



Public Document Pack

Arun District Council
Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Tel: (01903 737500)
Fax: (01903) 730442
DX: 57406 Littlehampton
Minicom: 01903 732765

e-mail: committees@arun.gov.uk

Committee Manager Carley Lavender Extn (37547)

5 October 2023

PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber at Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** on **Wednesday 18 October 2023 at 2.00 pm** and you are requested to attend.

Members: Councillors Hamilton (Chair), Wallsgrove (Vice-Chair), Blanchard-Cooper, Bower, Kelly, Lury, McDougall, Northeast, Partridge, Patel and Woodman

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.

PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE ALTERED AT THE DISCRETION OF THE CHAIRMAN AND SUBJECT TO THE AGREEMENT OF THE MEMBERS OF THE COMMITTEE

PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION ON LINE AT www.arun.gov.uk/planning

AGENDA

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

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

Members and officer should make their declaration by stating:

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

3. **VOTING PROCEDURES**

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

4. **MINUTES**

(Pages 1 - 8)

To approve as a correct record the Minutes of the meeting held on 6 September 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. **AL/70/23/OUT LAND WEST OF LIDSEY ROAD (A29) LIDSEY (DEFERRED ITEM)** (Pages 9 - 46)

PLANNING APPLICATIONS

7. **LU/182/23/PL WELLESLEY COURT, FITZALAN ROAD, LITTLEHAMPTON, BN17 5JW** (Pages 47 - 56)

8. **K/37/23/PL CLOUDY BAY, GORSE AVENUE, EAST PRESTON, BN16 1SF** (Pages 57 - 68)
9. **BR/268/22/PL RAVENNA, RICHMOND AVENUE WEST, BOGNOR REGIS, PO21 2YG** (Pages 69 - 82)
10. **BR/168/23/PL ROSE COTTAGE, SHRIPNEY ROAD, BOGNOR REGIS, PO22 9LN** (Pages 83 - 96)
11. **BR/186/23/PL 1 SOMERSET GARDENS, BOGNOR REGIS, PO21 2AA** (Pages 97 - 108)
12. **AL/139/22/PL - LAND WEST OF FONTWELL AVENUE, FONTWELL AVENUE, EASTERGATE, PO20 3RU** (Pages 109 - 124)

PLANNING APPEALS

13. **APPEALS LIST** (Pages 125 - 130)

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 :

Neil Crowther (Ext 37839) email neil.crowther@arun.gov.uk

Daniel Vick (Ext 37771) email Daniel.Vick@arun.gov.uk

David Easton (Ext 37698) email david.easton@arun.gov.uk

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

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

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

These meetings are webcast live.

To watch recorded webcasts use the following link – Planning Committee [Webcast Page](#)

Agenda Item 4

Subject to approval at the next Planning Committee meeting

150

PLANNING COMMITTEE

6 September 2023 at 2.00 pm

Present: Councillors Hamilton (Chair), Lury (Vice-Chair), Blanchard-Cooper, Bower, Kelly, McDougall, Northeast, Partridge, Penycate (Substitute for Wallsgrove), Patel and Woodman

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

Apologies: Councillor Wallsgrove.

205. ELECTION OF VICE-CHAIR

In the absence of the Vice-Chair the Chair proposed that Councillor Lury be elected as the Vice-Chair for the meeting. This was then seconded by Councillor McDougall and put to the vote.

The Committee

RESOLVED

That Councillor Lury be elected as Vice-Chair for the meeting.

206. DECLARATIONS OF INTEREST

(Councillor Partridge arrived at the meeting during this item.)

There were no declarations of interest made.

207. MINUTES

The minutes of the previous meeting held on 9 August 2023 were approved and signed by the Chair.

208. 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

There were no urgent items presented at the meeting.

209. BN/147/22/RES LAND SOUTH OF BARNHAM STATION, BARNHAM

1 Public Speaker

Rachel Balham, Applicant

Approval of reserved matters following BN/149/22/PL for 200 dwellings respect of appearance, landscaping, layout and scale. This application may affect the setting of listed buildings, may affect the Church Lane, Barnham Conservation Area and affects a Public Right of Way.

The Planning Consultant presented the report with updates. Members asked to see drawings of the crossing bridge and a query was raised regarding the maturity of the trees that were due to be planted. The Planning Consultant provided members with the additional detail relating to the crossing bridge and confirmed its location, over the rife. He also provided confirmation that the trees planted would be of 'sizable' age but would not be fully matured at the time of planting. The Chair commented that she would like to ensure that the trees planted were continued to be looked after by the developer after planting to ensure the highest survival rate.

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

The Committee

RESOLVED that

Delegated Authority be given to the Group Head of Planning in consultation with the Chair or Vice-Chair of the Planning Committee to approve the development after the Environment Agency (EA) have confirmed that they have no objection to the proposed plan of the bridge and if required accept non-material amendments to plans/details of the bridge to satisfy the EA and subject to the proposed conditions.

210. A/29/23/PO LAND AT MANOR NURSERY, ROUNDSTONE LANE, ANGMERING BN16 4AX

2 Public Speakers

Councillor Sylvia Verrinder, Angmering Parish Council
Ben Cheal, Applicant

Application under S106A for the modification of the Section 106 dated 19-03-15 linked to A/51/14/OUT in relation to the removal of Clauses 1.1 – 1.20 of Schedule 2 relating to Affordable Housing Provision.

Planning Committee - 6.09.23

The Principal Planning Officer presented the report. The Vice-Chair Councillor Lury commented that the research completed with the application was in favour of the recommendation put forward by Officers and he agreed it was right and reasonable based on the evidence provided to the Committee.

The recommendation was proposed by Councillor McDougall and seconded by Councillor Woodman.

The Committee

RESOLVED that

Delegated authority is granted to the Group Head of Planning in consultation with the Chair or Vice-Chair of the Planning Committee to complete the deed of variation to the S106 dated 19 March 2015 and linked with A/51/14/OUT (Land at Manor Nursery, Roundstone Lane) to remove the Affordable Housing requirements subject to the incorporation of a late-stage review mechanism.

211. AL/70/23/OUT LAND WEST OF LIDSEY ROAD (A29), LIDSEY PO22 9RG

2 Public Speakers

Patrick Johnston, Objector
Nigel Jarvis, Applicant

Outline planning application with all matters reserved except access for residential development of the site with up to 155 dwellings (Use Class C3). Informal and formal public open space, landscaping, drainage, and other associated works. This application is a Departure from the Development Plan. This is Not CIL liable as Outline.

The Principal Planning Officer presented the report with updates. The Officer addressed comments made by one of the Public Speakers where they referenced the access point to the site. He also explained that no objection had been received from Environment Health and that no comments had been received from the Environment Agency as the application did not meet their consultation criteria.

Members raised the following points during their debate, highway concerns and secondary education concerns. It was then suggested that a deferral be considered to pursue the s106 agreement and provide time for the Councils Legal Team to review this. It was commented by another member in reference to the highways concerns that the heavy traffic that currently existed involving the a29 would not be there in the future, however it was then questioned how traffic would be able to travel to the south of the site as that was not clear from the plans presented. Returning to comments made regarding the s106 agreement it was proposed by Councillor McDougall and seconded by Councillor Bower that the application be deferred.

The Group Head of Planning reminded members that only two matters of concern would be covered by the s106 agreement, all other matters would be covered by CIL, therefore he advised against members deferring a decision on that basis. The proposer and seconder of the deferral were still of the opinion that the s106 agreement needed to be reviewed, signed and sealed and therefore the motion to defer was put to the vote, where;

The Committee

RESOLVED

That the application be deferred to allow for the council's legal team to review and respond to the s106 agreement.

212. BE/61/23/RES LAND EAST OF SHRIPNEY ROAD AND SOUTH OF HADDEN HOUSE, SHRIPNEY ROAD, BERSTED PO22 9NW

1 Public Speaker

Dawn Appleton, Agent

Approval of Reserved Matters, following BE/109/19/OUT, for the provision of 44 dwellings, providing details of layout, scale, appearance and landscaping. This application is in CIL Zone 3 and CIL Liable as new dwellings, may affect the character and appearance of the Shripney Conservation area and is a Departure from the Development Plan. (Resubmission of BE/131/122/RES).

The Planning Area Team Leader presented the report with updates. It was commented by the Vice-Chair that he was perplexed regarding the objection comments by WSCC and the WSCC Flood Risk Management Team. The Planning Area Team Leader referred members to the drainage details documented within the conditions of the application. He further highlighted that this aspect was not relevant for this application and finally it was stated that consultation was a statutory requirement to be completed.

The recommendations were proposed by Councillor Bower and seconded by Councillor Northeast.

The Committee

RESOLVED

The application be approved conditionally.

Planning Committee - 6.09.23

213. BN/25/23/OUT EASTMERE STABLES, EASTERGATE LANE, EASTERGATE PO20 3SJ

No Public Speakers

Outline permission with all matters reserved, other than access, for 4 No self-build dwellings (resubmission following BN/99/22/OUT). This application is a Departure from the Development Plan.

The Planning Area Team Leader presented the report. It was commented by the Vice-Chair that he was unhappy with previous appeal decision.

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

The Committee

RESOLVED

The application be approved conditionally.

214. BR/142/23/PL REGIS CENTRE AND ADJOINING LAND, BELMONT STREET, BOGNOR REGIS PO21 1BL

1 Public Speaker

Becky White, Supporter

Application under Regulation 3 of the Town & Country Planning Act (General Regulations) 1992 for partial demolition of existing theatre and erection of extension to provide new studio/performance space, café/bar/restaurant, foyer, back of house space, outside seating area, new and replacement landscaping and new plant on roof space. This application may affect the setting of listed buildings and is in CIL Zone 4 (Zero Rated) as other development.

The Principal Planning Officer presented the report with updates. Members made the following comments, it was felt the application would be an enhancement to the area, bringing a statement to Bognor Regis seafront which had been long awaited for.

The recommendation was proposed by Councillor Lury and seconded by Councillor Bower.

The Committee

RESOLVED that

The application be approved conditionally.

215. CM/48/21/RES LAND TO THE WEST OF CHURCH LANE, SOUTH OF HORSEMERE GREEN LANE, CLIMPING

4 Public Speakers

Cllr Colin Humphris, Clymping Parish Council
Katherine Stevens, Agent
Cllr Amanda Worne, Ward Member
Cllr Jacky Pendleton, Ward Member

Approval of reserved matters following the grant of CM/1/17/OUT for the erection of 300 No dwellings & a building within use class E, together with public open space, LAPs, LEAP & ancillary works, including car parking & drainage arrangements, with access of Church Lane & Horsemere Green Lane. This application may affect the setting of listed buildings & is in CIL Zone 4 (HSP2) & is not CIL Liable.

The Planning Consultant presented the report with updates. After the Public Speakers were heard the Planning Consultant was invited by the Chair to respond to any of the points raised, where she stated that the archaeological comments made by one speaker were covered on the outline application by condition 13. Members raised the following points, concerns relating to traffic on the a259 and Church Lane which were the roads either side of the location. Insufficient consultation with the Parish Council was raised, it was felt that it could be prudent to defer a decision so that consultation could address the community needs and ensure that unresolved issues were addressed, in particular the local community needs should be addressed by the developer. A motion to defer on this basis was then proposed by Councillor Bower and seconded by Councillor McDougall.

Member debate continued where additional points were raised including, the conservation officers documented in the report, the North and Northeast corner of the site, it was felt that as this was a 'historic corner' of Clymping that better design/plans could be developed, and that the application did not need to be 'rushed' through. Final comments made were in relation to secondary educational need concerns that it was felt this development would bring.

The Group Head of Planning reminded members that the application was a reserved matters application and therefore only landscape, and design were the matters before members at this point. He confirmed that the application was two years into its process and had not been rushed. Conservation Officer was present at the meeting and would set out his thoughts to members. In summing up he explained that if

Planning Committee - 6.09.23

members wanted to defer their decision, then needed to provide a clear direction to officers in terms of the action that members want them to take and subsequently bring back to them at a later meeting.

The Conservation Officer was then invited to address the committee where he provided detailed additional context and information in relation to his comments in the report. In summing up he confirmed that he had concluded from his assessment that the harm to the area would be less-than substantial for this application.

It was then commented by the Chair that she had concerns about potential flooding and the impacts to the neighbouring properties to the site that would be impacted by this. A concern regarding the 'housing mix' was raised as the figures documented were proving a low percentage of the type of housing that was needed for the area.

Returning to the proposer of the motion to defer, he set out to members that he believed there were only two areas that needed to be identified and addressed, these were that further negotiations and conclusion to the outstanding matters relating to LAPs and LEAPs and the potential harm caused to existing community assets were needed.

The Planning Consultant was then invited by the Chair to address the comments raised. She confirmed that the comments regarding education were covered by the S106 and a contribution had been secured for this. The LAPs and LEAPs and the public open space, what has been provided within the application meets the S106 criteria and in some instances exceeds it. Specifically relating to the play equipment again this would be covered by the S106 and was not for consideration at this point. She agreed with the concerns raised relating to the housing mix but stated these were included within the S106. Finally in relation to the lack of consultation with the Parish, she confirmed that the last Advisory Meeting that was due to be held was cancelled due to a lack of attendance.

Before turning to the vote, it was requested that the reason for deferral be reconfirmed for the accuracy of the minutes.

The proposer Councillor Bower confirmed that the reason for deferral should read, 'The application be deferred to allow for further negotiations and conclusion on outstanding matters relating to LAPs and LEAPs and the potential harm caused to existing community assets.'

As discussion was continued by members regarding the wording proposed, the Legal Services Manager offered a different reason for deferral based on the debate he had heard for members to consider. Members did not accept the wording provided by the Legal Services Manager.

The wording proposed by Councillor Bower and seconded by Councillor McDougall was then put to the vote whereby;

The Committee

RESOLVED that

The application be deferred to allow for further negotiations and conclusion on outstanding matters relating to LAPs and LEAPs and the potential harm caused to existing community assets.

216. P/71/23/S73 57 HARBOUR ROAD, PAGHAM PO21 4TF

No Public Speakers

Application under section 73 of the Town and Country Planning Act 1990 to vary condition 2 – materials on P/90/06 to state ‘The materials used in the construction shall be as follows: Roof tile Marley Interlocking concrete tiles in slate grey; plinth bricks-Staffordshire blue bricks; windows-slate grey uPVC, rainwater services all black uPVC. The wall (except of plinth) will be white render with a vertical cedar board cladding to gables.’

The Planning Area Team Leader presented the report.

As there were no questions from the Committee the recommendations were proposed by Councillor McDougall and seconded by Councillor Bower.

The Committee

RESOLVED

The application be approved conditionally.

217. APPEALS

Members noted the appeals list provided.

218. KEY PERFORMANCE INDICATORS 2022-2026-QUARTER 1 PERFORMANCE REPORT FOR THE PERIOD 1 APRIL 2023 TO 30 JUNE 2023

Members noted the report.

(The meeting concluded at 4.38 pm)

Report following a request for further information, negotiations or consultation

REF NO: AL/70/23/OUT
LOCATION: Land West of Lidsey Road (A29)
Lidsey
PROPOSAL: Outline planning application with all matters reserved except access for residential development of the site with up to 155 dwellings (Use Class C3), informal and formal public open space, landscaping, drainage, and other associated works. This application is a Departure from the Development Plan. This is Not CIL liable as Outline.

This application was deferred from the September Meeting to allow for the councils legal team to review and respond to the draft s106 agreement submitted by the applicant. The council's planning lawyer has duly confirmed that:

- The draft s106 from the applicant has been received.
- Legal are happy with the general principles of the s106.
- The draft agreement is now in the process of being finalised with reference to comments from ADC, WSCC and the applicant.
- Legal are actively working on progressing the agreement.

It is noted that members raised no other issues with the application. This update only deals with the matter of the s106 that were the sole reason for the deferral. No other matters were raised at the Committee and it is therefore expected that all other matters were considered to be acceptable.

Through discussions regarding the delivery of the applications within the Barnham/Eastergate/Westergate strategic allocation, issues around how to provide for primary school capacity within the catchment have come up and are in need of resolving. WSCC were asked if they wanted to consider this issue in their consultation response and they have confirmed that their position remains unchanged from that originally reported.

PLANNING APPLICATION REPORT

REF NO: AL/70/23/OUT
LOCATION: Land West of Lidsey Road (A29)
Lidsey
PO22 9RG
PROPOSAL: Outline planning application with all matters reserved except access for residential development of the site with up to 155 dwellings (Use Class C3), informal and formal public open space, landscaping, drainage, and other associated works. This application is a Departure from the Development Plan. This is Not CIL liable as Outline.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Although layout is a reserved matter, an indicative layout has been provided which shows areas of new homes and an area of open space sited broadly centrally. The application uses the access from Lidsey Road approved by AL/129/21/OUT. This access arrangement is to be 7.3m wide (tapering to 5.5m inside the site) with additional 2m footways and will take the form of a bell mouth arrangement with 15m radii. It benefits from visibility splays of 2.4m by 160m and there is to be a ghost island in the carriageway to facilitate right turn waiting. The resultant Lidsey Road carriageway lanes will each be 3.25m wide. The approved scheme proposed a new footway along Lidsey Road between the new access and the existing footway outside April Cottage to the north.

The illustrative layout suggests a play area in the south-west corner and significant buffer planting (20m wide) along the western boundary. Internally, there would be 2m wide footways and shared surface drives at the end of some cul-de-sac spurs. Two farm access points are indicated into the adjacent field on the west side of the layout. These are to retain options for access in a reserved matters scheme to the adjacent arable fields. The plan includes a narrow strip of land running west alongside the landfill access, and it is understood this is required to facilitate a drainage connection to the ditch to the west.

SITE AREA

8.70 hectares but this includes the access to the site and the associated extent of road improvements previously approved by AL/129/21/OUT.

RESIDENTIAL DEVELOPMENT DENSITY

The density of the area of land to be built on is (up to) 21.2 dwellings per hectare based on an area of 7.33 hectares (which excludes the previously approved access).

TOPOGRAPHY

The land falls gently by approximately 2m from the northern boundary towards the south-western corner. This change in level is over a significant distance and the site appears predominantly flat. The eastern boundary adjoining Lidsey Road is raised slightly (by approximately 1m).

TREES

There are relatively few trees in the site with most to the boundaries and as part of existing hedgerows. The tree plan indicates, based on the illustrative layout, that the following would be felled:

- A class C Willow tree situated close to the western boundary.
- Part of two groups of class C Cypress trees (refs G68 & G74) on the northern boundary adjacent the site access.
- Part of another group of class C Cypress trees (ref G75) on the northern boundary.
- A footpath width sized part of a class C Hawthorn hedge close to Lidsey Road; and
- Three parts of a group of class C Hawthorn/Willow trees running east/west centrally through the site.

A Tree Preservation Order (TPO/AL/7/22) protects 9 Pedunculate Oak and 1 Ash on the site of AL/129/21/OUT.

BOUNDARY TREATMENT

Mix of hedging, ditches and low timber/wire fencing. The western site boundary is currently undefined.

SITE CHARACTERISTICS

The site comprises parts of two agricultural fields separated east/west by a hedgerow. There is a ditch system running centrally through the site and along all boundaries except where the access will meet Lidsey Road.

CHARACTER OF LOCALITY

The site is predominantly rural as it borders open fields and the surrounding landscape is agricultural fields, with relatively few residential properties. The adjoining residential properties are 1 and 2 Farrows Barn adjacent to the northern boundary which are single storey (barn conversions) with rear ground floor living and bedroom windows.

To the west lies the Lidsey Landfill site which was closed and restored in 2017. The waste encapsulated in the site continues to degrade and produce liquid (leachate) and landfill gas. These waste degradation products are actively managed through a network of wells and pipework which take the leachate and landfill gas to the environmental management compound at the landfill site entrance on the east side of the site. The leachate is discharged to a sewer under an effluent discharge consent. The gas, which has a high proportion of methane, is used to generate green electricity as permitted by planning permission AL/88/06.

RELEVANT SITE HISTORY

AL/192/22/ESO	Environmental screening request for up to 155 No dwellings, associated landscaping, Public Open Space and associated infrastructure.	ES Not Required 10-01-23
AL/129/21/OUT	Outline planning application with all matters reserved (except access) for residential development with up to 95no. dwellings (Use Class C3), informal and formal public open space, landscaping, drainage and other associated works. This application is a Departure from the Development Plan.	App Cond with S106 22-08-22

AL/129/21/OUT was approved in August 2022 following a resolution by committee in April 2022. This application secured the access details and improvements which this new application now seeks to benefit from. AL/192/22/ESO was a request for an Environmental Impact Assessment (EIA) Screening Opinion and the Local Planning Authority confirmed in January 2023 that an EIA would not be required.

Pre-application advice was given in February 2023 for a development of up to 155 dwellings and

concluded that:

"The proposal despite being outside of the BUAB, has to be considered to be sustainably located due to the presence of the existing approved scheme and the location of the BEW site opposite. The proposal would result in economic and social benefits including a contribution to the current HLS shortfall.

However, we have concerns about the harm to the character of the landscape in this location and the spread of development into open countryside. The harm is likely to be significant. We will need to weigh up potential harm to wildlife, loss of agricultural land and any pollution impacts. It is not possible at this time to say whether the proposal would be capable of officer support, but it is accepted that the Council's current HLS shortfall is significant, and the contribution of this application would be substantial. However, should the proposed changes to the NPPF go through before the application is determined then more weight would be afforded to the ANDP policies, and this could result in a refusal on grounds of the principle of residential development in the countryside and associated visual harm."

REPRESENTATIONS

Aldingbourne Parish Council - Object:

- Outside the Built-Up Area Boundary (BUAB) / Departure from the development plan.
- Aldingbourne has exceeded its agreed housing allocation.
- Impact on the Singleton and Cocking Tunnels Special Area of Conservation.
- Loss of Grade 1 Agricultural land.
- Harm to the rural character.
- Trees and hedgerow are to be removed.
- Housing density is excessive; and
- The scheme does not integrate effectively with existing developments and does not show how access to the site will be used by all parties to the area.

Two resident objections raising the following concerns:

- The application is premature as it departs from the Aldingbourne Neighbourhood Development Plan (ANDP).
- Loss of Grade 2 Agricultural land.
- No assessment of alternative sites.
- The site is a natural floodplain.
- The access is dangerous, and the Lidsey landfill access junction should be used instead.
- Cycling on the A29 is not viable due to unsafe road conditions.
- The site is in close proximity of the Lidsey Landfill site and will be subject to odour and ground pollution.
- Inadequate infrastructure in the area to cater for further development.
- Site address is incorrect and the application is unlawful (the site is in Lidsey and the postcode is wrong).
- Insufficient foul sewers to serve the development.

An objection has been received from Suez Recycling & Recovery UK who manage the closed landfill site at Lidsey on behalf of Lidsey Landfill Limited (LLL). This states that the supporting documents have not fully considered the activities being undertaken at the site and that the addition of new residential dwellings within 150m of the boundary of a Waste Management Facility will create new receptors for existing impacts. Suez request that further information is provided including details on noise and air quality assessment and mitigation as well as a landfill gas risk assessment.

Suez state if the planning authority is minded to approve this development, they would recommend that

the levels of mitigation required are established prior to a decision on the application and that they are suitably effective and enforceable to ensure their implementation to protect the amenity of any possible future occupants and the ongoing management of the closed landfill.

COMMENTS ON REPRESENTATIONS RECEIVED:

The majority of the objections are discussed in the content of the conclusions section with the exception of the following:

- There is no policy requirement to assess alternative sites. This would only be required if the site was in Flood Zone 2 or 3, but this site is designated as Flood Zone 1.
- The access has been approved (AL/129/21/OUT) and must be considered as safe.
- The site has been addressed by the Local Planning Authority not the applicant. Any errors does not make an application invalid.

The comments from Suez relating to the landfill site are discussed in the report's conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATIONAL HIGHWAYS - originally requested further information in respect of a highway capacity analysis, consideration of committed/local plan developments, and a collision analysis. Stated permission should not be granted for 3 months from the date of the response (26/05/23) to allow the applicant to resolve outstanding matters.

NATURAL ENGLAND - state have no specific advice.

SOUTHERN WATER - no objection subject to an informative.

SOUTH DOWN NATIONAL PARK AUTHORITY - advise no comment.

SUSSEX POLICE - no objection but list a number of advisory notes regarding improving security.

WSCC WASTE & MINERALS - originally requested further information in the form of a Waste Infrastructure Statement.

WSCC HIGHWAYS - originally requested further information in respect of confirmation that junction stacking in the right turn lane can accommodate the additional capacity of the development, and further consideration from the Road Safety Auditor on the additional proposals for the development. Also advised:

- The separation between the proposed BEW roundabout and site access junction is acceptable.
- A reduction to 40mph on this part of the A29 has been discussed with the BEW developers, although at this stage this has not been fully confirmed.
- A connection will be provided that links to the footway provision in the AL/129/21/OUT development - this will facilitate pedestrian permeability between the site and the existing footway network.
- The site is sustainable.
- The submitted Travel Plan accords with WSCC guidance.
- Junction Capacity Assessments have been undertaken and demonstrate that the development will not have a 'severe', impact on the operation of the highway network; and

- The development is forecast to generate 4 peak hour movements across the level crossing, a level of traffic that would have an imperceptible impact on its existing operation.

WSCC FIRE & RESCUE - no objection subject to a condition to secure fire hydrants.

WSCC DRAINAGE - object based on inadequate information to meet current drainage policy and ensure flood risk does not increase elsewhere.

WSCC EDUCATION - objection due to it not being possible to expand secondary school provision for pupils arising from the development, and the lack of an allocated or secured site for a new secondary school. Until such time that the new secondary school has been built & opened, would require a contribution towards home to school transport in order to enable pupils to access schools outside the district.

ADC LANDSCAPE - no objection subject to a landscape scheme and provision of on-site play/open space. The potential impact on the location would require that landscaping be provided as mitigation towards screening and softening of the development. Consideration will be required re the access from the A29 and the impact this may have on trees and hedges on any boundaries. The SPD requires 12,788m² as a minimum of well connected, usable, quality POS provision. On site Local Areas for Play (LAP), Local Equipped Area of Play (LEAP) and Neighbourhood Equipped Area of Play (NEAP) provision will be required. The submission states the provision of 3no LAPs, 1no LEAP and 1no NEAP which would appear suitable provision for the development.

ADC ENVIRONMENTAL HEALTH - object due to insufficient information relating to noise from the ongoing management of the closed Lidsey landfill site (from the irregular gas flaring and from the leachate management function). Request more information regarding the impact of Sulphur oxides (SO_x) from the Landfill site. Recommend conditions relating to contamination, hours of construction and asbestos.

ADC ECONOMIC DEVELOPMENT - request a condition to secure an Employment and Skills Plan.

ADC HOUSING STRATEGY & ENABLING MANAGER - no objection, require 30% affordable housing comprising 67% affordable rented dwellings, 25% First Homes and 8% other intermediate ownership products.

ADC DRAINAGE ENGINEERS - no objection subject to standard conditions. State:

- The location of the access is unlikely to prejudice surface water drainage or increase flood risk onsite or elsewhere; and
- The developer has evidenced that infiltration is not viable therefore the design attenuates surface water on the site in various open features, before discharging it to watercourses that either bisect or bound the site at a restricted rate.

COUNCIL's ECOLOGIST - no objection subject to conditions to secure biodiversity mitigation and enhancement measures.

COUNCIL's ARCHAEOLOGIST - no objection subject to a condition. State agreement with the Desk Based Assessment Study with regard to the likely archaeological potential of this site.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

NATIONAL HIGHWAYS (NH) - the applicant provided further information and has been in communication with NH to seek to overcome their issues. On the 15th August, NH wrote to say that their holding objection has been lifted and they recommend no conditions.

WSCC WASTE & MINERALS - a Waste Infrastructure Statement was provided and passed to WSCC who confirmed no objection with the following comments:

- The 'no objection' is subject to the LPA being satisfied (in consultation with Environmental Health) that the delivery of the development would not introduce new sensitive receptors in the close proximity of the existing waste infrastructure.
- The determining authority should be satisfied that the submitted odour and noise assessments meet the relevant criteria as to ensure there would be no significant impact upon amenity.
- The current gas generation operation (AL/88/06), is restricted in that condition 6 specifies that noise rating levels shall not exceed noise limits (5db above background) at the nearest neighbouring receptor.
- While the distances of the existing nearby receptor (to the south) and the development are somewhat similar, if the proposal were to introduce buildings in a closer proximity to the site and the noise levels as specified in the condition are exceeded, then the waste permission would be in breach of its operational condition, which would cause complications for the restoration/aftercare of the landfill site.

WSCC HIGHWAYS - the applicant supplied information and WSCC Highways advise no objection subject to conditions (access and construction management plan) with the following comments:

- The Road Safety Auditor confirmed that based on the information, the junction would operate satisfactorily.
- The right turn lane on the A29 is 22.65m long and can accommodate approximately three cars; and
- The access junction has been tested for am/pm traffic levels associated with the 2023 & 2028 base levels plus committed and proposed developments - and no vehicles would be queuing on the A29.

WSCC DRAINAGE - advised on 17/08/23 that following correspondence with the applicants, their objection is withdrawn. They request drainage conditions which are already covered by those included in the recommendation at the request of our engineers.

WSCC EDUCATION - this objection is due to the current inability to expand secondary school provision to accommodate pupils arising from the development (and other developments in the district) and the lack of an allocated or secured site for the delivery of the new secondary school. This development does not itself generate the need for a new secondary school and there is no policy requirement for the development to provide a school on site or to fund the whole cost of one elsewhere.

It is material that CIL contributions can be used to fund new school facilities and the developer will be liable for such. WSCC raised similar concerns in respect of the recent Land South of Barnham Station appeal, but the Inspector dismissed this stating "if allowed, the appeal proposal would be subject to a CIL liability in terms of contributing to wider infrastructure needs such as health and education". It is important to ensure consistency of decision making."

It has been agreed with WSCC that ADC will revisit looking at potential secondary school sites, but it is unreasonable to reject this application solely on the absence of a secured school site when an appropriate contribution through CIL will be secured towards its delivery. The requested school transport contribution will be secured through the s106 agreement.

ADC ENVIRONMENTAL HEALTH (EH) - in response to concerns, the applicant provided additional documents regarding the closed landfill site. These comprise an addendum noise assessment, an

addendum air quality assessment, and a waste infrastructure statement addendum. The requested asbestos condition will not be included as it clearly states it is required for buildings and there are no buildings on the land. EH subsequently advised they have assessed the noise and air addendum reports and have no further comments. They request that the full contaminated land condition that they previously requested is placed on any permission given. This condition is included within the report.

POLICY CONTEXT

Designations applicable to site:

- Outside the Built-Up Area Boundary (BUAB).
- Within the 250m consultation area of Lidsey Landfill. *
- Adjacent to the A29.
- Part opposite the BEW Strategic Allocation.
- Current/Future Flood Zone 1.
- Tree Preservation Order ref TPO/AL/1/22.
- Within a WSCC Waste Site Buffer.
- Grade 2 Agricultural Land.
- CIL Zone 3.
- Part within 12km of the Singleton & Cocking Tunnels Special Area of Conservation.
- Area of Advert Special Control; and
- Part in an Archaeological Notification Area.

There are no Public Rights of Way in or immediately adjacent to the site - footpath ADL291 to the west of the site is closed until the restoration of the landfill site is completed.

* The Lidsey Landfill site stopped accepting non-inert waste in December 2015 and is in the process of restoration and aftercare. There are related waste permissions at the site (a leachate storage compound and electricity generation from landfill gas).

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HERDM6	HER DM6 Sites of Archaeological Interest
HERSP1	HER SP1 The Historic Environment
GISP1	GI SP1 Green Infrastructure and Development
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
SKILLSSP1	SKILLS SP1 Employment and Skills
SODM1	SO DM1 Soils
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
WMDM1	WM DM1 Waste Management

West Sussex Waste Local Plan 2014:

	West Sussex Waste W2 Safeguarding Waste Management Sites
<u>Aldingbourne Neighbourhood Plan 2019-31 Policy EH1</u>	Built up area boundary
Aldingbourne Neighbourhood Plan 2019-31 Policy EH3	Development of agricultural land
Aldingbourne Neighbourhood Plan 2019-31 Policy EH5	Surface water management
Aldingbourne Neighbourhood Plan 2019-31 Policy EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2019-31 Policy EE8	Communications infrastructure
Aldingbourne Neighbourhood Plan 2019-31 Policy EH10	'Unlit Village' status
Aldingbourne Neighbourhood Plan 2019-31 Policy EH2 2019	Protection of bat habitation
Aldingbourne Neighbourhood Plan 2019-31 Policy GA1	Promoting sustainable movement
Aldingbourne Neighbourhood Plan 2019-31 Policy GA2	Footpath and cycle path network
Aldingbourne Neighbourhood Plan 2019-31 Policy GA3	Parking and new developments
Aldingbourne Neighbourhood Plan 2019-31 Policy LC4	Provision of allotments
Aldingbourne Neighbourhood Plan 2019-31 Policy	Provide Housing to meet District Council allocation

H1 2019

Aldingbourne Neighbourhood Plan 2019-31 Policy H2 Housing Mix

Aldingbourne Neighbourhood Plan 2019-31 Policy H3 Housing Density

Aldingbourne Neighbourhood Plan 2019-31 Policy H4 Affordable Housing

Aldingbourne Neighbourhood Plan 2019-31 Policy H7 Development in the vicinity of businesses

Aldingbourne Neighbourhood Plan 2019-31 Policy H8 Outdoor space

Aldingbourne Neighbourhood Plan 2019-31 Policy H9 Attention to detail

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The revised Aldingbourne Neighbourhood Development Plan (ANDP) was made on 14/07/21 and its policies are referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal conflicts with the development plan in that it would result in development outside of the defined settlement boundary and the loss of grade 2 agricultural land. There are conflicts with the specific requirements of Arun Local Plan policies SO DM1 & W DM1 and with the ANDP in respect of the loss of agricultural land and the lack of evidence about local housing need.

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

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

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan and these are set out in the conclusions section below.

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For this application, the development plan comprises the Arun Local Plan 2011-2031 (ALP), the Aldingbourne Neighbourhood Development Plan (ANDP) and the West Sussex Waste and Minerals Plans.

Section 38(5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area, conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, any conflict between the ALP and the ANDP should be resolved in favour of the latter.

Paragraph 14 of the NPPF currently states where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made.
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
- c) the local planning authority has at least a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

In January 2023, the council published its Authority Monitoring Report (AMR) for 2021/22 and this shows that the Housing Land Supply (HLS) is 2.36 years. On the basis of the current HLS and the age of the ANDP, para 14 of the NPPF does not apply. It is acknowledged that Aldingbourne has significantly contributed to housing development. There is still an unmet need across the district and this needs to be considered in all locations despite previous contributions.

On the basis of the new AMR, the policies most important for the determination in the ALP (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land. The revised ANDP is relatively recent but due to the HLS being below 3 years does not benefit from the weight given to recently made plans from para 14 of the NPPF and so the presumption in favour of sustainable development is unaffected by the ANDP.

Arun Local Plan:

Policy C SP1 states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. Policy SD SP2 states development should be focused in the BUAB. The application conflicts with ALP policies C SP1 and SD SP2.

Aldingbourne Neighbourhood Development Plan:

The ANDP was made on 14/07/21 and shows the site outside the BUAB. Policy EH1 recognises the need to provide more housing to meet the housing land shortfall defined by the ALP and so provides an opportunity for development outside the BUAB provided it meets various criteria. Policy GA1 is relevant but has the same requirements as part (v) of EH1. The following is an analysis of the EH1 criteria:

(i) The proposal would contribute up to 6.7% towards the current annual housing requirement and is clearly proportionate to the current housing supply shortfall as defined by the ALP. It is unclear from the submission how this proposal will meet specific needs of Aldingbourne particularly as according to ANDP policy H1 2019, the Parish has exceeded its allocation by 48 units. Albeit that it would first be necessary to secure a reserved matters consent, the applicant has stated that the site is proposed for delivery in the short term.

(ii) A Landscape Visual Impact Assessment (LVIA) has been submitted. This states the site has capacity to accommodate and integrate, overtime, residential development of the scale and nature envisaged without significant adverse effects in landscape and visual terms. The Councils Landscape Officer raised no objections on landscape matters.

(iii) Matters of layout, scale, appearance & landscaping are reserved for a future application, but it is clear from the indicative layout that the site can be integrated with existing development and is of a density appropriate to the location.

(iv) An Appropriate Assessment has been undertaken and this concludes that subject to conditions being imposed, there will be no adverse effect on the integrity of the Singleton and Cocking Tunnels SAC.

(v) This report concludes that although the site will be car reliant, when considering the NPPF as a whole, it is a sustainable site. The site adjoins land approved by AL/129/21/OUT and is opposite to the western edge of the BEW strategic allocation (which is part of the BUAB).

(vi) This report concludes no adverse environmental, amenity, ground water flooding or traffic impacts.

(vii) The site does not lie in 50m of any of the ANDP's biodiversity corridors.

There is a slight conflict in respect of (a) in that the proposal does not make it clear how it relates to the needs of the Aldingbourne Parish but otherwise the proposal complies with the policy requirements.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining applications. As the council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development would be triggered.

Other Material Considerations

The council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. It

recommended the council consider inviting applications from landowners / developers on 'deliverable' Housing & Economic Land Availability Assessment (HELAA) sites to re-establish the 5-year housing land supply. The site (20AL2) was stated to be 'deliverable' in the 2021 HELAA and so does benefit from support from the Action Plan.

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy but is meant as a guide for developers proposing development on sites outside the BUAB and to inform decisions. The IHS applies to sites adjacent to settlement boundaries and this site meets the criteria as there is BUAB to the immediate east (on the opposite side of the road). The IHS sets out criteria to help speed up determinations of suitable residential developments. The application states the proposal meets all but one of the criteria (the exception being the site is not in the BUAB) and scores highly against the criteria.

Sustainability

The proposal, despite being outside the BUAB, is sustainably located as it is to the immediate south of Aldingbourne and is west of the edge of the BEW strategic allocation. It will be possible for residents to use non-car means of transport to access schools, pubs, shops, and other services. The site will link with the development approved by AL/129/21/OUT which benefits from new footway on Lidsey Road and enables residents to walk safely to access services/facilities to the north including the bus stops outside the Wings site. The Design and Access Statement shows the proximity of nearby facilities.

The site entrance will be not far to the north of the proposed A29 roundabout and entrance to BEW so that residents will in the future be able to access facilities and services in Barnham by heading east through the BEW development. Whilst the private car could be required for longer distances, new residents would not need to rely on a car for local journeys and although public transport may not be particularly attractive in terms of frequency, it does exist as an alternative. The eventual residential scheme will include secure cycle storage and electric vehicle charge points.

Conclusion on Matters of Principle:

The principle of development on this site conflicts with the ALP but is broadly in accordance with policy EH1 of the ANDP and the conflict between the two would be resolved in favour of the newer ANDP. Even if it were considered that the proposal conflicts with policy EH1 (due to a lack of information as to how the proposal meets the needs of Aldingbourne), because the Council's HLS is below 3 years, paragraph 14 of the NPPF would not apply and the application would then fall to be determined by the NPPF presumption in favour of sustainable development under paragraph 11(d).

PREMATURITY:

Para 49 of the NPPF states a refusal on prematurity grounds will only be justified where the development would undermine an emerging development plan and the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. Neither of these circumstances apply as the ANDP is a made plan. The application cannot be said to be premature.

AGRICULTURAL LAND:

The application is accompanied by an Agricultural Land Classification and Soil Resources Report (ALC) which concludes that 7.8ha of the site is Grade 2 (very good quality) with 0.9ha as non-agricultural. The documents do not comment on recent agricultural activities at the site, but photographic and site visit evidence suggests fields have been ploughed recently and have been planted with crops. There is potential for such arable agricultural activities to continue.

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the ALC for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term. ANDP policy EH3 states development proposals affecting best and most versatile agricultural land will be resisted unless it can be demonstrated that the need for the development clearly outweighs the harm.

In allowing an appeal (Y/62/18/OUT) at Clays Farm, which concerned a refusal on loss of grade 2 agricultural land, the Inspector noted the site was not being used for agriculture and that there was no evidence that the site would be so used in the future. The Inspector stated whilst this does not in itself justify the loss of agricultural land, it does act to reduce the level of environmental and economic harm caused by its development. The Inspector considered that the loss of the grade 2 agricultural land represented only moderate harm and that the benefits of 33 new homes outweighed this harm.

Although this land is (or has until very recently been) used for crops, the Councils housing land supply shortfall is significant and agricultural land will need to be built on to meet the shortfall. Sites that are close to existing settlement boundaries such as this would be preferred to meet this need. The three separate field nature of the site is a potential constraint to continued agricultural viability as larger tracts of land are preferred in the interests of efficiency.

Policy SO DM1 makes it clear that in order to fully justify the loss of the agricultural land, the policy criteria (a) to (b) and (d) to (g) should be met. These require assessment of the land's economic status, the land's environmental & other benefits and mitigation measures. The applicant has not responded to these criteria and has not provided a Soil Resource Plan (SRP). Whilst the need for the development is accepted, there is conflict with the remaining parts of the policy. A condition can be imposed to secure a SRP to protect and secure reuse of the important soils.

On a recent appeal (P/178/21/OUT), the Inspector ruled a conflict with the soil policy but determined, in the overall balancing exercise, that this conflict was outweighed by the scheme's benefits. The Inspector gave the loss of agricultural land moderate weight and stated that the shortfall in housing land supply is significant - and is likely to continue for some time with no imminent remedy through the plan making process. The Inspector noted that most countryside surrounding the main coastal towns in Arun is characterised as BMV land, but it is difficult to avoid new development on the edge of such settlements resulting in the loss of some high value agricultural land.

ARCHAEOLOGY:

ALP Policy HER DM6 states that where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires a desk based archaeological assessment be submitted and one has been submitted. The council's Archaeologist raises no objections and there is no conflict with policy HER DM6.

TRAFFIC & ROAD SAFETY:

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

Policy T DM1 requires new development be located in easy access of established non-car transport

modes/routes. ANDP policy GA2 states support will be given to proposals that improve walking & cycling routes whilst GA3 requires parking be provided to meet current standards.

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

The application proposes to take access from Lidsey Road using the access junction/road approved by AL/129/21/OUT. This will be 7.3m wide (tapering to 5.5m inside the site) with additional 2m footways and will take the form of a bellmouth arrangement with 15m radii & visibility splays of 2.4m by 160m. The approved access provides new 2m wide footway on Lidsey Road between the new access and existing footway outside April Cottage to the north (a distance of 125m). This new application provides road and pedestrian links with the approved development to enable people to access the new footway to head north to Aldingbourne. All other field gate accesses would be stopped up and there are no planned connections to the Lidsey landfill access to the south. The application states the site access arrangements approved as part of AL/129/21/OUT are appropriate to serve the new proposal.

The comments of WSCC Highways are set out in full on the Councils website and summarised elsewhere in this report. They raise no objection and consider that there would not be an unacceptable impact on highway safety, and no severe residual cumulative impacts on the road network.

As there are no details as to layout, size of the houses or the exact form of parking spaces, it is not appropriate to consider parking provision. Compliance with the Arun Parking Standards SPD will be considered at reserved matters stage. This includes a requirement to ensure 5% of all spaces are suitable for the disabled and a condition is included to remind the developer of this requirement.

The proposal is compliant with the relevant development plan policies and guidance on highway safety within the NPPF.

LANDSCAPE, CHARACTER & DENSITY:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the particular characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. ANDP policy H3 states density should be appropriate to location.

Section G of the Arun Design Guide (ADG) suggests a density of 5-15 for detached/semi-detached houses and 15-20 for terraced houses in rural locations but 15-25 for detached/semi-detached houses and 20-30 for terraced houses in the 6 village areas. The ADG states the density should be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character. The illustrative layout plan shows a mix of detached, semi-detached and terraced housing. The density is up to 21.2 dwellings per hectare (dph). This compares favourably with the density on the adjoining site of up to 26.9 dwellings per hectare (dph). It is material that permission is applied for up to 155 dwellings and so the Local Planning Authority (LPA) would be able to seek a lower number of dwellings at reserved matters stage should this be required following assessment versus the detailed design policies.

The application is outline and does not seek the approval of layout, external appearance, scale, or landscaping. The illustrative masterplan suggests the site layout will ensure significant buffer planting to

the western boundary (where the site adjoins open fields). The other boundaries are with the landfill access track (south), Lidsey Road (east) and part horticultural development, part approved residential land (north). The site plan suggests tree planting to other boundaries except where the site adjoins an existing access track to the west of Farrows Barn (northern boundary). The applicant supplied a composite illustrative layout plan covering this site and the approved. This shows the two indicative layouts match up. The indicative layouts are not endorsed by this recommendation as there is potential for significant improvements to be made to layout, open space and movement around the sites.

At pre-application stage, officers expressed concerns with the proposed spread of development west and south from the approved scheme into open countryside. At the same time, it is recognised that the land on the east side of Lidsey Road is part of the BEW strategic allocation and so the site frontage will in the future face part of the BEW frontage. This serves to limit the harm arising from the southern spread of the development. The western spread aligns with the existing extent of horticultural development to the north.

There is a Public Right of Way (PRoW) to the west of the site around 500m from the western edge and photographs in the Landscape and Visual Impact Assessment (LVIA) suggest existing trees will screen the site from view. There will be views from Lidsey Road notably where there are existing gaps in the frontage landscaping. As there is no public footway, the site will only be viewed by passing motorists/cyclists or by existing nearby residents (Fox Cottage, Headholme Cottage, Headhone Barns). Any views from the private track to the north or from the Lidsey landfill access track to the south will be experienced by relatively few people. These views will not persist as landscaping is indicated to existing boundaries and over time this will steadily diminish the existing views.

The submitted LVIA states that:

- Western and southern landscape buffers will be key to creating a well-defined settlement edge, restoring former field patterns in places, and appropriately extending the current perceived built settlement edge southwards whilst maintaining the enclosed character of the immediate locality and ensuring a positive transition with the wider arable context.
- The effects to both the landscape character and visual amenity are restricted to very localised receptors; and
- The effects have been considered in combination with the wider BEW site and adjacent permitted scheme directly north.

Although the development will result in some visual change to the character of Lidsey Road, this change needs to be considered relative to its significance as well as being balanced against the need for housing. The Councils Landscape Officer raises no objections subject to landscaping being secured and it is not considered that the impacts on character would significantly outweigh the presumption in favour of sustainable development.

The proposal is acceptable in respect to density, landscape and character and there is no conflict with relevant policies.

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 development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The ADG sets out guidance on garden depths and interface distances between houses.

It is appropriate to ensure the proposed (up to) 155 homes can be achieved without giving rise to harm to

existing residential properties. There are two existing dwellings that border the site (1 & 2 Farrows Barn on the northern edge), and the layout suggests that landscaping/open space will be provided on two sides of this. This will ensure no impact to these properties. Subject to a more detailed consideration of privacy issues at the reserved matters stage, there is no conflict with ALP policies D DM1 or QE SP1.

AIR POLLUTION:

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network.

Both the indicated layout and the footway improvements proposed by AL/129/21/OUT ensure residents can safely walk out of the site and north towards nearby services/facilities. Confident cyclists can use Lidsey Road to reach destinations to the north and south. Electric vehicle charging points and cycle storage facilities will promote the use of non-car means of travel and so potentially reduce vehicle emissions. The provision of high-speed broadband will allow for homeworking.

The submitted Air Quality Assessment (AQA) concludes the operation of the development is not expected to introduce new receptors into an area of poor air quality, nor is anticipated to significantly impact on local air quality with regards to traffic generation. It states that the following measures will be introduced in order to reduce any impacts: the provision of Electric Vehicle Charging Points, cycle storage facilities, the implementation of a Travel Plan, improvements/connections to cycle paths and the local cycle network, and the planting of green infrastructure.

An odour assessment assesses the potential for odours associated with the Lidsey Landfill Site and Lidsey Wastewater Treatment Works. This states the presence of odour associated with a gas flare at the Lidsey Landfill Site was recorded during two of the three surveys conducted, at locations adjacent to the flare stack. Sampling in locations where proposed high risk (residential) receptors are set to be situated in the masterplan, all returned a 'Negligible' exposure risk.

The AQA states additional modelling to assess the impact of the neighbouring Landfill's gas generators on proposed residential receptors has been undertaken but the annual mean and short-term air quality standards are not anticipated to be exceeded at the development as a result of the operation of the landfill gas generators.

Following the Suez objection and the comments of the Environmental Health Officer (EHO), the applicant provided an addendum to the AQA which assesses an additional pollutant emitted from the landfill gas generators - sulphur dioxide (SO₂). This includes modelling and assessment of SO₂ and concludes that none of the UK Air Quality Standards are anticipated to be exceeded at the development as a result of the operation of the gas generators. On this basis, the report states the development is expected to comply with all relevant local and national air quality policy.

The EHO has been consulted on the updated AQA and subsequent comments will be reported at the meeting. WSCC Minerals & Waste assessed the Waste Infrastructure Statement and state no objection (although this is subject to the EHO lifting their concerns). The council consulted with the Environment Agency (EA), but they have not responded. The EA stated on the last application that the consultation request fell outside their statutory external consultation checklist and they had no comments.

Subject to confirmation from the EHO, the proposal will accord with the relevant development plan policies.

NOISE POLLUTION:

Policy QE DM1 states that residential development likely to experience road or rail noise must (a) be supported by a noise exposure category assessment and designed to ensure that residents will not be adversely affected by noise; and (b) consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future.

The application is accompanied by a Noise Impact Assessment (NIA) which recommends acoustically rated windows and ventilation to habitable rooms. It concludes that with these mitigations, noise in habitable rooms would be appropriate and that daytime external noise levels will be lower than acceptable levels. The EHO raised no objections in respect of road noise but following the Suez objection, has requested further information in respect of the potential for noise from the ongoing management of the closed Lidsey landfill site (related to the gas flaring and leachate management activities).

The applicant provided an addendum to the NIA which includes assessment of noise impacts relating to the activities at Lidsey Landfill. The addendum shows noise from the landfill did not affect monitored locations in the site boundary. It concludes "the landfill plant would have a lower than adverse impact on the proposed development and there would be no breach of the landfill site's noise-related planning conditions as a result of the new development."

The planning permission associated with the gas management infrastructure (which Suez operate) has a condition which states "The rating level of the noise emitted from the site hereby approved shall not, at any time, exceed the background noise levels (LA90, T) at the nearest noise-sensitive premises by more than 5 dB(A). The measurements and assessment shall be made according to BS 4142: 1997." The noise assessment addendum shows that whilst the development introduces new sensitive receptors, the stated noise limits will not be exceeded in the site area.

The EHO has been consulted on the updated assessment and any subsequent comments will be reported at the meeting. Subject to confirmation from the EHO, the proposal will accord with the relevant development plan policies.

LIGHT POLLUTION:

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. Further, that schemes proposing outdoor lighting be accompanied by an assessment. ANDP policy EH10 states proposals which detract from unlit environments of the Parish will not be supported and that new lighting will be required to conform to the highest standard of light pollution restrictions in force at the time.

The Design and Access Statement states lighting will be covered at reserved matters stage but will seek to avoid impacts on sensitive habitats, foraging and commuting routes. It is agreed lighting can be reserved to a condition and this will ensure lighting is designed to be sensitive to bats/other wildlife using site boundaries. There are no conflicts with relevant policies.

CONTAMINATION:

ALP Policy QE DM4 states development will be permitted on land that is contaminated as long as remediation is provided. The Preliminary Ground Contamination Risk Assessment states the site has comprised agricultural fields since the earliest mapping (1876). Aside from minor developments of agricultural buildings on the northernmost part of the site, the site has remained in agricultural use since that time. The report identifies potential pollutant linkages associated with localised historical

development on the northern boundary and the landfill site to the south-west.

The EHO raises no objection subject to a standard pre-commencement contamination condition. With this in place, remediation can be secured, and the proposal will thus be in accordance with the policy.

TREES:

ALP policy ENV DM4 states trees protected by TPO, those forming Ancient Woodland, in a Conservation Area or that otherwise contribute to local amenity should not be damaged or felled unless the benefits of the development outweigh the loss. Similarly, ANDP policy EH6 states loss of trees contributing to amenity can be sanctioned where the benefits outweigh the loss.

The application proposes to remove several small low value/non-native trees forming part of self-seeded/un-managed hedgerows in the site. These are predominantly Cypress but do include Willow and Hawthorn. The adjacent site is subject to a TPO which protects 9 Pedunculate Oak and 1 Ash tree four of which are on the southern side of the access. The illustrative layout suggests no impact on these trees which will be within open space.

The council's tree officer has not responded but on the previous application, the officer raised no objections, and it is material that the important trees on the two sites (which lie around the shared access) have been protected and that there is no firm layout yet to assess in respect of the relationship of development to trees.

Landscaping will be assessed at reserved matters stage and the council will require two trees are planted for each lost and that new hedgerow is planted to replaced that lost. This will be included in a condition. Tree and hedgerow loss are required to facilitate the development, but this is not excessive and there will be space available on site to allow tree planting on a 2:1 ratio. The benefits of this development to the Councils HLS outweigh the limited harm in respect of the lost trees and there is no conflict with the relevant policies.

BIODIVERSITY:

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

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

The application is accompanied by an Ecological Impact Assessment (ECIA) Lighting & Reptile Strategy Addendum (LRSA) and a Habitats Regulations Screening Statement & Appropriate Assessment (HRSS). The ECIA found evidence of reptiles, foraging and commuting bats, breeding bird species and overwintering bird species. No evidence of badgers, dormice or great crested newts was found. The report recommends mitigation measures including habitat creation and management.

The ECIA identified a likely negative impact on bats and reptiles significant at a local level and recommends a sensitive lighting plan to include dark corridors and a greenspace buffer providing additional habitat for reptiles within the site. The LRSA provides detail on this measure - with site

boundaries being retained as a dark, wild area. The council's ecologist states no objection subject to conditions to secure biodiversity mitigation and enhancement measures.

The HRSS was commissioned to determine any likely significant effects of the residential development on the SAC and its qualifying features. It concludes no likely significant effects alone or in combination with other plans and projects. Using the information contained in the supporting documents, the council prepared a screening report as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). This concludes there are no likely significant effects on/no adverse effect on the integrity of the Singleton & Cocking Tunnels SAC. Natural England were requested to review this and have advised in response that they have no comments to make. On this basis, there is no conflict with ANDP policy EH12 2019.

The proposal results in the loss of some or all of five tree groups plus a small section of Hawthorne hedge. The loss of the native species (Willow, Hawthorn) is unfortunate but will be compensated for with new native species to be detailed at reserved matters stage. This will ensure these losses are fully mitigated. Other biodiversity enhancement measures can be secured through conditions. The proposal complies with the relevant policies.

FLOODING & SURFACE WATER DRAINAGE:

The site is not affected by current or future flooding from rivers/sea and is in Flood Zone 1. ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SuDS) as appropriate to the size of development. ANDP policy EH5 requires new development make appropriate provision for accommodating the surface water arising from the development.

The surface water drainage strategy is to attenuate water in basins or other shallow SuDS features before discharging at a restricted rate (and treating it prior to discharge) to the existing watercourses adjacent to the site that drain to the west. The system is likely to feature swales, filter strips and filter drains. No objections are raised to the approach and the detailed elements can be secured by condition. On this basis, there is no conflict with the relevant policies.

FOUL DRAINAGE:

The site falls in the Lidsey Wastewater Treatment Catchment Area and ALP policy W DM1 states major developments must demonstrate that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. Policy W DM1 states a drainage impact assessment (DIA) is required for major proposals. ANDP policy EH5 requires new development make appropriate provision for accommodating foul water arising from the development.

The application is not accompanied by a full DIA with foul drainage covered as a part of the submitted Flood Risk and Drainage Statement. This states the site will drain to the existing foul main sewer network that serves Woodgate House. A mix of gravity drainage and pumping will be used depending on the levels on a particular part of the site.

Southern Water advise no objection. They have undertaken a desktop study of the impact that the additional foul sewerage flows from the development will have on the existing public sewer network, and this indicates additional flows may lead to an increased risk of foul flooding from the sewer network but any network reinforcement deemed necessary will be provided by Southern Water.

A residential developer has a right to connect to the existing sewerage system with any offsite network

improvements undertaken by Southern Water using revenue they collect from by their Infrastructure Charging Scheme.

Although there is a conflict with policy W DM1 due to no Drainage Impact Assessment, this conflict is minor, and it is material that neither Southern Water nor the council's drainage engineers object.

CLIMATE CHANGE:

ALP policy ECC SP2 requires new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change and that all major developments must produce 10% of total predicted energy requirements from renewables unless unviable.

The application suggests the dwellings will be designed to conform with prevailing requirements and standards in respect of energy efficiency and performance and reducing water consumption. Conditions will need to be imposed to ensure that the policy requirements are incorporated into the reserved matters application and the final build. This will ensure compliance with the relevant policies.

HOMES FOR OLDER PEOPLE:

ANDP Policy H2 states proposals where at least 25% of dwellings meet Lifetime Home Standards, or its equivalent, will be supported. This does not mean that it is a requirement of this policy. Lifetime Home standards no longer exist, and the equivalent current standard is contained in part M4 of the Building Regulations.

Arun DC has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration and is supported by references in ALP policies D DM1 & D DM2.

It is not possible to determine the proposal against these policies due to layout not being for consideration and there being no clear indication of the precise exact number of dwellings. A condition has been included in the recommendation to require that the reserved matters scheme take account of these requirements.

AFFORDABLE HOUSING:

As per ANDP policy H4, developments over 10 residential units require a minimum provision of 30% affordable housing on site. The Housing Strategy & Enabling Manager raised no objection as long as the requisite amount of affordable housing is secured by a s106 legal agreement. On this basis, the proposal accords with policy AH SP2. The s106 will be written to include local housing clauses and to involve the Aldingbourne Barnham & Eastergate Community Land Trust (ABECLT).

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 states housing developments must provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The Councils SPD "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement (based on 155 homes) for 12,788m² of Public Open Space (POS) including 1,876m² of play provision comprising of a mix of on-site Neighbourhood Equipped Area of Play (NEAP), Local Areas of Play (LAP) and Local Equipped Area of Play (LEAP).

The on-site POS & play can be secured by conditions and are not dependent on the agreement of the s106 agreement. As it is not possible to secure any off-site contributions through a s106 Agreement due to CIL, contributions to other sport/recreation/fitness provision would instead need to be funded by CIL. On the basis that on-site POS and play would be secured by conditions, there would be no conflict with ALP policy OSR DM1.

SUPPORTING INFRASTRUCTURE:

ALP policy INF SP1 requires proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and existing community. This development would be liable for CIL, but it is not possible to calculate the amount until reserved matters stage. Infrastructure providers such as WSCC and the NHS would be able to bid for a portion of the CIL payments collected to spend on their own projects. The Parish Council will also be provided with a percentage of the CIL receipts (25%) to spend. These payments go towards providing the infrastructure that the district needs to support existing and future development.

Objectors are concerned that there is insufficient infrastructure to support new housing. There can be no conflict with policy INF SP1 if the development provides a CIL contribution. It is then the responsibility of external bodies to implement the necessary infrastructure.

National Highways (NH) have not specifically requested a financial contribution to improving the A27. They state that for

windfall sites which in isolation do not have an impact on A27, they are reverting to Arun District Council to consider whether they need to collect a proportionate contribution because of the cumulative impacts of these windfall sites (which are beyond what was modelled at Local Plan stage). It is material however that a contribution was sought on the previous application (£48,980.10 towards mitigation measures on the A27 between the A27/B2233 Nyton Road junction and the A27/A280 Patching dumbbell roundabout). Given that this application represents an extension of the previous permission, it has been determined necessary to seek a similar contribution despite NH not specifically requesting one. On the previous application, NH specified that the contribution was to be £515.58 per dwelling (index linked from 2017 prices) and so a contribution will be sought on this basis.

Paragraph 5 of the most up-to-date ADC Community Infrastructure Funding Statement details ADC's CIL infrastructure list which does not include strategic highways. It is evident that no ADC CIL money will be spent on strategic highways. Paragraph 6.3 makes it clear that ADC do not generally collect via s106 for strategic highways (i.e., the strategic road network as managed by NH) and there is nothing in WSCC CIL Infrastructure Funding Statement that indicates that CIL will be passed on to NH where there are impacts on the strategic road network. It is clear that NH would object unless the LPA seeks to collect the contribution towards mitigation measures on the A27.

In addition, WSCC Education request a school transport contribution, and this will also be secured through the s106. Subject to the applicant entering into a s106 Agreement to secure the contributions, affordable housing and a Travel Plan (plus associated monitoring/auditing fee) then there would be no conflict with ALP policy INF SP1.

SUMMARY:

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year HLS (currently 2.36-years), para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

In respect of the part (ii) test, the report identifies that the proposal is in conflict with the council's policies in respect of: development in the countryside; and the loss of high-grade agricultural land.

The site is sustainable, and the scheme will result in significant benefits to the local and wider area such as new housing (including affordable housing), the creation/retention of construction jobs, new income to the council, spending by future residents on local shops/services, infrastructure improvements across the district and biodiversity enhancements.

The weight to be applied to the contribution of housing development to the HLS was discussed in a recent appeal concerning a site in Pagham (APP/C3810/W/22/3302023). The appellants presented an analysis of recent appeal decisions. Whilst there were no cases directly comparable in number to this application, the evidence suggested more than 30 dwellings should be considered substantial/significant and given the worsening HLS, even smaller developments should weigh heavily in favour. The appeal was for 106 new homes and the Inspector afforded this significant weight.

It would be appropriate in this case to allocate substantial/significant weight to the contribution to the housing shortfall. In that appeal, the Inspector afforded significant weight to the delivery of affordable housing and moderate weight to the economic benefits and biodiversity net gain. The loss of the agricultural land is unfortunate, but the policy does allow for development of such land where there is a clear need. On this basis, it would be appropriate to allocate only moderate weight to the loss of this resource. Development in the countryside is against policy but such a refusal reason would not be sustainable unless there was associated harm and this report finds none. There is policy conflict with ALP policy W DM1, but this does not generate any harm.

The adverse impacts identified do not significantly and demonstrably outweigh the benefits and there is no conflict with other policies within the NPPF.

RECOMMENDATION:

The recommendation is for the Planning Committee to delegate to the Group Head of Planning in consultation with the Chair or Vice Chair with authority to:

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

Should the s106 not be completed in 3 months of the date of the Planning Committee's resolution to grant planning permission, then the application shall be refused for the following reasons:

(1) In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision and is thereby contrary to the aims and objectives of the NPPF and policy AH SP2 of the Arun Local Plan.

(2) In the absence of a signed Section 106 agreement, the development will not provide the highway improvements necessary to deliver the development & mitigate any residual harm to the local and strategic road network and is thereby contrary to ALP policies T SP1, T DM1 and the NPPF.

(3) In the absence of a signed Section 106 agreement, the development will not provide the contribution required to mitigate the additional cost of transporting to secondary school pupils to the nearest school and is thereby contrary to ALP policy INF SP1 and the NPPF.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

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

- (1) The provision of 30% affordable dwellings (consisting of 67% affordable rented, 25% First Homes & 8% Intermediate). The s106 will be tailored to include local housing clauses and involve the Aldingbourne, Barnham, and Eastergate Community Land Trust.
- (2) A contribution of £515.58 per new dwelling (index linked from 2017 prices) from this application site towards mitigation measures on the A27 between the A27/B2233 Nyton Road junction and the A27/A280 Patching dumbbell roundabout.
- (3) A Travel Plan and its associated fee of £3,500 (at the time of writing) for monitoring and auditing of the Travel Plan.
- (4) A Secondary School Transport Contribution in accordance with the published formula.

CIL DETAILS

This is not currently liable for CIL due to being at outline stage. Instead CIL will be calculated on the reserved matters application.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (e) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

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

Dwg No 2150-DLA-XXX-XXX-DR-L-L28-S02 Location Plan.
 Dwg 36 Rev F Proposed Access Arrangements Sheet 1 of 3.
 Dwg 36 Rev F Proposed Access Arrangements Sheet 2 of 3; and
 Dwg 36 Rev F Proposed Access Arrangements Sheet 3 of 3.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1, D DM1, QE SP1, QE DM3, T SP1 and T DM1 of the Arun Local Plan.

4 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (The Ecology Co-op, December 2022) and Lighting and Reptile Strategy Addendum (The Ecology Co-op, January 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall supervise all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species in accordance with policy ENV DM5 of the Arun Local Plan and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

5 The development shall achieve a minimum of 10% energy supply reduction from either the use of decentralised/renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling/the building and shall be thereafter permanently maintained in good working condition.

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

6 The landscape and layout details to be submitted pursuant to condition 1 shall include the following items:

(1) Details of all existing trees and hedgerows on the land indicating which are to be retained and which are to be removed. These required details are to include a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule', a 'Tree Constraints Plan', and in the event that a root protection area of any tree which is proposed for retention overlaps the development, then an 'Arboricultural Method Statement' and a 'Tree Protection Plan'. Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted, or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

(2) Full landscaping details including the use of native trees and compensatory planting on the basis of 2 trees/hedge units for every 1 lost.

(3) Details of the position, design, materials, height, and type of all boundary treatments to be provided. The boundary treatments shall be provided to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Gaps shall be included at the bottom of the fences to allow movement of small mammals across the site. Development shall be carried out in accordance with the approved details and permanently retained in a useable condition thereafter; and

(4) Full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage). This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011). It must also:

- identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

Reason: In the interest of visual amenity, the quality of the environment, the site biodiversity, the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies D DM1, QE SP1, QE DM2, ENV DM4 and ENV DM5 of the Arun Local Plan and the NPPF.

7 The layout and landscape details to be submitted pursuant to condition 1 shall include full details of the required public open space (POS) & play areas and management arrangements. The POS and play areas shall thereafter be implemented in accordance with the provision as

agreed prior to occupation of the 77th dwelling and permanently retained thereafter. The approved management details shall be permanently adhered to.

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

8 The landscape and layout details to be submitted pursuant to condition 1 shall include a Biodiversity Gain Plan to ensure that there is a net gain in biodiversity within a 30-year period as a result of the development. The net biodiversity impact of the development shall be measured in accordance with the Secretary of State's biodiversity metric as applied in the area in which the site is situated at the relevant time. The content of the Biodiversity Gain Plan should include the following:

- a) Proposals for the on-site biodiversity net gain.
- b) A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed; and
- c) Proposals for any off-site biodiversity net gain provision; and where appropriate,
- d) A management and monitoring plan for all offsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Gain Plan.

Reason: To conserve and enhance protected and Priority species in accordance with policy ENV DM5 of the Arun Local Plan and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

9 No development shall take place, until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g., native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the receptor area(s).
- i) Details for monitoring and remedial measures; and

j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To conserve and enhance protected and Priority species in accordance with policy ENV DM5 of the Arun Local Plan and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

10 No development shall take place, until a Landscape and Ecological Management Plan (LEMP).has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year and covering a minimum of a 30-year period).
- g) Details of the body or organisation responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species in accordance with policy ENV DM5 of the Arun Local Plan and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

11 No development shall take place, until a Biodiversity Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures.
- b) detailed designs or product descriptions to achieve stated objectives.
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans (where relevant).
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To conserve and enhance protected and Priority species in accordance with policy ENV DM5 of the Arun Local Plan and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

12 The layout, scale, and appearance details to be submitted pursuant to condition 1 shall include the following items:

(1) A scheme for the provision of facilities to enable the charging of electric vehicles in accordance with the Arun Parking Standards SPD to serve the approved dwellings. This requires all dwellings with a garage or driveway to have EV charging points in 100% of parking spaces with electric ducting provided to all other spaces where appropriate to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations applicable at the time (or any subsequent guidance). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

(2) A detailed level survey of the site including existing and resulting ground levels and the slab levels of the buildings the subject of this approval.

(3) 5% of all parking provided as suitable for disabled persons. This must include a percentage of the proposed visitor parking spaces.

(4) Full details of cycle storage including elevations where such is provided in separate buildings; and

(5) A colour schedule of the materials and finishes to be used for the external walls and roofs of the proposed buildings.

Reasons: In the interests of visual amenity, road safety, the needs of the disabled, to mitigate against any potential adverse impact of the development on local air quality and as new petrol, diesel and hybrid cars/vans will not be sold beyond 2030 all in accordance with policies T SP1, D DM1, QE SP1, QE DM3 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

13 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 1 shall ensure that the scheme makes provision for accommodation to meet the Building Regulations Standards M4(2) and M4(3) in accordance with Aldingbourne Neighbourhood Development Plan Policy H2 and the Councils guidance note "Accommodation for Older People and People with Disabilities Guidance".

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with policies D DM1 and D DM2 of the Arun Local Plan and section 4 of the Councils guidance Note "Accommodation for Older People and People with Disabilities Guidance".

14 The layout, scale and appearance details referred to in Condition 1 shall include details of any temporary sales areas that may be required during the construction and marketing of the development. Such details shall include any temporary buildings or temporary changes to buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site has been sold. The buildings or area shall be returned to their approved permanent appearance within 3 months of the date of the last building sold.

Reason: In the interest of visual & residential amenity and the character/appearance of the surrounding area in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

15 No development shall take place, until a Construction & Environmental Management Plan and accompanying Site Setup Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways, WSCC Highways, the council's environmental health officer and ecologist as appropriate). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

- the phased programme of construction works;
- the anticipated, number, frequency, types and timing of vehicles used during construction (construction vehicles should avoid the strategic road network during the peak hours of 0800-0900 and 1700-1800 where practicable);
- the preferred road routing for all construction traffic associated with the development;
- provision of wheel washing facilities (details of their operation & location) and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- details of street sweeping;
- details of a means of suppressing dust & dirt arising from the development;
- a scheme for recycling/disposing of waste resulting from demolition and construction works (i.e. no burning permitted);
- details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination);
- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays & facilities for public viewing, where appropriate);
- contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details);
- details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works;
- details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage;
- measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).

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 work on Sunday or Bank/Public Holidays. In addition, there shall be no external working, an hour before, during and an hour after sunset and sunrise even if those times fall within the above time periods.

Details of how measures will be put in place to address environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant

parties.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area, biodiversity (particularly bats) and in the interests of highway safety in accordance with policies D DM1, ENV DM5, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

16 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A 'Preliminary Risk Assessment' which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

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

3. Based on the 'Site Investigation Scheme' and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

Any changes to these parts, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to occupation of any dwelling or part of the site (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved Verification Plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the Verification Plan, and for the reporting of this in writing to the Local Planning Authority.

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

17 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design, and subsequent management / maintenance) and no dwelling shall be

occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

- 18 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council and are an overriding factor in terms of requirements. Winter groundwater monitoring to establish highest annual ground water levels and winter percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

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

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

- 20 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction

commences.

- 21 Development shall not commence, until a Soil Resource Plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out how soils on the site are to be protected during construction and then recycled/reused in the new development layout. The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction and development of the site.

Reason: In accordance with Arun Local Plan policy SO DM1 and the NPPF. It is necessary for this to be a pre-commencement condition to protect the best and most versatile soils on the site prior to the construction commencing.

- 22 Prior to commencement of development the applicant shall prepare and submit for approval an Employment and Skills Plan. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. This must be a pre-commencement condition as it relates to the construction phase of development and to ensure measures are in place so that local crafts people and apprentices are employed on the development.

- 23 No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because otherwise the disturbance of earth could harm important deposits.

- 24 Where the development hereby approved does not commence within 12 months from the date of the decision being issued, further supplementary ecological surveys for badgers must be undertaken prior to commencement to inform the preparation and implementation of ecological measures required. The supplementary surveys shall be of an appropriate type for this species and survey methods shall follow national good practice guidelines. The surveys and mitigation measures must be submitted to and approved in writing by the Local Planning Authority.

Reason: To conserve and enhance protected and Priority species in accordance with policy ENV DM5 of the Arun Local Plan and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species). This is required to be a pre-commencement condition because badgers must be protected during construction.

- 25 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 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.

- 26 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing number 36.

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

- 27 Prior to the occupation of any part of the development, the applicant or developer shall ensure that infrastructure is implemented to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage thresholds to buildings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

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

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

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

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

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

- 30 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.

31 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:

(1) The provision of 30% affordable dwellings (consisting of 67% affordable rented, 25% First Homes & 8% Intermediate). The s106 will be tailored to include local housing clauses and involve the Aldingbourne, Barnham, and Eastergate Community Land Trust.

(2) A contribution of £515.58 per new dwelling (index linked from 2017 prices) from this application site towards mitigation measures on the A27 between the A27/B2233 Nyton Road junction and the A27/A280 Patching dumbbell roundabout.

(3) A Travel Plan and its associated fee of £3,500 (at the time of writing) for monitoring and auditing of the Travel Plan; and

(4) A Secondary School Transport Contribution as according to the formula set out in the report.

32 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.

33 INFORMATIVE: Following approval of details showing the proposed location of all fire hydrant(s) or stored water supply (in accordance with West Sussex Fire and Rescue Service's Guidance Notes) and prior to the first occupation of any dwelling or unit forming part of the proposed new development you are advised to contact West Sussex Fire and Rescue Service (WSFRS) make them aware of all the fire hydrants for the site and their locations. They can then be operated and tested, their location marked up locally and plotted on the water management system and mapping. This information is then available to all fire crews attending the site, essential for locating the nearest fire hydrants available in the vicinity of a fire without delay.

Without this information WSFRS would not be aware of any fire hydrants available on the site and lead to valuable time being spent looking for a water supply to keep the fire appliance supplied with water. Without a supply of water people's lives and properties could be put at undue risk in the event of a fire. Fire hydrant information is to be sent to either the Planning Officer or directly to the Water and Access Department, WSFRS on the details given below: Frs.waterandaccess@westsussex.gov.uk

34 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

35 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s)

for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

36 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 12/05/23) as available on the Councils website.

37 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and/or ash from fires or noise from the cutting and/or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should be contacted regarding Exemption Permits to burn on site.

38 INFORMATIVE: We encourage the highest practicable standards of building insulation and use of renewable forms of heating (such as ground and air source heat pumps) as opposed to natural gas boilers where possible. This action would contribute to the improvement of local air quality and reduce overall GHG emissions in the long term. If any heat pumps are to be included in the development the applicant shall be required to demonstrate that any pump/s meets the criteria detailed in the Micro Certification Scheme planning standards (MCS 020).

39 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

40 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided. Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

- 41 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens. The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.
- 42 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 43 INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>, this clearly sets out our requirements for discharging this condition

BACKGROUND PAPERS

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

AL/70/23/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council
100018487. 2015

PLANNING APPLICATION REPORT

REF NO: LU/182/23/PL

LOCATION: Wellesley Court
Fitzalan Road
Littlehampton
BN17 5JW

PROPOSAL: Subdivision of three existing flats into six flats, with the associated installation of two windows. The application is in CIL Zone 4 (zero rated) as flats and may affect the character and appearance of the Littlehampton Sea Front Conservation area.(Resubmission of LU/77/23/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks the subdivision of three existing dwellings to create 6 No. 1-bedroom flats and install 2 No. associated windows.

BOUNDARY TREATMENT Low and high sections of flint and brick wall with mature tree/shrub planting to the front of the property.

SITE CHARACTERISTICS The site is occupied by a two and a half-storey detached Victorian house that has been divided into flats. The site is bound by Irvine Road to the South, Fitzalan Road to the West and Selbourne Road to the North.

The upper floor of the building occupies the roof space, which features a combination of clay roof and wall tiles. All remaining elevations are comprised of brick with painted stone features. Existing windows and doors are white uPVC.

The flats to be subdivided are on the ground and first floors, accessed via a door, lobby, and staircase on the western elevation of the building.

CHARACTER OF LOCALITY The site is located within the Littlehampton Seafront Conservation Area, and its immediate surroundings comprise predominately residential uses. There is an informal recreation area to the North, a three-storey block of flats (Oakland Court) to the West, and residential properties to the South and immediately adjoining the site to the East.

RELEVANT SITE HISTORY

LU/77/23/PL Subdivision of 3 No existing dwelling units to create 1 No studio and 4 No 1 bed dwellings. This application affects the character and appearance of the Littlehampton Sea Front Conservation Area and is in CIL Zone 4 (Zero ApproveConditionally 19-05-23

Rated) as flats.

Noted. Application ref: LU/77/23/PL has recently granted approval for the subdivision of these same 3 No. dwellings into 4 No. 1-bedroom flats and 1 No. studio. That permission is extant and can be implemented. The proposals the subject of this application seek to create an additional unit.

REPRESENTATIONS

Littlehampton Town Council - Objection:

- This represents an over-development of the site.
- The room sizes, although compliant, are very small and facilities would be crammed and fail to recognise the amenity of residents.

No representations have been received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The Town Council acknowledge that the unit sizes comply with the nationally prescribed space standards.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Environmental Health - No objection:

- Conditions recommended in relation to construction hours and asbestos containing materials.

ADC Conservation Officer - No objection:

- The proposal would not cause harm to either the non-designated heritage asset, or the Conservation Area.
- Request a condition relating to the use of matching materials and reuse of bricks removed to facilitate the new opening.

Conservation Area Advisory Panel - No objection:

- The proposals will have no adverse impact on the character or appearance of the Conservation Area.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Appropriate conditions and informatives have been attached to the recommendation.

POLICY CONTEXT

Built-up Area Boundary.

2km Buffer for Site of Special Scientific Interest.

Adjacent to Locally Listed Buildings of Character (Non-designated Heritage Assets).

Flood Zone 2 & 3.

Littlehampton Sea Front Conservation Area.

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
HERSP1	HER SP1 The Historic Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way

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 17	Buildings and Structures of Character

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
SPD2	Conservation Areas

POLICY COMMENTARY

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

All relevant policies from the Littlehampton Neighbourhood Development Plan have also been considered.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-
 "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

Paragraph 11c of the NPPF (2023) says that development proposals that accord with an up-to-date development plan should be approved without delay.

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.

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

Albeit only to a limited degree, the subdivision of these 3 No. units into 6 No. units would make a positive contribution to the Council's current shortfall in housing land supply. There are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and legislative background.

CONCLUSIONS

PRINCIPLE

The key Development Plan policies relevant to this application are SD SP2 (Built-up Area Boundaries), D SP1 (Design), D DM1 (Aspects of form and design), D DM4 (Extensions and alterations), HER SP1 (The historic environment), HER DM2 (Locally Listed Buildings of Character), HER DM3 (Conservation Areas), T SP1 (Transport and Development) & T DM1 (Sustainable travel) of the Arun Local Plan (ALP) and policies 1 (Sustainable Development), 2 (Spatial Plan) & 17 (Buildings and structure of character) of the Littlehampton Neighbourhood Development Plan (LNP).

Additionally, Section L of the Arun Design Guide (ADG) is also of relevance.

DESIGN AND VISUAL AMENITY

The bulk of the proposed works are internal and would result in a new internal layout to provide the 6 No. 1-bedroom flats. The only exterior works proposed are 2 No. windows that are to be installed to allow the new flats to benefit from greater light accessibility. One of these windows will be installed on the ground floor of the North elevation and one on the first floor of the East elevation. These windows relate well to the existing fenestration layout and are to be of a painted, wooden sliding sash design with stone cills and brick soldier courses which are an appropriate and sympathetic design for the building and its context. Of particular benefit, the window to the first floor of the East elevation would replace a door which is of an unsympathetic design and appears to lead only to a roof. From a review of historic imaging, this door appears to have once served an external staircase that is no longer in situ. The replacement with a sympathetic window is appropriate.

The proposal is in accordance with policies D SP1, D DM1 & D DM4 of the ALP. Additionally, in consisting of traditional materials they are compliant with Section L of the ADG.

RESIDENTIAL AMENITY

As the proposal does not result in any change in the scale of the building, the proposal will not result in any adverse overbearing or overshadowing of neighbouring properties. The existing use of the units is residential and so the proposal only seeks an alternative layout and introduction of additional living areas within the building. There would be a net increase in occupancy of one individual going from the existing five occupants of the three flats to six in the proposed one-bedroom units. This is not a substantial increase and approval has previously been given for a similar scheme, albeit creating one fewer unit. There would be no detrimental increase in noise or nuisance for neighbouring occupiers as a result of the proposal to a degree that would justify refusal on these grounds.

The 2 No. new windows would not give rise to any significant overlooking impacts of neighbouring occupiers in that they would be comparable to existing viewpoints and be inward looking. The North ground-floor window would look out to the courtyard in the North of the site and the first-floor East facing window would look out toward the courtyard and the roof slope of the single storey projection on the Northeast end of the building.

The proposal is compliant with polices D DM1(3) & D DM4(c) of the ALP.

SPACE STANDARDS

Policy D DM2 states that the planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs, in line with Nationally Described Space Standards. Single occupancy 1-bedroom single storey dwellings are required to have a total floorspace of 39sqm (37 sqm if a shower room is used as opposed to a bathroom). They are also required to have minimum bedroom widths of 2.15m and bedroom floorspaces of 7.5sqm. The six proposed units are all compliant with these standards and as such, provide a sufficient standard of amenity for the occupants.

The proposal is in accordance with Policy D DM2 of the ALP.

EXTERNAL SPACE STANDARDS

Policy D DM1 refers to the need for compliance with the Arun Design Guide. Part H.04 deals with Residential Outdoor Amenity & External Space Standard states: 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable'. Private rear gardens should have a minimum depth of 10.5m; however, this may not be possible for building conversions and the merit of the proposal should be considered.

The flats to be subdivided currently do not benefit from private amenity space and neither would the proposed units. There are, however, substantial areas of communal garden space within the curtilage of the building. These dwellings would benefit from sufficient shared external amenity space.

The proposal is compliant with policy D DM1(15) of the ALP and Section H.04 of the ADG.

FLOOD RISK

The site is located within Flood Zones 2 & 3 and, as such, an appropriate Flood Risk Assessment (FRA) is required. An FRA has been provided that concludes the proposed development will not increase the flood risk of this site - or that of neighbouring properties. The proposal would not result in any increase in the scale of the building, nor would it result in a change of use to a more vulnerable class or increase the occupancy levels at ground floor level. There would be no increase in flood risk to occupants or elsewhere. It therefore, complies with the National Planning Policy Framework (2023) and Planning

Practice Guidance (PPG).

Given the scale and type of development proposed, no conditions in relation to flood risk are necessary.

HIGHWAYS AND PARKING

ALP Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian, and bridleway network. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes.

The site is in a sustainable location where occupants of the flats will be in walking distance of public transport and amenities. There is also parking provision on site in the form of a courtyard and garages, as well as on-street parking along the adjoining roads. As such, the proposal is in accordance with Policy T SP1 & T DM1 of the ALP.

HERITAGE ASSETS

The application site is located within the Littlehampton Sea Front Conservation Area, and adjacent to 2 No. Locally Listed Buildings of Character to the East and the Littlehampton Area of Character to the North.

Para 195 of the NPPF requires Local Planning Authorities to identify the significance of any heritage assets affected by a proposed development. The Conservation Area is focused on the historic part of the town that first developed as a seaside resort and contains a number of fine terraced houses, especially along South Terrace. The Conservation Area also includes (on the north side of Irvine Road) two groups of substantial and imposing Victorian and Edwardian/early 20th Century, mostly three storeys, buildings. These were originally substantial houses, reflecting the growing economic prosperity of the town as a harbour and resort during this period.

The 2 No. Locally Listed Buildings of Character (3 & 5 Irvine Road) are set back from Irvine Road and are architecturally impressive and contribute to the significance of the Conservation Area.

The Area of Character is characterised by large, mostly Edwardian, detached, and semi-detached properties. These properties are substantial and grand in design with decorative barge boards, porches, and balconies. The properties are principally 2.5 and 2-storeys with regular spacing between the properties and the footway of the designated area, distinguishing between the public and private realms.

Para 195 also requires the LPA consider the significance of the impact upon those heritage assets. The only exterior works proposed are the installation of 2 No. windows. One of these windows will be installed on the ground floor of the North elevation and one on the first floor of the East elevation. These windows relate well to the existing fenestration layout and are to be of a painted, wooden sliding sash design with stone cills and brick soldier courses which are an appropriate and sympathetic design for the building and its context. Of particular benefit, the window to the first floor of the East elevation would replace a door which is of an unsympathetic design and appears to lead only to a roof. The revision of the first-floor opening on the East elevation would involve the removal of some bricks and brick course. The potential to re-use this material is positive, viable, and has been requested by way of condition to both preserve and enhance the significance of the Conservation Area.

The works will be modest in scale and will have no significant visual impact on the wider locality or Conservation Area. For the same reasons, they will not result in harm to the significance of the

Conservation Area or the other nearby Heritage Assets.

Works to the existing building will retain the character of the existing building and wider area. The proposal will not result in any harm to the Conservation Area or any adjacent Non-Designated Heritage Assets in accordance with policies HER SP1, HER DM2 & HER DM3 of the ALP, and policy 17 of the LNP. As no heritage harm would result from the development, there is no need to consider public benefit in this regard.

SUMMARY

For the reasons detailed above, the proposal would make a positive contribution to the District's identified housing need and is in accordance with relevant Development Plan policies and as such, it 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.

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:

- Window Details A.400.
- Location Plan A.001.
- Proposed Plans A.101 F.
- Existing & Proposed Elevations A.200 A.
- Site Plan A.002 A.

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

- 3 The bricks and brick bond used as part of the creation of the new first-floor window on the East elevation shall match that of the existing building and any of the existing bricks removed when creating this revised opening that are salvageable, shall be used to infill the resultant gap.

Reason: In order to preserve historic fabric and the significance of the Conservation Area in accordance with Policies HER SP1 & HER DM3 of the Arun Local Plan.

- 4 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 on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted 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:** The owner(s) of any domestic property built or refurbished before the year 2000 are legally obliged to protect householders from any risks from work activities being carried out in their homes. Where the work being carried out involves Asbestos-Containing Materials (ACM's), then the Control of Asbestos Regulations 2012 will apply. As the proposed development involves demolitions/renovations, the Council need to be satisfied that any ACM's previously identified as still present, is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure.

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

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/182/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: K/37/23/PL

LOCATION: Cloudy Bay
Gorse Avenue
East Preston
BN16 1SF

PROPOSAL: Replacement of an existing 2.5-storey detached dwelling with a new 3-storey plus basement detached dwelling including a front driveway, front and rear boundary walls, indoor and outdoor swimming pools, and a car lift.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks to replace an existing 2.5 storey detached dwelling with a 3 storey detached dwelling together with basement, front and rear boundary walls, indoor and outdoor swimming pools, car lift, and other associated works.

SITE AREA 860sqm.

RESIDENTIAL DEVELOPMENT DENSITY 9 Dwellings per hectare.

TOPOGRAPHY Predominantly flat.

BOUNDARY TREATMENT Low level brick wall with tall wooden fence panelling and bush to North (front) site boundary. Mid & high-level brick wall to East & West side boundaries with sporadic planting. Low-level wooden vertical louvre fencing with shrubs to South site boundary.

SITE CHARACTERISTICS The site is a large residential plot with a substantial 2.5 storey detached dwelling with semi-detached garage, front and rear amenity spaces with hardstanding and rear swimming pool. The main dwelling is rendered, features clay roof tiles, a forward hipped roof, 2 No. rooflights, converted loft space with large, rear glazed gable end, rear first-floor roof terrace, and a conservatory.

CHARACTER OF LOCALITY The site is located within a residential area characterised by generous plots and sizeable detached dwellings. Dwellings within the vicinity demonstrate varying character, most maintaining a traditional design, but there is a clear emergence of contemporary designs. The South side of Gorse Avenue abuts the Kingston Foreshore, with many of the dwellings benefitting from sea views.

REPRESENTATIONS

Kingston Parish Council - Objection:
- The Parish Council fully supports the objections raised by the resident of the eastern neighbour

dwelling (related to siting, rear building line, overlooking, overbearing, flooding, surface water drainage, and ecological concerns).

- The proposed high fence and gating along the Gorse Avenue boundary with no space for soft landscaping will adversely affect the visual amenity of the neighbourhood.
- The plans are lacking in detail, including the positioning of the proposed outdoor swimming pool and equipment and the depth of the proposed basement.

East Preston & Kingston Preservation Society - Objection:

- Concerns of Flood Risk & Surface Water Drainage.

5 No. Objections from nearby occupiers:

- Overlooking.
- Overbearing.
- Pattern of development.
- Concerns of Flood Risk and Surface Water Drainage.
- Concerns of biodiversity.
- Overdevelopment.
- Harmful to, and out of character with, the street scene.
- Concerns around cramped feel of street scene.
- Loss of view.

2 No. Support representations from nearby occupiers:

- This will significantly enhance Gorse Avenue and the Greensward.
- The use of basement and upper floors is efficient and does not increase footprint.
- The materials are appropriate and will weather well compared to render.
- The house may be large relative to the plot but this is common within the area.
- Appropriate character for the area and comparable to others nearby.
- No detrimental impact on visual amenity or neighbouring amenity.

COMMENTS ON REPRESENTATIONS RECEIVED:

All relevant planning matters raised are discussed within the conclusions section of this report. The comment from the Parish Council that the plans are lacking in detail is noted, but the drawings as submitted are considered to include a sufficient level of detail to enable a determination to be made. Loss of a view is not a material planning consideration.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Engineers (Coastal Protection) - No response.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary.

Flood Zone 1.

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
WDM3	W DM3 Sustainable Urban Drainage Systems
TSP1	T SP1 Transport and Development

<u>Kingston Neighbourhood Plan 2014 Policy KPNP1</u>	The Presumption in Favour of Sustainable Development
Kingston Neighbourhood Plan 2014 Policy KPNP2	BUILT-UP AREA BOUNDARY
Kingston Neighbourhood Plan 2014 Policy KPNP4	NATURAL ENVIRONMENT
Kingston Neighbourhood Plan 2014 Policy KPNP7	DESIGN & 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
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.

All relevant policies from the Kingston Neighbourhood Development Plan have been considered.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that it would no harm the visual amenity of the wider locality or result in significantly adverse impacts on neighbouring residential amenity.

Paragraph 11c of the NPPF (2023) says that development proposals that accord with an up-to-date development plan should be approved without delay.

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

The proposed one for one replacement would have a neutral impact on the District's overall housing supply. There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site benefits from being within the Built-Up Area Boundary in which the principle of residential redevelopment is acceptable. Policies SD SP2 of the ALP and KPNP 2 of the Neighbourhood Development Plan (KNP) seek to focus development within the Built-Up Area Boundary, subject to consideration of other relevant Development Plan policies.

The key Development Plan policies relevant to this proposal are D SP1 (Design), D DM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards), T SP1 (Transport and Development), ECC SP2 (Energy and Climate Change mitigation), W DM3 (Sustainable Urban Drainage Systems), QE SP1 (Quality of the environment), and ENV DM5 (Development and Biodiversity) of the Arun Local Plan (ALP), and policies KPNP 4, and KPNP 7 of the Kingston Neighbourhood Development Plan (KNP).

The relevant policies of the Marine Plan generally require that impacts on the marine environment are (in order of preference) avoided, minimised or mitigated. In particular, the relevant Marine Plan policies to this location seek to ensure public access, minimise greenhouse gas emissions, ensure that development adapt to impacts arising from climate change, ensure uses coexist with each other, protect wildlife species and reduce litter in the marine environment. The analysis in the rest of this report demonstrates there is no conflict with these policies.

Additionally, the Arun Parking Standards and the Arun Design Guide are of relevance to this proposal.

DESIGN AND VISUAL AMENITY

Policies D SP1 & D DM1 of the ALP require proposals to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. The above characteristics are also reflected by policy KPNP 7 of the KNP.

The proposed dwelling is that of an 'art deco' inspired simulacrum. It boasts three storeys with a large basement, multiple flat roofs, large glazed front and rear elevations, multiple balconies and a large rear amenity space. The ground and first floor are of equal widths with the third being slightly narrower, giving

a 'stepped in' appearance at the third floor. Each floor gets shorter in depth at both the front and rear elevations as the building climbs, also demonstrating a stepping in of the building but to a greater extent. Each flat roof overhangs both the front and rear elevations of the building with rounded, angular dimensions that give a contemporary feel and, in places, act as canopies and shade for the floors below. The materials proposed are cream brickwork to the walls of the ground and first-floors, wide, vertical zinc boarding to the third floor, and bronze coloured aluminium frames to windows and doors.

The area boasts a diverse and eclectic variety of dwelling designs and vernacular, including modern 'art deco' inspired designs such as Spring Tide, and Nos. 5, 9, 11 & 14 Coastal Road that are a short distance to the West. This design and choice of materials would not harm the character of the area or its visual amenity despite being a replacement of a more traditionally designed dwelling.

The scale of the replacement dwelling is such that it would be approximately 0.1m taller than the existing ridge height, but remain lower than that of the existing chimneys (small variations in ridge height are supported by Section J.02 of the Arun Design Guide). It would also increase the width of the main dwelling by approx. 1m. However, the relocation of the dwelling would site the dwelling more centrally within the plot, maintaining separation distances from the East & West side site boundaries of 1.8m and 1.9m respectively. It is noted that the East site boundary of the plot steps inward slightly as the boundary runs South however, this is an approx. 0.2m step in and would not be read from the street. The existing garage and single storey structures to the East side of the existing dwelling, that connect or abut the neighbouring property to the East (Little Deerswood), would be removed as part of this scheme, and although the new dwelling would be sited approx. 0.5m closer to this property, it would retain a sufficient separation distance and restore a visual gap at ground floor level between these two dwellings.

The second floor of the proposed unit would also retain a separation from the East and West side boundaries of 3.25m & 3.05m respectively. Whilst it is noted that this separation at second floor is close to the dwelling to the East and adds to the bulk of the dwelling at this height, it would not result in any terracing effect and is not significantly harmful to the visual amenity of the locality. It is also noted that owing to how the dwelling retreats in from the front boundary as it rises, from the street, the first and second floors of the dwelling would not appear as overly prominent within the street scene, especially relative to the two storey forward projection at 'Little Deerswood', which adjoins the Eastern site boundary.

This replacement dwelling demonstrates a more geometric appearance and as such, features a greater width at the second floor level than that of the existing dwelling which has a hipped roof with a 45-degree pitch at the second floor. This results in a perceived increase of bulk. However, the proposal better separates itself from the neighbouring properties at ground floor, retains a sufficient separation from the dwelling to the East at first and second floor, and the separation between the dwelling to the West (Sandy Lodge) remains substantial and would demonstrate a clear separation between the buildings. The prominent use of large, glazed elevations also works to reduce the overall bulk of the dwelling as supported by Section J.05 of the Arun Design Guide. Whilst it is accepted that the dwelling would have a slightly bulkier appearance, it does not result in unacceptable harm to the visual amenity of the wider locality or street scene.

The replacement dwelling proposed is larger in scale to that of the existing, however, it would make efficient use of the plot and would remain of a scale that is not uncharacteristic for the wider locality. It is noted that the density of the plot would increase but the plot would maintain substantial rear and front amenity spaces, sufficient side separations, and the dwelling would occupy just around 42% of its plot. The increase in density would not unduly harm the character of the area.

This proposal also includes tall boundary walls to the North and South boundaries (front and rear). The northern wall would feature render and horizontal panels, 2m tall intermittent piers, pedestrian and

vehicular access gates, and downlights. Whilst the dwelling currently benefits from a more open 'in and out' driveway with a central hedge and its neighbours feature low boundary walls, many dwellings within the street feature tall front boundary walls including Westwood House, Finale House, Tumbley, and Spring Tide. The rear boundary wall is also to feature 2m tall piers, render, and gates, however, it includes 4 No. 2m tall glazed panels with aluminium bifold screens behind. Rear gardens along the South side of the street have limited privacy owing to the presence of the foreshore which is used by pedestrians and dog walkers regularly and which runs along the rear of the dwellings. There are varying examples of rear boundary treatment along this section of the foreshore, with some opting for a low and open boundary, and others opting for tall boundary walls/fences. This rear wall would not result in any unacceptable harm to the visual amenity of the area.

The proposed water sports storage outbuilding is of a limited scale and would not be visually prominent.

It is noted that the proposal includes the provision of an extensive basement level. Whilst the inclusion of such a basement will no doubt be a complex architectural and structural task to facilitate, in terms of its impact on the planning environment, there is little. The Arun Local Plan has no specific policies of relevance to basements, and its provision would have little to no material planning impact on the wider locality.

The proposal is compliant with Policies D SP1 & D DM1 of the ALP, and KPNP 7 of the KNP.

NEIGHBOURING RESIDENTIAL AMENITY

Policy D DM1 requires that there be minimal impact to neighbours in terms of loss of privacy or outlook, or unacceptable disturbance. This is reflected and expanded upon by Policy KPNP 7 of the KNP which requires a minimal impact on users and occupiers of nearby property and land and that proposals do not cause a loss of sunlight, overshadowing, overlooking, loss of privacy, anti-social noise/disturbance or have an overbearing presence.

Whilst intended to be applied to extensions, rather than new dwellings, the 70-degree rule set out in Section M of the Arun Design Guide seeks to minimise impacts on neighbouring amenity. The proposed dwelling, whilst illustrated as being compliant with this 70-degree rule, does in fact appear to breach this rule very slightly owing to the overhang of the roof forms along the sides of the unit. This breach is not significant and not likely to give rise to any significant overbearing impacts. It is noted that the neighbouring dwelling to the East virtually meets the shared site boundary, and that owing to this, the relationship between the proposal and this dwelling needs particular consideration. Given that the proposed dwelling retreats into the plot as it rises and there would remain a minimum 1.8m separation from this unit, the relationship remains acceptable.

The proposed dwelling would occupy a substantially larger footprint than presently exists. This is, in part, due to the depth of the unit. This proposal would result in a rear elevation that is set back by 8m from the rear elevations of the immediate neighbours at ground floor level. This results in a minor intersection of the 45-degree sightline from the closest rear ground floor viewpoint of Little Deerswood. Whilst this is a breach of the 45-degree rule, it is limited and at ground floor only. This contravention would not give rise to significantly adverse impacts of overbearing and is, in part, mitigated by the presence of tall boundary treatment at the shared site boundary. There would be no contravention of 45-degree sightlines at first or second floor from the ground floor rear windows of neighbouring properties. There would also be no contravention of 45-degree light accessibility lines, with the exception of an insignificant overhang on the fascia at second floor level. It is noted that the rear roof forms protrude from the walls of each floor to varying degrees, and that 1.8m high obscured screening will be required to the East and West elevations of the rear terraces. These roof forms and obscured screening will also not give rise to any significantly adverse impacts of overbearing or overshadowing on neighbouring properties.

There are 3 No. small side windows at first-floor level. These have been annotated as being obscure glazed and would be required as such, and to be non-opening below 1.7m, by way of condition. The side openings at ground floor would be met by tall boundary treatment. None of these windows would give rise to any significantly adverse impacts by way of overlooking.

The proposed dwelling includes 2 No. roof terraces to the rear of the dwelling at first and second floor. These terraces have been identified to feature 1.8m obscure screening to the side elevations of the terraces. This will be secured by way of condition in order to limit views of neighbouring rear amenity spaces to longer, oblique views.

Subject to appropriate conditions, the proposal would not give rise to significantly adverse impacts by way of overbearing, overshadowing, or overlooking on neighbouring properties and as such, the proposal is in accordance with policies D DM1 of the ALP and KPNP 7 of the KNP.

CONSTRUCTION PROCESS

The inclusion of a substantial basement means that there is likely to be a large excavation necessary alongside the demolition of the existing dwelling and construction of the proposed. However, developments of this scale do not justify a full Construction Management Plan. Nevertheless, a condition relating to construction hours, and an informative relating to the construction of small developments have been attached to this application in order to lessen any potential adverse impacts on residential amenity during the construction process, in accordance with policy QE SP1 of the ALP.

SPACE STANDARDS

The proposed dwelling has 4 No. bedrooms with 8 No. bed spaces. The gross internal floor space is far greater than that of the 124sqm minimum for a two-storey dwelling with this capacity and the proposed section drawing identifies substantially greater floor to ceiling heights than 2.3m throughout the habitable floors of the property. It is noted that the agent confirmed through correspondence that the basement is to have a floor to ceiling height of 2.5m. The dwelling also features an extensive rear garden in excess of the standards identified by Section H of the Arun Design Guide.

The proposed dwelling is therefore, compliant with policy D DM2 and Section H of the Arun Design Guide.

FLOOD RISK & SURFACE WATER DRAINAGE

The proposal site is located in Flood Zone 1 and is not in an area of specific drainage concern. As such, the proposal does not require a Flood Risk Assessment or a specific drainage strategy. It is accepted that the provision of a substantial basement and large amounts of hardstanding will have some impact on surface water drainage however, this proposal does not meet the criteria to require a specialised surface water drainage scheme. Additionally, the site is largely covered by hardstanding at present and additional hardstanding to the rear of a dwelling can be achieved without planning consent. It is positive that permeable surfacing has been adopted, where possible, within the front amenity space.

During the pre-application advice stage, the Drainage Engineers provided advice and it is reiterated in an attached informative for clarity.

The proposal is in accordance with policies W DM2 & W DM3 of the ALP.

TRANSPORT & PARKING

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

The front driveway currently features an 'in and out' driveway and the proposed would result in a single access point. Whilst different, this is not out of character with the locality and the access point would remain in approximately the same location as one of the existing vehicular access points. As this access point will remain in virtually the same location, it would not give rise to any unacceptable impact on highway safety.

The front driveway will allow for the parking of 2 No. vehicles and the proposed car lift and basement will provide access to, and capacity for, the parking of 2 No. further internal parking spaces. This is compliant with the Arun Parking Standards for this scale of property and the area. The basement also includes space to provide bike storage in accordance with the Arun Parking Standards.

The Arun Parking Standards and policy T SP1 require the provision of Electric Vehicle (EV) charging points. An EV charger has been proposed within the basement and a condition has been attached to this decision to require the provision of charging points in accordance with the Arun Parking Standards SPD.

Subject to the relevant condition, the proposal is in compliant with Policy T SP1 of the ALP.

ENERGY EFFICIENCY & CLIMATE CHANGE

Policy ECC SP2 requires all new residential and commercial development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels. The inclusion of energy efficient materials such as double glazing is expected, and the roof of the dwelling has been illustrated to include the provision of numerous solar panels. To ensure that adequate decentralised, renewable, and low carbon energy supply systems are provided, a condition has been attached to this decision.

Subject to the relevant condition, the proposal is in accordance with relevant Development Plan policy ECC SP2 of the Arun Local Plan.

NATURAL ENVIRONMENT

Policy ENV DM5 of the ALP requires development to achieve a Biodiversity Net Gain and protect existing habitats on site.

Policy KPNP 4 says development should not "entail any loss of trees or hedgerow, ancient or otherwise, that contribute to local amenity.'

The proposal site is an existing residential plot with no evidence of being a habitat for any protected species and little ecological value. The development would result in the loss of some existing planting and lawn, but also result in some additional planting to the front and rear of the site. To ensure a net gain in biodiversity is secured, a condition requiring the provision of a bat box and bird box is recommended.

The existing dwelling features small hedgerows to the front of the dwelling. The existing front hedgerow does contribute to local amenity, providing a softer road frontage that that of a tall boundary wall however, given that there are few hedgerows along the frontages of dwellings, particularly to the South of Gorse Avenue, its contribution to local amenity is limited. The removal of this hedgerow would not

significantly harm the local amenity of the area and could, in any event, be achieved without any permission from the Council.

The proposal is compliant with policy ENV DM5 of the ALP and KPNP 4 of the KNP.

SUMMARY

The proposal is compliant with relevant Development Plan policies and would not result in any material harm that would justify withholding planning permission. As such, it 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 (dependent on any exemptions or relief that may apply).

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

approved plans:

- North and South Boundary's P022 P1.
- Proposed Elevations P016 P1.
- Site Location Plan P001 P1.
- Proposed Street Scene P017 P1.
- Proposed Roof Plan P015 P1.
- Proposed Second Floor Plan P014 P1.
- Proposed First Floor Plan P013 P1.
- Proposed Ground Floor Plan P012 P1.
- Watersports Shed P027 P1.

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

- 3 No construction or 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 working permitted on Sundays or Bank/Public Holidays.

Reason: to protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031.

- 4 The first-floor en-suite and cloakroom windows to the East & West elevations on the building hereby approved shall at all times be glazed with obscured glass and fixed to be permanently non-opening up to a minimum height of 1.7m from the finished floor level of the rooms they serve. They shall remain as such in perpetuity.

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

- 5 Prior to the first use of the first-floor and second-floor rear roof terraces hereby approved, obscured screens shall be installed up to a minimum height of 1.8m from the finished floor level along the East & West elevations of these terraces. These obscured screens shall, thereafter, be retained in perpetuity.

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

- 6 Prior to occupation of the approved dwelling, the applicant or developer shall provide the dwelling with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires 100% of dwellings with a garage or driveway to have an EV charging point with electric ducting provided to all other spaces where appropriate to provide passive provision for these spaces to be upgraded in future. The individual charge point(s) shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge point(s) shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3(c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 7 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the first occupation of the replacement dwelling hereby permitted and shall be

thereafter permanently maintained in good working condition.

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 Prior to the first occupation of the dwelling hereby approved, one bat box shall be installed under the eaves of the first-floor roof along the West elevation, and one bird box shall be installed under the eaves of the first-floor roof along the East elevation, unless prior written agreement has been given by the local planning authority for any variation. Once installed, they shall remain in perpetuity.

Reason: In order to aid the development in achieving a biodiversity net gain in accordance with policy ENV DM5 of the Arun Local Plan.

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

- 10 INFORMATIVE: To prevent impacts to the amenities of future occupiers of the proposed dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', as available from : <https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n12193.pdf&ver=12201>

- 11 INFORMATIVE: The basement will need to be suitably designed and tanked to prevent groundwater and surface water intrusion. It may require a connection to the foul sewer and the designer will need to consider that this will be the lowest point of the system and ensure that they have designed against backflow from the foul. It is expected that these factors will be considered at Building Control stage, but the basement will need particular consideration in this scheme.

BACKGROUND PAPERS

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

K/37/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: BR/268/22/PL

LOCATION: Ravenna
Richmond Avenue West
Bognor Regis
PO21 2YG

PROPOSAL: 2 storey extension and conversion of existing property to provide 8 self-contained flats with associated car parking.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The alterations to change the HMO units to self-contained flats are internal and external with a two-storey extension to the south and a small first floor extension to the lean-to part on the eastern elevation. Single storey outbuildings to the north would be demolished. A two-storey extension to the south would have a gable projection with double bay window to match the existing. Six parking spaces would replace the demolished outbuildings. The development would result in five 2-bed flats and three 1-bed flats.

SITE AREA 0.0844 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 95 dwellings per hectare.

BOUNDARY TREATMENT Low level close boarded fencing to the west. High level close boarded fencing to the northern and eastern boundary, mature vegetation, and a brick wall on the southern boundary.

SITE CHARACTERISTICS Substantial 2-storey detached house on a prominent corner plot. It has a single storey extension on the north side and a garden to the south. The site has vehicular access to Richmond Avenue with a small parking area.

CHARACTER OF LOCALITY The area is characterised by 2 - 2.5 storey residential buildings sited close to the highway in a continuous built form. Immediately to the east is a block of flats in a relatively spacious plot. The intensity of built form slightly reduces to the west. There is an electricity substation to the southern boundary.

RELEVANT SITE HISTORY

BR/201/21/PL Erection of a new building comprising of 3 No apartments Refused (2 No 2 bed units & 1 No 1 bed unit), including alterations 16-11-21 to the fenestration of the existing building (resubmission following BR/176/20/PL). This site is in CIL Zone 4 (Zero

Rated) as flats.

BR/176/20/PL	Erection of a new building comprising of 3 No apartments (2 No 2 bed units & 1 No 1 bed unit) including alterations to the fenestration of the existing building. This site is in CIL Zone 4 (Zero Rated) as flats.	Refused 23-12-20
BR/101/13/	Change of use of existing building from Residential Care Home for Children and Young People (Use Class C2) to House of Multiple Occupation for 18 persons (Sui Generis)	ApproveConditionally 03-09-13

BR/101/13/ concluded that the use of property as an HMO for 18 persons would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact on the established character of the surrounding area.

REPRESENTATIONS

Bognor Regis Town Council: Objection.

- The development would result in an intensification of use and a cramped appearance which would adversely affect the character of the building occupying the site and the character of the residential area which affects neighbouring amenities.
- It fails to provide adequate amenity space which could harm amenities of future and existing occupants.
- The proposal has the potential to create unacceptable living conditions for the occupants of adjoining properties through overlooking the private area of Canberra Court.
- Does not include sufficient parking to meet the needs of future occupiers which will result in increase in pressure for on-street parking spaces which will be harmful to the amenity of residents in the area.

2 letters of objection:

- Parking issues in Richmond Avenue West are not from HMO residents but others who park there.
- There would not be enough allocated parking provided.
- There have been several new flat developments recently along Richmond Avenue.

COMMENTS ON REPRESENTATIONS RECEIVED:

- WSCC Highways raise no concerns over an unacceptable impact on highway safety.
- Other planning issues are addressed below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH: No objection. Request conditions relating to construction hours, noise, and potential contamination.

DRAINAGE ENGINEERS: Due to the scale, location, and type of application no conditions to request.

Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

WSSC HIGHWAYS: The proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

NATURAL ENGLAND: Since this application results in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Appropriate Assessment required.

ECOLOGY: Objection as insufficient information on European Protected Species (bats). The Planning Statement (J. Burgess & Associates Ltd, November 2022) states a portion of the building will be demolished. A Preliminary Roost Assessment to assess the buildings likelihood to be used by roosting bats has not been carried out. Local bat records show a number bat records in 1km of the site. Details of the Preliminary Roost Assessment and any relevant further surveys, mitigation and enhancement measures are required to make this proposal acceptable. Additional information on bats needs to be provided prior to determination.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

- The Appropriate Assessment has been sent to Natural England. Sufficient time has elapsed to issue a decision in the absence of a response.
- The applicant provided a Bat Assessment Report and a Bat Emergence Survey. The Ecology Consultant comments were received and discussed below.

POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary;
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM1	WM DM1 Waste Management
QESP1	QE SP1 Quality of the Environment

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary

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.

There are no relevant policies in the Bognor Regis Neighbourhood Plan to 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 Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact on the established character of the surrounding area and highway safety.

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**KEY ISSUES**

The key issues are principle, design and visual amenity, residential amenity, highways/traffic, space

standards and impact on Pagham Harbour.

PRINCIPLE

Whilst the area is suitable for residential development in principle, being in the built-up area boundary, such development should comply with the policies in the development plan. Key policies are D SP1, D DM1, D DM2, D DM4, ENV DM2, ENV DM5, T SP1, W DM1, W DM3 and EEC SP2 of the Arun Local Plan.

Policy D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 expects a high standard of architectural principles and a minimal impact of new development to users and occupiers of nearby properties and land. Policy D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard and policy D DM4 requires the extension sympathetically relates to and is visually integrated with existing building. Policy ENV DM2 points out on an impact of new residential development within Zone B on Pagham Harbour, policy ENV DM5 requires new development to have a minimal impact on existing habitat and policy ECC SP2 expects new development to be energy efficient.

Policy SD SP1 of the Arun Local Plan states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

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

The proposal is acceptable in principle given its position in walking distance of shops, facilities, and services. It would provide eight self-contained flats on sustainably located previously developed site. This approach is supported by policies SD SP1 and SD SP2 of the Arun Local Plan and the NPPF.

DESIGN AND VISUAL AMENITY

ALP policy D DM1 looks at aspects of form and design quality, including character, appearance, density, scale, innovation, adaptability, residential amenity impact, trees, and crime prevention. Successful development should respond to locally distinctive patterns, buildings methods and detailing, history, and culture. Policy D DM4 would expect the proposed extension to be visually subservient to the main building.

The Arun Design Guide Supplementary Planning Document (SPD) is a material consideration in determination applications. Part N.O1 deals with building conversions and states new uses should be appropriate for the building and location in which they are to be accommodated and should make a positive contribution to the surrounding area.

The proposal is for the change of use from a House of Multiple Occupation (HMO) for eighteen persons (Sui Generis) and the formation of eight self-contained flats. The change of use includes internal alterations which involve the removal and/or relocation of some walling. The building would be extended to the south at ground and first floor resulting in the creation of three 1-bed flats with a separate entrance and access from the garden. The extension would have a gabled front and rear projection matching the existing, linked by an extended lean-to roof on the western elevation. A small first floor extension to the lean-to part on the eastern elevation with flat roof above would allow the creation of a 2-bed flat at the first-floor level.

The external changes would be sensitive and the extensions proportionate, complimenting the property and respecting the established spatial character and pattern of the street. The changes comply with Arun Local Plan policies D SP1, D DM1 and D DM4, the Arun Design Guide and guidance on character in the NPPF.

RESIDENTIAL AMENITY

ALP policy D DM1 requires minimal impact to users/occupiers of nearby property and land. Policy QE SP1 states that all development contributes positively to the quality of the environment and will ensure development does not have a significantly negative impact on residential amenity.

The approved use of the building is an HMO. The proposed use remains residential and will have similar characteristics to other residential properties in the locality given the nature of the development which would result in a slight intensification.

There would be changes with respect to the relationship with Canberra Court to the east. Whilst there are existing habitable room windows at first floor, proposed bedroom windows would be 3m closer to the flank elevation of the western wing of Canberra Court with a high-level window at the ground and first floor level within a separation distance of 11.3m as a result of the proposed extension. The Arun Design Guide (p 71) seeks a separation distance between habitable rooms (back to side) of 14m. The flank windows of Canberra Court are secondary windows, the level of harm would not be unacceptable in this urban area.

There would be a substantial distance between southern extension and the rear elevations of dwellings along Aldwick Road and the front elevation of Halcyon on the opposite of Richmond Avenue West. Some overlooking would occur from the habitable windows of the southern extension at first and second floor facing the rear yard of Canberra Court with access to the garages which has little amenity value.

An Inspector in the report at 7 Ambleside (APP/C3810/W/23/3316888) stated: 'Some degree of mutual overlooking from upper floor windows would reasonably be expected in a built-up area such as this. The overlooking that could occur from the windows would not harmfully diminish those nearby occupiers' privacy.'

The extension and alterations do not create harm through overlooking or overshadowing that justify refusal. The proposal would, subject to conditions, have an acceptable impact on residential amenity, in accordance policies D DM1 and QE SP1 of the ALP and relevant paragraphs of the NPPF.

SPACE STANDARDS

ALP policy D DM2 states that 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 the flats will be suitable for residential use.

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

The Arun Design Guide (ADG) Part H.04 advises on Residential Outdoor Amenity & External Space Standard and stresses that all development should provide residents with access to outdoor amenity space, whether private or communal. It advises that Residential Communal Shared Spaces should be a minimum 40sqm plus 10sqm for each unit. These standards are applicable in the majority of cases, but innovative approaches to more compact building layout may be supported by ADC, where appropriate.

Approximately 30sqm of residential communal space for each flat is provided for each unit in the rear garden (180sqm in total). As the ADG states: 'the amount of shared space to be provided will depend on the quality, quantity, and accessibility of local public open space. Outdoor amenity spaces may comprise gardens, balconies, play areas, allotments, community gardens, or public spaces; and in combination should provide for a range of activities including relaxation, play, gardening, hanging washing and socializing.'

The proposal fails to comply with relevant external standards however, the development is acceptable given it involves the change of use of a building which is situated in vicinity of public open space and the coast in a highly sustainable location. The approved use is for 18 occupants and the development would only result in a slight intensification of occupancy.

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

SITE ACCESS, PARKING AND HIGHWAYS IMPACT

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with planning policies. The ADC Parking Standards (SPD) sets out the vehicle/cycle and EVCP parking standards. Policy T DM1 requires that development be in easy access of established non-car transport modes/routes and seek to contribute to the improvement of such routes & facilities.

There is existing vehicular access from Richmond Avenue where six parking spaces (5.0m x 2.5m) are proposed, in accordance with the guidance in the Arun Design Guide. Additional car parking spaces are provided via the new access off Richmond Avenue West to accommodate two cars. Cycle storage would be provided in a store adjacent to the car park.

The expected level of provision for a 1 or 2-bed flat in Parking Behaviour Zone 4 is one car. The eight parking spaces proposed satisfy this requirement. According to paragraph 3.3, additional parking for visitors will be required at a ratio of 20% of the total number of residential units. Principle 3, 2.16 states that 'active' charging points for electric vehicles shall be provided at a minimum of 20% (at 2019 levels of provision) of all parking spaces with ducting provided at all remaining spaces where appropriate to provide 'passive' provision for these spaces to be upgraded in future.

The applicant failed to provide one parking space for visitors as required by SPD. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detrimental to highway safety. WSCC Highways confirm the one space shortfall would not be harmful to highway safety. They raise no objections to the proposal.

Given the existing use and occupancy rate the lack of a space for visitors is not likely to result in harm to amenity of residents. Subject to conditions, the proposal provides safe and suitable access, adequate parking and EVCP provision, and would not give rise to unacceptable highways safety or operation impacts. The proposal accords with ALP policies T SP1 and T DM1 the ADC Parking SPD (2020), the Arun Design Guide and the NPPF.

BIODIVERSITY

ALP policy ENV DM5 requires developments to achieve a net gain in biodiversity and protect habitats on site.

The site comprises a substantial two and half storey detached house which benefits from front and rear gardens with overgrown shrubs and bushes. A green boundary is evident in places but requires

reinforcement with further planting to enhance and improve biodiversity. The impact of the proposal could be blended into the environment. Landscape provision to the building and improvement with native species infill is required.

Having reviewed the Bat Emergence Survey (LHB Ecology - 20/06/23) and Bat Assessment Report (AEWC Ltd, 22/03/23) the Ecology Consultant (EC) raise no objection subject to securing a proportionate financial contribution towards Arun Strategic Access Management and Monitoring (SAMM) and biodiversity mitigation and enhancement measures.

The development complies with requirements of ALP policies ENV SP1 and ENV DM5 and relevant paragraphs of the NPPF, subject to conditions.

CLIMATE CHANGE

ALP policy ECC SP2 requires residential development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. As there are no decentralised, renewable, and low carbon energy supply systems in the application a condition is proposed as well as one to ensure an electric vehicle charging is provided.

PAGHAM HARBOUR SPECIAL PROTECTION AREA

ALP policy ENV DM2 requires residential developments in a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £871 per new unit was agreed by the Council's Cabinet on 10 April 2017. The site lies in the designated Zone B and this application results in a net increase in a slight intensification in occupancy.

The site is in Zone B, and it is necessary to apply this requirement. The net increase of four dwellings results in a contribution of £4,355. This will be secured by the signed Section 106 legal agreement. There is no conflict with ALP policy ENV DM2 of the Arun Local Plan.

SUMMARY

The proposal provides eight flats in a highly accessible area. The Framework seeks to significantly boost the supply of housing and has a positive approach to alternative uses of developed land. This proposal represents sustainable development without compromising the visual amenity of the area, the amenities of neighbouring residential occupiers or highway safety.

The scheme is acceptable when applying the Local Plan policies (that are relevant and up to date) and in accordance with paragraph 11c of the NPPF. Permission is recommended subject to a legal agreement, conditions and informatives.

If the s106 agreement is not signed within 2 months of the date of this committee the application will be refused due to the lack of a contribution to Pagham Harbour.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account 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 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 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 permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This decision will be granted with a S106 legal agreement relating to a contribution of £4,355 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the development.

CIL DETAILS

This application is not CIL liable as it falls within in Zone 4 and the 'Flats' element is Zero rated.

RECOMMENDATION

APPROVE WITH SECTION 106 AGREEMENT

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

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

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

Dwg No 6341 - 00, Location Plan;
Dwg No 6341 - 01, Ground Floor Plan;
Dwg No 6341 - 02, First Floor Plan;
Dwg No 6341 - 03, Second Floor Plan;
Dwg No 6341 - 04, West Elevation;
Dwg No 6341 - 05, South Elevation;
Dwg No 6341 - 06, North Elevation;
Dwg No 6341 - 07, East Elevation;
Dwg No 6341 - 08A, Site Plan;
Dwg No 6341 - 09, Street Scene;

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

3 The materials and finishes of the external walls and roofs of the extension shall match in colour and texture the existing building.

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

4 Demolition or construction works shall take place only between 0800 and 1800 on Monday to Friday, between 0800 and 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

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

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

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

6 Prior to occupation of any of the approved dwellings, the applicant or developer shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires all dwellings with a garage or driveway to have EV charging points in 100% of parking spaces with electric ducting provided to all other spaces where appropriate to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

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

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

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

9 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Emergence Surveys (LHB Ecology, June 2023) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The

appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To enhance the environment for local wildlife and result in net biodiversity gain, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan. and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 10 Prior to any works above slab level a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Bat Emergence Surveys (LHB Ecology, June 2023), shall be submitted to and approved in writing by the Local Planning Authority.

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: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework to enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

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

If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

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

- 12 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.

- 13 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 14 INFORMATIVE: To prevent impacts to the amenities of future occupiers of the proposed

dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', as available from : <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12193.pdf&ver=12201>

- 15 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £ 6,968.00 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.
- 16 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and representations that have been received and determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the NPPF.

BACKGROUND PAPERS

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

BR/268/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

This page is intentionally left blank

PLANNING APPLICATION REPORT

REF NO: BR/168/23/PL

LOCATION: Rose Cottage
Shripney Road
Bognor Regis
PO22 9LN

PROPOSAL: Change of use of the existing dwelling and annexe to HMO.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks the change of use of a dwelling and annexe to an HMO. This will be for ten unrelated persons; seven in Rose Cottage, and three in the annexe.

SITE CHARACTERISTICS The site is a two storey detached dwelling on the eastern side of Shripney Road. To the rear is an annexe at the end of the garden, and a double garage in the space between.

CHARACTER OF LOCALITY Predominantly residential, with the Friary Arms (Public House) immediately to the north east. A number of commercial, industrial and retail units are further to the north, along the A29.

RELEVANT SITE HISTORY

BR/107/10/	Separate existing detached annexe as a self contained 2 bedroom bungalow with cycle & bin storage with parking space & drive access together with fenced garden enclosure to existing house	Refused 19-07-10
BR/388/07/	Retrospective application for a detached annexe to the rear of rose cottage	ApproveConditionally 11-01-08
BR/169/05/	Two storey extension to rear of house	ApproveConditionally 11-07-05

Relevant planning history noted.

Permission for a 2-storey extension to the rear of Rose Cottage was granted in July 2005 (BR/169/05). An annexe (detached outbuilding in the bottom of the garden measuring approximately 12.1m x 6.6m and 3.9m high with a shallow pitch roof with three roof-lights) was retrospectively approved (BR/388/07)

and a condition imposed restricting this use to a guest annexe and not as an independent form of accommodation (wholly separate and self-contained from Rose Cottage). BR/107/10/, for use of the annexe as a self-contained 2-bedroom bungalow with cycle & bin storage with parking space & drive access together with fenced garden enclosure to the existing house, was refused for the reason of visual distraction and nuisance to neighbours.

REPRESENTATIONS

Bognor Regis Town Council - Objection:

- Concerns for the safety of residents of the rooms in the annexe, in the event of an emergency evacuation. Two bedrooms are towards the back with the only door at the front of the annexe. The kitchen lies between these two areas which has the potential to be a serious hazard.
- Overdevelopment and a cramped appearance adversely affecting the character and appearance of the area, detracting from the pattern of development in the area.
- Unacceptable and detrimental impact on amenities of future occupiers through insufficient provision of private amenity space and overlooking to that space from the existing property, contrary to policies D SP1 and D DM1 of the ALP, the Arun Design Guide and paragraph 130 of the NPPF.
- Insufficient parking provision to meet the needs of future occupiers in accordance with the parking standards in use at the time and this will result in an increase in pressure for on-street parking spaces which will be harmful to the amenity of local residents.
- No evidence has been provided to demonstrate if there is spare parking capacity in the surrounding area.
- Conflict with Arun Local Plan policies H SP4, QE SP1, T SP1, ADC Parking Standards supplementary planning document (January 2020) and the NPPF.
- Does not include sufficient cycle storage in accordance with Principle 6 requirements of the parking standards.

2 No. letters of objection received from nearby occupiers:

- In close proximity to their property.
- Do not know who will be living there, a HMO often has a quick turnaround of renters.
- Do not want this so close to where they live with their children.
- The summerhouse which is now being called an annex is only 20 feet away from their back door. It is too close and will have a big turnaround of people.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The issues will be addressed in the conclusions section. The safety of residents of the property would be considered by Environmental Health.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH:

No objection subject to a condition on construction hours and advisories regarding sound insulation, asbestos, and construction of small developments.

WSCC HIGHWAYS:

No objection subject to a condition regarding details of car parking spaces, and cycle parking.

WSCC MINERALS AND WASTE SAFEGUARDING:

No response.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions regarding construction hours, car parking and cycle spaces applied below.

The absence of a response from WSCC Minerals and Waste Safeguarding is not of concern in this instance as the reason for consulting them relates solely to the presence of a tip nearby. The proximity of this site raises no issue in regard to the proposed development the subject of this application.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Article 4 Direction - HMOs

WSCC Mineral Consultation Areas

CIL Charging Zone 4

2km Buffer for Site of Special Scientific Interest

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
HSP4	H SP4 Houses in multiple occupation
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WMDM1	WM DM1 Waste Management

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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that it would not have a materially adverse impact on the residential amenities of nearby properties, nor would it have a significant adverse impact upon the established character of the surrounding area.

Paragraph 11c of the NPPF (2023) says that development proposals that accord with an up-to-date development plan should be approved without delay.

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

This proposal would make a positive contribution to the District's housing needs. There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site is in the Built-up Area Boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan, provided it accords with other policies of the Local Plan covering such issues as visual/residential amenity, highway safety and parking. Policy SD SP1 takes a positive approach to secure development that will contribute to sustainable development.

The NPPF seeks to promote the effective use of all land (para 119) and gives weight to proposals that develop under-utilised land and buildings (para 120(d)).

On 18 January 2023, Arun District Council confirmed a non-immediate Article 4 Direction to remove permitted development rights for the change of use from a dwelling house (C3) to a house in multiple occupancy for occupation by up to six persons living as a single household (use class C4). This came in to force on 19 January 2023. Wards with high levels of HMOs and with high proportions of hazards or in despair were the starting point when considering the imposition of the Article 4 Direction.

The area the Article 4 direction applies to covers the below wards:

- River ward in Littlehampton
- Marine ward in Bognor Regis
- Hotham ward in Bognor Regis.

These are wards where existing or future high concentrations of HMOs are considered likely to be harmful to the amenity or wellbeing of local residents and communities.

The analysis showed that the percentage of private rented sector in Hotham ward is 39.2% whilst the national average is 19%. Hotham ward has 156 HMOs and with other wards identified above has the highest levels of anti-social behaviour. 15% of dwellings in Hotham ward are estimated to suffer from category 1 hazards and 3% of properties are estimated to be in despair.

The applicant has noted HMO density assessments that are used at other LPAs around the country as part of Article 4 direction policies, to calculate the percentage of HMOs to other dwellings. In many cases, a 10% threshold is used. Whilst Arun does not have a set threshold, an assessment has been conducted by the applicant to demonstrate the change of use to an HMO will not result in an unacceptable density of HMOs within the Article 4 direction designation. They have identified that within 250m of Rose Cottage there are 16 HMOs. In each 50m radius making up that area the number of HMOs to other dwellings is well under 10%. This suggests that the addition of another HMO in the area would not result in an unacceptable density percentage of HMOs in comparison to other dwellings. Therefore, the principle of development in this case for an HMO would be acceptable.

The site is in Hotham Ward, which is subject to the Article 4 Direction. The proposal is for a change of use from class C3 to a sui generis HMO for more than 6 persons, that would have required planning permission in its own right, notwithstanding the Article 4 Direction. The proposal should be assessed against ALP policy H SP4.

Policy H SP4 states where applications for houses in multiple occupation are not covered by permitted development rights (removed in this case under Article 4 Direction) they will be favourably considered where proposals contribute to the creation of sustainable, inclusive, and mixed communities and meeting the detailed criteria as set out below:

- 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 applicant has provided sufficient evidence that the ward does not have a particularly high concentration of HMOs, especially in the close vicinity of the site and, as such, the addition of one more HMO would not be unduly harmful to the character of the area or the amenity of residents, nor the community. This evidence is accepted. This accords with part (a). As for criterion (b), WSCC Highways have been consulted and raise no objection in regard to parking demand or traffic. The proposal would not conflict this aspect, nor cause adverse harm to park or highways amenity. In regard to criterion (c), from the plans provided, a sufficient amount of open space and garden amenity space will be provided on site for the users.

The assessment of the proposal against these criteria concludes that the proposal will not conflict H SP4 of the Arun Local Plan and represents sustainable development.

CHARACTER OF THE AREA / DESIGN AND VISUAL AMENITY

Paragraph 12.5.1 of the Arun Local Plan (HMO) states that in providing for the housing needs for Arun, it

is important to ensure that mixed and balanced communities are developed avoiding the narrowing of household types towards domination by a particular type, such as shared housing.

Hotham ward has 156 HMOs. There are 16 HMOs in the vicinity of a 250m radius from Rose Cottage: Brook Lane West Nos 39,53 and 55. Wendlo Cottages No 1 Shripney Road. Falkland Close No 1. Ivy Crescent Nos 10, 16, 39, 53 and 55. May Close No 1. Highfield Road Nos 93,97, 99, 101 and 74. The character of the locality has an increased density derived from recent conversions of housing stock into smaller household types and conversions to HMOs.

Rose Cottage is a two storey detached dwelling. The property is on the east side of Shripney Road close to the street frontage, whilst the annexe, a large outbuilding, located at the very bottom of the rear garden with a double garage in between.

Three single bedrooms, WC and kitchenette/sitting room are proposed in annex. Two single bedrooms and a double, bathroom, kitchen/dining on the ground floor of Rose Cottage and three double bedrooms (one of them ensuite) and a single, bathroom and toilet are proposed on the first floor. A small number of external changes are proposed including: a new window on the south elevation of Rose Cottage, and annex's windows moved and enlarged and the sliding doors on western elevation of the annexe replaced with bi-folding doors and an entrance door. In terms of harm to visual appearance and design of the property, this would be negligible and acceptable. The external changes and renovation of the internal spaces will be a positive enhancement to the appearance of the property.

The external changes to the visual appearance and design of the property will have no adverse impact on the visual amenity of the area and will be a positive alteration to the appearance and character of the street scene. They accord with the Arun Design Guide.

The area is mostly residential with The Friary Arms (Public House) immediately to the north-east. There is a low density of HMOs in the vicinity of Rose Cottage, however around 3 exist within 100m of the property. The change of use will have some effect on the immediate character of the area, being that there are no other HMOs within 50m. However, as stated in Para 12.5.1 of the ALP above, it is important to ensure that mixed and balanced communities are developed. The immediate character of the locality lacks shared housing and is predominantly single household dwellings. The addition of one HMO will marginally alter this demographic and introduce a mixed and unrelated household into the character of the area. This will not be unduly harmful and will not adversely unbalance the communities and character found in the immediate vicinity. Whilst it will result in a larger number of residents on the site, this would not be unduly harmful in itself in planning terms. The property already provided five bedrooms, which could allow upwards of six residents living as a single household. The increase of four more residents would, overall, have a very limited impact on the population of the area. The character of the area will slightly alter as a result of the change, but there is no justified reason for refusal on the grounds of harm to character given the small number of HMOs in the immediate vicinity of the site. The change of use would not be unduly out of keeping.

The proposal will not result in adverse harm to visual amenity, nor the character of the area and is in accord with D DM1, D DM4 and H SP4 of the Arun Local Plan, and the Arun Design Guide.

RESIDENTIAL AMENITY (INCLUDING NOISE POLLUTION)

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

Paragraph 130(f) of the NPPF requires that decisions should ensure that developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The development would allow for the accommodation of at least 10 people, 3 in annexe at the rear of the garden. The maximum of 10 people will be conditioned to protect amenity.

The building is within 1m from the north-eastern and south-western boundary, approximately 1.5m to the rear boundary and 7.5m from the rear elevation of 17 Brooks Lane West and 6m from the rear elevation of No1 Cooper Farm Close.

The annexe was approved retrospectively in 2007, and included a single bedroom, study and living area. This was conditioned to remain ancillary/incidental to the enjoyment of Rose Cottage. An application was made in 2010 to change this annexe into a two bed separate unit of accommodation but was refused on the grounds of harm to residential amenity, due to the cramped nature of the building. As the building is now proposed to be used as an HMO, as opposed to a separate unit of accommodation with little amenity space, the intensity of the use is different and conditions for living are no longer considered cramped or unacceptable. The application shows the annexe as providing three separate bedrooms; this is acceptable as an ancillary building for the main property. As the structure already exists, it would be possible for the owners to add another bedroom internally without requiring express planning permission. Nevertheless, it is still necessary to assess the impacts of allowing three unrelated individuals to use this annexe as shared accommodation on neighbouring amenity.

The annexe is at the end of the garden and surrounded by three properties to the north, one to the east, and three to the south. Being an existing structure, and having minor changes proposed in terms of windows and other openings, the change of use will not result in any material additional overlooking, overbearing, or overshadowing. This is the same for the main property, given it already exists as an established building, and will only be subject to minor external changes. The primary issue in terms of harm to neighbouring amenity falls to the noise impact of the proposals.

The site currently allows for around six people living on site. The change to an HMO would result in up to ten individuals coming to and from site at any time, which could have an increase in noise produced by those living at the property. This would be especially prominent for the occupiers of the annexe, as three separate individuals would live there, as opposed to one or two who may currently be staying as guests occasionally for a few days. There would be noise produced by the cars parking in the centre of the site. However, this parking provision already exists and is in use. The impact of the cars is not a new impact. It is likely that there will be some noise increase on site. However, given the context of the area, this cannot be concluded to be unacceptably harmful to a level that would warrant refusal on these grounds.

The Friary Arms, a public house immediately to the north, has a large beer garden which abuts the rear garden of Rose Cottage and 17 Brooks Lane West. This garden provides a significant number of benches for up to six people and could allow upwards of around 50 people at one time in this outside space until around 11pm at night. The noise produced from this existing use would likely be significantly louder and more widespread than three individuals living in a building to the rear of the garden. Whilst not consistently in use, as opposed to the annex being used as an HMO, the harm resulting from the noise of this existing beer garden is likely to be far more detrimental to residential amenity, than that caused by the property at Rose Cottage being used as an HMO. There is no noise objection from Environmental Health to the proposed development the subject of this application.

Whilst it is acknowledged some limited harm will likely result from the change of use, on balance, this will not be significantly detrimental to residential amenity and is acceptable. The proposal, therefore, accords with D DM1, QE SP1 and QE DM1 of the Arun Local Plan, and paragraph 130 of the NPPF.

HIGHWAYS, TRAFFIC AND PARKING

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

The Arun Parking Standards (APS) 2020 have no specific category for HMO uses, but Table 3.1 shows the expected level of parking provision for residential development. Within Zone 4 it is one parking space for a 1 bed unit with one to 3 habitable rooms.

The Town Council has raised concerns regarding parking, and lack of evidence regarding spare parking on the road. Parking provision of 1 car parking space to the front of the property and 3 to the rear, alongside a secure and covered cycle parking facility for 4 bicycles has been demonstrated by the proposal. There is no justified reason for concern in regard to off-site parking. The proposal will provide sufficient on-site parking for an HMO of this size. WSCC Highways raise no objection to parking, traffic, or highway amenity/safety. Therefore, in terms of highways, traffic and parking, the proposal is acceptable and meets all the minimum requirements set by policy.

It does not appear that EV charging points are to be provided for the parking spaces. Accordingly, a condition is recommended requiring a charging point to be provided, as per the Arun Parking Standards SPD.

The proposed parking provision for the development complies with policy T SP1 of the Arun Local Plan and with criterion (b) of Policy H SP4 of the Local Plan.

INTERNAL & EXTERNAL SPACE STANDARDS

Arun Local Plan Policy D DM2 states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance".

The Technical Housing Standards (Nationally Described Space Standard) does not provide relevant standards for Houses in Multiple Occupation. Regard should be had to Arun's Environmental Health Private Housing Standards.

The smallest bedroom would have an area of 9sqm and the largest 15.5sqm. The proposal would comply with the relevant internal standards as per D DM2 of the ALP, and as such is acceptable.

PROVISION OF OPEN SPACE

Policy H SP4 requires provision of adequate areas of open spaces. There is a patio and a lawn to the rear of the Rose Cottage of 53sqm, and a 50sqm patio in front of annex, which satisfy the requirement of ALP policy H SP4(c) and the Arun Design Guide.

BIODIVERSITY

Policy ENV DM5 of the Local Plan requires development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing

habitats (whether designated or not)."

The applicant has failed to provide details of biodiversity net gain and how they will protect habitats on site; other than identifying that there are currently no significant habitats for nature, and the proposal would improve garden spaces. The proposal is not in accord with the ALP policy ENV DM5. However, this does not result in a reason for refusal as biodiversity net gain can be conditioned and a suitable condition is recommended.

BIN STORAGE

Bin storage will be to the front of the property. The scale of this bin storage appears to be acceptable for the use of the property, and as such will accord with WM DM1 of the Arun Local Plan.

SUSTAINABLE DRAINAGE AND FLOOD RISK

Policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. These features may include green roofs, permeable driveways, soakaways, water harvesting such as water butts.

The site is in Environment Agency Flood Zone 1 with a low risk of flooding. It was not necessary for the applicant to submit a Flood Risk Assessment or propose flood mitigation measures. The proposal raises no drainage or flood risk concerns, especially as the structures on site are existing, and is in accord with W DM3 of the Arun Local Plan.

CLIMATE CHANGE/SUSTAINABLE CONTRUCTION

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

As there are no decentralised, renewable, and low carbon energy supply systems proposed, a condition is necessary to secure compliance with the policy, and is recommended.

SUMMARY

The development would make a positive contribution to the District's housing need and is in accordance with the development plan, with no material considerations suggesting that permission should be withheld. As such, it 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:

- Location Plan
- Site Layout indicating Parking and External Landscape Dwg No 2301-11
- Proposed Floor and Roof Plans Dwg No 2301-03
- Annexe Proposed Floor and Roof Plans Dwg No 2301-07
- Proposed Elevations Dwg No 2301-04
- Annex Proposed Elevations Dwg No 2301-08
- Block Plan Dwg No 2310-10
- Garage/Common Wash Room Plans and Elevations Dwg No 2301-09

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

- 3 The dwelling and annexe shall accommodate a cumulative maximum of ten people residing on site at any one time.

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

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

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

Arun Local Plan.

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

Reason: To provide car-parking space for the occupiers of the property, in accordance with D DM1 and T SP1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces for a minimum of 4 no. cycles have been provided in accordance with the approve site plan.

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

- 7 Prior to occupation, the applicant or developer shall provide the building with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

- 8 No part of the development shall be first occupied until details of improvements to secure biodiversity net gain have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be completed on site within 6 months of the date of approval of the details and retained thereafter.

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

- 9 A scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate energy efficiency measures that reflect standards, together with decentralised, renewable and low carbon energy supply systems shall be submitted. The approved scheme shall thereafter be implemented prior to occupation and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

- 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 assessing the proposal against all material considerations, including planning policies and representations that have been received and determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out in the NPPF.

- 11 INFORMATIVE: The owner(s) of any domestic property built or refurbished before 2000 are legally obliged to protect householders from any risks from work activities being carried out in their homes. Where the work being carried out involves Asbestos Containing Materials (ACM), the Control of Asbestos Regulations 2012 will apply. As the development is being renovated, the Council needs to be satisfied that any ACM previously identified as present, is removed or

suitably managed to minimise risk to human health because there is no safe threshold for asbestos exposure.

- 12 INFORMATIVE: To prevent impacts to the amenities of future occupiers of the proposed dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun' available from :
<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n12193.pdf&ver=12201>

BACKGROUND PAPERS

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

BR/168/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

This page is intentionally left blank

PLANNING APPLICATION REPORT

REF NO: BR/186/23/PL

LOCATION: 1 Somerset Gardens
Bognor Regis
PO21 2AA

PROPOSAL: Retention of 7 bed HMO. This application is in CIL Zone 4 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Retrospective planning permission is sought for the retention of a 7-bedroom house in multiple occupation (HMO).
SITE AREA	108.40sqm
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development. There is an Oak which is protected (TPO/BR/4/82) at the bottom of the garden.
BOUNDARY TREATMENT	Open to the front, timber panel fencing on the shared boundary of the front garden with No.2, overgrown hedgerow on the south-western boundary and timber panel fencing on the southern-western, north-western, and north-eastern boundaries of the rear garden, in combination with a hedgerow on the north-eastern boundary.
SITE CHARACTERISTICS	End terrace of four properties, set forward from the row with gabled roof to the front, hipped roof to the rear and flat roof dormer to the south-western roof plane. There are four terraces of the same character and appearance in the cul-de-sac. Immediately to the rear is a pitched roof timber structure on the boundary with 70 Chichester Road. There is a good sized garden to the rear and parking to the front.
CHARACTER OF LOCALITY	Residential area in walking distance of Bognor Regis Railway Station and town centre. Bognor Regis War Memorial Hospital is to the south-east and allotments are immediately to the north-west.

No relevant planning history.

REPRESENTATIONS

Bognor Regis Town Council: OBJECT for the following, summarised, reasons:

- Would result in an intensification of use that adversely affects the character of the area which would in turn, affect public and neighbouring amenities.
- Generation of excessive parking demands, in this particularly narrow road, thus harming public amenity.
- Requirements for an HMO licence state the minimum requirements for a HMO housing 6 to 8 people as containing 1 wash hand basin in each sleeping room (where practical), plus two bathrooms and two

- separate WCs with wash hand basins. Members were not convinced the requirements were being met.
- Concerns with this being a retrospective application. Members questioned whether all appropriate regulations had been met, when the works to this property were carried out, including proper fire regulation checks.
 - Electrical vehicle charging points should have been provided, and it is not clear if bicycle storage will be installed.

14 letters of objection:

- If the application is granted other houses could be converted as well.
- 7 bedrooms are too many for this style of house; the main concern is parking.
- Somerset Garden are not in the Article 4 Direction that applies in Marine and Hotham wards.
- Building work was completed in March 2023 and the application submitted after the property was populated in August.
- HMO's does not help solve the housing shortage, it exploits it, and the only winners are the landlords.
- By approving this application, a precedent will be set.
- Retrospective permission has negated the residents' the ability to be consulted and any opportunity for amendments to be made prior to work being completed.
- It is difficult to understand how planning permission should be given after works are completed.
- Concerns about exacerbation of traffic congestion, increase of noise and strains on amenities.
- The structural works to No 1 Somerset Gardens need to be investigated.
- Why the residents of Somerset Gardens have not been notified of a change of use to an HMO?
- Adding a student house to a quiet residential road with the prospect of 7 additional vehicles would raise a safety issue.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and any representations relating to material planning issues are addressed in the 'Conclusions' section of this report. Further observations on specific representations from the Town Council and other third parties are as follows:

- The planning and licensing regulations covering HMOs are separate and this application can only be determined on its planning merits. It is understood from Environmental Health colleagues that the License requirements for a 7 person HMO have been met.
- Issues relating to fire and safety checks are covered under the Building Regulations and are not matters for consideration in this application.
- Conditions relating to electrical vehicle charging and cycle parking provision are recommended.
- WSCC Highways do not anticipate the change of use would result in a highway safety concern or give rise to a parking capacity issue.
- Structural works are a Building Control issue.
- A retrospective application is legitimate and should be treated in the normal way.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH: No objection subject to conditions.

WSCC HIGHWAYS (LHA): Request more information relating to vehicular and cycle parking and has asked that such provision be demonstrated on the site plan.

NATURAL ENGLAND: No objection, subject to appropriate financial contribution and appropriate

assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

- The applicant has provided an amended site plan showing parking for cars and cycles and the LHA have been re-consulted. An update will be provided to Committee as to any further response from the LHA.
- The Appropriate Assessment was sent to Natural England on 21 September 2023 for review. Any response received by the date of the Planning Committee will be reported to members, however, it is noted that the applicant has provided a draft Unilateral Undertaking to make a financial contribution towards the Pagham Harbour Special Protection Area (SPA) in accordance with the agreed avoidance/mitigation strategy.

POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary;
Pagham Harbour Zone B;
WSCC Mineral Consultation Area;
Food Zone 1;
CIL Zone 4.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HSP4	H SP4 Houses in multiple occupation
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WMDM1	WM DM1 Waste Management

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.

There are no relevant policies in the Bognor Regis Neighbourhood Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

Paragraph 11c of the NPPF (2023) says that development proposals that accord with an up-to-date development plan should be approved without delay.

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

OTHER MATERIAL CONSIDERATIONS

This proposal would make a positive contribution to the District's housing needs. There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site is in the Built-up Area where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) provided it accords with other policies of the Local Plan covering such issues as change of use, visual/residential amenity, highway safety and parking and impact on Pagham Harbour. The key policies of the Arun Local Plan are D SP1, D DM1, H SP4, T SP1, ENV DM5, ECC SP2 and ENV DM2 of the Arun Local Plan and relevant paragraphs of the NPPF.

Policy D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states a high standard of architectural principles should be demonstrated, and development should have a minimal impact to users and occupiers of nearby properties and land. Policy H SP4 deals with Houses in Multiple Occupation, policy

ENV DM2 points out on an impact of new residential development in Zone B on Pagham Harbour, policy ENV DM5 requires new development to have a minimal impact on existing habitat and policy ECC SP2 expects new development to be energy efficient.

Policy SD SP1 of the Arun Local Plan states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

The proposal is acceptable in principle given its position in walking distance of shops, facilities, and services. For Housing Delivery Test purposes, the House in Multiple Occupation would be counted as one shared dwelling and, as such, it offers some economic & social benefits to which planning weight must be afforded. This approach is supported by policies SD SP1 and SD SP2 of the Arun Local Plan and the NPPF (2023).

HOUSE IN MULTIPLE OCCUPATION

On 19 January 2023, Arun District Council made an Article 4 Direction to remove permitted development rights for the change of use from a dwelling house (C3) to a house in multiple occupancy (C4). This allows the Council to better manage the creation of HMOs and their impact on the wellbeing of the community in these three wards:- River ward, Littlehampton, and Marine and Hotham wards in Bognor Regis.

These are wards where existing or future high concentrations of HMOs are considered likely to be harmful to the amenity or wellbeing of residents and communities. The property is in Orchard ward and not subject to the Article 4 Direction.

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 meet the detailed criteria below:

- 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.

In applying these criteria to proposals, paragraph 12.5.1 of the Local Plan (HMO) states that in providing for the housing needs for Arun, it is important to ensure that mixed and balanced communities are developed avoiding the narrowing of household types towards domination by a particular type, such a shared housing.

Paragraph 12.5.2 stresses that a large concentration of housing in multiple occupation can have a significant and potentially damaging impact on the amenity of a local area. Paragraph 12.5.5 of the Local Plan also makes clear that 'larger households tend to generate more refuse, regardless of whether the property is occupied by a single family or in multiple occupation.'

HMO use is materially different to a C3 use. Dwellings tend to operate in a more controlled and holistic manner. In principle, each HMO room functionally operates as its own self-contained residential unit of accommodation. It generates its own waste requirements, own deliveries from couriers, and food deliveries. The HMO would potentially result in an increase of population. The impact of that and compliance with criterion a of ALP Policy H SP4 are discussed below under the 'Character of the Area' section.

Given the position of the property close to the entrance to cul-de-sac, the provision of 4 parking spaces

and the fact that the property serves as accommodation for 7 people, the development would be unlikely to result in the generation of excessive parking demands resulting in demonstrable harm to the amenity of the locality contrary to criterion (b) of Policy H SP4 of the Local Plan.

With regards to the provision of adequate areas of open space (criterion c), the development includes the rear garden of approximately 120sqm to the rear (20m deep by 6m wide). This is sufficient for the needs of the occupiers. The outdoor space is a usable for the occupants as requested by the Arun Design Guide (SPD) and supported by paragraph 130 of the NPPF.

Based on the above, the development complies with the requirements of both criteria b & c of Policy H SP4 of the Local Plan and paragraph 130 of the NPPF.

CHARACTER OF THE AREA

Policy D SP1 of the Arun Local Plan expects planning applications to improve and enhance the existing surrounding environment and encourage health and well-being, and policy D DM1 requires that the Council have regard to certain aspects including character, density and scale.

There is presently only 1 known HMO in a 200m radius from 1 Somerset Gardens - at 74 Chichester Road. A condition will be imposed on the decision to limit the number of occupants to maximum of 7 to avoid an increase in occupancy, which could potentially give rise to greater levels of activity, noise and disturbance and an increase in off-street parking demand. There would only be 1 additional resident above the permitted development allowance for a small HMO under use class C4, as a change of use from a single dwellinghouse (use class C3) to shared dwelling houses occupied by between 3-6 unrelated individuals sharing facilities (C4) does not require express planning permission.

The area is predominantly residential with a takeaway and shops with flats above on the junction of Chichester Road with Hawthorn Road to the northwest and along Town Cross Avenue. Bognor Regis War Memorial Hospital is to the southeast. A slightly larger number of residents in the dwelling would not be out of character in this location. The development would not result in an unacceptable increase of population in this area and would not adversely affect its character to a material degree.

Door and window openings were changed (window frames are in a different position and opening format changed) and the porch was removed before the application was submitted. There is no change in fenestration at the first-floor level apart from the replacement of two windows facing the road. The external alterations to create this HMO have, therefore, been minimal and do not, in themselves, impact on the residential character of the locality.

The proposal would preserve the character of the area and thereby complies with ALP policies D SP1, D DM1 and H SP4(a).

RESIDENTIAL AMENITY

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

The site could lawfully operate as a C4 use which allows for the accommodation of up to 6 people in a HMO arrangement without planning permission. The proposed use provides accommodation for up to 7 people. It remains residential and has similar characteristics to residential properties in the locality. The use will not adversely affect the residential amenity of the area in respect of noise/disturbance to a significantly greater degree than a C4 use would.

The only change is a replacement of windows in a different opening format. There are no new overlooking impacts that would occur.

The property benefits from a large rear garden providing more than adequate shared amenity space to serve the needs of occupiers of this HMO.

The proposal complies with ALP policies D DM1, QE SP1 and criterion (c) of Policy H SP4.

HIGHWAYS, TRAFFIC AND PARKING

Policy H SP4(b) makes clear the provision of HMOs should not contribute to the generation of excessive parking demands or traffic in the area.

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

The applicant proposes 4 parking spaces and 4 cycle parking spaces. This has been shown on an amended site/plan (as requested by WSCC Highways), albeit it should be noted that two of these spaces are in a 'tandem' arrangement, which is less workable for an HMO than it would be for a single family dwellinghouse. This, notwithstanding, it is of note that the site lies within a sustainable urban location within easy walking distance of a food store and other local facilities. Furthermore, there are no parking restrictions in this part of Somerset Gardens. The level of vehicle parking proposed is, therefore, acceptable.

Subject to conditions to secure the vehicular & cycle parking and EV charging points, as required by policy, the proposal accords with ALP policies T SP1, T DM1 and with criterion (b) of policy H SP4, the ADC Parking Standards SPD (2020) and the NPPF.

PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP policy ENV DM2 requires residential developments in a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £871 per new unit was agreed by the Council's Cabinet on 10 April 2017. The site lies in the designated Zone B and this application results in a net increase in a slight intensification in occupancy.

Based on the net gain of people (equal to one dwelling), the applicant has agreed to the £871 contribution. There is no conflict with ALP policy ENV DM2 of the Arun Local Plan.

Arun are required to carry out an Appropriate Assessment (AA) to assess the impact of increased recreational disturbance arising from the proposal on the Pagham Harbour Special Protection Area (SPA) & Ramsar Site. An AA has been undertaken and issued to Natural England on 21 September 2023. Their response will be provided to the Committee by way of a report update.

BIODIVERSITY

Policy ENV DM5 of the Local Plan requires schemes seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat, and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not).

The submission of further information demonstrating what will be included in the scheme, and what level of net gain will be created, is required. The opportunity to increase biodiversity and mitigation measures will be secured via condition. Subject to this, the proposal complies with ENV DM5.

CLIMATE CHANGE

ALP policy ECC SP2 requires residential development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. There are no decentralised, renewable, and low carbon energy supply systems proposed under this application, however, it can be secured by a condition.

SUMMARY:

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

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

If the s106 agreement is not signed within two months of the date of this Committee the application will be refused due to the lack of a contribution to Pagham Harbour.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This decision will be granted with a S106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the development.

CIL DETAILS

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

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

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

007-IEV-01 RevD2, Site & Block Plan;
007-IEV-02 RevD2, Proposed & Existing Floor Plans;
007-IEV-03 RevD2, Proposed & Existing Elevations.

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

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

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

- 3 The car parking spaces shall be constructed in accordance with the approved site plan (007-IEV-001 Rev.D2). These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To reduce parking pressure within the locality in accordance with policy T DM1 of the Arun Local Plan.

- 4 Within a period of 3 months from the date of this permission, the applicant or developer shall provide the development with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all the other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

- 5 Covered and secure cycle parking spaces shall be provided within 3 months from the date of this permission in accordance with the submitted plans. The spaces so provided shall be retained in perpetuity.

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

- 6 A scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate energy efficiency measures that reflect standards at the time of submission, together with decentralised, renewable and low carbon energy supply systems shall be submitted within 3 months from the date of this permission. The approved scheme shall thereafter be implemented within 3 months of the details having been approved and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

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

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

- 8 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 9 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to the Pagham Harbour Special Protection Area by the proposed intensification of the existing building.
- 10 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on (01903) 737555

BACKGROUND PAPERS

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

BR/186/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

This page is intentionally left blank

PLANNING APPLICATION REPORT

REF NO: AL/139/22/PL

LOCATION: Land west of Fontwell Avenue
Fontwell Avenue
Eastergate
PO20 3RU

PROPOSAL: Pair of semi detached dwelling houses with two storeys under a pitched roof. This application is in CIL Zone 2 and is CIL liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The 2 semi-detached houses will be on the southern third of a large site which benefitted from permission for two detached dwellings under AL/136/17/PL. Each dwelling will have 4 double bedrooms, one with an en-suite bathroom. The dwellings will be two storeys only with no rooms in the roof. Off-street parking is provided to the front with a new access from the A29. The result of this new access will be to create sufficient accesses to serve the 2 dwellings. Also shown are bin stores and fencing details.

SITE AREA 0.183 hectares.

TOPOGRAPHY Predominantly flat.

TREES A row of tall conifer trees are present along the rear boundary adjacent to the scrapyard. There is one large tree on the frontage in the very southern corner and some further large trees on land to the rear of Oaktrees. None of these trees will be affected by the development. A number of trees which were present along the larger site frontage have been felled.

BOUNDARY TREATMENT 1.8m high close boarded fencing to the boundary with Oaktrees. One metre high metal two bar fence interspersed with hedging to the road frontage and a row of fir trees behind a part wire fence/part hedge to the rear of the site.

SITE CHARACTERISTICS Previously vacant grassed parcel of land.

CHARACTER OF LOCALITY The site is in the settlement boundary and predominantly residential as there are dwellings on both sides of the site and on the opposite side of the A29. The site frontage falls in a 40mph zone and the start of the 30mph zone is adjacent to the southern end of the site.

Oaktrees adjoins the southern boundary and is a 1.5 storey dwelling with its first floor accommodation within a Dutch hipped barn style roof. It has flank facing windows at ground and first floor (with the first floor window appearing to be a bedroom) and a row of roof lights on the rear. A pair of semi-

detached dwellings have been built on the next plot to the north. These will have obscure glazed bathroom windows in the flank elevation overlooking this site. There is a vehicle scrapyards to the rear of the site, beyond the line of conifers.

RELEVANT SITE HISTORY

AL/136/17/PL	Erection of pair of semi detached houses & new access onto A29 - This is a Departure from the Development Plan	ApproveConditionally 03-10-18
AL/122/17/PL	2 No. dwellings (resubmission following AL/72/17/PL). This application is a Departure from the Development Plan.	ApproveConditionally 14-02-18
AL/121/16/PL	2No. semi detached houses. This application is a Departure from the development plan	ApproveConditionally 01-02-17
AL/106/15/OUT	Outline application with some matters reserved for 5 No. detached houses with garaging. This application is a Departure from the Development Plan.	Refused 19-01-16
		Appeal: Dismissed 03-08-16
AL/95/13/	Outline planning application for 3 no. detached houses with garaging - This is a Departure from the Development Plan	ApproveConditionally 25-04-14

REPRESENTATIONS

Aldingbourne Parish Council: No objection.

1 x Letter of objection:

- Previous applications have been allowed to expire whilst the land has been used for other purposes.
- The application is retrospective, since the foundations for these two houses have already been laid.
- Human Rights have been violated by the activities on this site for nearly six years already.
- Enforceable condition requiring the accesses and internal road to be completed first should be imposed.

1 x Letter of support:

- Once the building work and landscaping have been finished Fontwell Ave will become more aesthetically pleasing and safer for road users and pedestrians as the view along that stretch of road will be greatly improved.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Planning issues will be considered in the report's conclusions.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

WSCC HIGHWAYS (LHA): Subject to conditions the LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network.

DRAINAGE ENGINEERS: No conditions to request. Please ensure surface water drainage is constructed in accordance with the following plans:

- Surface Water Drainage 2112/D1.4
- Surface Water Drainage Construction Details 2112/C5

There was a difference in depth of 0.43m between the shallow infiltration testing and the permeable paving formation level. The consultant engineer should ensure shallow infiltration testing intended for permeable paving features is set at the appropriate depth for them in future.

ECOLOGY: No objection subject to securing biodiversity mitigation and enhancement measures.

SOUTH DOWNS NATIONAL PARK AUTHORITY: No objection.

SOUTHERN WATER: Not consulted on this application, however, consulted on the previous identical proposal:

- A sewer crossing the frontage of the site and request that no development or new tree planting be located within 3m either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works. There may be other unrecorded sewers crossing the site. Require a sewer connection informative.

ENVIRONMENTAL HEALTH: No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and all conditions included within the recommendation with the exception of one contaminated land condition. This condition was excluded as adjoining sites have been the subject of this condition with no contamination being identified. There is no basis to assume contamination will be present on this site. However, the condition which requires remediation of previously unidentified contamination identified during development has been imposed.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary;
Special Control of Adverts;
Grade 3a Agricultural land;
Flood Zone 1; and

Class A Road (A29).

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
SDSP2	SD SP2 Built-up Area Boundary
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Aldingbourne Neighbourhood Plan 2019-31 Policy EH1 Built up area boundary

Aldingbourne Neighbourhood Plan 2019-31 Policy EH5 Surface water management

Aldingbourne Neighbourhood Plan 2019-31 Policy EH6 Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2019-31 Policy GA1 Promoting sustainable movement

Aldingbourne Neighbourhood Plan 2019-31 Policy GA3 Parking and new developments

Aldingbourne Neighbourhood Plan 2019-31 Policy H3 Housing Density

Aldingbourne Neighbourhood Plan 2019-31 Policy H6 Windfall Sites

Aldingbourne Neighbourhood Plan 2019-31 Policy H7 Development in the vicinity of businesses

Aldingbourne Neighbourhood Plan 2019-31 Policy H8 Outdoor space

Aldingbourne Neighbourhood Plan 2019-31 Policy H9 Attention to detail

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 Aldingbourne Neighbourhood Development Plan 2019-2031 was made in 2021. The relevant policies have been considered within 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 would comply 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 in the determination of this application.

CONCLUSIONS

KEY ISSUES

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

PRINCIPLE

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan provided it accords with other policies of the Local Plan covering issues such as visual/residential amenity, highway safety, parking and biodiversity.

The NPPF gives a presumption in favour of sustainable development and generally seeks to promote the

effective use of all land. NPPF paragraph 124 (d) states planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Paragraph 11(c) states that development proposals that accord with an up-to-date development plan should be approved without delay.

Given the above, as concluded previously, the principle of the development of the site is acceptable.

DESIGN AND VISUAL AMENITY

Policies D SP1 and D DM1 (ALP) are consistent with NPPF provision in that they require development proposals to make efficient use of land but must reflect the characteristics of the site. Policy D DM1 requires development to have regard to character, appearance, density and scale.

Aldingbourne Neighbourhood Development Plan (ANDP) policies H3, H6 & H9 are relevant. Policy H3 states that the density of new development should be appropriate to its location by virtue of size, siting and relationship to existing properties and policy H6 requires residential development on infill/redevelopment sites within the built up area boundary to be appropriate in scale & density to the size and character of the settlement, used efficiently, be accessible via a range of transport modes and conserve/enhance wildlife. Policy H9 requires that certain 'add-on' items (e.g. gutters, satellite dishes, meter boxes) be included in the design of new houses.

The Arun Design Guide Supplementary Planning Document (SPD) is a material consideration in the determination of applications. Part P.O1 deals with infill development and requires development to respond positively to the character; infill developments, whether in rural contexts or urban environments, must aim to strike a balance between the benefits of more efficient and intense use of development land and preserving the character and local amenities of the site's context and will need to respond to the building heights, scale and massing that characterise the existing street frontage.

Paragraph 130 (NPPF) requires decisions to ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

The proposal is identical to that considered acceptable under AL/136/17/PL. There have been no material changes to planning considerations or to the planning policy framework which would lead to a different assessment of the visual impact of the proposal.

The two storey four bed dwellings would have a gable roof, the southern counterpart of semis would have a shallow two storey front projection. There would be small differences between the proposal and two semis to the north (already commenced) with regards to materials and fenestration. Proposed materials include tiles and brick and these would be in character with some of the existing dwellings in the locality. The proposal provides reasonable gaps between the flanks of the semi-detached building and the boundaries. The gap to the northern boundary will be between 2.5 and 3m. The total space between the two pairs of semi's will be between 6 and 7m. To the southern boundary, the gap will be staggered from just over 3.5m at the front and just over 2m at the rear. This results in a gap to Oaktrees of between 4.5 and 5m, which is comparable to the gaps between the other approved semi-detached dwellings and of the dwellings opposite.

The scale, layout and appearance of the dwellings would not detract from the character of the area and would integrate with neighbouring properties reflecting the established character of properties to the south. Therefore, the development would comply with policies D SP1, D DM1 of the Arun Local Plan as well as policies H3, H6 & H9 of the Aldingbourne Neighbourhood Development Plan 2 and the NPPF and

the Arun Design Guide (SPD).

SITE ACCESS, PARKING AND HIGHWAYS IMPACT

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

Policy T DM1 requires that development be located to ensure easy access to established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Aldingbourne Neighbourhood Development Plan (ANDP) Policy GA1 seeks to promote sustainable (non-car) forms of transport. It requires new development to be located in places accessible to public and community transport. Policy GA3 is also relevant and requires that parking be provided in accordance with the standards adopted at the time.

A new vehicular access onto the A29 is proposed and the Local Highway Authority (LHA) has not raised any objection to this.

Arun Parking Standards Supplementary Planning Document, (Jan 2020) identifies that for a 4+ bed property in this type of location (Parking Behaviour Zone 2) would require a minimum of 3 car parking spaces on site. According to paragraph 3.3, an additional parking for visitors will be required at a ratio of 20% of the total number of residential units. The site plan shows 2 parking spaces for each dwelling which would fail to satisfy the requirement of the standard. Covered cycle storage is not provided.

The application shows the same access point as approved under AL/136/17/PL, and as considered previously, it continues to be an acceptable proposal in this regard.

Parking Standards require that all new houses with a driveway and garage will provide active EV charging points (in accordance with current ADC Vehicle Infrastructure Study (2017)). All other development will need to provide EV charging points in 20% of parking spaces from the date of adoption of this SPD. This approach reflects that taken by the LHA and responds to the Government's declaration of a 'Climate Emergency' and future regulations on decarbonising the transport sector.

In respect of car parking, although the proposal does not meet the anticipated demand of 7 spaces (the 7th space being required for visitor parking), there is a sufficient hardstanding available for additional temporary parking and additional parking could be accommodated without preventing vehicles turning on site and as such would not result in unsafe movements onto or from the A29.

Therefore, the proposals would provide a safe and suitable access and would not give rise to unacceptable highways safety or operation impacts. Subject to conditions, the proposals would broadly accord with the NPPF, ALP policies T SP1 and T DM1, and policies GA1 & GA3 of the ANDP.

RESIDENTIAL AMENITIES

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

The development would have similar characteristics to other properties in the locality. The proposal would result in two dwellings of an appropriate size within sufficient separation distances from neighbouring properties so as to avoid any overbearing or overshadowing impacts.

No windows are proposed on the side elevations of the dwellings. The proposal will not result in any harmful overlooking of neighbouring properties nor will the proposed dwellings themselves suffer from overlooking from existing dwellings. The rear building line of the two dwellings will be set back from that of Oaktrees and such there may be an impact on a 45 degree angle drawn from Oaktrees rear principal windows. However, this is not considered to result in unacceptably adverse harm due to the orientation of the dwellings to the North of Oaktrees and due to the gap of between 4.5 and 5m between the new building and Oaktrees.

Bathroom windows proposed on the front elevation of the dwellings will be obscurely glazed to protect the privacy of future occupiers. The General Permitted Development Order prevents the installation of windows at first floor level on side elevations unless obscurely glazed and fixed shut below 1.7m. Given the permitted development restrictions any windows in this location would not give rise to any unacceptably adverse overlooking and as such a condition is not necessary to restrict this.

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

NOISE:

Policy QE DM1 of the Arun Local Plan 2011-2031 states that:

"Residential development likely to experience noise from road, rail or air must:

- a. Be supported by a noise exposure category (NEC) assessment and designed to ensure that residents will not be adversely affected by noise.
- b. Consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future."

It is necessary to have regard to policy H7 of the ANP which states that: "Proposals for development in the vicinity of businesses which are inherently noisy will not be supported."

Environmental Health have raised no objection to the proposals subject to the imposition of conditions, which requires the development to be implemented in accordance with the submitted acoustic report. Subject to the proposed conditions there would not be any conflict with policy QE DM1 and there would be sufficient mitigation in place to overcome any conflict with policy H7.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 of the ALP states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the two houses are suitable for residential use.

Although the floorplans show 4 bedrooms per dwellings all containing a double bed, one of the bedrooms in each house actually falls below the 11.5m² standard for a double bedroom. Therefore the proposal

should be assessed as having 4 bedrooms and accommodating only 7 persons. The required internal floor area for each is therefore 115m².

The larger of the two houses more than meets the standard with a floor area of 123m². The second dwelling is short of the standard at only 103m². However, policy D DM2 only requires that internal spaces are of an appropriate size. The policy does not state that the national space standards are to be rigidly followed. Therefore, given the proposed floor areas of the dwellings they are appropriate in floor area and would achieve an acceptable standard of amenity for future occupiers in accordance with ALP policy D DM2.

ALP policy D DM1 refers to the need for compliance with the Arun Design Guide. Policy H8 of the ANDP states that "All new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area", this does not specify an amount of garden. The proposed dwellings both have gardens with depths exceeding 36m and areas of at least 370m². These exceed the minimum standards identified through the Arun Design Guide and as such are of sufficient to ensure an adequate standard of amenity for future occupiers in accordance with policy D DM1 of the ALP and policy H8 of the ANDP.

BIODIVERSITY

Arun Local Plan policy ENV SP1 states that Arun District Council encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. The Council will ensure, policy ENV DM1, that the intrinsic features of particular interest are safeguard or enhanced.

Policy ENV DM5 of the Local Plan requires that development schemes seek to achieve a net gain in biodiversity and protect habitats on site and that they incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not).

Policy EH6 of the ANDP emphasises development proposal must be designed to incorporate biodiversity within and around developments and enhance ecological networks.

The site is approximately 11 km from the Singleton and Cocking Tunnels Special Area of Conservation (SAC) which is inside the 12 km buffer zone as shown in the Sussex Bat SAC Planning and Landscape scale Enhancement Protocol. The Council Ecology consultee reviewed the ecological report and advised that although it has not specifically assessed the likely impacts from the proposals upon the SAC, it has considered impacts to foraging and commuting bats in general, stating no habitats which could be used by foraging or commuting bats will be removed and recommends the need for a wildlife sensitive lighting strategy. They advised that record show Barbastelle approximately 700m from the site and aerial photography shows the site is bordered by residential and commercial development. Whilst the direct impacts on the SAC have not been considered they are satisfied with the general impact assessment which has been carried out.

The Council's Ecologist further advised that mitigation measures identified in the Preliminary Ecological Appraisal (Arbtech, November 2022) should be secured by condition and implemented in full. This is necessary to conserve and enhance protected and priority species particularly bats, reptiles, amphibians, hedgehogs and breeding birds.

Given the sites proximity to the SAC it has been necessary to undertake an Appropriate Assessment (AA) as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as

amended). Conditions have been incorporated as part of this recommendation which the Council view to be acceptable to overcome any unacceptable impacts upon the conservation objectives of the SAC. The AA assesses the suitability of the avoidance and mitigation measures and has been the subject of consultation with Natural England. Consultation has been undertaken with Natural England on the AA and no objection has been raised to the conclusions of the assessment.

The opportunity to increase biodiversity and mitigation measures will be secured via conditions along with other conditions recommended by the ecology consultee. Subject to the imposition of these conditions, the proposal will ensure the protection of the ecological value of the site in accordance with local plan policy ENV DM5 and ANDP policy EH6.

SUMMARY:

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan provided it accords with other policies of the Local Plan covering issues such as visual/residential amenity, highway safety, parking and biodiversity.

Paragraph 11(c) states that development proposals that accord with an up-to-date development plan should be approved without delay.

Therefore, the development is acceptable in terms of the development plan when taken as a whole 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) 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 (dependent on any exemptions or relief that may apply).

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Surface Water Drainage Construction Details Dwg No 2112/C5
- Surface Water Drainage Dwg No 2112/D1.4
- Surface Water Drainage Dwg No 2112/D1.2
- Proposed Floor Plans Dwg No CHI/20080/BR 1 of 4
- Location Plan, Site Plan and Proposed Elevations Dwg No CHI/22089/P 2 of 3
- Proposed Sections Dwg No CHI/20080/BR 3 of 4
- Proposed Site Plan for Drainage Dwg No CHI/20080/BR 4 of 4
- Vehicle Swept Path Analysis Dwg No 2018-4370-002 Rev A
- Visibility Splays Dwg No 2018-4370-001 Rev A
- Preliminary Ecological Appraisal by Arbtech
- Preliminary Ecological Appraisal
- Environmental Noise Assessment Rev 0 dated 21.9.22

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

3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

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

4 Prior to occupation of any of the approved dwellings, the applicant or developer shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires all dwellings with a garage or driveway to have EV charging points in 100% of parking spaces with electric ducting provided to all other spaces where appropriate to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 5 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Arbtech, November 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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

Reason: To conserve and enhance protected and Priority species in accordance with Arun Local Plan policy ENV DM5, and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 6 A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans;
- d) Persons responsible for implementing the enhancement measures; and
- e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats in accordance with Arun Local Plan policy ENV DM5, and to allow the Local Planning Authority to discharge its duties under S40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 7 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

Reason: In accordance with Arun Local Plan policy ENV SP1 and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 8 The development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features required as part of the works must be installed prior to the occupation of each dwelling and shall be thereafter permanently maintained in good

working condition.

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.

- 9 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plans. These spaces shall thereafter be retained for their designated use.

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

- 10 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

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

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

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

- 12 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with Local Plan policy T SP1.

- 13 No part of the development shall be first occupied until minimum visibility splays of 2.4 x 59m have been provided at the proposed site vehicular access onto Fontwell Avenue in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.

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

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

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

- 15 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.

- 16 Glazing and vents for habitable rooms shall achieve the acoustic performance criteria detailed in table 4.1.of the 'Environmental Noise Assessment | Land at Fontwell Avenue, PO20 3RU' (dated 21/09/2022) .

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

- 17 INFORMATIVE: To prevent impacts to the amenities of future occupiers of the proposed dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', available from : <https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n12193.pdf&ver=12201>

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

- 19 INFORMATIVE: Section 278 Agreement of the 1980 Highways Act - Works within the Highway
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

BACKGROUND PAPERS

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

AL/139/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015

This page is intentionally left blank

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

AL/126/22/OUT

Original Decision = Refused

Received: 07-09-23

The Paddock Littleheath Road Aldingbourne

Decision Level = Delegated

Outline Application with some matters reserved for 9 No new dwellings (Houses and Bungalow) with Wildlife Corridors following demolition of existing 4 bedroom chalet bungalow and assorted outbuildings. This application is a Departure from the Development Plan.

Written

Representations

PINS Ref: APP/C3810/W/23/3318827

AL/178/22/OUT

Original Decision = Refused

Received: 03-07-23

Land to the rear of Meadow Way Westergate

Decision Level = Delegated

Outline planning application with all matters reserved, except principal means of access and demolition of 24 Meadow Way, for the construction of up to 89 No residential dwellings, with access taken from Meadow Way, together with the provision of open space, landscaping and associated infrastructure.

Informal Hearing **17-10-23**

PINS Ref: APP/C3810/W/23/3323858

AL/179/22/OUT

Original Decision = Refused

Received: 08-06-23

Land to South of Dukes Road Fontwell

Decision Level = Delegated

Outline application with some matters reserved, except access and layout, for the erection of 9 No dwellings (resubmission following AL/39/22/OUT). This application is a Departure from the Development Plan.

Written

Representations

PINS Ref: APP/C3810/W/23/3319189

AL/179/22/OUT

Original Decision = Refused

Received: 15-05-23

Land to South of Dukes Road Fontwell

Decision Level = Delegated

Outline application with some matters reserved, except access and layout, for the erection of 9 No dwellings (resubmission following AL/39/22/OUT). This application is a Departure from the Development Plan.

Written

Representations

PINS Ref: APP/C3810/W/23/3319189

AL/39/22/OUT

Original Decision = Refused

Received: 08-06-23

Land to South of Dukes Road Fontwell Arundel

Decision Level = Delegated

Outline application with some matters reserved (appearance, landscape and scale) for the erection of 9 No. residential dwellings. This application is

a Departure from the Development Plan.

**Written
Representations**

PINS Ref: APP/C3810/W/22/3313681

AW/170/22/T

Original Decision = Refused

Received: 14-07-23

47 Pinehurst Park Aldwick

Decision Level = Delegated

Fell 4no. Lombardy Poplar trees (T1, T2, T3 and T4) and replace them with 3 Cherry Blossom trees.

**Written
Representations**

PINS Ref: APP/TPO/C3810/9286

AW/171/22/T

Original Decision = Refused

Received: 14-07-23

49 Pinehurst Park Aldwick

Decision Level = Delegated

Fell 1no. Lombardy Poplar tree.

**Written
Representations**

PINS Ref: APP/TPO/C3810/9300

BE/30/23/HH

Original Decision = Refused

Received: 04-09-23

2A Stroud Green Drive Bersted

Decision Level = Delegated

Erect a fence on boundary.

**Written
Representations**

PINS Ref: APP/C3810/D/23/3326790

BN/119/22/OUT

Original Decision = Refused

Received: 29-08-23

Land adjacent to Highfield House Yapton Road Barnham

Decision Level = Delegated

Outline application with all matters reserved, except access, for 19 No dwellings for persons over 55 with associated car parking, landscaping, drainage and open space. This application may affect the setting of listed buildings and is a Departure from the Development Plan.

**Written
Representations**

PINS Ref: APP/C3810/W/23/3327867

BN/130/22/T

Original Decision = Refused

Received: 21-03-23

133 Farnhurst Road Barnham

Decision Level = Delegated

(A) 1 x Oak Tree to fell as leaning towards property of 131 - an application was submitted and granted but has expired
(B) 1 x Oak Tree to reduce all limbs by 2 meters height 14m to leave 12m and laterals 4m to leave 2m

**Written
Representations**

PINS Ref: APP/TPO/C3810/9444

<p>BR/180/21/T <i>Original Decision</i> = Refused <i>Received:</i> 02-08-22</p>	<p>4 The Orchard Close Bognor Regis <i>Decision Level</i> = Delegated Fell 1 No. Sycamore tree in rear back garden 3m from house and replace with either Willow or Silver Birch as directed. <p style="text-align: center;"><i>Written Representations</i></p> PINS Ref: APP/TPO/C3810/8754</p>
<p>BR/294/21/PL <i>Original Decision</i> = Refused <i>Received:</i> 18-04-23</p>	<p>2-10 The Hatters Inn Queensway Bognor Regis <i>Decision Level</i> = Delegated 3 storey upward extension and redevelopment of the existing 1st and 2nd floor delivering 43 no flats. This application may affect the setting of listed buildings, affects the character and appearance of The Steyne Conservation Area and is in CIL Zone 4 (Zero Rated) as flats. <p style="text-align: center;"><i>Written Representations</i></p> PINS Ref: APP/C3810/W/22/3308857</p>
<p>EP/3/22/PL <i>Original Decision</i> = Refused <i>Received:</i> 10-10-22</p>	<p>2 The Street East Preston <i>Decision Level</i> = 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. <p style="text-align: center;"><i>Written Representations</i></p> PINS Ref: APP/C3810/X/22/3307441</p>
<p>FG/124/22/PL <i>Original Decision</i> = Refused <i>Received:</i> 26-07-23</p>	<p>Lansdowne Nursery, The Barn Littlehampton Road Ferring <i>Decision Level</i> = Delegated Demolition of existing buildings and erection of 70 No. dwellings with associated works (site relocation to Clapham). This application affects a Public Right of Way, is a Departure from the Development Plan and is in CIL Zone 3 (CIL Liable) as new dwellings. <p style="text-align: center;"><i>Informal Hearing</i> 17-10-23</p> PINS Ref: APP/C3810/W/23/3323939</p>
<p>LU/347/22/PL <i>Original Decision</i> = Refused <i>Received:</i> 09-06-23</p>	<p>27 Clifton Road Littlehampton <i>Decision Level</i> = Delegated Retention of first floor 10 No room HMO and 1 No flat at first floor (resubmission following LU/60/22/PL). This site is in CIL Zone 4 (Zero Rated) as other development. <p style="text-align: center;"><i>Informal Hearing</i> 30-08-23</p> PINS Ref: APP/C3810/W/23/3322316</p>
<p>LU/350/22/PL <i>Original Decision</i> = Refused</p>	<p>27 Clifton Road Littlehampton <i>Decision Level</i> = Delegated</p>

Received: 09-06-23

Temporary change of use for 10 years of the ground floor to a 10 bed HMO (Sui Generis) including alterations/rearrangement of existing ground floor C3 unit (permanent). This site is in CIL Zone 4 (Zero Rated) as other development.

Informal Hearing **30-08-23**

PINS Ref: APP/C3810/W/23/3322319

R/276/22/HH

Original Decision = Refused

Received: 03-08-23

15 The Martlets Rustington

Decision Level = Delegated

Erection of boundary fence.

**Written
Representations**

PINS Ref: APP/C3810/D/23/3324992

WA/101/22/PL

Original Decision = Refused

Received: 13-07-23

Brookfield Farm Eastergate Lane Walberton

Decision Level = Delegated

2 x detached 4 bedroom dwellings

**Written
Representations**

PINS Ref: APP/C3810/W/23/3318743

WA/107/22/PL

Original Decision = Refused

Received: 04-07-23

Morelands Arundel Road Fontwell

Decision Level = Delegated

4 No dwellings, associated car parking and access. This site is in CIL Zone 2 and is CIL Liable as new dwellings.

**Written
Representations**

PINS Ref: APP/C3810/W/23/3315568

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

WA/87/22/PL

Original Decision = Refused

Received: 19-07-23

Brookview Nursery Eastergate Lane Walberton

Decision Level = Delegated

Removal of outdoor storage, including caravan and polytunnels and the erection of 7 No flexible E (g) flexible units comprising of offices and workshops, associated parking, drainage and turning spaces (resubmission following WA/98/21/PL). This site is in CIL Zone 3 (Zero Rated) as other development.

**Written
Representations**

PINS Ref: APP/C3810/W/23/3316638

Y/127/22/PL

Original Decision =
ApproveConditionally

Received: 10-08-23

Lintels Bilsham Road Yapton

Decision Level = Delegated

Change of use of existing garage to 1 No 3 bed dwelling, separate to the main dwelling, including side extension. This site is in CIL Zone 2 and is CIL Liable as new dwelling.

**Written
Representations**

PINS Ref: APP/C3810/W/23/3317622

Y/139/22/PL

Original Decision = Refused

Received: 12-07-23

Bilsham Manor Bilsham Lane Yapton

Decision Level = Delegated

1 No dwelling including the reuse of part of the existing outbuilding, existing leylandii boundary hedge will be removed and replaced with a 1.8m close boarded fence, planted with native hedgerow and garden redesign. This application is a Departure from the Development Plan, affects the setting of listed buildings and is in CIL Zone 3 and is CIL Liable as new dwelling.

**Written
Representations**

PINS Ref: APP/C3810/W/23/3319337

ENF/258/22

Received:

Ridgeway Park Road Barnham West Sussex

Written Representations

PINS Ref: APP/C3810/C/23/3316696

ENF/366/21

Received:

15 South Terrace Littlehampton West Sussex

Written Representations

PINS Ref: APP/C3810/F/23/3322586

This page is intentionally left blank