Stock Modelling and Database for Arun District Council: Additional Analysis of the Private Rented Sector including HMOs":-

<https://www.arun.gov.uk/supplementary-planning-documents-spds>

Background Paper 2: Planning Committee Wednesday 25 November 2020:

<https://democracy.arun.gov.uk/ieListDocuments.aspx?CId=137&MId=1319>

## **Appendix 1: Definition of house in multiple Occupation (HMO)**

The Government definition of a House in Multiple Occupation, commonly known as a HMO, is a property rented out by at least three people who are not from one 'household' (for example a family) but share facilities like the bathroom and kitchen. It is sometimes called a 'house share'.

Generally, HMOs are defined as either small HMOs (as above) or large.

The planning definition set out in the Town and Country Planning (Use Classes) Order 1987 (as amended in October 2010) distinguishes between large and small HMOs: -

- 'Small' HMOs of up to six people are C4 use class and can convert to C3 housing via permitted development.
- 'Large' HMOs of seven or more occupants are 'Sui Generis' use class requiring planning permission.

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