



# Public Document Pack

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Committee Manager Andrew Bishop (Ext. 37984)

23 February 2023

## 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 8 March 2023 at 2.00 pm** and you are requested to attend.

Members: Councillors Chapman (Chair), Edwards (Vice-Chair), Blanchard-Cooper, Bower, Chace, Hamilton, 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 ON LINE AT [www.arun.gov.uk/planning](http://www.arun.gov.uk/planning)**

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

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

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

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

Members and officer should make their declaration by stating:

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

### **3. VOTING PROCEDURES**

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

### **4. MINUTES**

(Pages 1 - 6)

To approve as a correct record the Minutes of the meeting held on 8 February 2023.

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

### **DEFERRED ITEM**

### **6. P/141/22/RES, LAND NORTH OF HOOK LANE PAGHAM**

(Pages 7 - 20)

## **PLANNING APPLICATIONS**

7. **WA/126/22/RES, LAND WEST OF TYE LANE AND NORTH OF FIELD CLOSE & NORTH ROAD WALBERTON** (Pages 21 - 36)
8. **LU/403/22/PL, RESIDENTIAL ACCOMMODATION, 34 NEW ROAD, LITTLEHAMPTON, BN17 5AT** (Pages 37 - 46)
9. **LU/409/22/PL, 34 NEW ROAD, LITTLEHAMPTON, BN17 5AT** (Pages 47 - 58)
10. **LU/404/22/PL, THE PROMENADE, SOUTH OF THE PUTTING GREEN, LITTLEHAMPTON** (Pages 59 - 68)
11. **FG/170/22/PL, 158 LITTLEHAMPTON ROAD, FERRING, BN12 6PH** (Pages 69 - 78)
12. **BN/176/22/RES, LAND WEST OF FONTWELL AVENUE, EASTERGATE** (Pages 79 - 90)
13. **BE/152/22/PL, 40-54 MAPLE GARDENS AND 1-9 SYCAMORE ROAD, BERSTED, PO22 9LB** (Pages 91 - 96)
14. **A/257/22/RES, LAND JUNCTION WITH HEATHFIELD/DOWNS WAY, EAST PRESTON, BN16 1AB** (Pages 97 - 106)

## **PLANNING APPEALS**

15. **APPEALS LIST** (Pages 107 - 110)
16. **APPEALS PERFORMANCE & COST 2022** (Pages 111 - 150)
17. **LAND AT SANDFIELD NURSERY - POSSIBLE SERVICE OF A SECTION 215 NOTICE (IMPACT UPON LOCAL AMENITY)** (Pages 151 - 158)

## **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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## PLANNING COMMITTEE

8 February 2023 at 2.00 pm

Present: Councillors Edwards (Vice-Chair in the Chair), Lury (Acting Vice-Chair), Blanchard-Cooper, Bower, Chace, Mrs Cooper (Substitute for Chapman), Hamilton, Haywood, Kelly and Thurston

Councillor Walsh was also in attendance for all or part of the meeting.

Apologies: Councillor Chapman

### 659. ELECTION OF THE VICE-CHAIR

The Vice-Chair, Councillor Edwards, as Acting Chair opened the meeting and explained that the Chair had given his apologies for the meeting. He then proposed Councillor Lury as Acting Vice-Chair for this meeting. This was seconded by Councillor Blanchard-Cooper.

The Committee

RESOLVED

That Councillor Lury be Vice-Chair of this meeting.

### 660. DECLARATIONS OF INTEREST

No declarations of interest were made.

### 661. MINUTES

The Minutes of the previous meeting held on 11 January 2023 were approved by the Committee and signed by the Chair.

### 662. 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.

### 663. CM/46/22/PL BAIRDS FARM SHOP, CROOKTHORN LANE, CLIMPING

This application was deferred by Committee on 11 January 2023 [Minute 558] on the grounds that Members did not have enough information to make a decision. The Planning Area Team Leader presented the report with updates which provided further information to Members on responses given by the applicant to enquiries from Planning Officers about reducing the number of Electrical Vehicle (EV) charging points from 8 to 4 and restricting the hours of operation to coincide with those of the cafe on the site

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which were 06.00 - 18.00 Monday - Friday, 07.00 - 18.00 Saturday and 08.00 - 14.00 on Sunday. The applicant had raised business viability issues with both points though could stagger the installation of the provision into two phases of four and four if the Committee chose to impose such a condition. It was explained that Officers could not impose conditions that did not serve a planning purpose or prevented the use of other businesses on the site, but that Members could impose conditions relating to the phasing of development and restricting operating hours if they were minded to do so. The Officer recommendation to approve conditionally had not changed.

Members then took part in a debate on the application where a number of points were raised. In general, Members felt their previously raised concerns over the hours of operation and light pollution had not been significantly enough addressed. Members repeated their concerns for the impact that the open-ended hours of operation and the resulting need for lighting during hours of darkness would have in a rural setting within the Climping Gap. The inability to enforce the sort of conditions that Members would have liked to see, such as a restriction on operating hours or greater control over the levels of light on the site, left some Members thinking the only option available was to refuse. The lack of disabled parking bays was also raised as a concern.

Councillor Thurston proposed that a condition be added staggering the installation of the development into two stages of four EVCPs initially and up to a further four as required at a later date. This was not seconded and therefore not moved. The Officer recommendation to approve conditionally was then proposed by Councillor Edwards and seconded by Councillor Lury. After the vote, this was declared NOT CARRIED. Following advice from the Legal Services Manager and Planning Area Team Leader, a recommendation to refuse the application by virtue of the unlimited hours of operation the proposal in this rural location having a significant adverse impact on the residential amenities of neighbouring occupiers by reason of excessive illumination in conflict with policies D DM1 and QE DM2 of the Arun Local Plan proposed by Councillor Bower and seconded by Councillor Chace.

The Committee

RESOLVED

That the application be REFUSED by virtue of the unlimited hours of operation the proposal in this rural location would have a significant adverse impact on the residential amenities of neighbouring occupiers by reason of excessive illumination in conflict with policies D DM1 and QE DM2 of the Arun Local Plan.

664. A/46/22/RES PHASE 1 - LAND OFF ARUNDEL ROAD ANGMERING

1 Public Speaker

Tim Burden - Agent

Approval of reserved matters following outline consent A/122/19/OUT and varied by A/207/21/PL for the construction of 7 No dwellings with associated public open space, landscaping, parking, ecological mitigation, infrastructure and earthworks. This application is a Departure from the Development Plan and is in CIL Zone 3 and is not CIL liable.

The Principal Planning Officer presented the report with updates. This was followed by 1 Public Speaker. One Member raised concerns over the permeability of the boundary fences and walls for small mammals (dormice, hedgehogs etc.). The Principal Planning Officer confirmed that condition 5 in the Conditions Update provided for gaps at the bottom of boundary treatments to ensure small mammals would be able to move around the development. The recommendation was then proposed by Councillor Bower and seconded by Councillor Lury.

The Committee

RESOLVED

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

665. BE/143/22/PL 1 FINCH GARDENS BERSTED PO22 9EQ

Variation of conditions 2, 3 and 4 imposed under BE/74/18/PL relating to plans condition, materials and omission of parking spaces at rear of property. These changes relate to the dwelling now addressed as 1A Finch Gardens.

The Principal Planning Officer presented the report. Members who spoke discussed the planning history of this site with the dwelling having been allowed on appeal and whether this decision was right in light of West Sussex County Council Highways' consultation response about some of the proposed parking would now have to be accommodated on-street. Going against the Council's own parking standards and increasing the parking demands on an already busy road were thought by some as setting a dangerous precedent, though others argued that it was up to the residents of the dwelling to determine how many vehicles they might have and what they considered enough parking. The recommendation was then proposed by Councillor Thurston and seconded by Councillor Edwards.

The Committee

RESOLVED

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

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666. P/141/22/RES LAND NORTH OF HOOK LANE, PAGHAM

3 Public Speakers

Cllr Peter Atkins – Pagham Parish Council

Rachael Lamb – Agent

Cllr David Huntley – Arun District Council Ward Member

Reserved matters application following P/30/19/OUT (providing details of layout, scale, appearance and landscaping) in relation to the provision of an 80-bed care home.

The Principal Planning Officer presented the report with updates. This was followed by 3 Public Speakers. Members then took part in a debate on the application where a number of points were raised and responded to by Officers. Clarification was sought over the detailed measurements of each storey and the height of the building overall. These were provided to the best of what the Principal Planning Officer had available, but the Group Head of Planning explained that the Committee was being asked in the narrow scope of this reserved matters application to consider the scale of the building overall and whether it was appropriate in its context rather than individual storey heights.

Other Members spoke against the application and its height, questioning whether the building was too big for its rural setting and would be better suited to a town centre location, and the difficulty of fitting 80 beds into the site footprint. One Member did speak in support of the design but accepted that it did not reflect the locality. A recommendation to defer for further discussion on an even re-distribution of the 80 beds on the plot resulting in a building comparable in height to the existing buildings in this part of Pagham was proposed by Councillor Bower and seconded by Councillor Hamilton.

The Committee

RESOLVED

That the application be DEFERRED for further discussion on an even re-distribution of the 80 beds on the plot resulting in a building comparable in height to the existing buildings in this part of Pagham.

667. APPEALS LIST

The Committee noted the Appeals list.

668. KEY PERFORMANCE INDICATORS 2022-2026 – QUARTER 3

The Group Head of Planning presented the report which set out the performance of the Key Performance Indicators at Quarter 2 for the period 1 April 2022 to 31 December 2022. The Committee noted the report.



669. FITZALAN LINK ROAD ACOUSTIC BARRIER

Upon the invitation of the Chair, the Group Head of Planning presented the report which sought the Committee to determine whether it wished to continue to pursue the resolution of the Committee in May 2022 [Minute 44 - a preference to secure the reduction in height of the acoustic barrier] as a result of increased certainty around the scale of likely costs. Further discussions with West Sussex County Council suggested that the overall costs and potential compensation costs could be significant and would be likely to far exceed £2 million.

Following a speech by Councillor Walsh given permission to speak by the Committee as a non-Committee Member in which he asked the Committee to defer making a decision to allow for Officers to undertake proper cost-estimate for the works, Members took part in a debate on the item where a number of points were raised and responded to by Officers, including:

- the quality of the advice received from previous consultants and recourse to legal action against them should this be appropriate, and the need for new more specialised legal advice
- instances of anti-social behaviour having followed the barrier's erection, this being a reason some residents support keeping it in place, and the need for the police to enforce more in area and the school to become more involved
- concerns over projected costings but the need for adequate tender figures to get a better handle of the potential costs involved before making a final decision
- a general desire amongst Members that if the work could be done for a reasonable sum then it should be for the benefit of local residents
- the negative attention the barrier and by extension the Council had received in the press
- support for some sort of deferral in order to get factual information ahead of making a firm decision
- the need for further consultation with residents to get a more long-term reaction to it
- the need to make the right decision, not a kneejerk decision
- the impact of the fence on Littlehampton and its residents as a whole
- options explored that could protect the Council from exposure to costs
- the potential costs involved and Arun currently having no responsibility for the barrier
- the length of time taken to reach this point and whether deferral to an indefinite future point was the best solution
- whether the County Council as owner of the barrier should submit a planning application to Arun as the Local Planning Authority to lower it in order for Arun to avoid liability, though this may open the County Council up to increased liability
- the barrier not acting sufficiently well as a noise barrier and whether arguments could be made, rather than along aesthetic lines, that it is not fit for purpose

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The Group Head of Planning explained that, on the legal advice received, by carrying out any works on the structure, the Council would become liable for any Part 1 compensation claims (brought about due to a change in people's residential amenity) that were currently dealt with through legal indemnity agreements between Persimmon and West Sussex County Council, and that the package of costs that Arun would need to budget for would need to include this compensation liability as well as the cost of any work done to the structure itself.

The Legal Services Manager explained that the Council as the Local Planning Authority was the regulator that received a planning application, and the legal advice was clear that the decision the Planning Committee made when approving the original application was correct in every aspect based on the information it had at the time and the decision was therefore not challengeable on any grounds as being unreasonable. He further explained that if the County Council or residents wanted Arun to make a statutory order to change the barrier in any way, an application would need to be submitted and as part of that then the County Council and/or residents would need to waive their right to compensation or agree to become liable for the compensation themselves as someone would need to fund it but as it was not Arun's wall it should not be Arun.

At the end of the discussion, a recommendation that the matter be pursued further to get more factual information on the works required and a better handle on the potential costs involved in order to make a firm decision, including options that could protect the Council from exposure to costs and following additional consultation with local residents was proposed by Councillor Chace and seconded by Councillor Bower.

The Committee

RESOLVED

That the matter be pursued further to get more factual information on the works required and a better handle on the potential costs involved in order to make a firm decision, including options that could protect the Council from exposure to costs and following additional consultation with local residents.

(The meeting concluded at 4.16 pm)

## Report following a request for further information, negotiations or consultation

<b>REF NO:</b>	P/141/22/RES
<b>LOCATION:</b>	Land north of Hook Lane Pagham
<b>PROPOSAL:</b>	Reserved matters application following P/30/19/OUT (providing details of layout, scale, appearance and landscaping) in relation to the provision of an 80-bed care home.

Members deferred the application on 8th February 2023 due to concerns with the overall height of the building in relation to its context in Pagham and the adjacent dwellings nearby. Members requested that the application seek an even re-distribution of the 80 beds on the plot resulting in a building comparable in height to the existing buildings in this part of Pagham.

The applicants have revised the scheme with the main changes as follows:

- Reduction in height of the ridgeline and eaves;
- Hipped roof form instead of a double gable ended roof;
- Introduction of larger sections of continuous ridgeline;
- Removal of several dormer windows;
- Removal of chimneys;
- Increased footprint to the western wing;
- Building repositioned slightly to the north;
- Minor landscaping changes; and
- Removal of outside terraced seating area.

The ridgeline of the roof has been reduced from 11.88m at its previously highest point to a lower ridge line of 9.37m - 10.17m which results in the reduction of around 2.5m and 1.7m across the site. This has been achieved through several techniques:

- The reduction in the floor to floor heights (note that this is the lowest possible height due to the requirements of the care home and its servicing areas within ceilings. This is larger than a domestic property requirements).
- The use of larger sections of continuous ridgeline rather than a staggered one.
- The use of a hipped roof form rather than a gable end, allowing the central flat roof to be lower.

The amended ridgeline of 9.37m - 10.17m is comparable with the ridge line of neighbouring properties as follows:

- Plot numbers 3 and 295- 8850mm
- Plot number 2 - 8901mm
- Number 10 Hook Lane - 9100mm
- Number 18 Hook Lane - 7100mm

As a result of the reduction in height, four bedrooms within the southern wing have now been redistributed to the end of the western wing; with two bedrooms at ground floor level and two bedrooms at first floor level. The second floor would retain back-of-house rooms and therefore the southern wing would change all dormers to rooflights, further reducing the perception of height.

The building continues to maintain acceptable separation distances in accordance and in excess of the

14m required by the Arun Design Guidance.

Members are asked to consider the updated plans which are as follows:

4670-VST-XX-00-DR-A-0200-P07-Proposed Ground Floor Plan  
4670-VST-XX-01-DR-A-0201-P06-Proposed First Floor Plan  
4670-VST-XX-02-DR-A-0202-P07-Proposed Second Floor Plan  
4670-VST-XX-03-DR-A-0203-P06-Proposed GA Roof Plan  
4670-VST-XX-ZZ-DR-A-0300\_P07 Proposed Elevations  
4670-VST-XX-ZZ-DR-A-0301\_P07 Proposed Elevations  
4670-VST-XX-ZZ-DR-A-0400-P06 - Proposed GA Sections  
4670-VST-XX-ZZ-DR-A-0401-P05 - Proposed GA Sections Reference Plan  
4670-VST-XX-ZZ-DR-A-0500\_P14 Proposed Site Plan

## REPORT UPDATE

Application No: P/141/22/RES

### Reason for the Update / Changes

The following condition has been added to ensure satisfactory amenity of resident both within the care home and neighbouring residents.

"The use hereby permitted shall not be commenced until full details of the kitchen equipment required to discharge odours and fumes from the cooking process and mitigate noise impacts on residents, shall be submitted to and approved in writing by the Local Planning Authority. The details shall adhere to EMAQ Control of Odour and Noise from Commercial Kitchen Extract Systems 6/5/22.

Reason: To ensure that unsatisfactory odours and noise are controlled in the interests of the amenity of future occupiers and existing neighbours in accordance with Arun Local Plan policy QE SP1."

NOTE: The replacement recommendation sheet has been updated to include the above condition (condition number 4).

**Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.**

### PLANNING APPLICATION REPORT

REF NO: P/141/22/RES

LOCATION: Land north of Hook Lane  
Pagham

PROPOSAL: Reserved matters application following P/30/19/OUT (providing details of layout, scale, appearance and landscaping) in relation to the provision of an 80-bed care home.

#### SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks approval for reserved matters, comprising appearance, scale, layout and landscaping, under outline application P/30/19/OUT. The proposal is a C2 residential Care Home use with 80 bed capacity, with associated landscaping and parking provision for up to 23 cars.
SITE AREA	The site is approximately 0.55ha in size.
TOPOGRAPHY	The Site is generally flat with a 1:140 cross fall, towards the north-west of the site.
TREES	There are no trees within the application site. There is a large mature hedgerow which partly lines the southern boundary of the site.

CHARACTER OF LOCALITY

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

**RELEVANT SITE HISTORY**

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

**REPRESENTATIONS**

Parish Council: Objection received for the following reasons:

- Proposed height of the building of 2.5 storeys is excessive and not in accordance with design code.
- Size and scale of the building is excessive.
- Corner plot on this site is considered as an entry point to the village and characterised by a rural feel, older style low building with countryside views and do not feel the design preserves this.
- Materials feel the finish should be softened to better integrate with surroundings.
- Examples of schemes they would like to see include the care home at Hawthorne Road.

2 no. representations were received, which objected to the application for the following reasons:

- Foul water discharge due to lack of capacity in Southern Water network
- The development should make provision for safe pedestrian and cycling travel on the roads
- Mitigation for health infrastructure and services
- Loss of agricultural land and future food supply
- Size of the building is overbearing
- Design of building out of character of the area
- Increased traffic
- Increased ambulances with blue lights at night due to nature of use
- Light pollution
- Drainage

These matters have been assessed within the conclusion of this report.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

All consultation responses can be viewed in full online.

Drainage Engineers: Further information required to ensure that the below ground storage tanks ensure sufficient capacity, alongside concern over the closeness of one proposed tree. Drainage details are required to be submitted in order to discharge conditions under the outline consent.

Conservation Officer: No objection, and found the proposed development would not harm the setting of the designated heritage assets and therefore would not harm their significance.

Environmental Health: No objection, providing that the EMAQ Control of Odour and Noise from Commercial Kitchen Extract Systems 6/5/22 is adhered to.

Independent Water Network: No objection.

Archaeology: No objection.

Parks and Landscape: No objection. The proposals were seen to provide an attractive and well considered scheme for the proposed use. Requested future management proposals to be secured to ensure longevity.

Ecology: No objection subject to securing adequate Biodiversity Net Gain and mitigation for nutrient neutrality, as required by Natural England. They identified some discrepancy with the Biodiversity Metric submitted, however this did not significantly impact on the end result of providing Biodiversity Net Gain. Suggested a Landscape and Ecological Management Plan is submitted to secure the net gains long term, and this will be done through the existing Section 106 agreement.

WSCC Fire and Rescue - No objection, but suggested conditions to secure a fire hydrant prior to occupation.

Natural England: Advised that previous comments under P/30/19/OUT applied, and only if changes were proposed that would significantly change the impacts on the natural environment, then this would need further investigation. Their previous comment was no objection, subject to securing mitigation, which has already been secured through a Section 106 under the outline consent.

WSSC Highways: No Objection. Access arrangements for the site have already been established under P/132/20/RES, and a pedestrian and vehicular access to the care home has been provided for connectivity. Parking provision was seen to be adequate to satisfy forecasted needs.

National Highway: No Objection. The application would not materially affect the safety, reliability and/or operation of the Strategic Road Network (SRN).

Sussex Police: Advice provided on lighting, CCTV, defensible planting on ground floors and access into buildings.

NHS: Requested funds to be secured via S106 for Health Infrastructure. However, ADC have secured this already through a Section 106 under the Outline consent.

WSSC Adult Social Care: Comments were asked on what type of service the care home will provide. Additionally, comments were received on the principle of a Care Home, however, the principle has already established under the outline consent.

Southern Water: Confirmed that any details will need to be approved prior to commencement. A condition under the outline will require submission of further foul water drainage details, for which the foul water provider will be consulted with.

#### **DEVELOPMENT PLAN POLICIES**

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

DDM1	D DM1 Aspects of form and design quality
HSP2	H SP2 Strategic Site Allocations
HWBSP1	HWB SP1 Health and Wellbeing
SDSP1A	SD SP1a Strategic Approach
TSP1	T SP1 Transport and Development
DSP1	D SP1 Design
ENVSP1	ENV SP1 Natural Environment
HDM2	H DM2 Independent living and care homes
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM4	HER DM4 Areas of Character
HERSP1	HER SP1 The Historic Environment
LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment

#### **PLANNING POLICY GUIDANCE:**

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

#### **SUPPLEMENTARY POLICY GUIDANCE:**

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
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SPD8	Areas of Special Character
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. On 25th February 2021 Arun District Council received an instruction from Pagham Parish Council to withdraw the Pagham Neighbourhood Plan, and therefore there is no relevant Neighbourhood Plan.

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

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

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

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

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

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

The proposal is located within a strategic housing allocation inside the built-up area boundary in compliance with the Development Plan. The proposal is considered to comply with relevant Development Plan policies.

## **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 OF DEVELOPMENT**

The site forms part of the Strategic Allocation reference SD2. The site is subject to an approved outline planning permission (reference P/30/19/OUT) granted consent on 2 September 2019 and this establishes the principle of a care home, providing up to 80 beds.

The outline consent considered matters relating to ecology (Pagham Harbour SPA/RAMSAR), drainage, infrastructure, access and highways, and imposed planning conditions where relevant. This application therefore seeks to agree matters relating to layout, scale, appearance and landscaping only.

The application was presented to the Pagham and Aldwick Advisory Group meeting on 13th December 2022. Concern was raised about loss of views for existing residents and the material choices such as red brick. Discussions predominantly focused on the height of the building being 2.5 storeys and the preference would be for only 2 storeys.

Two conditions imposed on the outline approval were imposed on subsequent Reserved Matters application. Condition (6) required a Design Code for the residential part of the development. The Design Code in relation to the site was approved under reference P/57/20/DOC. This application is therefore not subject to the design code; however, the Care Home has been designed to complement the character areas within the code.

Condition (7) required any Reserved Matters application to be accompanied by details concerning landscaping and layout particulars in relation to trees. The proposed application accords with the requirements with Condition (7) in full and this will be considered in more detail later in the report.

### DESIGN

The site is positioned between the newly proposed main spine street to the north, and the proposed secondary street, as described in the residential reserved matters application P/132/20/RES.

The proposed building is designed with three wings stemming from a central point, which would be double gable ended. The form would allow for the development to be easily adapted for varying needs of users, as per Policy H DM2. Parking is located to the east of the entrance of the building.

The amenity space wraps around the site, allowing for the built form to be set back within its plot with defensible space. A larger central amenity space to the west of the building is proposed, which would accommodate orchard trees, garden lawn, and a combination of paths to allow for circular walking.

The developments layout provides good legibility and is appropriate to the residential care home use.

The proposed development is two and half storey. The Design Code for the residential scheme confirms that the character area supports built form of "typically 2 storey." Therefore, a two and a half storey building is considered acceptable given its location and its proposed use.

The developments ridge line at the highest point is approximately 2.5m taller than the proposed residential dwellings to the east, which have been permitted under the remainder of the outline consent. The ridgeline would be approximately 3.3m higher than the proposed dwelling to the north (plot 2), permitted under the residential reserved matters application, which sits north of the primary road through the allocation site. The development would be approximately 3.9m higher than the existing residential property at 18 Hook Lane (two storey dwelling).

However, the ridgeline lowers in parts throughout the building, including at the site boundary. The varied ridge line helps to soften the scale of the proposed care home which has been designed to appear as a cluster of dwellings as opposed to a single building. The care home occupies an important location in the strategic allocation, and a care home of this scale and size is not considered harmful to the character and appearance of the strategic allocation or immediate locality.

Additionally, the proposed building is formed with three prongs or "wings", ensuring that any bulk is set back into the centre of the development and not fronting the site boundary. The wings are also staggered double gable ended, with altering material types, which reduces any massing at the site's boundaries.

The proposals massing is further broken up by its choice of timber cladding and the provision of climbing

shrubs, which will help to soften its appearance and scale. An open pergola framed terrace is proposed on the second floor of the west wing, which further reduces the development massing, and helps to positively address the open countryside to the west.

The care home due to its siting and position makes an important contribution to the character of the wider strategic allocation. The care home will be visible within the street scene and by virtue of its size, scale and design would not give rise to any unacceptable harm to the established character or appearance of the locality.

The proposed materials are largely red brick and timber cladding with a grey roof. A condition has been imposed on the outline consent which requires further samples of the proposed materials to be agreed to ensure a high-quality scheme. The indicative timber cladding treatment provides a softer palette and breaks up any large areas of brick to add interest and reduces the massing of the building. Red brick and grey roofs are featured as a design choice within the approved design code for this general area, and therefore its use will be complementary to the proposed and existing surroundings.

The various projections and recesses within the proposed elevations provide interest and mirror that of a residential cluster. Window lintels have been proposed which add further interest to the brick facades. The proposed elevational treatment on the gable ends would include windows, doors and a porch canopy in an arrangement akin to a dwelling, which would allow the development to provide a domestic appearance to positively address existing and proposed residential development around the site.

The gable end roof form is characteristic of the local area, and the palette of materials chosen ensure that the appearance of the development is complementary to its surroundings. Therefore, owing to its layout, scale and appearance, the design of the development would comply with Arun Local Plan Policy D SP1, LAN DM1, the National Design Guide and the Arun Design Guide.

#### ACCESS PARKING AND CYCLING

As per Arun District Council's Parking SPD, parking for a C2 class is determined on a case-by-case basis with reference to demand for parking and viability of the site. A car parking appraisal has been submitted showing the level of parking demand for similar uses. The application proposes 23 parking spaces, including 2 no. disabled bays, and an ambulance drop off space. West Sussex County Highways have been consulted and are satisfied that the level of parking provision is sufficient to meet demand.

A travel plan has been submitted as part of the application; however, this will not form the approved documents at this stage as this is required to be assessed and discharged under Condition 25 of the outline consent.

The Arun Parking SPD requires 30% of the total parking provision (i.e. 7.5 spaces) to have active EV charging and the remainder passive EV. The proposed site plan (reference 4670-WRD-XX-ZZ-DR-A-0500 Revision P012) shows that the parking court can accommodate EV charging points to a maximum of 10 spaces using dual charging points. Condition 33 of the outline consent requires further details in relation to the specification and appearance of the units. Therefore, there is capacity within the parking area to accommodate a policy compliant scheme in relation to EV charging. Cycle parking has been provided as 4 Sheffield stands, accommodating up to 8 bikes, which is considered appropriate for the proposed use.

Therefore, the proposals accord with the Arun Design Guide, Arun Parking SPD, and Arun local Plan Policies T SP1.

#### BINS, STORES AND SUBSTATION

Bin storage would be located within the building to the southern wing, and a maintenance store would be provided as a small additional building to the east of the eastern wing. The proposed building would be timber clad, with a grey pitched roof. The roof form and the materials are the same as the proposed main building, which would allow for the building to be visually integrated.

Details of the substation have not been provided, and so a suitable worded planning condition has been imposed to secure details of this.

Overall, the bins and stores have been designed to be complementary to the proposed main building and accord with Policy D DM1.

#### SOFT LANDSCAPING

The proposed soft landscaping provides numerous and varied plant species, which contributes to continuous interest throughout the year. The landscaping provides for adequate shading, privacy and allows for a pleasant shared external space. The feature tree to the entrance of the site provides for positive identification of the entrance and general amenity for users. The hedgerow to the south of the site will be retained and extended with native hedges along the southern boundary. All planting is proposed to be planted prior to occupation.

The planting information meets the requirements of Condition 7 of the outline consent, and is considered to accord with Local Plan Policies LAN DM1, the Arun Design Guide.

#### Pagham Harbour

Policy H SP2a (a) (SD1 and SD2) identifies that proposals will need to ensure no detrimental impact to Pagham Harbour SPA through compliance with policy ENV DM1 and ENV DM2 and its supporting text.

This has been addressed as part of the outline consent. This site will require further drainage details through discharging conditions which will address an impact identified within the Appropriate Assessment.

#### HARD LANDSCAPING

Proposed hard landscaping details have been submitted, which provide for seating areas, private patios and a number of sensory enhancements for residents such as water features, bird baths, raised timber planters, summer house. These provide valuable interest and amenity for residents and the materials proposed.

Boundary treatments to the outer part of the site and car parking areas are proposed as ornamental black railings and/or with a brick wall. Green weld mesh fencing is proposed to rear of the external space. These are considered complementary in palette to the proposed scheme and would strengthen the developments sense of place on the main spine road.

There is a mixture of proposed surfacing, including herringbone laid permeable block paving for the parking areas; resin bound surfacing for the circular amenity footpath and feature paving for ground floor terrace areas. In combination with several edging types, these provide suitable, accessible surfacing for all visitors and are of a colour and textures suitable in this location.

Therefore, the hard landscaping proposals comply with Arun Local Plan policy D SP1 and D DM1.

## HERITAGE

The impact of development on heritage assets was assessed at outline stage, where it was concluded that the proposed development would not result in any harm to the setting or significance of any designated or non-designated heritage assets.

A further heritage statement has been provided with this application. The Conservation Officer has been consulted and confirmed that the proposed development would not impact upon the setting or significance of any designated or non-designated heritage assets. Therefore, the development accords with section 16 of the NPPF, Arun Local Plan policies HER SP1, HER DM1, HER DM2, HER DM4 of the Arun Local Plan and does not result in any harm to the significance of any designated or locally designated heritage assets

## EXTERNAL LIGHTING

An external lighting plan has been submitted; however this is required to be agreed through the discharge of condition 15 of the outline consent and so will be secured and considered further during this process. Space for timber lighting bollards have been shown throughout the scheme in the amenity and parking areas, ensuring lighting is facing down in a low level setting so as not to increase light spill. In addition, one upward light is proposed within the base of the proposed entrance feature tree. This light is proposed on a new tree which will not interrupt wildlife using nearby boundary vegetation.

## CLIMATE CHANGE

The proposal provides for several climate change adaptation/mitigation measures, including provision for solar panels, water butts, and shading through design and planting features. Details relating to renewable energy will be secured through the discharge of condition 26 imposed on the outline approval.

The layout also lends well to efficient solar gain, and the massing proposed is of a simple block which is more efficient to heat and cool.

Therefore the proposal will accord with Arun Local Plan policies ECC SP1, ECC SP2 and W DM3.

## DRAINAGE AND FLOOD RISK

Drainage was considered as part of the outline planning approval and several conditions (Condition 10, 11, 12, 13, 14) were imposed to secure details of surface water, discharging water to a watercourse, maintenance and management, and foul water. These conditions will need to be agreed and discharged in consultation with the Councils drainage engineer, and therefore drainage is not part of.

However, some detail has been submitted, and ADC Engineers are satisfied that the principle of the drainage is acceptable subject to further detail through the discharge of condition process.

## RESIDENTIAL AMENITY

Concern has been raised over the overbearing feeling of the care home on dwellings south of the application site. The care homes southern gable end is located approximately 38metres away from the nearest residential dwellings to the south, which is separated by an existing hedgerow and Hook Lane. Given the distance between the dwellings and the proposed development, it would not give rise to any unacceptably adverse overbearing or overshadowing.

Similarly, the east wings gable end is sited approximately 20metres from dwellings to the north, and

approximately 18metres from properties to the east. Front to front separation distances are required to be a minimum of 16m, in line with the design guide. The layout of the care home allows for suitable privacy in this regard.

The development proposes a mixture of private patios, seating areas, and open terraces which provide suitable external amenity for residents. A kitchen is located within the building, and Environmental Health have provided guidance on best practice in regards to commercial kitchens and odour/noise.

The proposal secures amenity space for the proposed users, and does not result in unacceptably adverse impacts on the amenity of occupiers for existing dwellings. The development therefore accord with Arun Local Plan Policy D DM1 and the Arun Design Guide.

#### **RECOMMENDATION**

It is therefore recommended that the application is approved subject to the below 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:

Location Plan 4670-WRD-XX-ZZ-DR-A-0080 Rev P03  
Proposed Ground Floor Plan 4670-WRD-XX-00-DR-A-0200 Rev P06  
Proposed First Floor Plan 4670-WRD-XX-00-DR-A-0201 Rev P05

Proposed Second Floor Plan 4670-WRD-XX-00-DR-A-0202 Rev P06  
Proposed GA Roof Plan 4670-WRD-XX-00-DR-A-0203 Rev P05  
Proposed GA Elevations Sheet 1 of 2 4670-WRD-XX-00-DR-A-0300 Rev P06  
Proposed GA Elevations Sheet 2 of 2 4670-WRD-XX-00-DR-A-0301 Rev P06  
Proposed GA Sections 4670-WRD-XX-00-DR-A-0400 Rev P01  
Proposed Site Plan 4670-WRD-XX-00-DR-A-0500 Rev P012  
Landscape proposals B22062-102B  
External Works Plan B22062-201B  
Boundary Treatments B22062-202B  
External Lighting B22062-203B  
Garden Furniture Plan B22062-204B  
Detailed Planting Plan Sheet 1 of 4 B22062-401B  
Detailed Planting Plan Sheet 2 of 4 B22062-402B  
Detailed Planting Plan Sheet 3 of 4 B22062-403B  
Detailed Planting Plan Sheet 4 of 4 B22062-404B

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 Prior to the commencement of the development, details relating to the proposed substation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to secure the design of the substation in line with policy D DM1.

- 3 The development shall provide external lighting strictly in accordance with the lighting shown on plan reference B22062-203B Rev B.

Reason: To control the residential amenities of the local environment in accordance with Policies D DM1 and QE DM2 of the Arun Local Plan and protection of bats.

- 4 The use hereby permitted shall not be commenced until full details of the kitchen equipment required to discharge odours and fumes from the cooking process and mitigate noise impacts on residents, shall be submitted to and approved in writing by the Local Planning Authority. The details shall adhere to EMAQ Control of Odour and Noise from Commercial Kitchen Extract Systems 6/5/22.

Reason: To ensure that unsatisfactory odours and noise are controlled in the interests of the amenity of future occupiers and existing neighbours in accordance with Arun Local Plan policy QE SP1.

## BACKGROUND PAPERS

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

**P/141/22/RES - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: WA/126/22/RES

LOCATION: Land West of Tye Lane  
and North of Field Close & North Road  
Walberton

PROPOSAL: Approval of reserved matters following WA/68/20/OUT for construction of 131 No homes (30% affordable homes) and associated works. This application is a Departure from the Development Plan, may affect the setting of listed buildings, may affect the character and appearance of the Walberton Village Conservation Area and is in CIL Zone 3 and is CIL Liable as new dwellings.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION

Approval of reserved matters is sought following a successful appeal of refusal WA/68/20/OUT. The proposed scheme comprises 131 dwellings, vehicular and pedestrian access on to Tye Lane, a pedestrian/cycle/emergency access from Field Close, and access roads, parking and landscaping within the site.

The reserved matters for which approval is sought are access, appearance, landscaping, layout and scale. Whilst detailed approval for access was sought at outline stage, the appeal Inspector (appeal para. 74) specifically included access as a reserved matter as the internal access routes within the site require submission at reserved matters stage.

The proposed dwellings are a mix of detached, semi-detached and terraces designs, with the denser housing proposed at the centre of the site and less dense arrangements to the edges of the proposed built development. The 131 houses comprise 15 No. 2-bedroom bungalows, 22 No. 2-bedroom houses, 56 No. 3-bedroom houses and 38 No. 4-bedroom houses.

30% of the houses would be affordable units comprising 3 No. shared ownership, 10 No. First Homes, and 26 No. affordable rent.

Parking is provided by detached single and double garages, driveways, allocated spaces and visitor spaces.

The proposed dwellings are of traditional design and materials, with a number of different designs proposed. All roofs are hipped or gables designs. Proposed external wall facing materials are primarily brick, with some focal properties having render and brick / flint elements. Further consideration

of the proposed roof materials and materials for windows and doors is recommended as detailed below.

The proposed housing is set away from the edges of the site to allow for landscaped buffers, with a large area of open space to the southern end of the site. This area includes two drainage ponds, the main play area and a second smaller area. To the south west corner of the site a further drainage pond and play area is proposed. To the north east corner of the site an additional play area is proposed. Tree planting and landscaping is proposed across the site. The hedgerow along Tye Lane would be retained other than the opening required for the approved access.

A pavement along Tye Lane and junction improvements at the Tye Lane / The Street are proposed as was secured under the outline permission.

SITE AREA	7.6 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	17 dwellings per hectare.
TOPOGRAPHY	Predominantly flat, but the land rises to the north.
TREES	A Tree Preservation Order protects five Pedunculate Oak Trees within the site.
BOUNDARY TREATMENT	The site is bounded by hedgerows and hedgerow trees along the northern, southern, eastern and western boundaries of the site.
SITE CHARACTERISTICS	The site comprises a large arable field with rough grassland and scrub edges along with four fields of pasture land - with some stabling for horses, bordered by hedgerows with trees open fields. The site also includes part of a former residential garden located to the rear of 'The Orchard' and 'Little Firs'. The site is generally sloping from north to south.
CHARACTER OF LOCALITY	The area is rural in character with housing on Mill Lane, Field Close, North Pound and the Street in Walberton Village, together with two Conservation Areas and related Listed Buildings to the south of the site. The site is bounded to the north by Hooe Farm Industrial Park; to the east by Tye Lane and beyond by a new housing development of 175 dwellings that is being developed by Linden Homes and marketed as "Avisford Grange"; and to the west by houses fronting onto Copse Lane and Long Mead. The South Downs National Park lies to the north beyond the A27.

<b>RELEVANT SITE HISTORY</b>
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WA/94/22/PL	Variation of conditions following WA/68/20/OUT relating to Condition Nos 8 - foul drainage, 14 - surface water drainage scheme/system and 19 - decentralised and	Refused 09-01-23
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renewable or low carbon energy.

WA/86/22/RES	Approval of reserved matters following outline consent WA/68/20/OUT for the construction of 131 No dwellings (30% affordable homes) and amendment to boundary of garden land to serve adjoining property. This application may affect the setting of listed buildings, may affect the character and appearance of the Walberton Village Conservation Area and is in CIL Zone 3 and is CIL Liable as new dwellings.	Refused 01-12-22
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WA/68/20/OUT	Outline application with all matters reserved, other than means of access, for the construction of up to 155 No. dwellings (30% affordable homes) & amendment to boundary of garden land to serve adjoining property. This application affects the character & appearance of the Walberton Village Conservation Area, may affect the setting of listed buildings & is a Departure from the Development Plan.	Refused 12-01-21
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**Appeal: Allowed+Conditions  
22-07-22**

The outline permission WA/68/20/OUT, approved at appeal, is for up to 155 dwellings including 30% affordable homes. All matters were reserved other than the access into the site. The access comprises two access points- the main access from Tye Lane site entrance and a further pedestrian/cycle/emergency access from Field Close. Under reserved matters the provision of a pedestrian/cycle access onto Tye Lane opposite the Linden Homes site is also proposed, as was discussed at the appeal.

The current reserved matters application proposes 131 dwellings, which is less than the maximum of 155 dwellings approved at appeal which could have been proposed under this application.

Under the outline application an illustrative site layout masterplan was presented for discussion. The current reserved matters scheme is of a similar layout and character to the illustrative site layout masterplan from the outline stage.

A previous reserved matters application (ref. WA/86/22/RES) was refused in December 2022 due to the lack of bungalows to the southern boundary and material finishes to several proposed dwellings.

<b>REPRESENTATIONS</b>
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Walberton Parish Council object to the application on the following grounds:

- There is limited visitor parking throughout the site, and the full number of parking spaces is not specified.
- The access roads are narrow and refuse vehicles may need to mount the kerb to serve the development and reverse long distances.
- The density of the development is high, out of keeping with the majority of the village.
- Affordable housing appears to be tightly packed rather than distributed evenly throughout the estate.

- There could be conflict between pedestrians, scooters and cyclists on the access road.
- The attenuation ponds are located in close proximity to the site boundary, and close to neighbouring properties which could be at risk from flooding.
- Concerns surrounding additional traffic pressure toward the village and Conservation Area.

8 resident objections raising the following concerns:

- Insufficient surrounding infrastructure - roads, education facilities, NHS, local employment, food, all insufficient to serve the proposed development.
- Inappropriate density of development, eroding the character of the village.
- Lack of meaningful landscaping scheme to boundaries.
- Insufficient information submitted on surface water drainage.
- Inappropriate design and materials considering the established character of the area.

In addition to the above summarised representations, the following concerns were raised under the previous reserved matters scheme -

- The development should support the active travel agenda in terms of cycle access, safe off-road routes, links to external routes, ebike charging, solar energy and bike vouchers.
- Some of the bungalows shown at outline stage at the southern end of the development are now proposed as two-storey dwellings - these should be bungalows.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

The comments of the Parish Council and objectors are noted, and the majority of the objections are considered in the conclusions section with the exception of the following:

- With regard to traffic generation and the surrounding road network, these matters were considered at outline stage, the Inspector considered the development to be acceptable in transport terms.
- There are 11 bungalows proposed to the southern end of the site - units 20, 21, 22, 23, 24, 25, 26, 27, 28, 38, 39 are all 2 or 3-bedroom bungalows.
- Full details of foul and surface water drainage are secured by outline permission conditions and will be assessed under a separate discharge of condition application.
- All proposed development to the north of North Pound is within the application site red line boundary.
- Details of the final materials will be agreed under discharge of condition.
- Details of the landscaping scheme will be agreed under discharge of proposed condition 7.

### **CONSULTATIONS**

#### **CONSULTATION RESPONSES RECEIVED:**

**ECOLOGY** - Object as there is not sufficient ecological information available for the determination of the application:

- An illustrative masterplan has not been submitted with this reserved matters application, therefore it is not possible to fully assess the ecological information provided.
- The Site Layout Masterplan submitted at appeal has not been submitted with this application nor has a revised version been provided.
- Much of the recommended mitigation and enhancement measures could be subject to change, therefore an illustrative masterplan is required to be submitted with the detail provided with the reserved matters application.

- Concerns have been raised in response to application (WA/117/22/DOC) in relation to the proposed temporary reptile receptor site and the strategy of how they will be protected.
- In principle the illustrative masterplan submitted at appeal in terms of the soft landscape design was acceptable, except for the aforementioned detail regarding hedgerow creation. Satisfied with the planting plans provided within the Landscape and Ecology Management Plan (The Ecology Co-Op, October 2022), which proposes a suitable planting mix, including for the grassland meadow, SuDS and mixed, native species rich hedgerows.

LEISURE AND LANDSCAPE - No comment within consultation period. Given the minor changes to the layout compared with the first reserved matters submission, the comments in respect of this application are pertinent to note, and are as follows:

- The proposed layout and landscaping scheme is supported.
- The development should include 3 LAPs (Local Area for Play) in addition to the LEAP (Local Equipped Area for Play) which is proposed.
- The future maintenance of the open space / play areas should be clarified. Pathways need to be all weather accessible, tarmac would be the preferred finish.

WSCC FIRE AND RESCUE - Details of the fire hydrant to be secured by conditions.

CONSERVATION OFFICER - Notes that the use of slate tiles would be out of character and would not follow the inspectors comments. The proposed house designs would be acceptable if constructed from appropriate materials and detailing. Painted timber windows and doors should be incorporated into the most prominent houses.

SOUTHERN WATER - Offsite drainage works are required to provide sufficient capacity to serve the proposed development. The connection of new dwellings to the network will therefore need to be agreed with Southern Water to ensure that sufficient capacity is in place in advance of first occupation.

ADC CONSERVATION AREA ADVISORY GROUP - Object to the use of the non-traditional roof tiles.

ENVIRONMENTAL HEALTH - Conditions are recommended to address land contamination, electric vehicle charging points, a construction management plan, hours of construction, noise impacts on future residents, and external lighting.

NATURAL ENGLAND - No comments.

NATIONAL HIGHWAYS (NH) - No objection to the application but require improvements at Fontwell East Roundabout and the junction of Tye Lane and the A27.

WSCC HIGHWAYS - The site access on to Tye Lane was approved at outline stage and provides a simple priority junction on to Tye Lane. Improvements have been secured to provide a footway along Tye Lane and amendments to the Tye Lane / The Street junction. An emergency access / pedestrian / cycle route is proposed to connect with Field Close and will be secured by collapsible bollard. The internal layout provides acceptable road widths and junction visibilities, the vehicle tracking provided demonstrates acceptable access for refuse vehicles. The total number of parking spaces proposed should be confirmed. Most of the visitor parking is located at the western and southern edges of the site and could be better spaced out across the site. Details of cycle storage should be secured as this was not secured at outline stage. Details of electric vehicle charging are required by condition on the outline permission.

WSCC LEAD FLOOD AUTHORITY - No comments.

ECONOMIC DEVELOPMENT - No comments.

WSCC WASTE AND MINERALS - No comments.

SUSSEX POLICE - Recommend to applicant that secure by design measures be incorporated.

ADC TREE OFFICER - Principle of development is acceptable, but the initial arboricultural information demonstrated an overly intrusive layout in respect of T19 and T30. Amended arboricultural information was received, and the tree officer was re-consulted, and comments are awaited.

ADC AFFORDABLE HOUSING - Objection, awaiting follow-up comments.

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

Comments noted and will be addressed in conclusions section except as discussed below:

ECOLOGY - Matters of ecology have been dealt with an approved by successful appeal of WA/68/20/OUT and further by imposed outline condition number 5 on Landscape and Ecological Management Plan (LEMP). Updated survey work has been submitted which demonstrate no material change in circumstances.

LEISURE AND LANDSCAPE - No comment received, however comments were made on the previous refused application in support of the landscaping and leisure facilities.

WSCC FIRE AND RESCUE - A planning condition is recommended to secure details and implementation of fire hydrants.

SOUTHERN WATER - Details of the foul water drainage system will be submitted under condition 18 of WA/68/20/OUT and connection to the network is subject to a separate approval process with Southern Water.

ENVIRONMENTAL HEALTH - The outline permission includes conditions to address land contamination (condition 23), electric vehicle charging points (condition 21), a construction management plan (condition 7), and hours of construction (condition 16).

WSCC HIGHWAYS - The site access on to Tye Lane was approved at outline stage and provides a simple priority junction on to Tye Lane. Improvements have been secured to provide a footway along Tye Lane and amendments to the Tye Lane / The Street junction. An emergency access / pedestrian / cycle route is proposed to connect with Field Close and will be secured by collapsible bollard. The internal layout provides acceptable road widths and junction visibilities, the vehicle tracking provided demonstrates acceptable access for refuse vehicles. The total number of parking spaces proposed should be confirmed. Most of the visitor parking is located at the western and southern edges of the site and could be better spaced out across the site. Details of cycle storage should be secured as this was not secured at outline stage. Details of electric vehicle charging are required by condition on the outline permission.

CONSERVATION OFFICER - A condition is recommended to secure details of materials.

DRAINAGE ENGINEER - full details of the drainage proposals are secured by the outline permission (conditions 8, 9, 10, 11, 14 and 15) and therefore drainage details will be approved under an approval of details application.

ADC TREE OFFICER - Matters of trees have been dealt with an approved by successful appeal of WA/68/20/OUT and further by imposed condition number 5 thereof and proposed conditions 6 and 7.

NATIONAL HIGHWAYS - Matters raised by NH have been adequately covered and agreed with NH as part of the completed s106 legal agreement of WA/68/20/OUT.

ADC AFFORDABLE HOUSING - Matters concerning affordable housing have been adequately addressed and agreed with by the Council's affordable housing officer as part of the completed s106 legal agreement of WA/68/20/OUT.

**DEVELOPMENT PLAN POLICIES**

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

- DDM1 D DM1 Aspects of form and design quality
- DSP1 D SP1 Design
- LANDM1 LAN DM1 Protection of landscape character

[Walberton Neighbourhood Plan Policy 2019-2031](#) Design Guidance  
[HP13](#)

**PLANNING POLICY GUIDANCE:**

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

**SUPPLEMENTARY POLICY GUIDANCE:**

- SPD13 Arun District Design Guide (SPD) January 2021

**POLICY COMMENTARY**

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

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is considered to comply with relevant Development Plan policies in that the proposed development layout, housing mix, dwelling designs, parking, and landscaping accord with the relevant local plan policies, guidance and relevant neighbourhood plan policies.

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

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,

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

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

##### **BACKGROUND:**

The application follows an appeal into WA/68/20/OUT which was allowed in July 2022. Within the decision the Inspector gave a number of comments in relation to the design, scale and layout, the most pertinent of which are summarised below:

- The housing development should be set away from the site boundaries behind generous landscaped buffers.
- The housing should not exceed two storeys in height and should be single storey to the southern boundary to lessen the visual impact of the scheme.
- The view of the site from the community garden on The Street via North Pound is identified as a distinctive view in the WNDP, as it provides a view into the site through open countryside to mature trees. This vista up to the focal trees should be retained through the proposed scheme of landscaping.
- The illustrative layout could be improved with housing better framing the roads in coherent building lines, especially the main route through the development.
- To form an appropriate relationship with the Walberton Conservation Area (WCA) and the Walberton Green Conservation Area (WGCA) the houses could use local materials, exhibit traditional fenestration design, and include period details such as chimneys and balanced elevations.

Following the appeal, reserved matters application (ref. WA/86/22/RES) was submitted and refused by committee in December 2022 for the following reasons only:

1. The proposal conflicts with the Inspectors decision/guidance that the properties to the southern end of the site fronting the play areas should be single story only and thereby significantly harm the character and appearance of the area in conflict with policies D DM1 and D SP1 of the Arun Local Plan.
2. The proposal by reason of dwelling style and materials proposed fail to reflect those found in the locality and thereby significantly harm the character and appearance the area in conflict with policies D DM1 and D SP1 of the Arun Local Plan.

All other matters relating to the reserved matters application were considered acceptable by Members. Therefore, the main determining factors of this application are whether concerns relating to the scale of the buildings to the southern edge of the site and the material finish/appearance of the dwellings as a whole have been adequately addressed. These matters are considered in detail below.

##### **LAYOUT, APPEARANCE AND SCALE:**

Arun Local Plan (ALP) policies D DM1, D SP1 and LAN DM1 are all relevant in respect of design and character.



Policy HP13 of the WNDP says "new development which would have an effect on the appearance and character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location".

The Arun Design Guide (ADG) and sections G, H & J are relevant. The density of the scheme has been agreed by the outline application which approved 155 dwellings on a site of 7.6 hectares (20 DPH), the application proposal is for 131 dwellings (17 DPH), less than that which was approved at outline. The ADG requires buildings and spaces be carefully arranged and take priority over roads and car parking so that highways do not dominate. New development should respond to the surrounding pattern of buildings in terms of block sizes and patterns of plot division in order to create a natural extension to existing development. Open spaces should be clearly integrated in the scheme and be safe & accessible for all users. New development must ensure the existing character and sense of place of an area is respected and enhanced.

The National Planning Policy Framework (NPPF) and other supporting national guidance emphasises high quality design, respecting character, creating a sense of place, safety, accessibility, inclusivity and striving for beauty. It states, "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes."

With regards to height and scale, it is now considered that the proposed dwellings are of an appropriate scale and have adequately addresses previous reasons for refusal. The refused application included a group of properties to the southern edge of the site which were a mix of bungalows, 1.5 and 2 storey properties, as set out below:

- Plots 1, 11, 12 and 13 - detached 2 storey houses.
- Plots 21, 20, 28, 38 and 39 - detached double fronted bungalows.
- Plots 22, 23, 24, 25, 26 and 27 - detached 1.5 storey houses with accommodation in the roof, first floor windows to the front elevation and rooflights to the rear.

All the proposed dwellings on the southern boundary of the site, are now single story accommodation bungalows as was specified by the Inspector, to lessen the visual impacts of the scheme, as summarised below:

- Plots 1, 20, 21, 28, 38 and 39 - detached double fronted bungalows.
- Plots 11, 12, 13, 22, 23, 24, 25, 26, 27 single fronted bungalows.

So as to retain control of the appearance of these dwellings as traditional bungalows a condition taking away Permitted Development rights to erect roof dormers and/or hip to gable roof extensions will be imposed.

Another objection raised by Members was the appearance of the proposed dwellings and how they failed to conform to those found in the area.

With regards to appearance, the proposed dwelling designs are of traditional form, character and detailing. Whilst the dwellings are of standard designs, these would be acceptable if constructed using appropriate materials and detailing, such as traditional brick and brick bonds.

The incorporation of a simple palette of materials including a number of traditional finishes such as flint, brick, render and clay tiles which are representative of the character of the village and historic core and therefore appropriate in this context. It would be preferable for natural slate tiles to be used to frontages rather than concrete. Timber windows are also recommended to the properties fronting onto Tye Lane,

and to the southern boundary.

It is recommended that full details of the proposed materials for external walls and roofs be secured by planning condition, along with full details of window and door materials and designs. This will allow for the preferred materials and window/door designs to be agreed under a discharge of condition application.

The layout and type of dwellings is acceptable in accordance with ALP policies D DM1, D SP1 and LAN DM1, and WNDP policy HP13.

**SUMMARY:**

For the reasons given above the proposed development complies with the outline planning permission, and successfully addresses the comments of the appeal Inspector and the previous refused application reserved matters application (ref. WA/86/22/RES) in accordance with relevant development plan policies.

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

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**CIL DETAILS**

This is a CIL Liable development. It is in Zone 3 and a CIL amount of £1,459,987.20 is payable unless the applicant applies for exemption subject to the requirements of the CIL Regulations 2010 (as amended).

As there is a Neighbourhood Plan, the Parish Council will receive 25% of this money (£364,996.80) subject to whether any relief is claimed.

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

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

Location Plan - 210824/SL/LP A  
 Site Layout - 210824/SL01/SL rev X  
 Site Layout Parking Plan 210824/SL06/O rev K  
 Colour Site Layout - 210824/SL02/CSL rev K  
 Storey Heights Plan - 210824/SL03/SH rev J  
 Dwelling Types Plan - 210824/SL04/DT rev K  
 Tenure Plan - 210824/SL05/TP rev J  
 Refuse Plan - 210824/SL07/RP rev J  
 Boundary Treatment Plan - 210824/SL09/BT rev J  
 Fire Strategy Plan - 210824/SL10/FS rev K  
 M42(2)/M4(3) Plan - 210824/SL11/M4(2) rev L  
 Site Layout Materials Plan 210824/SL08/MP rev L  
 Coloured Street Scenes - Sheet 1 of 2 210824/CSS/01 rev E  
 Coloured Street Scenes - Sheet 2 of 2 210824/CSS/02 rev D  
 ALD Elevations and Floor plans - 210824/HT/ALD/EP rev C  
 ALD (Render) Elevations and Floor plans - 210824/HT/ALD-R/EP rev B  
 CON Elevations and Floor plans - 210824/HT/CON/EP rev C  
 CON (Flint) Elevations and Floorplans 210824/HT/CON-F/EP rev B  
 BEL (FLINT) FLOOR PLANS AND ELEVATIONS 210824/HT/BEL-F/EP  
 BEL (Render) Elevations and Floor plans - 210824/HT/BEL/M4(3)-R/EP Rev B  
 BUC (Flint) Elevations and Floorplans 210824/HT/BUC-F/EP rev B  
 BUC Elevations and Floorplans 210824/HT/BUC/EP rev A  
 House Type BUC (Render) Elevations and Floorplans 210824/HT/BUC-R/EP rev A  
 PEN (Flint) Elevations and Floor plans - 210824/HT/PEN-F/EP Rev B  
 FOX Elevations and Floor plans - 210824/HT/FOX/EP rev A  
 FOX (Flint) Elevations and Floor plans - 210824/HT/FOX-E-F/EP Rev A  
 House Type FOX (Flint) Elevations and Floorplans 210824/HT/FOX-F/EP rev C  
 FAI Floor Plans and Elevations - 210824/HT/FAI/EP REVA  
 HT FRE Floor Plans and Elevations - 210824/HT/FRE/EP  
 HT HAZ Floor Plans and Elevations - 210824/HT/HAZ/EP REVA  
 HT MAR Floor Plans and Elevations - 210824/HT/MAR/EP REVB  
 FRA Floor Plans and Elevations - 210824/HT/FRA/EP REVB  
 FRA (Render) Floor Plans and Elevations - 210824/HT/FRA-R/EP REVA  
 HT PRI Floor Plans and Elevations 210824/HT/PRI/EP REVA  
 HT SH51 Floor Plans and Elevations - 210824/HT/SH51/EP REVD  
 HT SH52 Floor Plans and Elevations - 210824/HT/SH52/EP REVD  
 HT SH55 FLOOR PLANS AND ELEVATIONS 210824/HT/SS55/EP REVD  
 Single Garage Floor Plans and Elevations - 210824/AB/SG/EP  
 Twin Garage Elevations & Plans - 210824/TG/EP  
 Sub Station Floor Plans and Elevations 210824/AB/SUB/EP  
 Soft Landscaping sheet 1 - BDWS23688 11  
 Soft Landscaping sheet 2 - BDWS23688 11  
 Soft Landscaping sheet 3 - BDWS23688 11  
 Soft Landscaping sheet 4 - BDWS23688 11  
 Soft Landscaping sheet 5 - BDWS23688 11

Soft Landscaping sheet 6 BDWS23688 11  
 Hard landscaping sheet 1 - BDWS23688 12  
 Hard Landscaping sheet 2 - BDWS23688 12  
 Hard Landscaping sheet 3 - BDWS23688 12  
 Hard Landscaping sheet 4 - BDWS23688 12  
 Hard Landscaping sheet 5 - BDWS23688 12  
 Hard Landscaping sheet 6 - BDWS23688 12  
 Hard Landscaping sheet 7 - BDWS23688 12  
 Open Space sheet 1 - BDWS23688 20  
 Open Space sheet 2 - BDWS23688 20  
 Open Space sheet 3 - BDWS23688 20  
 Open Space sheet 4 - BDWS23688 20  
 Open space sheet 5 - BDWS23688 20  
 Play area proposal BDWS23688 20 Sheet 1  
 Drainage Strategy BSO/E5004/003 H  
 Levels Strategy - BSO-E5004-008 H  
 Typical SuDS Construction Details BSO/E5004/004 E  
 Highway Layout Review BSO/E5004/005 F  
 Refuse Vehicle Swept Path Analysis BSO/E5004/006 J  
 Fire Tender Swept Path Analysis BSO/E5004/007 H  
 Indicative Street Lighting Strategy BSO/E5004/012 C  
 Arboriculture Implications Assessment RCo232 rev 02  
 Tree Protection Drawing RCo232/02 rev 04

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

- 2 Notwithstanding the submitted drawings and details, no development above damp proof course (DPC) level shall take place unless and until a schedule of proposed materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed dwellings, and proposed boundary treatments have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the dwellings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the setting of the two Walberton conservation areas, by endeavouring to achieve a building of visual quality in accordance with Policies D DM1, HER DM1 and HER DM3 of the Arun Local Plan.

- 3 Notwithstanding the submitted drawings and details, no development above damp proof course (DPC) level shall take place unless and until full details of the design, frame materials and finish of the proposed windows and doors of the dwellings have been submitted to and approved by the Local Planning Authority, and the windows and doors of the dwellings shall accord with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the setting of the two Walberton conservation areas, by endeavouring to achieve a building of visual quality in accordance with Policies D DM1, HER DM1 and HER DM3 of the Arun Local Plan.

- 4 No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with the approved site plan. Once provided the 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 SP1 of the Arun Local Plan, Policy GA3 of the Walberton Neighbourhood Development Plan, and the NPPF.

- 5 No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with the approved details. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

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

- 6 All activity at the site is to be carried out in strict accordance with the "Arboriculture Implications Assessment" (Ref. RCo232 /Tye Lane / AIA / Rev00 / Planning / 12-05-22) and the Tree Protection Drawing (Ref. RCo232/02 Rev. 02). 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 within the root protection areas are commenced on site.

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan, and Policy VE3 of the Walberton Neighbourhood Development 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.

- 7 Landscaping shall be carried out in accordance with the approved landscaping drawings and details. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the first occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the 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 and ENV DM4 of the Arun Local Plan.

- 8 Notwithstanding the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no additions to the roof (including dormer and hip to gable extensions) to plots 11, 12, 13, 22, 23, 24, 25, 26 and 27 shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To control the form of these dwellings and their impact on the character and appearance of the area in accordance with policies D SP1 and D DM1 of the Arun Local Plan.

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

Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrants (or in a phased

programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

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

- 10 Prior to the commencement of development, details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall be designed to comply with the recommendations of the Institute of Lighting Professionals (ILP) 'Guidance Notes for the Reduction of Obtrusive Light' (GN01:2011). No external lighting shall be installed which does not accord with the approved details.

Reason: To protect the amenity of local residents in accordance with Policy QE DM2 of the Arun Local Plan and Policy VE8 of the Walberton Neighbourhood Development Plan.

- 11 No dwelling shall be first occupied until refuse and recycling storage serving the respective dwelling have been provided.

Reason: To ensure that each dwelling has satisfactory refuse and recycling storage in accordance with policy WM DM1 of the Arun Local Plan.

- 12 INFORMATIVE: With regard to the materials condition above, the applicant is advised that the agreement of external facing materials will require a further consideration of sympathetic roof materials and the consideration of appropriate window and door frame materials and finishes.

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

**WA/126/22/RES - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: LU/403/22/PL

LOCATION: Residential Accommodation  
34 New Road  
Littlehampton  
BN17 5AT

PROPOSAL: Change of use from C3 Dwelling house to E(c) Commercial. This site is in CIL Zone 4 (Zero Rated) as other development.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION

The proposal is for the change of use from 5-bedroom C3 Dwelling house to E(c) Commercial. The applicant is a local employer and the reason given for changing the property into an office premises is to be able to create new job opportunities, for trainee attorneys and secretarial staff from Chichester Colleges apprenticeship program. This is specially designed to provide opportunities for people looking for a break into gaining employment and for younger employees and returners to work/change or career personnel.

The building has three floors and is a terraced house on the south side of New Road. There is a walled rear garden and a pedestrian access to the rear from Clifton Road.

No external work is required to implement this proposal apart from the installation of an escape window that will from street level be indistinguishable from the existing attic dormer window.

The maximum number of staff is 9. The applicants advise that they operate hybrid working and it is unlikely that all 9 would be in all at once. Staff work a minimum of 2 days in the office and the rest from home, although sometimes their work will require them to come in. The applicants advise that the layout of the rooms does not allow for more than 9 people.

Business hours will be 08:00 to 18:00.

Current layout:

Ground Floor: Lounge, dining, kitchen, garden room, wc.

First Floor: 3 x bedrooms, bathroom, wc.

Second Floor: 2 x bedrooms.

Proposed layout:

Ground Floor: 2 x offices and kitchen and staffroom, wc.

First Floor: Meeting room to front, 2 x office, bathroom, wc.  
Second Floor: 2 x office.

No elevational changes or changes to access are proposed.

SITE CHARACTERISTICS

Three storey, 5-bedroom terraced house.

CHARACTER OF LOCALITY

Predominantly residential, terraced houses, some subdivided into flats. Gardens to the rear. Outskirts of Littlehampton Town Centre, outside the designated Town Centre. Some ground floor commercial uses within the wider area.

**RELEVANT SITE HISTORY**

LU/409/22/PL      Change of use from C3 Residential to part E(c) Business and part 2 bed C4 Residential, alteration to attic window to act as escape. This site is in CIL Zone 4 and is CIL Liable.

LU/357/22/PD      Prior approval under Schedule 2 Part 3 Class G for change of use to offices and 1 No. flat.

LU/49/10/            Change of use from B1 office to revert back to former use as a residential property.      ApproveConditionally  
15-09-10

LU/56/07/            Part change of use from residential to office use      ApproveConditionally  
16-04-07

LU/185/67            Change Of Use Of Dwelling House To Use For Light Industrial Purposes      Refused  
18-08-67

LU/56/07/ and LU/49/10/ are of particular note as they show approvals between residential to office and visa versa.

**REPRESENTATIONS**

Littlehampton Town Council - Objection on the grounds that the proposals lacks sufficient parking provision.

No other representations received.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

Environmental Health: No objection. Conditions requested.

Environment Agency: No objection.

Economic Regeneration: No response received.

ADC Drainage: Due to the scale, location and type of application no conditions requested. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

WSCC Highways: This proposal would not have an unacceptable impact on highway safety. There are no transport grounds to resist the proposal. Cycle parking needs to be secured.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. Conditions have been imposed other than that requiring sound insulation between units as not a necessary condition given that this would be covered by building regulations and that the type of proposed use is not dissimilar to its lawful residential use.

**POLICY CONTEXT**

Designation applicable to site:  
 Within the Built Up Area Boundary;  
 Economic Growth Area  
 Flood Zone 3

**DEVELOPMENT PLAN POLICIES**

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

DDM1	D DM1 Aspects of form and design quality
ECCSP2	ECC SP2 Energy and climate change mitigation
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
EMPSP1	EMP SP1 Strategic Economic Growth
EMPSP2	EMP SP2 Economic Growth Areas
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

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

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

**PLANNING POLICY GUIDANCE:**

NPPF      National Planning Policy Framework

**SUPPLEMENTARY POLICY GUIDANCE:****POLICY COMMENTARY**

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

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

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is considered to comply with relevant Development Plan policies in that there would be no significant adverse impact on residential or visual amenity or the character of the area. The commercial use will add vitality and would not conflict with the regeneration of Littlehampton.

Whilst the proposal does in part conflict with policy T SP1 in that there is no provision for off street car parking this is a sustainable location and the existing residential use is also devoid of off street parking.

Section 70(2) of Town and Country Planning Act provides that:

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

**OTHER MATERIAL CONSIDERATIONS**

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

**CONCLUSIONS****PRINCIPLE**

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

Policies 1 and 2 of the LNDP confirm the presumption in favour of sustainable development noting that Littlehampton Town Council will take a positive approach to development seeking to concentrate

economic development within the built-up area boundary of Littlehampton.

Regard should also be had to EMP SP2 of the Arun Local Plan where areas like this form part of the Littlehampton Growth Area and the Council will aim to enhance local employment opportunities.

The site is in a sustainable location within walking and cycling distance of a range of shops, facilities and services including bus stops, a large food store and a railway station.

The ALP and the LNDP do not have policies relating to the loss of dwellings.

#### VISUAL AMENITY AND CHARACTER

Policy D DM1 of the ALP requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. In addition, paragraph 127 of the NPPF requires developments to be visually attractive and sympathetic to local character and history.

Policy D DM4 of the ALP relating to extensions and alterations to existing buildings requires that alterations sympathetically relate to and are visually integrated with the existing building in siting, massing, design, form, scale and materials. No external changes are proposed. The internal alterations are limited and will have no impact on visual amenity or character.

The proposal will not result in harm to the appearance or character of the area and will not conflict with policies D DM1, D DM4 or QE SP1 of the ALP.

#### RESIDENTIAL AMENITY

Policy D DM1 indicates development will be permitted if it positively takes into account impact on adjoining occupiers, land, use or property.

Policy QE SP1 requires that all development contributes positively to the quality of the environment and that it does not have a significantly negative impact upon residential amenity. The use of the building for offices for a maximum of 9 people during standard business hours will not give rise to a loss of amenity to neighbouring occupiers. The building is not likely to generate any more activity/noise than its current use as a 5-bedroom house. No external works are proposed that could impact on neighbouring residents. The proposal will not conflict with policies D DM1 and QE SP1 of the ALP.

#### HIGHWAYS AND PARKING

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

Whilst no parking is proposed this is no different to the current use as a 5-bedroom house. The site lies in a sustainable location. There is controlled on street parking on New Road, there are several car parks nearby and uncontrolled on street parking within a short walk of the application site. This makes the proposal comply with policy T SP1.

WSCC Highways have not objected to the change of use confirming that whilst off street car parking would normally be required with this type of development the sustainable location of the site and the presence of double yellow lines prevents vehicles parking where they are detrimental to highways safety.

It is also pertinent to note that the building has previously been used as a mixed office and as a house

without the provision of parking. Cycle storage is to be achieved through the imposition of a suitable condition.

#### CLIMATE CHANGE

ECC SP2 requires that all new commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. The application is silent on this matter, a suitable condition has been recommended to achieve compliance with ECC SP1 and SP2.

#### BIODIVERSITY

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

#### FLOOD RISK

The site lies with Flood Zone 3. The application is accompanied by a Flood Risk Assessment. The Environment Agency have no objection and the proposal therefore accords with policy W DM2 of the ALP.

#### ECONOMIC GROWTH

EMP SP1 advises that ADC will promote the sustainable growth of the District's economy to meet the varying needs of different economic sectors and to support regeneration within the two main towns including the integration of other uses and forms of development where it facilitates the delivery of economic objectives and fosters growth and innovation.

The site lies within the Littlehampton Economic Growth Area where EMP SP2 states development which increases the vitality of the town centre in the wider Economic Growth Area will be encouraged going on to advise that development which supports the town's retail, leisure and tourism functions will be supported. Additional commercial floorspace in this area will support existing local businesses and services.

#### SUMMARY

The building has been used as an office in the past and the proposals are an acceptable change of use which will support the vitality of the wider town centre and an existing local business.

The building has/is been used in a very similar way without the benefit of off street car parking within a highly sustainable town centre location.

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

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

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

The proposal makes no reference to provisions for disabled access. The floor plans do not include any lifts thus preventing access to the upper floors for disabled or those with mobility issues. This does not represent a change from the existing situation. The proposal would have a neutral impact on the protected characteristics.

**CIL DETAILS**

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

**RECOMMENDATION**

APPROVE CONDITIONALLY

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

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

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

- Location plan, existing floor plans and elevations.
- Block plan, proposed floor plans.
- Flood risk assessment.

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

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

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

- 4 No part of the development shall be first occupied unless and until the applicant has submitted a scheme for approval in writing by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of any part of the building and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

- 5 The hours of operation of the premises shall be restricted to 08:00 - 19:00 on any day. Outside of these hours the premises shall be vacated and closed to the public.

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

- 6 No part of the development shall be first occupied until two suitable bird boxes have been located on the building/garden area to the satisfaction of the Local Planning Authority. The bird boxes shall thereafter be retained in perpetuity in good working order.

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

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

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



**LU/403/22/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: LU/409/22/PL

LOCATION: 34 New Road  
Littlehampton  
BN17 5AT

PROPOSAL: Change of use from C3 Residential to part E(c) Business and part 2 bed C4 Residential, alteration to attic window to act as escape. This site is in CIL Zone 4 and is CIL Liable.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION

Change of use from C3 Residential to part E(c) Business and part 2 bed C4 Residential, alteration to attic window to act as escape.

C4 Houses in multiple occupation - Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

The proposals show two bedrooms, one of which is large enough for a double bed. It is therefore possible that three people could use the bedrooms if a couple were sharing. If this were to be the case, then C4 would be the appropriate designation. C3 would apply should two people be using the rooms.

The application is made by an existing local business who have used the building for mixed office and residential purposes in the past.

The building has three floors and is a terraced house on the south side of New Road. There is a walled rear garden and a pedestrian access to the rear from Clifton Road.

No external work is required to implement this proposal apart from the installation of an escape window that will from street level be indistinguishable from the existing attic dormer window. Internal works to comply with building regulations.

Max number of staff: 8 persons. The applicants advise that they operate hybrid working and it is unlikely that all staff would be in at once. Staff work a minimum of 2 days in the office and the rest at home, although sometimes their work will require them to come in. The applicants have advised with respect to LU/403/22/PL that the layout of the rooms does not

allow for more than 9 people and for this application that it would not exceed 8 people.

The applicants have advised that the occupants will be employees only and will be either a secretary or a trainee attorney. They would not be able to let the property to anyone else because of the security of the premises. The applicants explain that the reason for changing the property into an office premises is to be able to create new job opportunities. They take on trainee attorneys and secretarial staff from Chichester College apprenticeship program and like to provide opportunities for people who are willing to learn and are looking for a break into gaining employment, specifically for younger employees and returners to work/change or career personnel.

Business hours will be 08:00 to 18:00, the applicant's agent advises that actual business hours are officially 09:00 to 17:00, but they have one person who starts at 08:00.

Current layout:

Ground Floor: Lounge, dining, kitchen, garden room, wc.

First Floor: 3 x bedrooms, bathroom, wc.

Second Floor: 2 x bedrooms.

Proposed layout:

Ground Floor: 2 x offices, shared kitchen and garden room, wc.

First Floor: 3 x offices, bathroom, wc.

Second Floor: 2 x bedrooms. B1 11.5m<sup>2</sup>, B2 7.5m<sup>2</sup>.

No elevational changes or changes to access are proposed.

Three storey, 5-bedroom terraced house.

Predominantly residential, terraced houses, some subdivided into flats. Gardens to the rear. Outskirts of Littlehampton Town Centre, outside the designated Town Centre. Some ground floor commercial uses within the wider area.

SITE CHARACTERISTICS

CHARACTER OF LOCALITY

**RELEVANT SITE HISTORY**

LU/403/22/PL Change of use from C3 Dwelling house to E(c) Commercial. This site is in CIL Zone 4 (Zero Rated) as other development.

LU/357/22/PD Prior approval under Schedule 2 Part 3 Class G for change of use to offices and 1 No. flat.

LU/49/10/	Change of use from B1 office to revert back to former use as a residential property.	ApproveConditionally 15-09-10
LU/56/07/	Part change of use from residential to office use	ApproveConditionally 16-04-07

LU/56/07/ and LU/49/10/ are of particular note as they show approvals between residential to office and visa versa.

**REPRESENTATIONS**

Littlehampton Town Council - Objection on the grounds that the proposed shared kitchen and bathroom arrangements are contrary to Local Plan Policy QE SP1 and would have a significant negative impact upon the residential amenity of the domestic occupants.

No other representations.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

Environmental Health: No objection. Conditions requested.

Environment Agency: No objection.

Economic Regeneration: No response received at time of writing.

Private housing. Residential Services: No response received at time of writing.

ADC Drainage: No response received at time of writing. However, the comment made on LU/403/22/PL - Change of use from C3 Dwelling house to E(c) Commercial - was 'Due to the scale, location and type of application no conditions requested. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.'

WSCC Highways: This proposal would not have an unacceptable impact on highway safety. There are no transport grounds to resist the proposal. Cycle parking needs to be secured.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. Conditions have been imposed other than that requiring sound insulation between units as not a necessary condition given that this would be covered by building regulations and that the type of proposed use is not dissimilar to its lawful residential use.

## POLICY CONTEXT

Designation applicable to site:  
 Within the Built Up Area Boundary;  
 Economic Growth Area  
 Flood Zone 3

## DEVELOPMENT PLAN POLICIES

### Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPDM1	EMP DM1 Employment Land: Development Management
RETSP1	RET SP1 Hierachy of Town Centres
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

Littlehampton Neighbourhood Plan 2014 Policy 1      The Presumption in Favour of Sustainable Development

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

## PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

## SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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 in the Littlehampton Neighbourhood Plan have been taken into account in the determination of this application.

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

significant adverse impact on residential or visual amenity or the character of the area. The mixed commercial and residential use will add vitality and would not conflict with the regeneration of Littlehampton. The change of use will not prove detrimental to the amenities of neighbours or the wider area.

Whilst the proposal does in part conflict with policy T SP1 in that there is no provision for off street car parking this is a sustainable location and the existing residential use is also devoid of off street parking.

Section 70(2) of Town and Country Planning Act provides that:

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

**OTHER MATERIAL CONSIDERATIONS**

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

**CONCLUSIONS**

**PRINCIPLE**

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

Policies 1 and 2 of the LNDP confirm the presumption in favour of sustainable development noting that Littlehampton Town Council will take a positive approach to development seeking to concentrate economic development within the built-up area boundary of Littlehampton.

Regard should also be had to EMP SP2 of the Arun Local Plan where areas like this form part of the Littlehampton Growth Area and the Council will aim to enhance local employment opportunities.

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

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

The site is in a sustainable location within walking and cycling distance of a range of shops, facilities and services including bus stops, a large food store and a railway station.

The ALP and the LNDP do not have policies relating to the loss of dwellings.

**VISUAL AMENITY AND CHARACTER**

Policy D DM1 of the Arun Local Plan requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. In addition, paragraph 127 of the NPPF requires developments to be visually attractive and sympathetic to local character and history.

Policy D DM4 relating to extensions and alterations to existing buildings requires that alterations sympathetically relate to and are visually integrated with the existing building in siting, massing, design, form, scale and materials. No external changes are proposed. The internal alterations are limited and will have no impact on visual amenity or character.

The proposal will not result in harm to the appearance or character of the area and will not conflict with policies D DM1, D DM4, H SP4 or QE SP1 of the ALP.

#### RESIDENTIAL AMENITY

Policy D DM1 indicates development will be permitted if it positively takes into account impact on adjoining occupiers, land, use or property.

Policy QE SP1 requires that all development contributes positively to the quality of the environment and that it does not have a significantly negative impact upon residential amenity. The use of the building for offices for a maximum of 9 people during standard business hours will not give rise to a loss of amenity to neighbouring occupiers. The building will generate less activity in the evening than the current use as a 5-bedroom house. No external works are proposed that could impact on neighbouring residents. The proposal will not conflict with policies D DM1 and QE SP1 of the ALP.

Although facilities are to be shared there are adequate WCs available to provide for the offices without the bathroom being used. The kitchen and garden room are of a good size and whilst shared will offer sufficient amenity space for the occupants of the two bedrooms in line with policy H SP4 of the ALP.

This mixed use is not likely to generate any more activity/noise than the current use as a 5-bedroom house. The proposal will not conflict with policies D DM1 and QE SP1.

#### SPACE STANDARDS

Both the ALP policy D DM2 and the Design Guide require that residential development provide sufficient internal living space to ensure an acceptable standard of amenity for future occupants. Whilst the national standards do not provide any particular guidance for HMOs it is noted that the two bedrooms do meet the floor area identified in the Nationally Described Space Standards for dwellings.

#### PROVISION OF OPEN SPACE FOR HMO OCCUPANTS

HMO policy H SP4 requires that HMOs (c) provide adequate areas of open space. There is a rear garden and easy access to many nearby public open spaces and the beach/river is within walking distance. No change to the arrangement already serving the existing house is proposed. On the basis of the above, the development complies with Policy H SP4 of the ALP.

#### HOUSES IN MULTIPLE OCCUPATION (HMO) AND ARTICLE 4 DIRECTION

ADC Article 4 Direction came into effect in January 2023. The application site falls within the River ward in Littlehampton which is included in the Article 4 direction which has removed Permitted Development rights for small scale HMOs in the District. Whilst not of direct relevance to the proposal which seeks permission for a mixed use it should be borne in mind that any further change relating to HMO use would not fall under permitted development.

#### HIGHWAYS AND PARKING

Policy T SP1 of the ALP seeks to ensure that development provides safe access on to the highway



network, contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it supports development which incorporates appropriate levels of parking in line with the Arun Design Guide taking into consideration the impact of development upon on-street parking.

Whilst no parking is proposed this is no different to the current use as a 5-bedroom house. The site lies in a sustainable location. There is controlled on street parking on New Road, there are several car parks nearby and uncontrolled on street parking within a short walk of the application site. This makes the proposal comply with policy T SP1.

WSCC Highways have not objected to the change of use confirming that whilst off street car parking would normally be required with this type of development the sustainable location of the site and the presence of double yellow lines prevents vehicles parking where they are detrimental to highways safety.

It is also pertinent to note that the building has previously been used as a mixed office and as a house without the provision of parking. Cycle storage is to be achieved through the imposition of a suitable condition.

#### CLIMATE CHANGE

ECC SP2 requires that all new commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. The application is silent on this matter, a suitable condition has been recommended to achieve compliance with ECC SP1 and SP2.

#### BIODIVERSITY

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

#### FLOOD RISK

The site lies with Flood Zone 3. The application is accompanied by a Flood Risk Assessment. The Environment Agency have no objection to the proposal which accords with W DM2.

#### ECONOMIC GROWTH

EMP SP1 advises that ADC will promote the sustainable growth of the District's economy to meet the varying needs of different economic sectors and to support regeneration within the two main towns including the integration of other uses and forms of development where it facilitates the delivery of economic objectives and fosters growth and innovation.

The site lies within the Littlehampton Economic Growth Area where EMP SP2 states development which increases the vitality of the town centre in the wider Economic Growth Area will be encouraged going on to advise that development which supports the town's retail, leisure and tourism functions will be supported. Additional commercial floorspace in this area will support existing local businesses and services.

#### SUMMARY

The building has been used for both office and residential purposes in the past and the proposals are an acceptable change of use which will support the vitality of the wider town centre and an existing local business.

The building has/is been used in a very similar way without the benefit of off street car parking within a highly sustainable town centre location.

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

The 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 makes no reference to provisions for disabled access. The floor plans do not include any lifts thus preventing access to the upper floors for disabled or those with mobility issues. This does not represent a change from the exiting situation. The proposal would have a neutral impact on the protected characteristics.

**CIL DETAILS**

This site is in CIL Zone 4. ADC CIL Officer is in correspondence with the applicant.

**RECOMMENDATION**

APPROVE CONDITIONALLY

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

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

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

approved plans:

- Location plan, existing floor plans and elevations.
- Block plan, proposed floor plans.
- Flood risk assessment.

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

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

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

- 4 No part of the development shall be first occupied unless and until the applicant has submitted a scheme for approval in writing by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of any part of the building and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

- 5 The hours of operation for the Class E(c) use shall be restricted to 08:00 to 19:00 Monday to Friday. Outside of these hours the commercial parts of the premises shall be vacated and closed to the public.

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

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

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

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

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

[this link.](#)

**LU/409/22/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: LU/404/22/PL

LOCATION: The Promenade  
South of the Putting Green  
Littlehampton

PROPOSAL: Application under Regulation 3 for 13no. proposed new beach huts and associated access arrangements. This application is in CIL Zone 5 (zero rated) as other development.

**SITE AND SURROUNDINGS**

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

The 13 proposed beach huts include 3 accessible huts with access path/ramp. They would have a shallow pitched roof with a ridge height of 2.6m (3m for the accessible huts) and floor areas of 1.9m by 2.6m (5m by 3m for the accessible huts). They would be constructed of composite panels with wood effect cladding and roofs.

The beach huts would be intermittently added to existing rows of huts. 2 of the accessible huts are proposed to be designed as a crescent.

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

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

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

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

**RELEVANT SITE HISTORY**

LU/50/21/PL Provision of 20 No. new beach huts on concrete bearers Refused  
to broadly match existing. This site is in CIL Zone 5 (Zero 04-05-21  
Rated) as other development.

LU/50/21/PL was refused by Committee for the reason that 'Given the number and position of the proposed beach huts and the lack of accessibility detail the development would adversely affect the visual amenities of the locality in conflict with policies D DM1, DSP1 and LAN DM1 of Arun Local Plan and policy SCP-1 of the South Inshore and Off shore Marine Plan.'

This application has overcome this reason for refusal with the decrease in overall numbers of huts and the inclusion of 3 accessible huts. There is also a change in appearance in that a half moon shape section has been introduced.

## REPRESENTATIONS

Littlehampton Town Council- Objection:

- Huts would fill in existing gaps between crescents.
- Accessible Hut wheelchair users would still need to traverse shingle.
- Improve accessibility to all existing huts would be more appropriate.

20 Objections:

- The proposal is contrary to Arun Local Plan Policy C SP1.
- Turning the promenade and Sea Road view into a wall of hut backs will reduce the enjoyment of sea views and will particularly adversely impact the elderly and those with mobility problems.
- Additional revenue should not be to the detriment of our chief asset as a seaside resort.
- Effect on setting of Conservation Area.
- Existing huts rarely used - questions raised as to the need.
- Disable access to beach supported.
- Impact on seascape.
- Significant payback period.

## COMMENTS ON REPRESENTATIONS RECEIVED:

- A pathway is denoted on plans linking the promenade and the accessible huts.
- Whilst a right to a view is not a material planning consideration, there would still be gaps retained between the groups of huts allowing views of the sea. Where the gaps between groups of huts is narrowed these are equal to other gaps found within the existing crescents of beach huts.
- The huts themselves are an important visual amenity feature as they contribute towards a traditional seaside resort appearance.
- The provision of the huts will not impair access to the beach or close it off from public use in any way.
- Given the distance away from the Conservation Area and how the huts assimilate into their surrounding the proposal will have no harm on the Conservation Area.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

Environment Agency - No objection with conditions suggested.



**COMMENTS ON CONSULTATION RESPONSES:**

None.

**POLICY CONTEXT**

Designation applicable to site:  
2km Buffer for Site of Special Scientific Interest  
Outside the Built Up Area Boundary

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

CSP1	C SP1 Countryside
TSP1	T SP1 Transport and Development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
DDM1	D DM1 Aspects of form and design quality
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
TOUDM1	TOU DM1 Tourism related development

[Littlehampton Neighbourhood Plan 2014 Policy 1](#)

The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2

A Spatial Plan for the Town

Littlehampton Neighbourhood Plan 2014 Policy 21

Proposals to increase the recreational and tourist use of the River Arun

**OTHER STATUTORY PLANS**[South Inshore and South Offshore Marine Plan 2018:](#)

S-TR-1

S-TR-2

S-SCP-1

South Marine Plan Policy S-ACC-1

South Marine Plan Policy S-ACC-2

South Marine Plan Policy S-CO-1

South Marine Plan Policy S-ML-1

South Marine Plan Policy S-SOC-1

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**POLICY COMMENTARY**

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

Development Plans.

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

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

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

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

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

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

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

##### **BACKGROUND**

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

##### **PRINCIPLE**

The site is located outside the built-up area where the countryside policy C SP1 of the Arun Local Plan applies. Although not a countryside location in the traditional sense, it is a location outside of the Built-up Area Boundary (BUAB) where the beauty of the landscape/seascape needs to be protected. Development in countryside locations will be permitted so as long as they accord with other policies within the Plan for a specific type of development. In this case policies TOU SP1 and TOU DM1 of the Arun Local Plan are relevant.

##### **Policy TOU SP1:**

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

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

The huts would have a sympathetic relationship to the surrounding area and neighbouring uses providing

extra facilities for the tourists and day trippers that use the area. This is further outlined below.

The proposal would allow for an extended tourist offer providing additional huts in accordance with policies TOU SP1 and TOU DM1.

Policy 21 of the Littlehampton Neighbourhood Plan supports the implementation of any scheme that maximises the use of the river and encourages tourism activity along the waterway. The proposal would encourage activity and use of the seafront in an area close to the river.

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

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

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

#### DESIGN AND VISUAL AMENITY

Policy D DM1 of the Arun Local Plan assesses proposals for development in terms of their character and appearance and impact on general movement to and around the site. The huts would have a traditional appearance and would reflect the design of the existing beach huts in the locality and would be readily visually assimilated into the foreshore area.

The huts would be an acceptable addition to the beach huts already present in the coast line. The spacing and appearance of those proposed will be very similar and reflect those currently present. They would have sufficient space around them when in use so as to make them accessible to users whilst still maintaining access within the promenade as a whole.

The inclusion of 3 accessible huts along with associated access pathway opens the use of the beach for the disabled. Although these huts differ in size and scale from the existing/proposed huts, they have been designed to be sympathetic in style, as such no significant adverse impacts will arise from this. In fact, the social gain from the accessible hut significantly outweighs any negative impacts.

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

#### RESIDENTIAL AMENITY

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

#### IMPACT ON THE MARINE ENVIRONMENT

The proposal involves minimal development on the foreshore. The beach huts would be located on the top part of the beach shingle area adjacent to the promenade. It is necessary to consider the impact of the proposal on the marine environment and the relevant policy consideration is the South Inshore and Offshore Marine Plan. Policy S-TR-1 states 'proposals supporting, promoting or facilitating tourism and

recreation activities, particularly where this creates additional utilisation of related facilities beyond typical usage patterns, should be supported'.

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

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

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

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

#### CONCLUSION

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

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

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

#### HUMAN RIGHTS ACT

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

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

#### DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership,

pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

## RECOMMENDATION

### APPROVE CONDITIONALLY

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

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

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

- Location Plan 1224/01 Rev A
- Block Plan East 1224/03
- Block Plan West 1224/02 Rev A
- Plans and Elevations 1224/04 Rev B

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

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

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

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

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

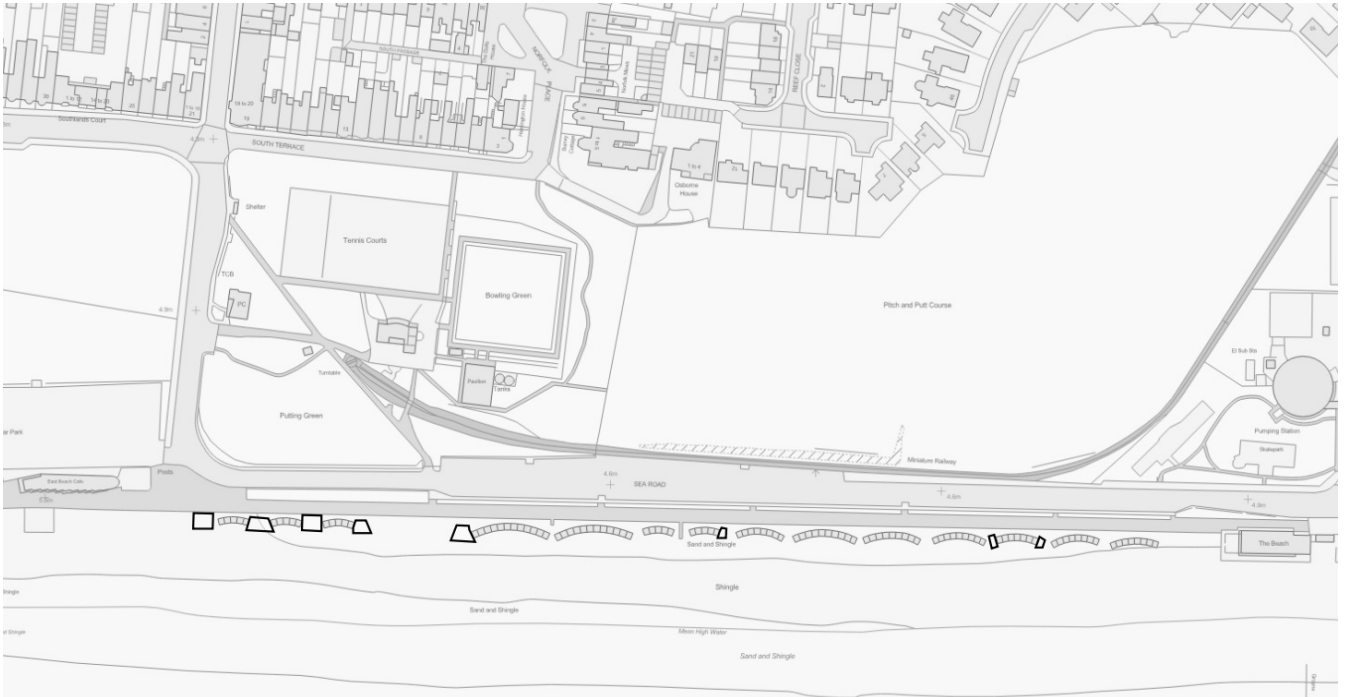
- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations,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

- 6 **INFORMATIVE:** Any works activities taking place below the mean high water mark may require a marine licence from the Marine Management Organisation in accordance with the Marine and Coastal Access Act (MCAA) 2009. It is down to the applicant to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

## BACKGROUND PAPERS

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

**LU/404/22/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: FG/170/22/PL

LOCATION: 158 Littlehampton Road  
Ferring  
BN12 6PH

PROPOSAL: Erection of a new single storey building to the front of existing dwelling to be used as guest/visitor accommodation, with car parking and front boundary changes to include acoustic fencing and entrance gates. This site is in CIL Zone (Zero Rated) as other development.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION

A detached single storey shallow pitched roof building to the front (north) of the existing house. The building is intended to be used for Airbnb visitor accommodation. This use will be ancillary to the use of the main house, which is in the same ownership.

The south side of the building will have solar panels on the roof. Two parking spaces south of the building.

Internally the building will be divided into two double bedroom units each with storage and wc/shower room.

New gates and fencing, (including acoustic fencing) on front boundary.

All the following measurements are approximate.

Height to ridge: 4m.

Height to eaves: 2.4m.

Width 7.4m.

Depth: 5.5m.

Acoustic fence: 2.5m

Entrance gates: 2.5m.

The building is set in by 2.2m from the front fence.

Materials:

Roof: interlocking tiles, solar panels.

Walls: horizontal timber cladding.

SITE AREA

0.19 Ha..

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

Existing front boundary, evergreen hedging with low brick wall.

SITE CHARACTERISTICS	<p>Two vehicle access ways. Fencing on side boundaries.</p> <p>Front garden to large, detached house. In and out drive with grassed area and established hedge to front. Front garden is 28m in length.</p> <p>20m between the southern elevation of the building and the house. 21m to closest part of No.160. 24m to closest part of No.156. 5.7m to eastern boundary. 10.2m to western boundary.</p>
CHARACTER OF LOCALITY	<p>Large, detached houses in large plots set well back from the A259. Many have brick front walls, some with gates, deep and open front gardens with large driveways.</p>

No site-specific planning history of note.

Permission for a detached double garage and garden store in the front garden of 162 Littlehampton Road was granted on appeal in March 2022 (reference FG/130/21/HH). This is referred to in greater detail below.

<b>REPRESENTATIONS</b>
------------------------

Ferring Parish Council - Objection:

- Object to proposed commercial development in front garden within a residential location.
- The setting is of substantial residential properties set back within large plots.
- Construction of a commercial enterprise so close to the front boundary will be out of keeping.
- The construction of a high acoustic wall and additional volume of vehicles likely to be using the reduced front open space will be detrimental to the character of the location.
- The proposed development does not provide any benefit to the housing stock availability or make any needed contribution to local facilities that could not be provided in more suitable locations.
- The construction will be cramped for two additional separate dwellings and there does not appear to be adequate evidence of suitable acoustic assessment to ensure that internal noise levels will be commensurate with those required for dwellings.

Ferring Conservation Group (FCC) - Objection:

- Far from enhancing its location, it would degrade it.
- Site for the building is well forward of the building line of neighbouring properties.
- Would reduce the front garden area to a narrow verge and would look completely out of place.
- Proposed use as 'guest accommodation' for Air BnB customers is even more out of place.
- Exclusively a residential area. Not an appropriate place for a holiday letting business.

4 letters objection commenting as follows:

- Out of character and incongruous with the area in conflict with policies D DM 1, DSP1 and QE SP1 of the Arun Local Plan (ALP).
- Proposal is a business venture in a residential area.
- Properties are on substantial plots. The main house which has a large rear garden can easily be extended to provide guest accommodation.
- Will create additional noise and activity separate from the main dwelling to the detriment to the adjacent properties and residential area.

1 letter of no objection/approval from close neighbour.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The material planning issues raised by the Parish Council, FCC and residents are considered in the conclusions. It should be noted that the proposals are not for the creation of two separate dwellings. The use of the building will be ancillary to the main house.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

ADC Environment Health: No objection. Conditions recommended for construction hours and noise.

WSSC Highways: The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal. Conditions recommended for car and cycle parking.

ADC Drainage Engineers: No conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

**COMMENTS ON CONSULTATION RESPONSES:**

Noted. Condition proposed by environmental health regarding noise is not reasonable as the use of the building does not require permission as incidental to the use of the main house as a C3 dwelling. Construction hours will be restricted as this is a residential area. There is no need for cycle parking as the use will not be separate nor continuous.

**POLICY CONTEXT**

Within built up area boundary.

**DEVELOPMENT PLAN POLICIES**

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

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

**POLICY COMMENTARY**

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

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal complies with relevant Development Plan policies in that there will be no materially adverse effect on local character, residential amenity, highway safety or the natural environment.

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

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

**OTHER MATERIAL CONSIDERATIONS**

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

**CONCLUSIONS****PRINCIPLE**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In the case of this application, the development plan comprises the Arun Local Plan (ALP) and the Ferring Neighbourhood Development Plan (FNDP).

Key policies include ALP: D DM1, D SP1, QE SP1, TOU SP1, TOU DM1, T SP1, T DM1, QE DM1 and the Arun Design Guide.

Ferring has a made Neighbourhood Plan with policy 1a stating that proposals for development located inside the built-up area boundary will be supported, provided they are suited to an urban setting, and

they accord with the provisions of the Neighbourhood Plan and with other relevant development plan policies.

#### DESIGN AND VISUAL AMENITY

Policies D SP1 and D DM1 of the ALP require that development makes the best possible use of land by reflecting or improving on the character of the site/surrounding area. The ADC Design Guide states 'Development should take care not to disrupt the existing composition of the street in terms of rhythm or building line. New development should generally reflect the scale of existing buildings.' In this case the building will be largely screened from public view due to the evergreen screening to the front of the property. As a result, the experience of this building from the public realm will not be significant enough to warrant refusal in terms of its impact on the character and appearance of the area.

Furthermore in the recent appeal decision for a detached garage to the front of 162 Littlehampton Road, (FG/130/21/HH), APP/C3810/D/21/3286028) the Inspector in allowing the appeal and granting planning permission did not object to the principle of a new building within the front garden of the property in terms of its impact on local character. This was due to the fact that it was not part of the Council's case at the appeal following a delegated refusal. The only matter for refusal was residential amenity and it was only this issue that the Inspector considered.

The existing front boundary is a low brick wall with hedge behind. The proposals include the erection of 2.5m high fencing and gates to the front boundary. The fencing will have landscaping in front, neither will appear out of place in this setting.

Whilst the roof of the structure will be partially visible from the road the building as a whole will not be easily perceived from outside the site or result in significant harm to the street scene and will not conflict with policies D DM1, D SP1, QE SP1 of the ALP and 1a of the Ferring NP.

#### RESIDENTIAL AMENITY

D DM1 requires there be minimal impact to users/occupiers of nearby property and land. 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. QE DM1 states new noise generating development should demonstrate there are no suitable alternative locations for the development and provide a noise report.

Located towards the middle section of the front garden and well away from neighbouring properties, the building will not have a detrimental impact on the amenities of neighbours by way of overlooking/overshadowing or be overbearing.

The Arun Design Guide states developments should protect neighbouring amenity in terms of privacy and overshadowing. The proposal is in accord with these criteria.

The sporadic use of two small double bedrooms for tourist accommodation will not result in a loss of amenity to neighbouring occupiers. Comings and goings will be of a similar nature to those already on site and would be experienced against the backdrop of the traffic noise from the A259 and the existing activity generated by a large, detached family house. The front is already used for parking.

Construction noise will be restricted by an appropriate condition to ensure that noise levels are acceptable to neighbouring occupiers.

The development will result in no adverse overbearing, overlooking, or overshadowing, and does not conflict with policies D DM1 or QE DM1 of the Arun Local Plan and the Arun Design Guide.

#### TOURIST ACCOMMODATION

The new building is intended to be used as guest accommodation managed by the applicants. The applicants advise that the guest accommodation will be ancillary to the use of the main house and no subdivision of the plot is proposed. The proposed layout shows a bedroom, storage and wc/shower. No sitting or cooking areas are proposed.

Policy TOU SP1 encourages sustainable tourism development and supports proposals for development, including expansion, which are likely to attract visitors provided that it meets certain criteria. That includes that the site is in an accessible location and achieves good design. The site is within walking distance to local amenities in Ferring village centre and nearer to the ASDA superstore. It is relatively close to a railway station and is served by a local/regional bus service.

The development would support tourism by providing a vital contribution to the small-scale tourist accommodation provision in the district, providing the opportunities for sustainable tourism. The proposal would provide a sustainable small-scale tourism unit located within the curtilage of an existing dwelling and would not conflict with policies TOU SP1 and TOU DM1 of the ALP.

#### TRANSPORT AND PARKING

The application site is in a relatively accessible location less than 1km from shops, restaurants and services in Ferring village to the south. Goring-by-Sea railway station is around 1.5km away. Westbound bus services stop on the A259 and are close by. There are cycle routes nearby.

No objection from WSCC Highways has been received.

The proposal includes 2 car parking spaces and there remains sufficient space on site for parking spaces to serve the existing dwelling (3 are indicated). No change to the existing driveway is proposed.

Two sets of electronically operated gates are proposed, one for each of the existing vehicular access points. Internally the site will be organised so that visitors and residents will enter the site at the west entrance and exit the site via the east access drive. The westerly access point will have the gates set back, allowing a car to pull in clear of the highway in front of the gates.

A condition is proposed restricting the use of the building to tourism/ancillary to the main dwelling and to require the parking spaces to be retained. The proposals will not conflict with policy T SP1 of the ALP.

#### TREES, HEDGES, BOUNDARY TREATMENT AND LANDSCAPING

The application form states no trees are to be felled. There are trees on the east and west boundaries of the site. There is an existing established hedge and mature planting on the front boundary which acts as important screening. Fencing is also proposed to provide acoustic screening

These are important elements that will be strictly controlled by the imposition of a suitably worded condition so that the proposal will not conflict with policies D DM1 or ENV DM4.

#### ADAPTING TO CLIMATE CHANGE

ECC SP2 requires all new commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires new development be designed to adapt to impacts arising from climate change. The application shows solar panels on the roof on the new building. A condition will be imposed to secure the details of the solar panels.

#### BIODIVERSITY

National Planning Policy indicates that developments should aim to maintain and enhance, restore or add to biodiversity and geological resources of the area. Biodiversity Net Gain is an important aspect of

ALP policy ENV DM5 and the NPPF.

ENV DM5 states that development shall seek to achieve a net gain in biodiversity and protect existing habitats on site.

The application is silent in regard to Biodiversity Net Gain and so in this instance it is appropriate to impose a condition so that the proposal is in accordance with policy ENV DM5.

#### SUMMARY

For the reasons given above the proposed development is not in conflict with relevant plan policies and is recommended for approval subject to the following conditions.

#### HUMAN RIGHTS ACT

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

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

#### DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

#### CIL DETAILS

This application is not CIL Liable, no developer contributions towards infrastructure will be required.

#### RECOMMENDATION

##### APPROVE CONDITIONALLY

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

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

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

- Location Plan
- Existing Site Plan
- Proposed Floor Plan
- Proposed Elevations
- Proposed Site 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 No part of the development shall be first occupied until the car parking spaces have 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.

- 4 Notwithstanding the provision of Part C, Class C3 Dwelling House to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any order revoking or re-enacting that order), the annex hereby approved shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order, without the prior permission of the Local Planning Authority. The property shall not be occupied by any persons for a total period exceeding 28 days. The owner shall maintain a register of occupiers for each calendar year which shall include:

- 1) The full names, occupation, permanent address and contact telephone numbers of all of the person(s) occupying the premises; and
- 2) The start and end date of the stay and the purpose of the stay. It shall be made available for inspection by the Local Planning Authority at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.

Reason: To ensure satisfactory management of the accommodation in accordance with policy TOU DM1 of the Arun Local Plan.

- 5 No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no 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.

- 6 No development above damp-proof course (DPC) level shall take place unless and until the applicant has submitted a scheme for approval in writing by the Local Planning Authority to demonstrate a Biodiversity Enhancement Layout, providing details and locations of the enhancement measures. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with the ALP policy ENV DM5 and relevant paragraph of the NPPF.

- 7 No development above damp-proof course (DPC) level shall take place unless and until the applicant has submitted a scheme for approval in writing by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and incorporate decentralised,



renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of any part of the building and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

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

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

**FG/170/22/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/176/22/RES

LOCATION: Land West of Fontwell Avenue  
Eastergate

PROPOSAL: Approval of reserved matters following outline consent BN/147/21/OUT for 7 No dwellings with associated landscaping and infrastructure. This application also lies within the parish of Aldingbourne and is in CIL Zone 3 and is CIL Liable as new dwellings.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION Approval of reserved matters is sought following approval of outline application BN/147/21/OUT. The proposed scheme comprises 7 dwellings, 16 parking spaces, landscaping and a vehicular access running to the north to Fontwell Avenue. The reserved matters for which approval is sought are appearance, landscaping, layout and scale. Detailed approval for access was sought and granted at outline stage.

The proposed dwellings are all two storey 3 bedroom houses arranged in a terrace of three, a semi-detached pair and two detached dwellings. Each property has a rear garden and allocated parking with footpaths providing access to the front door of each house. The central area of the site would include areas of hardstanding, parking and soft landscaping.

The detached houses are of the same style with a tiled gable roof and a ground floor projecting bay window. The semi-detached pair and the terrace include barn hipped roofs.

SITE AREA 0.38 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 18 dwellings per hectare.

TOPOGRAPHY Predominantly flat but there is a high point of approx. 16.8m AOD (Above Ordnance Datum) in the north western corner and the eastern and southern boundaries are between 16-16.2m AOD resulting in a slope across the site.

TREES The application does not propose to fell any trees but does seek to remove a 5m section of a mixed species ornamental hedge and a 2m section of a Beech hedge. Existing trees to the south-eastern, south-western and north-eastern boundaries which form part of longer 'runs' of trees are all being retained.

BOUNDARY TREATMENT Mixed including post & rail/post & wire, timber fencing (to the Northfield Farmhouse driveway) and 2m high hedging.

SITE CHARACTERISTICS	The site comprises land associated with 1 Northfields Farm Cottages and includes areas of grass, a manege, hardstanding & car parking, stables and other barns/outbuildings. The site is presently accessed from Northfield Farmhouse's driveway which is a private road serving 4 dwellings.
CHARACTER OF LOCALITY	Rural in character with few neighbouring residential properties although new housing has recently been built on land to the immediate north and approved to the northwest. To the immediate east are nos. 1 & 2 Northfield Cottages. Beyond these on the opposite side of Fontwell Avenue there is a mix of open land and dwellings.

<b>RELEVANT SITE HISTORY</b>
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BN/47/22/NMA	Non material amendment following the grant of BN/147/21/OUT for the variation to wording of conditions concerning condition 3-providing Phasing Plan, 9-boundary treatment,10-details of materials and 20-renewable energy.	Approve 03-05-22
BN/181/22/PL	Erection of 4 No dwellings with associated landscaping and infrastructure. This application also lies within the parish of Aldingbourne, is a Departure from the Deveolpment Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.	
BN/147/21/OUT	Outline application with all matters reserved (except access) for the erection of up to 8 No. dwellings. This application also lies within the parish of Aldingbourne. This application is a Departure from the Development Plan.	ApproveConditionally 03-03-22

BN/147/21/OUT was granted in March 2022 and approved the principle of 8 dwellings and the access arrangements from Fontwell Avenue.

<b>REPRESENTATIONS</b>
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Barnham and Eastergate Parish Council (BEPC) object - the design of the properties does not align with the BEPC Design Guide which should be taken into consideration.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

These matters are considered in the conclusions section.

CONSULTATIONS
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**CONSULTATION RESPONSES RECEIVED:**

ADC DRAINAGE ENGINEERS - do not object to this application and request no further information at this stage.

WSCC HIGHWAYS - no objection subject to conditions securing implementation of parking spaces, cycle parking and details of construction traffic and parking.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions.

COUNCILS ARCHAEOLOGIST - the mitigation of the effects of the development on any archaeological interest that the site may contain should be secured through the fulfilment of the requirements of Condition 12 on permission BN/147/21/OUT.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted and will be addressed in conclusions section. Conditions relating to drainage, environmental health and highways matters will be dealt with via conditions imposed on BN/147/21/OUT.

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HSP1	HSP1 Housing allocation the housing requirement
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

<a href="#">Barnham &amp; Eastergate Neighbourhood Plan 2014 POLICY ES1</a>	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA1	Connection to sustainable transport
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H1	Specific site allocation
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H3	Housing mix
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings

**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.

**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 does not conflict with relevant Development Plan policies.

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

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

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

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

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

(c) any other material considerations.

#### **OTHER MATERIAL CONSIDERATIONS**

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

#### **CONCLUSIONS**

##### **PRINCIPLE:**

The principle of development for the erection of the 8 dwellings was established at outline stage with the approval of application BN/147/21/OUT and a number of detailed considerations will be assessed under separate discharge of condition applications.

The issues of consideration for this reserved matters application are the proposed development layout, the scale and appearance of the proposed dwellings, landscaping and trees, residential amenity, internal and external space standards and parking.

##### **LAYOUT, APPEARANCE AND SCALE:**

Arun Local Plan (ALP) policies D DM1, D SP1 and LAN DM1 are all relevant in respect of design and character.

Barnham & Eastergate Neighbourhood Plan (BENP) Policy ES5 (Quality of design), ES6 (contribution to local character), H4 (Integration of new housing into surroundings) and H6 (Attention to detail) are relevant and set out requirements for high quality design, and development of an appropriate density that reflects the design and character of surroundings.

The Arun Design Guide (ADG) was adopted as a formal supplementary planning document in January 2021. Sections G, H & J are relevant. The density of the scheme has been agreed by the outline which approved 8 dwellings on a site of 0.38 Hectares (21 DPH), the application proposal is for 7 dwellings (18 DPH), which is less than that which was approved at outline. The ADG requires buildings and spaces be carefully arranged and take priority over roads and car parking so that highways do not dominate. New development should respond to the surrounding pattern of buildings in terms of block sizes and patterns of plot division in order to create a natural extension to existing development. Open spaces should be clearly integrated in the scheme and be safe & accessible for all users. New development must ensure the existing character and sense of place of an area is respected and enhanced.

The National Planning Policy Framework (NPPF) and other supporting national guidance emphasises high quality design, respecting character, creating a sense of place, safety, accessibility, inclusivity and striving for beauty. It states, "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local

design guidance and supplementary planning documents such as design guides and codes."

The proposed layout includes 7 dwellings set around a central parking area and vehicle access route, in addition to areas of soft landscaping. The dwellings are all two storey and set within a terrace of three, a semi-detached pair and two detached dwellings. The dwellings are of traditional design/form and finished in a mixture of facing red brickwork, white painted brick, plain red and grey tiles, white UPVC windows and doors and a GRP canopy.

The surrounding area is mixed in character and includes a range of property styles and forms, varying from detached bungalows to two storey detached houses and blocks of flats finished in various materials and styles. The nearest dwelling to the application site, Northfield Cottages is a two storey property finished in painted rough render with sections of catslide roof and half dormer windows to either sides elevation.

The site directly to the north of the application site has permission (ref. BN/50/20/PL) for 42 dwellings and is currently under construction. The dwellings within the site to the north comprise a mixture of detached, semi-detached, terraces and an apartment building, all of which are two storey and of similar size, style and form to the dwellings proposed within this application.

The proposed dwellings are considered to be of an appropriate layout, scale, and appearance for the site and the surrounding area, in accordance with ALP policies D DM1, D SP1 and LAN DM1, and BENP policies ES5, ES6, H4 and H6.

#### LANDSCAPING & TREES:

ALP policy D DM1 states development is expected to incorporate existing and new tree planting as an integral part of proposals. Policy LAN DM1 requires development respects the characteristics & natural features of the relevant landscape character areas and aim to reinforce or repair the character of those areas. Policy D SP1 requires development proposals reflect the characteristics of the site and local area in their landscaping.

BENP Policy ES10 requires that development avoids damage to trees, hedgerows of arboricultural and amenity value.

ALP policy ENV DM4 requires that trees that contribute to local amenity are not damaged or felled unless the development meets the following criteria:

- a. tree loss is in the interests of good arboricultural practice.
- b. tree loss would enhance the survival & growth prospects of other protected trees; and
- c. the benefits outweigh the loss of trees or woodland, especially ancient woodland.

BENP Policy VE3 requires that trees and hedgerows contributing to local amenity be protected and retained wherever possible.

The application includes specifications of the proposed hard and soft landscaping. The proposals are considered appropriate for the location and setting and include species with all year interest as well as a mix of native and ornamental species. The proposal will add instant green impact that will develop as the site matures. The Councils Landscape Officer raises no objections in respect of landscape impact. The proposed landscaping is therefore appropriate.

No trees would be felled to make way for the proposed development and all trees to the eastern boundary alongside the Fontwell Avenue would be retained. The proposals require the removal of an ornamental hedge of limited value and a small section of beech hedge, neither of which provide significant connectivity or contributions to visual amenity.



The removal of the areas of hedge will be compensated via the provision of new trees and native shrubs.

The proposed buildings would not encroach into the root protection areas (RPAs) of the adjacent trees, however the access footpaths to dwellings 2-6 and a portion of the vehicular access would be constructed within RPAs. Tree protection areas, no dig zones, manual excavation and retention of existing ground levels are proposed along sections of the eastern and western boundaries of the site to ensure the trees would not be harmed as a result of the development.

The Arboriculture Officer has been consulted and has not yet provided comments on the application. However, any concerns can be addressed when discharging condition number 9 of BN/147/21/OUT.

It is recommended that compliance with the submitted tree protection strategy and tree protection drawing be secured by planning condition.

#### OTHER MATTERS:

##### Residential Amenity

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP 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 Council has an adopted Design Guide which sets out guidance on interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other; and
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping. There are no standards given for either side to side or front to back.

All relationships between proposed/existing and between proposed dwellings are as above and will ensure a high standard of amenity for existing and future users, in accordance with ALP policies D DM1, QE SP1.

##### Internal & External Space Standards

As per ALP policy D DM2, it is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if buildings will be suitable for residential use. The applicant provided an accommodation schedule which demonstrates that all of the dwellings exceed the required amount of internal space:

- Plots 2-6: 104sqm vs 93sqm requirement;
- Plots 1/7: 106sqm vs 93sqm requirement;

The Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth; and
- Private Front Garden: min. 2m depth.

The majority of front gardens exceed 2m and the majority of rear gardens to new plots exceed 10.5m. The exceptions are plot 4 (10.3m) and plot 6 (10.4m). These minor deficiencies are acceptable as the Design Guidance allows for a flexible approach.

On this basis the scheme provides a good standard of amenity for future occupiers, in accordance with Policy D DM2 of the ALP.

#### Parking

In line with Arun District Council's Parking Standards, the development will be provided with a total of 16 vehicle parking spaces, including 2 visitor spaces. Safe and secure bicycle parking provision for 2 cycle spaces per dwelling is made within sheds in the rear of each garden. Condition 10(2) of BN/147/21/OUT requires that 5% of parking needs to be suitable for disabled persons.

WSCC have raised no objections to the proposed application.

The proposal therefore accords with ALP policies T SP1 & T DM1 and the Arun Parking Standards SPD and policies GA1 and GA2 of the BENP

#### SUMMARY:

The proposed development proposes an appropriate layout with sufficient spacing between proposed dwellings. The proposed dwellings are of acceptable designs that are in keeping with the character and appearance of the locality. The proposed landscaping scheme is also acceptable and will provide a number of measures to ensure biodiversity net gain.

The total number of parking spaces proposed complies with the Arun parking guidance.

Approval is therefore recommended subject to the following conditions.

<b>HUMAN RIGHTS ACT</b>
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#### 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.

<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 is a CIL Liable development. It is in Zone 3 and a CIL amount of £116,702.76 is payable unless the applicant applies for exemption subject to the requirements of the CIL Regulations 2010 (as amended).

As there is a Neighbourhood Plan, the Parish Council will receive 25% of this money (£29,175.69) subject to whether any relief is claimed.

**RECOMMENDATION****APPROVE CONDITIONALLY**

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

Location Plan 22065-pl-2-01  
 Site Layout 22065-pl-2-02 reva  
 Site Layout tenure 22065-pl-2-03  
 Site Layout bedrooms 22065-pl-2-04  
 Site Layout building materials 22065-pl-2-05 reva  
 Site Layout boundary materials 22065-pl-2-06 reva  
 Site Layout parking and bins 22065-pl-2-07 reva  
 Site Layout building heights 22065-pl-2-08  
 Levels Layout 7 units 108.5012-601  
 Cycle Storage specs  
 Indicative Street Scenes 22065-pl-5-01  
 Private Lighting Design sheet 1 of 1 revr0  
 Tree Constraints Plan Ild2494-arb-dwg-001 rev01  
 Tree Retention and Protection Plan Ild2494-arb-dwg-002 rev04  
 Combined Landscape Proposals Plan dd594I03  
 Combined Hard and Soft Landscape Plan dd594I01 reva  
 Floor Plans, Elevations, Roof Plan 3bc-3bed-terraced 22065-pl-ht-3bc-02  
 Floor Plans, Elevations, Roof Plan 3bc-3bed-semi detached 22065-pl-ht-3bc-01  
 Floor Plans, Elevations, Roof Plan 3bby-3bed-detached v2 22065-pl-ht-3bby-02  
 Floor Plans, Elevations, Roof Plan 3bby-3bed-detached 22065-pl-ht-3bby  
 Written Scheme of Investigation (wsi) for an Archaeological Evaluation (phase 1)  
 Site Investigation Report Incorporating a Desk Study and Remedial Proposals  
 Landscape Management Plan  
 Assessment & Mitigation of Traffic Noise  
 Outdoor Lighting Report  
 Ecological Impact Assessment  
 Ecology, Tree Protection Fencing, Site Preparation and Clearance and Habitat Management and Enhancement  
 Materials Schedule  
 Arboricultural Impact Assessment and Method Statement 03

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

- 2 All activity at the site is to be carried out in strict accordance with the 'ARBORICULTURAL IMPACT ASSESSMENT AND METHOD STATEMENT' (January 22) by Lizard Landscape Design and Ecology.

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 within the root protection areas are commenced on site.

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

- 3 No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 5 Prior to occupation of any of the dwellings, the applicant/developer shall submit a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of any of the dwellings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

- 6 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.

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

- 7 All bathroom and toilet windows in the elevations of any of the buildings shall be obscurely glazed and fixed shut below 1.7m from finished floor level and permanently retained so thereafter.

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

8 The bedroom window on the northern flank of plot 2 hereby approved shall be obscurely glazed and fixed shut below 1.7m from finished floor level and permanently retained so thereafter.

Reason: To protect the amenities and privacy of the existing chalet bungalow to the south of the site in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

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

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

10 **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.

11 **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.

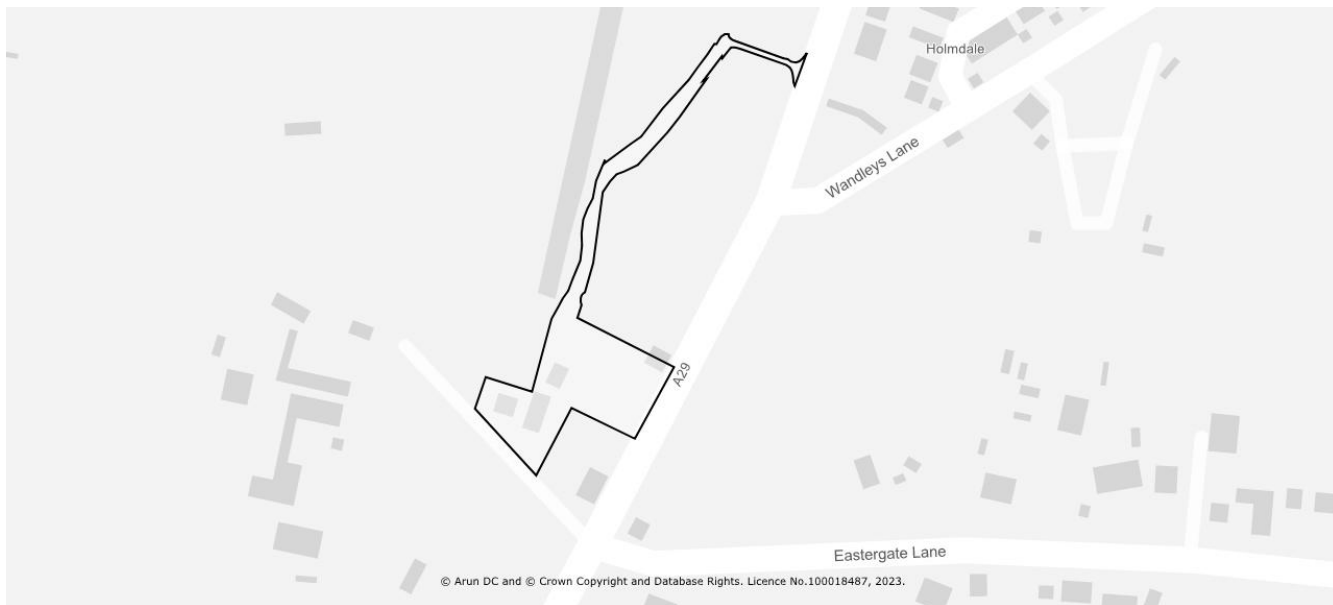
12 **INFORMATIVE:** The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed waiting restrictions. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.

13 **INFORMATIVE:** This permission does not formally discharge any of the drainage conditions imposed on the Outline planning permission.

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

**BN/176/22/RES - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

**REF NO:** BE/152/22/PL

**LOCATION:** 40-54 Maple Gardens and  
1-9 Sycamore Road  
Bersted  
PO22 9LB

**PROPOSAL:** Application under Regulation 3 of the Town and Country Planning (General Regulations) 1992 for the removal of existing timber cladding and installation of new Hardie Plank cement board product to match existing in appearance, windows currently set into the clad areas will also be replaced with new windows on a like for like basis and existing rainwater goods will also be replaced on a like for like basis. This site is in CIL Zone 4 (Zero Rated) as other development.

**SITE AND SURROUNDINGS**

<b>DESCRIPTION OF APPLICATION</b>	This application seeks permission under Regulation 3 of the Town and Country Planning (General Regulations) 1992 for the removal of timber cladding and the installation of new Hardie Plank cement board to match the existing, windows currently set into the clad areas will be replaced with new windows on a like for like basis as will rainwater goods.
<b>SITE CHARACTERISTICS</b>	Dwellings.
<b>CHARACTER OF LOCALITY</b>	Residential.

**REPRESENTATIONS**

Bersted Parish Council - No Objection. Ask that the work combines upgrading the EPC rating on these properties.

No representations received from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted. No details of upgrading of energy performance have been sent, or are required.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

ADC Estates Manager - No response.

**COMMENTS ON CONSULTATION RESPONSES:**

None.

## POLICY CONTEXT

Built Up Area Boundary  
CIL Charging Zone 4

### DEVELOPMENT PLAN POLICIES

#### Arun Local Plan 2011 - 2031:

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

Bersted Neighbourhood Plan 2014 Policy ES1      Design of new development

### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

### SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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## POLICY COMMENTARY

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

The relevant Bersted Neighbourhood Plan policies have been taken in to account.

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that the replacement components, on a like for like basis, would not harm the character of the area or residential amenity and would conform with development plan policies.

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

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

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



## OTHER MATERIAL CONSIDERATIONS

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

## CONCLUSIONS

### PRINCIPLE

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

Bersted has a 'made' Neighbourhood Development Plan, of which policy ES1 is relevant. This policy is concerned with the design of new development and states that new development which would have an effect on the appearance or character of the surrounding area should be of a high-quality design and should contribute to local character by creating a sense of place appropriate to its location.

### DESIGN AND VISUAL AMENITY

The works will be to all elevations of both residential complexes, and visible from the public realm.

The works include the replacement of cladding to the second floor of both buildings with Hardie Plank VL range board cladding. This will match the existing configuration and the cladding is to be chestnut brown, which will be slightly different in shade to the existing reddish-brown timber cladding. This change will be of minimal impact to visual amenity, and will be an improvement on the existing cladding, which is in a state of deterioration. It will retain the character of the buildings, along with the character of the area, and have a minor impact on the visual appearance of the estate. The works cause no harm to the composition or appearance of the locality.

The works include the replacement of windows and rainwater goods in this 'cladding zone', which will be on a like for like basis. These replacements are acceptable and will have an insignificant impact on the appearance of both buildings, and the character of the area.

The proposal will be subservient to the design of the host buildings. Despite Hardie Plank cladding differing to the existing timber cladding, it is a suitable alternative and will have minimal intrusion on visual amenity. The proposal is appropriate in terms of scale and massing for its context and will not be dominant or obtrusive to the main buildings. The works accord with policy D DM1 and D DM4 of the Arun Local Plan and ES1 of the Neighbourhood Development Plan.

### RESIDENTIAL AMENITY

As the alterations do not result in any change to the footprint or height of the buildings, the proposal will have no adverse overbearing or overshadowing impact on neighbouring properties. The works comply with D DM4 and will not result in any harm to residential amenity.

The location of the windows and doors are retained, with the works primarily concerned with the cladding of external walls. All windows in the 'cladding zone' will be replaced on a like for like basis, with no change to their scale or location. There will be no increase in the overlooking of neighbouring properties than already present.

The Arun Design Guide states developments should protect neighbouring amenity in terms of privacy and overshadowing, consider the positioning of neighbouring buildings and respond to existing elevations through the size and positioning of doors and windows. The proposal accords with these criteria.

The proposal poses minimal impact to residential amenity and is in accord with D DM1 and D DM4 of the Arun Local Plan, and the Arun Design Guide.

**SUMMARY**

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

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**CIL DETAILS**

This application is not CIL Liable.

**RECOMMENDATION**

**APPROVE CONDITIONALLY**

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

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

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

- Block Plan
- Location Plan PL/01
- 1-9 Sycamore Road Proposed Elevations, Roof Plan PL/02

- 40-54 Maple Gardens Proposed Elevations, Roof Plan PL/03

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

- 3 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)

**BE/152/22/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:** A/257/22/RES

**LOCATION:** Land junction with Heathfield/Downs Way  
East Preston  
BN16 1AB

**PROPOSAL:** Approval of reserved matters following outline consent A/46/21/OUT for 2 No dwellings including details of the access, appearance, landscaping, layout, and scale. This application is in CIL Zone 4 and is CIL Liable as new dwellings.

<b>SITE AND SURROUNDINGS</b>
------------------------------

<b>DESCRIPTION OF APPLICATION</b>	<p>Permission is sought for the approval of the reserved matters (layout, scale, appearance, access and landscaping) for the erection of 2 semi-detached dwellings. Outline permission was granted on appeal on A/46/21/OUT for a set of semi-detached 1.5 storey properties with all matters reserved. Indicative plans were submitted as part of the outline application.</p> <p>The dwellings are to be orientated at right-angle to each other with Plot 1 fronting Heathfield and Plot 2 fronting Downs Way. Although one of the properties is 300mm longer than the other, they are of a similar design. They measure 10m by 6.5m and consist of a kitchen/dining area and lounge to the ground floor and 3 bedroom to the first floor.</p> <p>The choice of material reflects the local vernacular, consisting of brick finish to the ground and render/tile hanging to the first floor with a low pitched, tiled roof.</p>
<b>SITE AREA</b>	1353 sqm.
<b>RESIDENTIAL DEVELOPMENT DENSITY</b>	15 dwellings per hectare.
<b>TOPOGRAPHY</b>	Predominantly flat.
<b>TREES</b>	Some trees are to be felled and some will be retained. Those to be felled are of low amenity value.
<b>BOUNDARY TREATMENT</b>	Open boundaries to the site.
<b>SITE CHARACTERISTICS</b>	An open grassed area of informal open space.
<b>CHARACTER OF LOCALITY</b>	A residential area comprising mainly detached and semi detached bungalows.

<b>RELEVANT SITE HISTORY</b>
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A/46/21/OUT	Outline application with all matters reserved for the erection of a pair of one and a half storey semi-detached	Refused 05-05-21
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dwellings with vehicular access, private amenity space & landscaping.

**Appeal: Allowed+Conditions  
21-04-22**

Application A/46/21/OUT was granted on appeal. The Inspector raised three main issues, those being effect on the character and appearance of the area, health and wellbeing of local residents and biodiversity.

The outline provided indicative plans showing 2 x 1.5 storey semi-detached dwellings. The Inspector noted that the indicative plans (due to the inclusion of half-hipped roofs and front dormers) were not reflective of the area, although the provision of housing on the plot did not harm the character and appearance of the estate. He saw that 'The estate is comprised of semi-detached bungalows, a small number of detached bungalows built in a similar style and terraces of homogeneous two storey houses.'

The Inspector also gave very little weight to the loss of the green space, as it is not included as an open green space in the neighbourhood plan and there are other much larger and more appropriate recreation grounds to be found nearby. Furthermore, as a result of the ecological appraisal indicating its low value and Local Plan policy requiring a net gain to be achieved, no objection in terms of loss of biodiversity on site was made.

Issues surrounding character and appearance, layout, scale, landscaping and access to the proposed development are considered within the conclusions of the report.

## **REPRESENTATIONS**

Angmering Parish Council - Objection on the following grounds:

- Unacceptable loss of trees/green space amenity to the detriment of residents and street scene.
- Green area is an integral design feature of Downs Way when originally constructed.
- Conflicts with the Angmering Neighbourhood Plan Policies HD5 and HD6.

7 Objections:

- There is already too much traffic using Downs Way.
- Detrimental to pedestrians and cyclists as it will reduce sight lines.
- Loss of mature trees.
- It is taking away a piece of green land that children play on.
- Will not conserve natural resources and biodiversity.
- Removal of one of the very limited numbers of green spaces available to estate is contrary to objective of providing accessible community facilities particularly to growing number of elderly local residents.
- Green spaces are beneficial to mental/physical well-being. Angmering has grown significantly in recent years.
- Adverse impact on view and outlook.
- Sets precedent for development on larger green spaces on the estate.

## **COMMENTS ON REPRESENTATIONS RECEIVED:**

The planning issues raised will be addressed in the conclusions section of this report.

## **CONSULTATIONS**

## **CONSULTATION RESPONSES RECEIVED:**

Environmental Health - No Objection.

Conditions suggested relating to noise, contamination and Construction Management Plan (CMP).

WSSC Highways - No Objection.

- Stopping Up Order would be required subject to approval of the application.
- Car parking for 4 spaces (2 per dwelling) in sufficient and in line with recommended levels.
- No turning provided on site however it is not anticipated to cause issues.
- Secure cycle stores provided in line with guidance.
- Site sustainable located.
- EV (electric vehicle) charging controlled by Building Regulations.
- 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).

ADC Engineers - No objection.

Conditions requested.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The matters concerning noise, land contamination and drainage raised by Environmental Health/Engineers are not matters relevant to this reserved matters application. A CMP condition for only 2 dwellings is not necessary.

### POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary.

WSSC Mineral Consultation Area.

### DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
QESP1	QE SP1 Quality of the Environment
DDM2	D DM2 Internal space standards
ENVDM5	ENV DM5 Development and biodiversity
ENVDM4	ENV DM4 Protection of trees

[Angmering Neighbourhood Plan 2014 POLICY HD1](#) Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

### PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

**SUPPLEMENTARY POLICY GUIDANCE:**

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

**POLICY COMMENTARY**

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

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

The relevant policies of the Angmering NP 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 the development of the site provides for two new homes which reflect the character of the area and will not significantly impact neighbouring occupiers.

**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 principle of development was accepted and agreed on appeal. This application is for the reserved matters which include layout, scale, appearance, access and landscaping. These issues will be discussed in the report conclusion below.

In this case, the key policies are D SP1, D DM1, D DM2, QE SP1, ENV DM4 and T SP1 of the Arun Local Plan (ALP) and HD 4, HD 5, HD 6, and HD 8 of the Angmering Neighbourhood Plan (ANP)

The Arun Design Guidance (Part P) has regard to infill development. It requires development to be reflective of existing building lines, existing building spacing and existing height, massing and scale of the locality.

Policy D DM1 of the ALP requires development to be of high-quality design, using appropriate materials and design features reflecting the local vernacular. This is supported by Policy HD4, HD5 and HD6 of the ANP which supports the use of materials harmonious to their immediate surroundings and requires housing layout and design to reflect high-quality design and incorporation of local design features.



## APPEARANCE

The character of the area is a mixture of rows of 2 storey terraced properties (of 3 to 4 dwelling per block) and semi-detached bungalows. The proposal is for a pair of two-storey semi-detached properties, which have been designed to reflect the appearance of other semi-detached properties in the immediate area and includes brick finish to the ground floors with render to the first floors, with vertical (ground to underside of roof) tile hung detailing. The pattern and type of fenestration matches neighbouring properties.

The properties unlike their indicative version, are not 1.5 storey and do not contain front dormers nor half hipped roofs both of which the Inspector identified as not being suited to the area. However, opposite the site and further south in close proximity are sets of terraced two storey properties which the Inspector noted as forming part of the character of the area. As such the two storey properties proposed here, with simple low pitched gable roofs, are more appropriate to their location than the indicative dwellings shown at outline stage.

Solar panels are included to the southern and western roof planes, although not part of the estates original design (given their age) retrofitted solar panels can be seen in this location.

The proposed dwellings will be built with materials and design features reflective of the local vernacular. For the reasons given above the proposed dwellings reflect the established character and appearance of the area and accords with policies D DM1, D SP1 of the ALP, policies HD4, HD5 and HD6 of the ANP and Part P of the Arun Design Guide (ADG).

## LAYOUT

The dwellings will be on a plot of amenity grass/scrub land separated from other parts of the estate by Heathfield and Downs Way. Separation gaps between elevations range between approx. 25m (to the nearest property in Heathfield) and 24m (to the nearest property in Downs Way). This is in line with Design guidance (Part H) which recommends a minimum of 21m between private habitable windows.

The dwellings take a simple rectangular form and are orientated at right-angles to each other making Plot 1 front Heathfield and Plot 2 front Downs Way. The side elevations of both properties are formed of gable-ends. Gable-ends and pitched roofs which front the highway are features of the area. The orientation of the dwellings provides for good surveillance to both street scenes as sought in Part J of the ADG.

Although an irregular, standalone piece of land, both properties have been afforded good space about them, more so than most of the other two-storey terrace dwellings in the location. Existing properties are formed of regular size/shaped plots of land, with gardens to the front and back of the properties. No significant harm arises from this as the frontages are of a similar depth to the other two-storey dwellings on the estate. As such the pattern of development when viewed from the street will retain its uniformity.

A landscape plan (No. 223149/10) has been submitted proposing a 1.8m high fence back from the edge of Downs Way to provide a more open appearance to the development as it abuts the road. The proposed fence line for Plot 2 now runs flush with the front elevation. This provides an open grass area, 6m in width to the front of the building and protects the open spacious character of the area.

As per ALP policy D DM2, it is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if buildings will be suitable for residential use. Section J.08 of the ADC Design SPD re-iterates this requirement. The proposed 3-bed, 5-person dwelling would have an internal space of 113m<sup>2</sup>, with the minimum requirement being 93m<sup>2</sup>. As such the proposed dwellings exceed the minimum standards.

Section H.04 of the ADG sets out standards for garden sizes and requires rear gardens to be a minimum of 10.5m deep and front gardens at least 2m. Plot 1 provides a rear garden with a depth of between 12m & 7.4m (due to the staggered building line and plot shape) plus a front space of 6.20m. Plot 2 provides a maximum depth of rear garden of 8.8m but supplemented with a side return of 15m and a front garden of 6.2m. There is no conflict with the ADG in this regard.

#### SCALE

Policy D DM1 and QE SP1 of the ALP requires new development to have minimal impact on users and occupiers of nearby properties and requires development to contribute positively to its surroundings. The dwellings would be on a plot of land separated by the highways network from the other housing on the estate. As such there will be no loss of light, unacceptable overbearing impacts or loss of privacy.

Unlike the outline approval indicative plans, the proposed dwellings will be a full two storeys in height. However, as their overall height, roof pitch and eaves line match the two-storey properties directly opposite and elsewhere in the immediate locality, no significant harm on the character and appearance of the area justifying refusal of the application, will arise from this difference.

The scale of the proposed dwellings reflects other two-storey dwellings in this location and the scale of the proposal therefore accords with policies D DM1 and QE SP1 of the ALP.

#### TREES/LANDSCAPING

Policy ENV DM4 requires that where there are trees on a development site, the developer shall provide a tree survey, a tree constraints plan and an arboricultural impact assessment. A tree survey has been provided, trees to be removed and retained are clearly shown on the accompanying Landscaping Plan 223149/10. The Ecological Impact assessment has indicated the tree species. The trees on site are of low amenity/ecological value and not protected by a Tree Protection Order. 8 trees will be removed prior to development. No impact assessment is necessary as they are not protected. One larger lime tree, T9, will be retained. It is proposed to replant and replace lost trees amounting to 13 in total of a native type. Therefore, a net gain in the number of trees will be made.

Wildflower planting is included to the front of the site, which will make both a gain in terms of biodiversity and improve the visual interest of the site. The remaining gardens will be laid to lawn.

The proposal therefore accords with Policy ENV DM4 of the ALP.

#### ACCESS

WSCC Highways raise no objection on highway safety grounds. The proposal is compliant with policy T SP1 which requires safe access to the highway network for any development, appropriate visibility splays have been demonstrated. Parking provision should be provided in accordance with Arun Parking Standards. A development of this size requires four parking spaces. Parking bays must meet the minimum specifications for single car bays of 2.4m x 4.8m, 2 spaces per plot. These spaces have been provided and the requirements are met.

Secure cycle parking provision, in the form of sheds is proposed. This accords with Arun Parking Standards advice which requires the provision of at least one cycle for a two-bedroom house.

Plans also indicate that electric vehicle charging will be provided, this accords with Part I of the Arun Design Guide.

The proposal therefore accords with Policy T SP1 of the ALP and Policy HD8 of the ANP.

## SUMMARY

The proposed development has satisfactorily provided details in relation to the reserved matters including layout, scale, appearance, access and landscaping. As such the proposal is recommended for approval subject to the following conditions and informatives.

### HUMAN RIGHTS ACT

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

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

### DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

### CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply) (CIL Zone 4)

### RECOMMENDATION

#### APPROVE CONDITIONALLY

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

- Location Plan 223149/07
- Proposed Block Plan 223149/08A
- Proposed Elevations 223149/04
- Proposed Floor Plans 223149/02
- Proposed North East/South East Street Scene 223149/05
- Proposed South West/North West Street Scene 223149/06
- Landscape Plan 223149/10

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with policy D DM1 of the Arun Local Plan.

- 2 Landscaping (hard and soft) shall be carried out in accordance with the details shown on plans (223149/08A & 223149/10). All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons 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 5 years from the completion of the 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 and ENV DM4 of the Arun Local Plan.

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

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

- 4 No part of the development shall be first occupied until the car parking have been constructed in accordance with the approved site plan 223149/08A. 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 policies D DM1 and T SP1 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 drawing number 223149/08A. These spaces shall be retained for their designed purpose in perpetuity.

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

- 6 No development above damp-proof course (DPC) level shall take place unless and until the applicant has provided details for approval in writing by the Local Planning Authority to demonstrate that a proportion of the energy supply of the development will be secured from decentralised & renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) or if not it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. The development shall then be implemented in accordance with the approved details and retained as operational thereafter.

Should any air source heat pumps be proposed then technical specifications from the manufacturer should be submitted along with the proposed position of any potential heat pump to demonstrate that the sound pressure level from the heat pump will not be greater than 42dBA at the facade of the nearest noise sensitive receptor.

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.

- 7 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.

- 8      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 Area Highway Manager (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.
- 9      INFORMATIVE: development must be the subject of a Stopping Up Order. This process must be successfully completed prior to any highway land being enclosed within the development. The applicant should contact the Department for Transport's National Transport Casework Team in order to commence this process:

National Transport Casework Team  
Tyneside House  
Skinnerburn Road  
Newcastle Business Park  
Newcastle upon Tyne  
NE4 7AR

<https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

- 10     Please Note: This application seeks the approval of the Reserved Matters only (appearance, layout, scale, landscaping and access). Details also included in this application submission relating to a biodiversity net gain and EV charging point as required by the Planning Inspector (Conditions 4 and 5 of A/46/21/OUT) are still required to be discharged under a separate application.

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

**A/257/22/RES - 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/253/21/OUT**

**Original Decision** = Refused

**Received:** 11-01-23

Land between 32 Downs Way and 2 Ambersham Crescent Angmering

**Decision Level** = Delegated

Outline planning application with all matters reserved for the erection of 1 No bungalow dwelling with off street parking and private amenity space.

**Written  
Representations**

**PINS Ref:** APP/C3810/W/22/3302673

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**AW/280/22/HH**

**Original Decision** = Refused

**Received:** 13-02-23

25 Oxford Drive Aldwick

**Decision Level** = Delegated

Retrospective application for installation of front fence.

**Written  
Representations**

**PINS Ref:** APP/C3810/D/23/3315157

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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/37/22/PL**

**Original Decision** = Refused

**Received:** 30-01-23

Cordell House Rest Home 120 Victoria Drive Bognor Regis

**Decision Level** = Delegated

Change of use from residential care home (Use C2) to a 10 bed House in Multiple Occupation (Sui Generis). This application is in CIL Zone 4 and is Zero Rated as other development.

**Written  
Representations**

**PINS Ref:** APP/C3810/W/22/3308028

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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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**EP/157/21/PL**

4 Beechlands Close and East of 18 Beechlands Court East Preston

**Original Decision** = Refused

**Received:** 15-11-22

**Decision Level** = Delegated

Erection of 1 No 2 bed, 3 person dwelling (resubmission following EP/69/21/PL). This site is in CIL Zone 4 and is CIL liable as new dwelling.

**Written  
Representations**

**PINS Ref:** APP/C3810/W/22/3301519

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**EP/3/22/PL**

**Original Decision** = Refused

**Received:** 10-10-22

2 The Street East Preston

**Decision Level** = Delegated

Change of use of temporary outside seating area to the rear of the restaurant to be a permanent seating area for the consumption of food and beverages for our customers to use all year round. This application is in CIL Zone 4 (Zero Rated) as other development.

**Written  
Representations**

**PINS Ref:** APP/C3810/X/22/3307441

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**FP/127/22/PL**

**Original Decision** = Refused

**Received:** 30-01-23

Flat at The Old Barn 42 Felpham Road Felpham

**Decision Level** = Delegated

Construction of boundary wall. This site is in CIL Zone 4 (Zero Rated) as other development.

**Written  
Representations**

**PINS Ref:** APP/C3810/D/22/3312037

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**LU/167/22/PL**

**Original Decision** = Refused

**Received:** 18-01-23

17 Cherry Croft Littlehampton

**Decision Level** = Delegated

Erection of new self-contained dwelling at side of existing terrace house. This application is in CIL Zone 4 and CIL Liable as a new dwelling.

**Written  
Representations**

**PINS Ref:** APP/C3810/W/22/3310478

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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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**M/48/22/PD**

**Original Decision** = Objection

**Received:** 31-01-23

48 Lane End Road Middleton on Sea

**Decision Level** = Delegated

Notification for prior approval under Schedule 2 Part 1 Class AA for the construction of one additional storey.

**Written  
Representations**



WA/2/22/OUT

*Original Decision* = Refused

*Received:* 22-11-22

Land West Of Yapton Lane Walberton

*Decision Level* = Delegated

Outline planning application with all matters reserved, other than means of access, for the construction of up to 48 dwellings (30% affordable homes) and dental/doctors' surgery (Use Class E (e)). (This application may affect the setting of a listed building & may affect the Walberton Village Conservation Area).

*Public Inquiry* 28-02-23

PINS Ref: APP/C3810/W/22/3309365

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WA/42/22/PL

*Original Decision* = Refused

*Received:* 11-01-23

Morelands Arundel Road Fontwell Arundel

*Decision Level* = Delegated

Demolition of existing dwelling and erection of 5 No. residential dwellings, associated car parking and access. (Resubmission of WA/5/22/PL). This application is in CIL Zone 2 and is CIL Liable as new dwellings.

*Written  
Representations*

PINS Ref: APP/C3810/W/22/3306960

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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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Y/176/21/PL

*Original Decision* = Refused

*Received:* 11-01-23

Bonhams Field Main Road Yapton

*Decision Level* = Delegated

Variation of condition following grant of Y/63/19/RES relating to Condition 1 - approved plans (replacement of a proposed brick wall with Iron Parkland boundary railings to match the existing railings along the site boundary). This application may affect the character & appearance of the Yapton (Main Rd) Conservation Area & may affect the setting of Listed Buildings.

*Written  
Representations*

PINS Ref: APP/C3810/W/22/3305678

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Y/60/22/PL

*Original Decision* = Refused

*Received:* 07-12-22

Longacre Maypole Lane Yapton

*Decision Level* = Delegated

Erection of 1 No detached dwelling and garage with shared access from Maypole Lane. This application is a Departure from the Development Plan and this site is in CIL Zone 3 and is CIL Liable as a new dwelling.

*Written  
Representations*

PINS Ref: APP/C3810/W/22/3308587

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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/22/3296912

<b>REPORT TO:</b>	<b>Planning Committee - 8 March 2023</b>
<b>SUBJECT:</b>	<b>Appeals Performance &amp; Cost 2022</b>
<b>LEAD OFFICER:</b>	<b>Neil Crowther, Group Head of Planning</b>
<b>LEAD MEMBER:</b>	Councillor Terence Chapman
<b>WARDS:</b>	<b>All</b>
<p><b>CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:</b>            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>	
<p><b>DIRECTORATE POLICY CONTEXT:</b>            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>	
<p><b>FINANCIAL SUMMARY:</b>            Financial implications are highlighted in the report.</p>	

## 1. PURPOSE OF REPORT

- 1.1. The report outlines the Council's performance at appeal during 2022 and outlines the costs associated with those appeals.

## 2. RECOMMENDATIONS

- 2.1 To note the Appeals Performance & Costs for 2022.

## 3. EXECUTIVE SUMMARY

- 3.1. Appeals performance for 2022 is set out in the report.

## 4. DETAIL

- 4.1 The purpose of this report is to advise Members on how the Council has performed in the calendar year of 2022 in respect of appeals. The Council has an indicator within the planning departments Business Plan that aims for 70% of all appeals being dismissed.

- 4.2 On 2 February 2022, a report to Committee reported appeal performance for the 2021 calendar year. In summary, performance for this period was as follows.

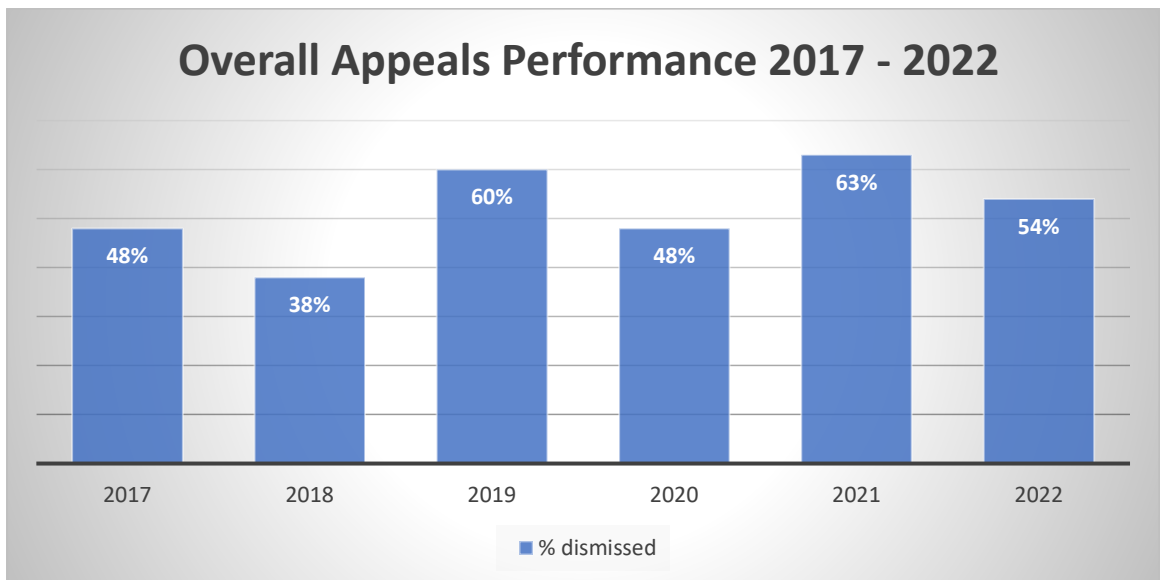
- A total of 41 appeals were determined in 2021, a decrease of 9 over that determined in 2020.

- Of these, 27 were dismissed representing a success rate for the Council of 63% of all appeals dismissed. That equated to a 15% increase in success rate over 2020.
- Of all planning appeal decisions, 76% were made in accordance with the recommendation of officers.

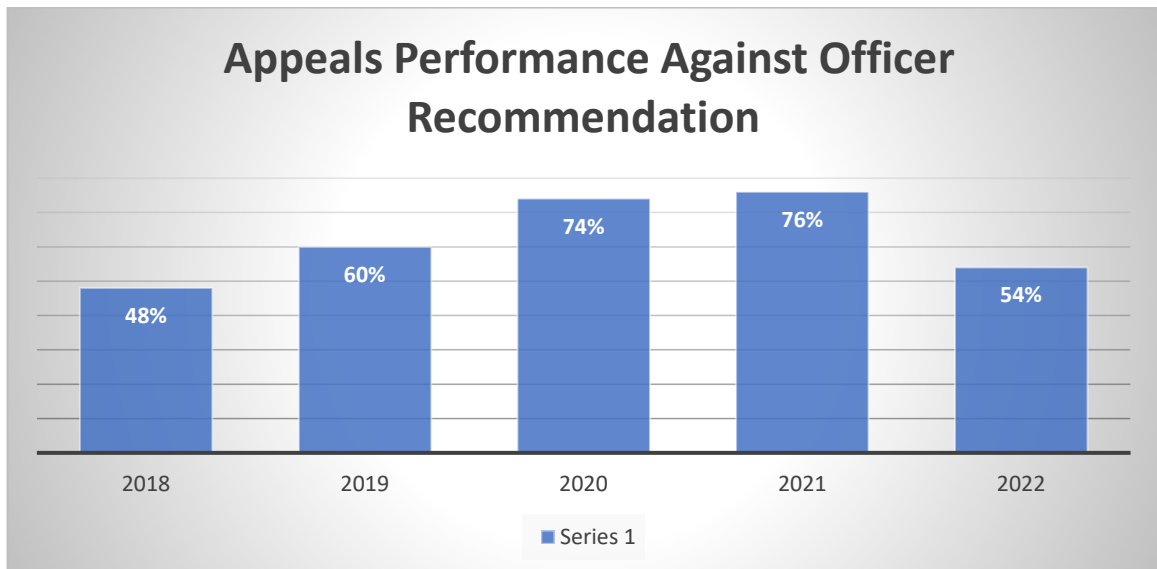
4.3 As highlighted by the recent Planning Review, appeals performance is a good indication of the quality decision making at the Council.

**ALL APPEALS**

4.4 A total of 39 appeals against decisions to refuse planning permission were determined in 2022, a decrease of 2 from 2021 and 9 fewer than 2020. Appeals workload had nearly doubled between 2019 – 2021. Of these appeals, 21 were dismissed representing a success rate for the Council of **54%** of all appeals dismissed. That equates to a 9% decrease in success rate over 2021.



4.5 Some members may be aware that a new process was implemented a few years ago whereby all refusals needed to be agreed by the Group Head of Planning. In 2018, appeal decisions in accordance with the officer recommendation was only 48%. The performance over recent years is shown in the table below.



4.6 There were no appeals arising out of a decision at Planning Committee to refuse permission contrary to the recommendation of officers in 2022 (a decrease from 13 in 2020 and 4 in 2021).

#### **WRITTEN REPRESENTATIONS**

4.7 A total of 27 appeals were determined by written representations in 2022. Overall, 16 of these appeals were dismissed. This equates to a success rate of 59% being dismissed – a decrease in performance of 9% compared to 2021 but a 10% increase on 2020.

4.8 Performance against the recommendation of officers has decreased from 78% in 2020, to 71% in 2021 and 59% in 2022.

#### **INFORMAL HEARINGS**

4.9 During 2022, there were seven Informal Hearings.

- Y/7/21/OUT (Little Meadow, Bilsham Rd)
- WA/68/20/OUT (west of Tye Lane, Walberton)
- BR/347/19/T (4 Pinewood Gardens)
- LU/417/21/OUT (north of Toddington Lane)
- F/22/21/PL (rear of Paynters Croft)
- P/178/21/OUT (west of Pagham Rd)
- FG/92/20/T (3 Lavender Court, Ferringham Lane)

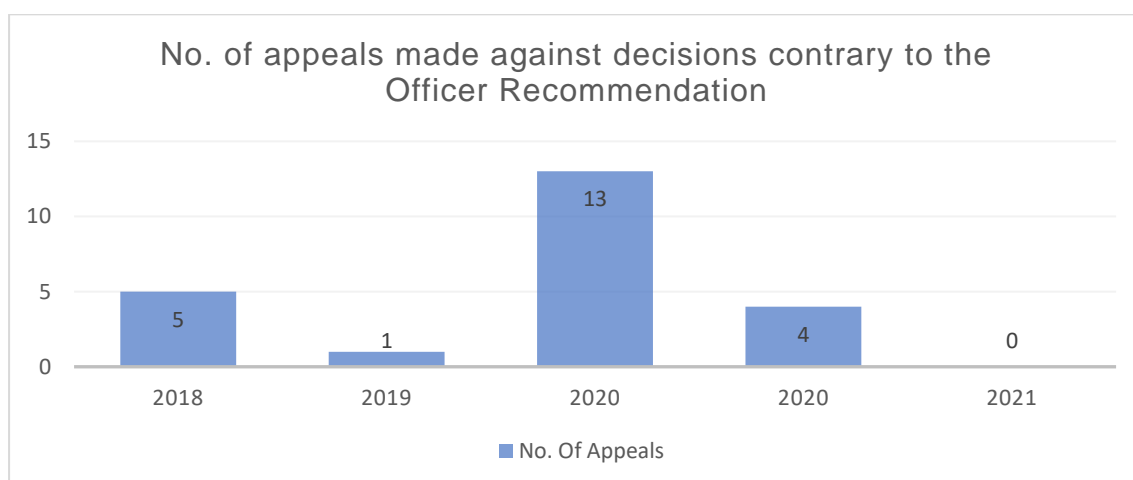
4.10 Officers defended all these appeals, and all were refusals issued under delegated authority. Three of these appeals were dismissed and four were allowed. Two of the allowed appeals were for major housing developments for 155 dwellings in Walberton and 106 dwellings in Pagham.

## **PUBLIC INQUIRIES**

- 4.11 During 2022, there were five appeal decisions received from appeals determined by way of public inquiries. This is a significant number of inquiries as there have only been four in the previous four years.
- 4.12 Only one of these appeals was able to be successfully defended (Chandlers, Angmering). The four appeals allowed at inquiry were all for further major housing proposals as were as follows.
- BN/142/20/OUT - Land south of Barnham Station – 200 dwellings
  - A/168/21/PL - Littlehampton Rd, East Preston – 76 dwellings
  - A/129/21/PL - Rustington Golf Centre - 191 dwellings
  - A/45/22/PL - Rustington Golf Centre - 167 dwellings
- 4.13 The costs associated with defending these appeals will be discussed later in the report.

## **PERFORMANCE OF PLANNING COMMITTEE**

- 4.14 In previous years, the Appeals Monitoring report has included information on appeal decisions as a result of decisions taken against officer recommendation. During 2022, there were no appeal decisions made on decisions taken contrary to the recommendation of officers.
- 4.15 The table below shows appeals workload as a result of decisions taken contrary to the recommendation of officers in recent years. The significant number during 2020 was because of a significant increase in decision taken by the new Planning Committee contrary to the officer recommendation after the last local elections in May 2019.



## **MAJOR PROPOSALS**

4.16 During 2022, there were 13 appeals classified as a ‘major’ scheme. These appeals were:

- BN/142/20/OUT - Land south of Barnham Station – 200 dwellings
- A/168/21/PL - Littlehampton Rd, East Preston – 76 dwellings
- A/129/21/PL - Rustington Golf Centre - 191 dwellings
- A/45/22/PL - Rustington Golf Centre - 167 dwellings
- BR/8/21/RES - Richmond Arms – 10 dwellings
- BE/148/20/OUT - Nursery Fields, Bersted – 225 dwellings
- Y/71/21/OUT - Little Meadow, Bilsham Rd – 73 dwellings
- WA/68/20/OUT - Tye Lane, Walberton – 155 dwellings
- A/110/21/PL - Chandlers, Angmering – 33 dwellings
- WA/32/22/PL - West Walberton Lane – 30 dwellings
- LU/417/21/OUT- Toddington Lane – 71 dwellings
- F/22/21/PL - Paynters Croft – 23 dwellings
- P/178/21/OUT - west of Pagham Rd – 106 dwellings

4.17 This number of major proposals at appeal represents a significant increase (there were only 4 appeals during 2021). As set out above, there has been a significant increase in public inquiries (mainly due to the large number of major developments at appeal) during 2022.

4.18 8 of these 13 appeals were allowed. This demonstrates how very difficult it is for Council’s to successfully defend appeal decisions for major residential development where the presumption in favour of sustainable development is triggered. Inspectors are exceptionally permissive and robust cases at appeal are often summarily dismissed and given little weight.

## **COSTS**

4.20 The costs of defending appeals during 2022, where there were costs awards, and consultants used, is set out in the table below. It should also be noted that significant officer time is also required for managing appeals workloads (even in instances where consultants are used).

<b>Site</b>	<b>Decision</b>	<b>Costs Awarded (£)</b>	<b>Consultant Costs (£)</b>	<b>Overall Cost (£)</b>
BE/109/19/PL Shripney Rd	Allowed	Yes.	£8,982	£8,982
A/168/21/PL Littlehampton Rd	Allowed	No	£40,000	£40,000
A/129/20/PL & A/45/22/PL	Allowed	No	£43,000	£43,000
A/110/21/PL Chandlers	Dismissed	No	£36,384	
BN/142/20/OUT Barnham Station	Allowed	Yes	£19,500	£19,500

<b>TOTAL</b>			<b>£ 147,776</b>	
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## **SUMMARY OF ISSUES**

4.21 Attached to this report is a summary of all the appeal decisions received in the 2022 period.

The schedule for all appeals determined in 2022 highlights the issues raised by Inspectors when making decisions. Where the Inspector has disagreed with the Council's decision to refuse and granted permission, the areas of disagreement are as follows:

- In 11 of the cases approved contrary to the decision the Inspector did not agree with the Council's position on character and appearance.
- In 3 of the cases the Inspector did not agree with the Council's position on adverse impact on living conditions of neighbours.
- In 4 of the cases the Inspector did not agree with the Council's position that the adverse impacts of the development significantly and demonstrably outweighed the benefits in accordance with the NPPF.
- In 4 of the cases the Inspector did not agree with the Council on access/location issues.
- In 1 case the Inspector did not agree that the loss of tourism accommodation was harmful.
- In 1 case the Inspector did not agree that there was a requirement for a s106 relating to affordable housing/play provision.
- In 1 case the Inspector did not agree with the Council on flooding issues.
- In 1 case the Inspector did not agree with the Council on health and well-being issues.
- In 1 case the Inspector did not agree with the Council on loss of agricultural land.
- Of the above there were 3 decisions made against officer advice where the Inspector did not agree with the Council on adverse impact on character, 2 on access/transport issues, 1 each on flooding and loss of agricultural land:

## **COSTS AWARDS AGAINST THE COUNCIL**

4.22 One significant element of appeals performance is the quality of decision making and the Council's ability to impose reasons for refusal that are reasonable and can be robustly defended.

4.23 In 2021 there were 2 applications made for costs against the Council. One for FG/142/21/PL was dismissed by the Inspector. The claim on BN/142/20/OUT was allowed on the grounds of foul water and heritage issues not being fully supported or evidenced and the Inspector allowed a partial award of costs as a result.

## **CONCLUSIONS**

4.24 When compared to 2021, the above shows that there has been a 9% decrease in the overall success rate in terms of the Council's ability to defend appeals (performance in 2020 was very poor and that improved in 2021). At a success rate of winning 54% of all appeals the Council has not met its corporate target of



winning 70% of appeals for the last 5 years. 2021, was the best year for performance in those 5 years.

4.25 Decisions made in accordance with the recommendation of officers has significantly decreased in 2022 but much of this is down to the fact that major residential schemes are now exceptionally difficult (to the extent where it is nearly impossible) to successfully defend.

4.26 This report will form the basis of informal discussions between officers and members and these discussions will consider what further training may be required for members and officers.

## **5. CONSULTATION**

5.1. None

## **6. OPTIONS / ALTERNATIVES CONSIDERED**

6.1 N/A

## **7. COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER**

7.1. None

## **8. RISK ASSESSMENT CONSIDERATIONS**

8.1. N/A

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

9.1. None

## **10. HUMAN RESOURCES IMPACT**

10.1 N/A

## **11. HEALTH & SAFETY IMPACT**

11.1. N/A

## **12. PROPERTY & ESTATES IMPACT**

12.1. None

## **13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE**

13.1. N/A

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

14.1. N/A

**15. CRIME AND DISORDER REDUCTION IMPACT**

15.1. N/A

**16. HUMAN RIGHTS IMPACT**

16.1. N/A

**17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS**

17.1. N/A

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**CONTACT OFFICER:**

Name:	Neil Crowther
Job Title:	Group Head of Planning
Contact Number:	01903 737839

**BACKGROUND DOCUMENTS:** *n/a*

	<b>Site</b>	<b>Proposal</b>	<b>Recommendation/ Decision/Appeal Decision</b>	
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1	<b>BN/142/20/OUT</b> Land S/O Barnham Station	Outline planning application with all matters reserved, other than principal means of access, for up to 200 No. dwellings, with access taken from Marshall Close, associated infrastructure & landscaping & demolition of existing buildings.	R-R-ALC  Costs – Allowed as per terms set out in Cost Decision	<p>INQ.</p> <p>The main issues in this appeal are as follows:</p> <ol style="list-style-type: none"> <li>(1) Whether the site represents a suitable location for residential development, having regard to development plan policies and the existing and planned settlement pattern;</li> <li>(2) The effect on the character and appearance of the area;</li> <li>(3) The effect on the setting of listed buildings and the Barnham Church Lane Conservation Area;</li> <li>(4) Whether the proposal makes appropriate and safe provision for linkages to local facilities or whether it would result in an over-reliance on the private car;</li> <li>(5) Whether the site can be successfully drained, in respect of both foul and surface water drainage;</li> <li>(6) Whether the proposal would make appropriate provision for affordable housing and other infrastructure; and</li> <li>(7) Whether there are any material considerations, including the housing land supply position, that would indicate a decision otherwise in accordance with the development plan.</li> </ol> <p>Due to its location there would be some modest harm to the character and appearance of the surrounding area. I find there would be no harm to the heritage significance of the listed buildings, in terms of their setting. In respect of the conservation area, the proposal would be contrary to Policies HER SP1 and HER DM3(f) of the ALP. I attach appreciable weight to the identified harm to its setting in respect of any balances in this decision. Subject to conditions, the site can be successfully drained, in respect of both foul and surface water drainage. Subject to the planning obligations that meet the relevant legal tests and various conditions, the appeal proposal would make appropriate provision for affordable housing and other infrastructure.</p> <p>In applying the required tilted balance, the various harms identified would not significantly and demonstrably outweigh the significant and comprehensive benefits, particularly those arising from boosting the supply of sustainably located housing, including new affordable homes. Overall, the proposal would amount to sustainable development for which there is a presumption in favour of in both national planning policy and at ALP Policy SD SP1.</p>
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				<p>I have found that the development, when considered as a whole, would amount to sustainable development. I have taken into account the level of local objection, including correspondence from the local MP, but the challenging circumstances around housing delivery, and the lack of a clear prospect that there will be a planned solution in Arun in the short term, means, a decision other than in accordance with the development plan and eNP2 is supported by clear material considerations in this case. Accordingly, the appeal should succeed.</p>
2	<p><b>AL/42/21/HH</b> 32 Lime Avenue</p>	<p>Erect a fence along the East Side of Boundary</p>	<p>R-R-ALC</p>	<p>WR</p> <p>The Council failed to determine the planning application within the prescribed period. Accordingly, the main issue is the effect of the proposal on the character and appearance of the area.</p> <p>During a site visit, the Inspector observed other examples of enclosing boundary walls/fencing of a similar height to that of the appeal scheme, adjacent to other corner plots within the street.</p> <p>Having regard to the existing hard boundary treatment along the side of the appeal site, and elsewhere within the road, together with the proposed retention of the frontage openness of the appeal site, the appeal scheme would comprise an appropriate form of boundary treatment in this particular location. It would not appear unduly incongruous within the street scene or harmful to the visual amenities of the locality.</p> <p>The Inspector therefore concludes that the proposal would not result in significant harm to the character and appearance of the area. In regard to other matters surrounding outlook impacts on neighbouring properties and highway safety, the Inspector concluded that the proposal would not have a materially harmful impact on these properties, nor would it be an issue to highway safety.</p>

3	<b>AW/353/20/OUT</b> 1 Cambridge Walk, Aldwick	Outline application with some matters reserved for 1 No. new dwelling	R-R-D	<p>WR</p> <p>The main issue is the effect of the proposal on the character and appearance of the area.</p> <p>The appeal site lies in a prominent corner position and makes a significant positive contribution to the intrinsic verdant and spacious character of the estate. The appeal scheme would introduce an additional dwelling onto the site in a manner which would be out of keeping with this established layout of built development. the proposal would respect the established building line onto Cambridge Walk, and that the scale and detailed design of the new building is not under consideration at this stage. However, the proposed detached nature of the new building, together with its orientation, comprising its narrow end fronting onto Cambridge Walk, would be out of keeping with the layout of the pairs of bungalows that characterise Cambridge Walk.</p> <p>Due to its proposed proximity to the northeast site boundary, the new building would be sited notably in front of the established building line onto Cambridge Drive, and the resulting narrow landscaped frontage verge would be significantly shallower than that which is characteristic of the street.</p> <p>The combined position of the building in relation to the site frontage and the loss of undeveloped soft landscaping, would result in an unduly cramped and prominent form of built development. The proposal would result in significant harm to the character and appearance of the area.</p>
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4	<b>EP/10/21/PL</b> 4 Beechlands Close, Montpelier Road	Demolition of an existing garage & erection of 2 No. 2 bed dwellings (resubmission following EP/115/20/PL)	R-R-D	<p>WR</p> <p>The main issues are:</p> <ul style="list-style-type: none"><li>• the effect of the proposal on the character and appearance of the surroundings;</li><li>• whether satisfactory living conditions would be provided for future occupiers of the proposed houses taking particular account of the proposed external amenity space and outlook and light;</li><li>• the effect of the proposed development on the living conditions of occupiers of No 4 Beechlands Close; and</li><li>• whether adequate drainage facilities would be provided.</li></ul> <p>Due to the shape of the plot the proposed houses would be at an angle to Beechlands Court with relatively small, roughly triangular, shaped garden areas to the front. the proposed layout would not create the welcoming streets and spaces sought by Part H of the Arun District Design Guide 2021 (the Design Guide).</p> <p>Garden and parking areas are good uses of land in their own right. The proposal would make use of this land but the proposal for two dwellings on this relatively small awkward shaped site would appear as cramped over development and would not provide an appropriate density on the site.</p> <p>Accordingly it would not amount to efficient use or sustainable development. For the above reasons I conclude that the proposal would not be visually attractive in terms of layout or landscaping and would not function well: it would not amount to good design.</p> <p>Neither garden would provide the appropriate size and shape sought by the Design Guide. I acknowledge that the Design Guide applies different standards in respect of the amenity space required for flats. However, that does not justify the failure to provide satisfactory amenity space for new houses where expectations of living conditions are different.</p> <p>I conclude that the appeal should be dismissed.</p>
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5	<b>BR/8/21/RES</b> Richmond Arms	Approval of reserved matters following BR/142/18/OUT for the demolition & conversion of existing public house with residential accommodation to 1st floor to form 10 No. residential flats over 3.5 storeys.	R-R-AC	<p>WR</p> <p>The Inspector found that the reserved matters had been submitted within the correct period. The Inspector also found no conflict between the outline description (demolition &amp; conversion) and the reserved matters description (demolition and new build).</p> <p>The main appeal issues were:</p> <ul style="list-style-type: none"><li>a) the effect of the proposed reserved matters details on the character and appearance of the local area, including the setting of the nearby non-designated heritage assets (signal box and pedestrian railway bridge), and</li><li>b) whether the loss of the existing building would be acceptable in heritage terms.</li></ul> <p>The Inspector found no harm to the nearby non-designated heritage assets and had no compelling reasons to consider the existing public house as a non-designated heritage asset itself. The Inspector stated:</p> <p>“.. it is my view that a larger and taller building, as proposed, would sit appropriately within the street scene. It would add visual interest to the surrounding context and because of the distances to the neighbouring development, it would not appear over dominant in relation to the surrounding buildings.”</p> <p>No costs application.</p>
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6	<b>FG/130/21/HH</b> 162 Littlehampton Road, Ferring	The erection of a double garage & garden store.	R-R-ALC	<p>WR</p> <p>The main issue is the effect of the proposed development on the living conditions of the neighbouring occupiers of 1A Ancren Close.</p> <p>The Council do not object to the principle of a new building within the front garden in terms of its impact on local character, which is a finding I concur with. They do however contend that the position and height of the new building would result in harm to the living conditions of the neighbouring occupiers at No.1A.</p> <p>Whilst the upper part of the new building would be visible from the garden and windows to No.1A, the impact on the living conditions of the occupiers of that property would not, in my judgement, be significant. I accept that there would be some overshadowing of the garden area to No.1A, but this would not be significant or sufficient to justify the refusal of planning permission. The resulting building relationships would be acceptable and similar to those commonly found in such locations. Consequently, the proposed building would not represent an overbearing or dominant feature when viewed from No.1A.</p> <p>I conclude that the appeal should be allowed.</p>
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7	<b>AW/294/21/HH</b> 59 Marlborough Court	Erection of single storey side extension, involving demolition of attached garage, single storey side extension to other side to create garage and utility room and loft conversion with 1 x rear dormer	R-R-ALC	<p>WR</p> <p>The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area.</p> <p>Within the above context, the proposed full height extension on the east elevation would not, in my judgement, result in a development that contrasts significantly with its surroundings and would not, consequently, be harmful to the street scene. Whilst I accept that the proposed extension would extend the full height to the existing ridge, the result would be an extension that sits reasonably comfortably on the host property.</p> <p>The appeal proposal would not harm the character of the area and would integrate well with the design of the existing bungalow, as well as making full use of the land available. However, the proposed full height extension would not be subservient to the host.</p> <p>Whilst I accept, however, that the lack of subservience, resulting from the full height extension, would conflict with elements of the policy and guidance, the latter should be applied flexibly and not rigidly, and should also have regard to the individual circumstances of the case including its local context, which is the approach I have adopted here.</p> <p>The appeal should be allowed.</p>
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8	BE/148/20/OUT Nursery Fields	Outline application with all matters, except for site access, reserved for the development of up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access.	R-R-ALC	<p>WR</p> <p>The main issues are</p> <ul style="list-style-type: none"> <li>• whether there is sufficient information to ascertain that the local road network would not result in severe cumulative residual effects as a result of the proposal, and if so, whether such effects would occur; and</li> <li>• whether the proposal makes appropriate provision for affordable housing and infrastructure.</li> </ul> <p>The application site forms part of one of three planned urban extensions to Greater Bognor Regis in the ALP.</p> <p>However, the Council makes the case that the Transport Assessment (including its Addendum) does not undertake a cumulative assessment of the traffic impacts of the remainder of the SD3 allocation on local highway junctions, and therefore the Council does not have sufficient information to judge whether the proposal in combination with the remainder of the SD3 allocation would have a severe residual cumulative impact.</p> <p>A Transport Assessment should not just consider the effects from committed development (as defined) but also those from adopted Local Plan allocations where they are material even if they may not be developed in the next three years. Therefore, the effects of the remainder of the SD3 allocation also need to be considered at this stage as well as the effects of this specific proposal.</p> <p>In relation to all the highway aspects of the appeal proposal, I conclude that the Transport Assessment did not appropriately consider matters and that from the evidence submitted the concerns related to the double mini-roundabouts. However, with the contribution towards enhancements of the spine road secured in the Planning Obligation the proposal would not result in any severe residual impacts. No contribution has been justified in respect of works to the A259 between Bersted and Drayton.</p> <p>In the Council's Statement of Case, it set out a list of contributions. All but two were agreed between the parties; these being those relating to the cost of the Spine Road and the A259 Bersted to Drayton improvements discussed above. In light of my conclusions on these matters I consider the contribution to the former</p>
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				<p>as secured is appropriate and I do not consider that the latter contribution is necessary.</p> <p>For the reasons given above I conclude that the appeal should be allowed.</p>
<b>9</b>	<b>FG/179/21/HH</b> 4 Florida Fields	Erection of front and rear extension, loft conversion and detached garage	R-R-ALC	<p>WR</p> <p>I conclude that the development would not result in harm to the character and appearance of the dwelling and the surrounding area. It would meet with relevant policy.</p> <p>The appellant has indicated that he would be willing to accept a condition requiring further opaque screens to protect the privacy of the occupants of 5 Florida Close. In addition to those on either flank of the balcony, the panels would wrap around the south-eastern corner and extend part of the way across the rear of the terrace. This would increase the distance between the openings of no.5 and the open section of the balcony. I am satisfied that such measures would prevent any undue overlooking into the side windows of the neighbouring house at no.5 above and over that presently experienced.</p>
	<b>A/46/21/OUT</b> Land at Downs Way	Outline application with all matters reserved for the erection of a pair of one and a half storey semi-detached dwellings with vehicular access, private amenity space & landscaping.	R-R-ALC	<p>WR</p> <p>The proposal accords with the development plan taken as a whole and would accord with its aspirations, and those within the National Planning Policy Framework, to make efficient use of land. There are no adverse impacts by way of adverse harm on the character and appearance of the area or the healthy well being of residents that would significantly or demonstrably outweigh the benefits of the scheme in terms of housing delivery. As such, the scheme would constitute a sustainable form of development.</p>

11	<b>FG/46/21/PL</b> 12A The Grove	Development of 1 no. 2 bed house set over 2 floors, with first floor being partially contained within roof, along with associated parking & amenity spaces.	R-R-D	WR The adverse impacts I have concluded from the proposed development in terms of harm to the character and appearance of the local area, as well as the lack of a satisfactory living environment for future residents and impact on the living conditions of existing neighbours would significantly and demonstrably outweigh the benefits of permitting the scheme to proceed. The proposal is not therefore sustainable development for which there is a presumption in favour.
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12	<b>Y/71/21/OUT</b> Little Meadow Bilsham Road	Outline application with access for up to 73 No. new dwellings (but retaining Oak Trees & Little Meadow dwellings), 405 sqm of new light industrial buildings as part of an enlarged employment site & Public Open Space. The existing junction of Grevatts Lane West & Bilsham Road will be closed & Grevatts Lane West diverted to a new access point to the South.	R-R-D	<p>Hearing</p> <p>The main appeal issues were:</p> <ul style="list-style-type: none"> <li>(a) Whether the proposal would result in unacceptable flood risks, with particular regard to the effects of climate change.</li> <li>(b) The effects of the proposal on highway safety.</li> <li>(c) The accessibility of the site, with particular regard to services and facilities.</li> <li>(d) The effects of the proposal upon the character and appearance of the area.</li> <li>(e) Whether the proposal would preserve or enhance heritage assets, in particular Hobbs Farmhouse, and associated curtilage buildings.</li> <li>(f) Whether the proposal would lead to an unacceptable loss of agricultural land; and</li> <li>(g) Whether the proposal makes appropriate provision for affordable housing.</li> </ul> <p>The Inspector found that there would not be any significant flood risk provided that no houses were placed in the southern part of the site. She considered that the proposed development would not have an adverse effect on highway safety. She felt that the site was sustainably located provided that the proposed off-site highway works were delivered (which include a new footpath connection to Yapton). She ruled that the proposed development would have a neutral impact on the significance of the heritage assets and considered that the scheme could deliver sufficient affordable housing.</p> <p>However, she concluded that the proposal would lead to very significant harm to the character and appearance of the countryside in this location – and would also lead to some limited harm to wider landscape character. She also felt that the proposal would conflict with the council’s soils policy</p> <p>On balance it was considered that although the benefits, particularly by way of housing provision would be substantial, the very substantial harm to the character and appearance of the area in this case would not be significantly and demonstrably outweighed by the collective benefits of the scheme.</p> <p>No costs application.</p>
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13	<b>AB/130/21/HH</b> 55 Fitzalan Road, Arundel	Erection of single storey rear extension. First floor front and rear facing dormer. Porch to front.	R-R-ALC	<p>WR</p> <p>The proposed rear extension would be single-storey, with a flat roof, extending the full width of the rear elevation virtually on the common boundary shared with No 53. Near the house, this boundary is demarcated by a high solid timber fence. Should the fence remain in place, the upper part of the extension would be seen from within No 53 and its garden, protruding over the fence by a metre or so. Alternatively, should the fence be removed, the extension's side wall would be seen, at a height of just over a metre above that of the extant fence. Given the presence of the fence, I do not consider that the added height of the extension would diminish living conditions within No 53 or in its garden.</p> <p>However, it appears that the Council's main concern lies not so much with the height of the extension, but its depth, which would be 4.0m or so. In this respect, the officer report says that a 3.0m depth would be that allowed under permitted development. Correspondence exchanged with the Council suggests that a 3.3m depth may prove acceptable, having regard to the guidance on such extensions provided in the Council's SPD. To my mind, however, the additional depth of a metre or so over and above that which the Council would appear to deem appropriate would make no material difference to No 53's living conditions. It certainly would not have an overbearing effect as implied by the Council, given the current boundary treatment. It seems to me that the Council has given insufficient weight to the presence and effects of the existing fence in its determination.</p> <p>The proposed rear extension would not harm residents by reason of its visual impact, outlook or effect on light.</p>
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14	<b>AW/30/21/T</b> 55 Christchurch Crescent	3 No. Corsican Pine trees - Crown reduction	R-R-D	<p>WR</p> <p>The main issues are: the effect of the pruning of the three pine trees on the character and appearance of the area; and whether sufficient justification has been demonstrated for the proposed works.</p> <p>The trees are large and mature specimens that are prominent and important in the landscape. They also form part of a wider group of mature pines. A crown reduction would result in significant harm to the character and appearance of the area, not be beneficial in terms of the trees health or longevity and there is no overriding justification relating to the stability of the trees. Insufficient justification has been demonstrated for the proposed works.</p>
15	<b>WA/68/20/OUT</b> Land west of Tye Lane	Outline application with all matters reserved, other than means of access, for the construction of up to 155 No. dwellings (30% affordable homes) & amendment to boundary of garden land to serve adjoining property.	R-R-ALC	<p>Hearing</p> <p>The appeal scheme would not harm highway safety or result in severe residual impacts on the road network nor would it be a poor form of development. Nevertheless, the harm in the other respects outlined above would result in a conflict with the development plan taken as a whole. However, in this instance material considerations, namely the Framework, indicate that the appeal should be determined otherwise than in accordance with the development plan. Accordingly, the appeal has succeeded.</p>



16	<b>A/110/21/PL</b> Chandlers Garage, BMW House, Water Lane	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.	R-R-D	INQ There are the significant harms to the character and appearance of the Angmering Conservation Area, and to the setting of the adjacent listed building. The material considerations in this case when taken as a whole do not justify taking a decision other than in accordance with the Development Plan and the Framework. For the reasons outlined above and having regard to all other matters raised, the appeal is dismissed.
17	<b>A/168/21/PL</b> Land south of Littlehampton Road and east of Worthing Road	Erection of 76 No. dwellings, means of access, public open space, play areas, associated infrastructure & landscaping.	R-R-ALC	INQ When the relevant considerations are taken together and weighed in the balance, the adverse impacts would not significantly and demonstrably outweigh the benefits identified, when assessed against the policies in the Framework taken as a whole. I conclude that a presumption in favour of sustainable development has been established for the proposed development and the appeal succeeds.
18	<b>FP/32/21/PL</b> 10 Second Avenue, Felpham	Two storey, 4 Bed detached dwelling with new access & parking.	R-R-D	WR The front elevation of the proposed new dwelling would stand slightly behind the front of No 12 and this seems to me appropriate and respectful. However, its position relative to No 10 does not appear to have been carefully considered. The relationship between the new and existing dwelling would, in my opinion, appear incongruous, awkward, and harmful to the streetscape at this point. The proposal would use the land in question more efficiently. However, for the reasons given above it would fail to integrate successfully with its surroundings and unacceptably harm the character and quality of the local area. The appeal should not succeed.

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 134</p>	<p><b>19</b> <b>BR/347/19/T</b> 4 Pinewood Gardens</p>	<p>Fell 1 No. Liquid Amber tree.</p>	<p>R-R-ALC</p>	<p>Hearing The main issues are the amenity value of the tree, the effect of the proposed felling on the character and appearance of the area and whether it would be justified in the circumstances of the case.</p> <p>The tree is highly visible and in vigorous good health, it contributes substantially to public amenity and its removal would be significantly detrimental to the character and appearance of the area.</p> <p>No evidence has been provided to support claims the appeal tree is the reason for the cracks in the appellants driveway or adjacent wall. Additionally, no evidence provided to support the proposed crown reduction suggested in the arboricultural report prepared by neighbouring property no.5.</p> <p>However, the location of the tree means it is desirable to control future growth to preserve the proportions of the tree and protect its contribution to public amenity. There would be advantages to the appellant in selective pruning and the crown could be thinned and raised modestly without significantly affecting its public value.</p>
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20	A/112/21/PL Pound Place, Roundstone Lane	Application for the removal of Condition 14 following grant of A/3/21/PL relating to the provision of a footpath along the site frontage with Roundstone Lane.	R-R-ALC	<p>WR</p> <p>Planning permission has been granted for a care home, which is under construction. The appeal seeks permission to occupy that development without complying with a condition requiring the provision of a footpath along the site frontage with Roundstone Lane. The issue is whether provision of a footpath is necessary to ensure the safety of pedestrians.</p> <p>While the intent of the condition is laudable, when assessed against the tests set out in the Framework, it is flawed in two respects. 6. Firstly, a footpath adjacent to Roundstone Lane would lie outside the appeal site edged in red on the submitted location plan. I have no evidence that the appellant owns the land in question and therefore it is unlikely that the condition could be enforced.</p> <p>Even were a footpath to be built adjacent to the lane across the front of the site, it would not link up with a similar path to the north and pedestrians would still have to cross the carriageway to use the footpath on its western side. It would not achieve the linkage intended and would therefore be unnecessary.</p> <p>The Council says that the footpath is a requirement of the original masterplan for the area. However, no footpath is shown on the site layout drawing displayed on the Angmering (South and East) Masterplan webpage, nor is one shown on the extract from the Angmering Visioning Brief Master Plan Figure included in the appellant's covering letter on the application. I have been provided with no contrary evidence by the Council and therefore conclude that while the masterplan may encourage a network of footpaths in general terms, the footpath subject of the condition is not specifically included as a requirement.</p> <p>Such a footpath would also appear to require removal of one or more of the trees along the northern site boundary. That would be in conflict with a tree preservation order, which is in place to ensure their retention. Having regard to these factors, I am unable to give this suggestion weight.</p> <p>I conclude that the condition fails two of the tests set out in the Framework in that it would be unenforceable and would not provide a link to a footpath to the north and would therefore be unnecessary.</p> <p>The appeal should be allowed.</p>
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21	<b>LU/76/21/PL</b> 71 Beach Road, Littlehampton	Sub division of dwelling into 3 No. 2 bed flats.	R-R-D	<p>WR</p> <p>The main issue is whether occupants of the proposed development would be safe in the event of a flood.</p> <p>The property lies within Flood Zone 3 as defined on the Environment Agency's Flood Map for Planning. Neither a sequential test nor an exception test needs to be applied for applications for change of use such as that proposed<sup>1</sup> . However, there is a need for the proposal to be supported by a site-specific flood-risk assessment<sup>2</sup> . No such assessment has been submitted with the application or appeal.</p> <p>Because the building is an existing residential dwelling, there are likely to be limitations as to how much it could be made more flood resistant. However, practical measures, for example flood warning and evacuation plans, would help mitigate flood risk to all occupants. I acknowledge that there are other houses and flats in the immediate vicinity which may not have such adaptations, but their location in an area at risk of flooding is historic. Without a flood-risk assessment there is insufficient information for me to determine whether the proposed change of use is as resistant and resilient to flooding as it could reasonably be made. Consequently, I am unable to conclude that future occupants would be safe in the event of a flood. The appeal should be dismissed.</p>
22	<b>EP/34/22/HH</b> 111 North Lane, East Preston	Two storey side/rear extension.	R-R-D	<p>WR</p> <p>The main issue is the effect of the proposal on living conditions for neighbours. Inspector concluded "It would be close to the boundary and because of the disposition of properties it would project excessively beyond the rear main wall and too far along the garden of No 109 to the east. I accept there is already an 'over-run' but this would simply take it too far at first floor level. I am in no doubt that sunlight, daylight and outlook would be lost and that neighbours would feel unduly hemmed-in. Within a neighbourhood such as this, residents would reasonably expect an air of openness and spaciousness and this development would unduly impinge upon those attributes."</p>

23	<b>F/1/22/HH</b> Lock Cottage, Station Road, Ford	Erection of single storey side extension to detached garage to create link building and double garage, installation of front porch and alterations to fenestration following the conversion of detached garage to habitable use.	R-R-D	<p>WR</p> <p>The main issues are the effect of the proposal on a) the character of the site, b) living conditions for neighbours, and c) the setting of a heritage asset.</p> <p>The appeal scheme would add appreciably to the ground coverage and massing in the area of the triple garage. To my mind it would be a step too far and would cumulatively reach the stage where the development other than the original dwelling would regrettably dominate the plot. I consider that the scheme would not be reflective of the character of the host property or the site. It would be overdevelopment within its context. Accommodation, even if ancillary, would be comprehensive but importantly the appearance would be tantamount to a second dwelling with an extension, porch and garaging on the site. This would all be at a scale in excess of the host property.</p> <p>For my part I would consider that the appeal scheme is sufficiently remote visually from the Church, its main grounds, and its sense of entrance via the driveway, such as it would have no adverse impact.</p> <p>For the reasons given above I conclude that whilst the appeal proposal would not have unacceptable adverse effects on living conditions for neighbours or the setting of a heritage asset it would unduly impinge upon the character of the site. Accordingly, the appeal is dismissed.</p>
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24	<p><b>WA/32/21/PL</b> Land at West Walberton Lane</p>	<p>Construction of 30 No. dwellings together with associated access, parking, public open space &amp; landscaping.</p>	R-R-D	<p>WR</p> <p>The main issues are the effect of the development on:</p> <ul style="list-style-type: none"> <li>• The spatial strategy for the location of new development</li> <li>• The character and appearance of the landscape</li> <li>• The Walberton Green Conservation Area</li> <li>• Flood risk</li> <li>• The provision of affordable housing and infrastructure.</li> </ul> <p>It is also necessary to consider what effect the lack of housing land supply in the district should have on the decision, and the benefits of the scheme. I address these issues in my conclusion.</p> <p>Development of a housing estate on the site would erode its current open and undeveloped character. The new houses would be visible in glimpsed views from the surrounding lanes, the green, and agricultural land to the west. However, I disagree with the Council's statement in the second reason for refusal that the site is visually separate from the village with far ranging views across open countryside. Although outside the built up core of the village, it is nevertheless flanked to the north and south by loosely knit houses, and to the east by the village green, which itself is surrounded by houses.</p> <p>I conclude that the development would cause some limited harm to the setting of the Walberton Green Conservation Area through suburbanising its low density character, but that harm would be less than significant. It would therefore conflict to a limited extent.</p> <p>Part of the site lies within Flood Zones 2 and 3 as shown on the Environment Agency's Flood Map for Planning. While acknowledging that the volume of required flood storage compensation could be delivered through the method proposed in the Flood Risk Assessment. I share some of the concerns expressed. The proposed solution would require significant alterations to land levels in the south-western part of the site. I conclude that the development fails the sequential test as set out in the Framework because there are other sites which are reasonably available and are at a lower risk of flooding.</p> <p>I have found that the proposal would cause harm and conflict with policies relating to the location of development, the character and appearance of the landscape,</p>
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				<p>and flood risk. Of these I give moderate weight to the conflict with the spatial strategy for the location of development, because of the lack of housing land supply in the district.</p> <p>I also give limited weight to the harm to the character and appearance of the landscape for the reasons set out earlier. I give full weight to the failure to meet the sequential test on flood risk. I also give great weight to the harm that would be caused to the setting of the Walberton Green Conservation Area.</p> <p>Set against the conflict with the development plan are the public benefits of the scheme. Weighing these matters together, I consider that the benefits of the development, significant though some of them are in the context of a serious lack of housing land supply, do not outweigh the conflict with the development plan that has been identified, including the clear reason for refusal on flood risk grounds. Accordingly, I conclude that the appeal should be dismissed.</p>
25	<b>P/141/21/PL</b> Land at the Rear of 71 The Causeway	Change of use from public amenity to private residential garden together with boundary works.	R-R-D	<p>WR</p> <p>Due to the similarities in the proposed developments in Appeals A and B, and because they adjoin one another, I shall deal with both appeals together. The main issue is the effect that the proposed developments would have on the character and appearance of the surrounding area.</p> <p>The local area is characterised by estates with different features and dwellings of different types and styles. Even so, the openness in their layouts, including mostly open front gardens and pockets of open space, is important to the spacious suburban character and to the sense of place.</p> <p>The proposal would harmfully diminish the existing open space, and because their boundary treatments would have a stark urban appearance, the important verdant openness in the Ashcroft Way Street scene and the spacious suburban character of the estate would be unacceptably eroded.</p> <p>I have found that the proposed developments, individually and cumulatively, would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.</p>

26	<b>P/137/21/PL</b> Land at the rear of 69 The Causeway	Change of use from public amenity land to private residential garden together with boundary works.	R-R-D	<p>WR</p> <p>Due to the similarities in the proposed developments in Appeals A and B, and because they adjoin one another, I shall deal with both appeals together. The main issue is the effect that the proposed developments would have on the character and appearance of the surrounding area.</p> <p>The local area is characterised by estates with different features and dwellings of different types and styles. Even so, the openness in their layouts, including mostly open front gardens and pockets of open space, is important to the spacious suburban character and to the sense of place.</p> <p>The proposal would harmfully diminish the existing open space, and because their boundary treatments would have a stark urban appearance, the important verdant openness in the Ashcroft Way Street scene and the spacious suburban character of the estate would be unacceptably eroded.</p> <p>I have found that the proposed developments, individually and cumulatively, would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.</p>
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27	<b>BE/119/20/PL</b> Land W/O New Barn Lane	1 No. detached house.	R-R-ALC	<p>WR</p> <p>The main issues are:</p> <ul style="list-style-type: none"><li>• The effect of the proposal on the character and appearance of the area;</li><li>• The effect of the proposal on the living conditions of the neighbouring occupiers of no 10 Winston Crescent, with particular regard to outlook, sunlight and privacy; and</li><li>• Whether the proposal would make adequate provision for surface water drainage.</li></ul> <p>The appeal site comprises a relatively modest piece of undeveloped land which lies within proximity to an established residential area. The traditional built form and scale of the new house would reflect the design approach of the adjacent semi-detached properties, including in respect of materials and architectural features. Moreover, the scale and design of the proposed dwelling would ensure that it appears as a continuation of the adjacent development. For the foregoing reasons, the effect of the proposed development on the character and appearance of the surrounding area would be acceptable.</p> <p>Overall, the appeal scheme would have no significant adverse effect upon the living conditions of the occupiers of no 10, with regard to outlook, sunlight and privacy.</p> <p>I am satisfied that the appellant has provided sufficient information showing that there is adequate provision for surface water drainage as part of the wider development off New Barn Lane to accommodate the proposed development.</p> <p>The appeal should be allowed.</p>
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28	<b>A/129/21/PL</b> Rustington Golf Centre, Golfers Lane	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.	R-R-ALC	<b>INQ</b> Both proposals would result in moderate harm to the character and appearance of the area. The identified conflict with Policy C SP1 carries limited weight because that policy is out-of-date on the basis of the absence of a 5 year housing land supply. These significant and limited weights are not sufficient to significantly and demonstrably outweigh the substantial and other weights that attach to the benefits of the proposals. On this basis paragraph 11(d) of the Framework indicates that permission should be granted. Although the proposed developments would not accord with the development plan as a whole, paragraph 11(d) of the Framework is an important material consideration which outweighs the conflict with the development plan.
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29	<b>A/45/22/PL</b> Rustington Golf Centre, Golfers Lane	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)	Non-Det-ALC	As above.
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30	<b>FG/210/21HH</b> 23 Little Paddocks, Ferring	Front balcony/inset dormer and 1st floor rear extension	AC-AC-D (Appeal dismissed)	<p>WR</p> <p>Appeal was submitted in opposition to conditions 3 &amp; 4 for obscured glazing.</p> <p>Condition 3 required the side elevations of a first-floor front inset balcony on a corner plot, to be obscure glazed up to 1.7m to prevent overlooking to the sides of neighbouring dwellings due to the orientation of the host dwelling.</p> <p>Condition 4 required the rear window at first floor to be obscure glazed up to 1.7m to avoid overlooking of rear neighbouring property garden space and windows owed to lower than 10.5m separation of viewpoint from rear site boundary and lower than 21m separation from rear neighbouring windows.</p> <p>Inspectors' conclusion:</p> <p>Condition 3 - Whilst overlooking of the fronts of existing dwellings and front gardens is generally acceptable, most neighbouring occupiers reasonably expect some privacy in and by the sides of their homes and in their back gardens. Due to the appeal dwelling's roof form, the height and siting of the balcony, and its relationships with 22 and 24 Little Paddocks, balcony users would be able to overlook parts of the sides of the neighbouring dwellings, which include side facing windows, and activity in their grounds close by. Thus, overlooking from the balcony would harm the privacy of the adjoining occupiers. It would be contrary to Policy D DM1 of the Arun Local Plan 2011-2031 (LP) which aims for development to have minimal impact on occupiers of nearby property and land, and LP Policy D DM4 which aims for extensions or alterations to not have an adverse overlooking effect on neighbouring properties.</p> <p>Condition 4 - A degree of mutual overlooking between nearby dwellings and back gardens would reasonably be expected in a suburban area such as this. Even so, overlooking from the existing rear facing dormer is broadly at the limit of acceptability. Due to the increase in the depth of the rear facing dormer, the degree of overlooking would be increased. Its glazing would also be less than 21 m from the conservatory at 45 Sea Lane Gardens. Having regard to the relationships between the dwellings and their back gardens at the site and 45 Sea Lane Gardens, the increase in overlooking that could occur from the rear facing dormer would harm the privacy of the occupiers of the dwelling at 45 Sea Lane</p>
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Gardens in their home and back garden. It would be contrary to LP Policies D DM1 and D DM4, and guidance in the Arun District Design Guide Supplementary Planning Document which seeks a minimum of 21 m between dwellings of up to 2 storeys.

31

**EP/125/21/PL**  
22 Vermont Drive,  
East Preston

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.

R-R-ALC

WR

The development would not be harmful to the character and appearance of the area. The proposal would, therefore, be sympathetic to local character and the surrounding built environment, whilst optimising the potential of the site to accommodate an appropriate amount of development.

The appeal scheme would not result in a harmful impact on the living conditions of the occupiers of neighbouring properties through harm to outlook or loss of privacy.

32	<b>LU/417/21/OUT</b> Land north of Toddington Lane (adjacent to Lyminster Bypass)	Outline application with some matters reserved (except access) for the erection of up to 71 No dwellings.	R-R-D	<p>Hearing</p> <p>The primary issues here were;</p> <ul style="list-style-type: none"> <li>- Whether the appeal scheme would affect the approved development of Hampton Park;</li> <li>- The effects on the delivery of employment-related development; and</li> <li>- The effects on nearby existing waste infrastructure.</li> </ul> <p>The Inspector concluded that were the appeal allowed for residential development a conflict would arise with the requirements of Condition 2 of the 2018 permission that required substantial accordant with the Masterplan, design and access statement and development framework document. Therefore, this 'drop in' scheme was deemed to prevent the achievement of substantial accordant with the condition on the extant permission still relied upon.</p> <p>Similarly, in terms of severability it was concluded that whilst the site is not physically integral to the remainder of the whole, the permission granted is not severable and a piecemeal mix and match approach cannot be taken without affecting the 2018 permission and Outline Permission.</p> <p>Therefore, it was concluded that allowing the appeal would sever the site from the wider whole and put at risk the outline permission for Hampton Park which has at least three years remaining for reserved matters permission to be sought. In doing so, it may affect the ability to deliver the balance of the approved housing and other uses contrary to policy H SP1 and EMP SP3 of the Arun Local Plan.</p> <p>In terms of waste infrastructure, it was concluded that the appeal scheme would not conflict with Policy W2 of the Waste Local Plan or Policy QE SP1 of the Local Plan.</p> <p>Given that allowing the appeal scheme could jeopardise the delivery of the balance of the Hampton Park Urban Extension, which provides a far greater number of dwellings, the appeal scheme cannot attract the substantial weight that would be expected in the context of the housing supply deficit. Therefore, the tilted balance does not represent a material consideration which would outweigh the conflict with the development plan. Therefore, the appeal was dismissed.</p>
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33	F/22/21/PL Land R/O Paynters Croft	23 No dwellings with associated access, infrastructure, landscape and open space (resubmission following F/5/21/PL).	R-R-D	<p>Hearing</p> <p>The main issues were the schemes compatibility with existing businesses in relation to noise, and the effect of the proposal on the character and appearance of the area.</p> <p>The inspector found that it had not been demonstrated that the proposal would be compatible with existing businesses with regard to noise. The location of the development could jeopardise ongoing businesses. In particular, the proposal would be in conflict with Policy W2 of the WSCC Waste Local Plan as it could jeopardise the waste management facility in combination with other noise sources which had not been taken into account. They afforded substantial harm to this.</p> <p>The Inspector agreed that the proposed parking was not sensitively integrated into the built form. The parking was proposed as a block, would sit in front of houses and create a hard boundary to the central POS space reducing amenity. They afforded moderate harm to this.</p> <p>The Inspector found that the harm from the layout and the potential noise implications would significantly and demonstrably outweigh the benefits outline.</p>
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34	<b>P/178/21/OUT</b> Land west of Pagham Road, Pagham	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	R-R-ALC	Hearing The main appeal issues were: <ul style="list-style-type: none"> <li>a) The effect of the proposed development on the character and appearance of the area including the surrounding countryside.</li> <li>b) The effect of the proposed development on the provision of agricultural land.</li> <li>c) The effect of the proposed development on flood risk; and</li> <li>d) The overall planning balance, having regard to the development plan, national policy, and the benefits of the proposal.</li> </ul> The inspector stated the proposed development would have an acceptable effect on the character and appearance of the area including the surrounding countryside. He allocated moderate weight to the conflict with the countryside policies. Furthermore, individually, or cumulatively it would not compromise the integrity of the strategic gap. <p>He found the development would have a negative effect on the provision of agricultural land and cause some conflict with ALP Policy SO DM1, but this represented only moderate harm. With the imposition of the agreed condition, the proposed houses would be safe from current and future flooding and would not increase flood risk elsewhere.</p> In the final planning balance, he determined that the benefits attract significant weight and therefore outweigh the moderate harm of the adverse impacts. The planning obligations were acceptable and there was also no harm to the Pagham Harbour SPA. No costs application.
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		Listed Building.		
35	<b>LU/151/21/PL</b> 25 River Road	Demolition of existing car garage and the erection of 2 no. two-storey residential buildings comprising 5 no. flats with associated works.	R-R-D	WR The appeal proposal would have unacceptable adverse effects upon the character and appearance of this locality which is a Conservation Area and on living conditions for neighbours. Accordingly, the appeal is dismissed.
36	<b>LU/78/22/HH</b> 101 Clun Road	Erection of part single, part two storey side extension	R-R-D	WR Inspector agreed that two storey extension on boundary closed important gaps in the street as such had negative impact on character of area, and the extension on the boundary would have negative impact to neighbours (overbearing) referred to D DM1, D DM4 and parts of Design Guide (Part M), Officer used in reasons for refusal.
37	<b>FG/92/20/T</b> 3 Lavender Court, 38 Ferringham Lane	Fell 1 No. Himalayan Cedar	R-R-D	Hearing The appeal tree is worthy of the protection afforded to it by the TPO, and that the reasons now advanced do not justify its felling. Whilst I have the utmost sympathy for the appellant's circumstances, these do not outweigh the harm to public amenity that would result from the loss of the tree. The appeal is therefore dismissed.

38	<b>FG/142/21/PL</b> Land (formerly Former McIntyre Nursery), North of Highdown Vineyard, Littlehampton Road	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.	R-R-D	WR There would be an impact on the gap through the creep of development into the countryside, lessening the extent of the gap and its rural nature.  The proposal would not have a sympathetic relationship to the surrounding areas and landscape, nor show consideration for built environment contexts,  While the proposal relates to a fairly modest area compared to the size of the adjacent commercial uses, given the confined nature of those developments and the position of the extension proposed, I do not consider the extension would be appropriately sized.
	<b>BE/163/21/PL</b> 22 Osprey Gardens, Bersted	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.	R-R-D	WR The back garden would be unlikely to sustain the spacious character at the backs of the existing dwellings that can be seen above the walls and fences from Shearwater Park.  As the only route to the appeal dwelling's back garden would be through the occupiers' home, it is more than likely that, in time, its back garden and the rest of its front garden would be hard surfaced. The likely loss of greenery in the appeal dwelling's front and back gardens would diminish its suburban character, and so, it would damage the sense of place.

## Arun District Council

<b>REPORT TO:</b>	<b>Planning Committee - 8 March 2023</b>
<b>SUBJECT:</b>	<b>Land at Sandfield Nursery - Possible service of a section 215 Notice (impact upon local amenity)</b>
<b>LEAD OFFICER:</b>	<b>Karl Roberts, Director of Growth</b>
<b>LEAD MEMBER:</b>	Councillor Terence Chapman
<b>WARDS:</b>	<b>Courtwick with Toddington</b>
<b>CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:</b>	
This report relates to the Council Vision of ‘Supporting our environment to support us’ and the objective of ‘Protecting and enhancing our natural environment.’	
<b>DIRECTORATE POLICY CONTEXT:</b>	
This report is to gain Committee approval for action to assist in maintaining the environment of the District.	
<b>FINANCIAL SUMMARY:</b>	
Unknown currently. Potentially the costs of resolution could be significant (five figures).	

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to determine whether the Council wishes to serve a section 215 notice of the Town & Country Planning Act 1990 (as amended) in respect of the condition of land at the former Sandfield Nursery, Littlehampton, and, if so, consider any consequential actions.

### 2. RECOMMENDATIONS

- 2.1 The Committee is asked to authorise the Director of Growth to arrange the service of a section 215 notice of the Town & Country Planning Act 1990 in respect of land at Sandfield Nursery, Littlehampton and to take any consequential actions under sections 216 to 219 of the same Act and other legislation as appropriate to secure compliance and the recovery of any funds so used in securing compliance.

### 3. EXECUTIVE SUMMARY

- 3.1 This report invites the Committee to determine whether the Council should serve a section 215 notice in respect of land at Sandfield Nursery and if so, considers any consequential actions.

### 4. DETAIL

- 4.1 The Plan appended at appendix A shows the location and physical extent of the former nursery, whilst appendix B is a series of photographs showing the site. Works have been undertaken to clear the site of buildings and import material to

modify the level of the site. The result of undertaking the former action is that a very large pile of inert (assumed) rubble has been created at the eastern end of the site near to two residential properties. The exact content of the rubble is unknown.

- 4.2 This report is only concerned with the impact of the rubble upon the amenity of the area. The term amenity isn't defined in the planning acts but the courts have held as follows.

*“Amenity' is a broad concept and not formally defined in the legislation or procedural guidance, i.e. it is a matter of fact and degree and, certainly common-sense. Each case will be different and what would not be considered amenity in one part of an LPA's area might well be considered so in another...”*

All the other matters have been investigated separately in consultation with other partners including the Environment Agency.

- 4.3 The Council in certain circumstances, can take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. If it appears that the amenity of part of their area is being adversely affected by the condition of neighbouring land and buildings, they may serve a notice on the owner requiring that the situation be remedied. These notices set out the steps that need to be taken, and the time within which they must be carried out. LPAs also have powers under s219 to undertake the clean-up works themselves and to recover the costs from the landowner.
- 4.4 The use of s215 by LPAs is discretionary and it is, therefore, up to the Council as the Local Planning Authority (LPA) to decide whether a notice under these provisions would be appropriate in a particular case, taking into account all the local circumstances. LPAs will need to consider, for example, the condition of the site, the impact on the surrounding area and the scope of their powers.
- 4.5 Whilst, the pile of rubble is of a significant size the LPA should not seek to serve a notice if no harm is identified. The Council has been in contact with the nearest neighbours to understand any potential impact upon their residential amenity. The view has been clearly expressed by the residents that they would like to see the pile of rubble removed but neither have been able to indicate any specific current harm when asked. Largely because of the screening on the boundary and the dust and noise issues that did arise have now ceased. It is also worth noting that the adjoining site to the north is the Trinidad Allotment Gardens and there would be some views of the pile of rubble at various points for users of this site.
- 4.6 From a wider perspective the pile of rubble is visible from only a few public vantage points. Firstly, from the access to the site via the A284. The view is largely a brief and narrow one from the road and given the location of the access on a sharp bend is largely only visible briefly when travelling towards Littlehampton, rather than in the other direction. If the level crossing barriers are down then a queue of traffic can build up and longer periods of visibility are possible. However, it is visible and has resulted in the Council receiving at least one complaint recently from a member of the public.

- 4.7 The other location from where the site is visible is from the railway line. Officers have taken short video's (which will be shown at committee) during both summer and winter months that show that when the boundary trees are not in leaf the pile of rubble is clearly visible and given its scale is considered to be harmful to the visual amenity of the locality.
- 4.8 Overall, based on more substantive harm when viewed from the railway and the less substantive harm when viewed from the junction of the access with the public highway it is considered that there are reasonable grounds to serve a section 215 notice.
- 4.9 However, the purpose of bringing this report to the Committee is to seek the Committee's view on whether the Committee concurs that there is a sufficient level of harm that requires rectification, and if so, the Committee's agreement as to the next courses of action.
- 4.10 The next stage would be to write to the owners of the land and to seek their voluntary agreement to remove the pile of rubble (giving a 3-month period for compliance- a longer period may have to be allowed if it can be shown the pile contains material which needs to be disposed of in a different way). The original owner of the land who allowed the original works to be undertaken has subsequently died and the land has now been transferred to their beneficiaries. They are now responsible for the condition of the land.
- 4.11 If a voluntary resolution of the issue is not forthcoming, then the notice would be served requiring within a three-month period the removal of the pile of rubble to a licensed disposal site and make good that part of the site.
- 4.12 Unlike s172 enforcement notices, appeal against the s215 notice is to the Magistrates Court. The grounds of appeal against the s215 notice are set out in s217 - 218 of the Act.
- 4.13 If after the compliance period, the work has still not been done then the Council can seek to prosecute for non-compliance under section 216 of the Act or undertake the works in default by virtue of section 219 of the Act, or both.
- 4.14 Clearly the Council undertaking the works by default has initial cost implications for the Council and resources needed should not be underestimated and appropriate provision should be made. At the time of writing this report an estimate is not available but would likely to be a five-figure sum (allowances will need to be made for the unknown nature at this time of the material in the rubble pile). The works would need to be project managed and contractors secured to remove the material safely to a licensed disposal site.
- 4.15 Where costs cannot be immediately recovered LPAs have the option of registering a charge on the property with the Land Registry, thus assuring full cost recovery plus base-rate interest. There is also provision within the Land Charges Act for the interim procedure of placing an estimate of the charge that will become due on the property. This effectively ensures the land or property cannot be sold without a charge being shown on the land. County or High Court bailiffs have also been successfully used to recover monies owed.

4.16 In conclusion it is recommended that the Committee authorise the service of a section 215 notice and authority to take action under sections 216 to 219 if necessary.

## **5. CONSULTATION**

5.1 None directly in respect of this report but ward members have been informed of the Council's consideration of this issue.

## **6. OPTIONS / ALTERNATIVES CONSIDERED**

6.1 The only alternative of note is to not take any action.

## **7. COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER**

7.1 Comments to follow.

## **8. RISK ASSESSMENT CONSIDERATIONS**

8.1 If the Committee agrees to serve the notice, then there is a reasonable prospect given the scale of the material that has to be removed that the Council will have to undertake the works in default and, thus, the risk exists that the Council may not quickly secure the recovery of any costs incurred. A detailed risk assessment will need to be prepared for undertaking any actions in default.

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

9.1 Paragraph 4 of the committee report sets out the legal framework. There are no additional legal implications at this stage of the process.

## **10. HUMAN RESOURCES IMPACT**

10.1 Any actions needed to secure compliance in default can be resource intensive and, therefore, the Council may need to outsource this activity.

## **11. HEALTH & SAFETY IMPACT**

11.1 Any actions needed to secure compliance in default will have H&S implications which will need to be addressed as part of the project planning.

## **12. PROPERTY & ESTATES IMPACT**

12.1 No direct implications arising from the recommendations in this report.

## **13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE**

13.1 No direct implications arising from the recommendations in this report.

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

14.1 No direct implications arising from the recommendations in this report.

**15. CRIME AND DISORDER REDUCTION IMPACT**

15.1 No direct implications arising from the recommendations in this report.

**16. HUMAN RIGHTS IMPACT**

16.1 Article 8 and Article 1 of the first protocol to the Convention on Human Rights state that a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedom of others. In this case, the wider impact of the appearance of the land overrules the owner's right to the peaceful enjoyment of his property.

**17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS**

17.1 No direct implications arising from the recommendations in this report.

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**CONTACT OFFICER:**

Name: Karl Roberts  
Job Title: Director of Growth  
Contact Number: 01903 737760

**BACKGROUND DOCUMENTS:**

Appendix A – Location and physical extent of the former nursery  
Appendix B – Site Photographs

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**Appendix A – Location Plan (taken from google Maps)**



Red line – approximate site boundary.

Yellow star – approximate location of material.

**Appendix B – Image taken from Lyminster Road (Google Street View)**



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