



# 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](mailto:committees@arun.gov.uk)

Committee Manager Carley Lavender Extn (37547)

7 March 2024

## 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 20 March 2024 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 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].

For further information on the items to be discussed, please contact [Committees@arun.gov.uk](mailto:Committees@arun.gov.uk).

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

**PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION ONLINE AT [www.arun.gov.uk/planning](http://www.arun.gov.uk/planning)**

## AGENDA

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

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

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

Members and officer should make their declaration by stating:

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

### 3. **VOTING PROCEDURES**

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

### 4. **MINUTES**

(Pages 1 - 8)

To approve as a correct record the Minutes of the meeting held on 14 February 2024.

### 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. **LU/299/22/PL LAND NORTH OF LITTLEHAMPTON ACADEMY, LITTLEHAMPTON**

(Pages 9 - 40)

## **PLANNING APPLICATIONS**

7. **AB/8/24/HH 54 TORTON HILL ROAD, ARUNDEL BN18 9HH** (Pages 41 - 46)
8. **AB/9/24/PL ORCHARD HOUSE, 33A TORTON HILL ROAD, ARUNDEL BN18 9HF** (Pages 47 - 58)
9. **BR/6/24/PL 1 ARGYLE ROAD, BOGNOR REGIS PO21 1DY** (Pages 59 - 68)
10. **K/46/23/PL LAND NORTHEAST OF KINGSTON LANE, KINGSTON** (Pages 69 - 100)
11. **LU/305/23/PL ANTONIA COURT, TERMINUS ROAD, LITTLEHAMPTON BN17 5BS** (Pages 101 - 116)
12. **M/9/24/HH 44 SOUTHDEAN DRIVE, MIDDLETON ON SEA PO22 7TB** (Pages 117 - 122)

## **PLANNING APPEALS**

13. **APPEALS** (Pages 123 - 126)

## **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](mailto:neil.crowther@arun.gov.uk)

Daniel Vick (Ext 37771) email [Daniel.Vick@arun.gov.uk](mailto:Daniel.Vick@arun.gov.uk)

David Easton (Ext 37698) email [david.easton@arun.gov.uk](mailto: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](#)

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# Agenda Item 4

Subject to approval at the next Planning Committee meeting

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## PLANNING COMMITTEE

14 February 2024 at 2.00 pm

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

Councillors Gunner and Stainton were also in attendance for all or part of the meeting.

Apologies: Councillors Northeast

### 626. DECLARATIONS OF INTEREST

There were no declarations of interest made.

### 627. MINUTES

The Minutes of the Planning Committee held on 17 January 2024 were approved and signed by the Chair, subject to an amendment to paragraphs' one and two of minute 521: 'Davitts Drive' should read 'Davits Drive'.

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

The Chair confirmed that there was an urgent report to be presented to the Committee regarding the Key Performance Indicators 2022-2026 – Quarter 3 Performance Report for the Period 1 April 2023 to 31 December 2023.

The reason for urgency being that the Committee has to consider the report ahead of the Policy and Finance Committee on 8 March 2024.

The Chair confirmed that this report would be heard after agenda item 16.

### 629. WA/111/23/PL - BROOKFIELD FARM, EASTERGATE LANE, WALBERTON

1 Public Speaker

David Campion, Supporter

2 No. detached 4 bedroom dwellings (resubmission following WA/101/22/PL). This application is a Departure from the Development Plan and in CIL Zone 3 and is CIL Liable as new dwellings.

The Senior Planning Officer presented the report.

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After the speaker had been heard the Senior Planning Officer was invited by the Chair to address any comments made by the speaker. It was confirmed that information had been received confirming the land was not the best and most versatile agricultural land and therefore that consideration was no longer applicable to this application.

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

The Committee:

RESOLVED

That the application be APPROVED CONDITIONALLY.

630. WA/67/23/PL - LAND AT WEST WALBERTON LANE, WALBERTON, ARUNDEL

The Chair informed the Committee that this item had been withdrawn ahead of the meeting.

631. BN/134/23/RES - NUTHATCH WANDLEYS LANE, FONTWELL, PO20 3SE

1 Public Speaker

Matthew Utting, Agent

Approval of reserved matters following outline consent BN/144/22/OUT (as varied by BN/65/23/PL) for the erection of 4 No. residential units with associated car parking and landscaping with new access to be provided via Wandleys Lane. This application is in CIL Zone 3 and is CIL Liable as new dwellings.

The Principal Planning Officer presented the report with updates.

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

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY

632. FP/274/21/OUT - BOGNOR REGIS GOLF CLUB, DOWNVIEW ROAD, FELPHAM, PO22 8JD

8 Public Speakers

Cllr Glen Hewlett, Felpham Parish Council to speak.

Simon Wild, Objector to speak.

Christine Woods, Objector to speak.

James MacLean, Applicant to speak

Cllr Elaine Stainton, Ward Member to speak.

Cllr Jaine Wild, West Sussex CC Member

The Chair then invited Councillors Oppler and Gunner non-committee members were invited to address the Committee.

Outline planning application with all matters reserved, except means of access, for the erection of up to 480 new homes (C3), the formation of a new means of access onto Golf Links Road, together with the creation of new surface water drainage, new landscaping and habitat creation, ground works and other infrastructure and the retention and re-purposing of the retained club house (F2). This site also lies within the parish of Yapton, affects a Public Right of Way and is a Departure from the Development Plan. This application is subject to an Environmental Statement.

The Strategic Development Team Leader presented the report. An update was provided that one further letter of objection had been received but had raised no additional issues for consideration. A written update had now been received from the Environment Agency raising an objection to the proposal due to the extent of the flooding witnessed during November 2023, as it appeared to be significantly larger than the model used to support the applicant's flood risk assessment. The Environment Agency had advised they now had reduced confidence that the modelling work carried out was representative of the catchment area and required further review.

The Local Planning Authority had reviewed some of the officer's recommendations in the report concerning the sustainability of the site's location. As a result of that review it was found that some of the local shops and services within the vicinity had been omitted. Therefore refusal reason 4, relating to the unsustainable location of the development, had been deleted from the recommendation.

Members then took part in a debate on the application where a number of points were raised including:

- Concern was expressed that the site had been unusable for a period of two and a half months due to it flooding.
- The highest density of 90 dwellings per hectare was considered more suited to an urban area.
- Concern was raised as to the amount of land raising required in order to accommodate the site and the possibility that additional water will disperse to and flood neighbouring properties.

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- The site had failed to meet the sequential test relating to flood risk. It was important to protect the erosion of the strategic gap between the settlements of Felpham and Yapton.
- The loss of trees was considered unacceptable.
- Concerns of the likelihood of the flooding of the play area and the safety of children.
- The objection received from the Environment Agency following the recent flooding event.
- The adverse impact the development would have on the residential built-up area of Felpham.

A request was made that the voting on this proposal be recorded.

The recommendation, as amended by the update, was proposed by Councillor Partridge and seconded by Councillor Bower.

The Committee

RESOLVED

That the application be REFUSED

Those voting that the application be refused were Councillors Blanchard-Cooper, Bower, Hamilton, Kelly, Lury, McDougall, Partridge, Patel, Tandy, Wallsgrove and Woodman (11).

633. M/16/22/PL - LAND SOUTH OF GREVATTS LANE / A259, CLIMPING

3 Public Speakers

Cllr Glen Hewlett, Felpham Parish Council  
Cllr Colin Humphris, Clymping Parish Council  
James MacLean, Applicant

Laying out of an 18 hole 72 par golf course, a 9 hole golf course, practice greens and a driving range including a buggy compound; the formation of a new access onto the A259; construction of a club house with associated golf club facilities; the construction of a maintenance building and external area of hardstanding; the laying of parking, new roads and paths; new landscape planting; surface water drainage basins and water storage resevoirs; and other earth works and infrastructure. This application also lies within the parishes of Climping and Yapton, is a Departure from the Development Plan and affects a Public Right of Way. This application is subject to an Environmental Statement.

The Strategic Development Team Leader presented the report.

During the debate members raised concerns about road safety regarding the A259. Concern was raised about the likelihood of the site flooding and the Environment Agency's position to hold 'the line' rather than take active measures to prevent the area



from flooding in the future. The site had failed to meet the sequential test relating to flood risk. The site was located within a Gap between settlements with concern raised that the development would result in the loss of valuable agricultural land.

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

The Committee

RESOLVED

That the application be REFUSED.

634. M/112/23/S73 - 8 MANOR WAY, ELMER, MIDDLETON-ON-SEA, PO22 6LA

No Public Speakers

Variation of condition 2 imposed under M/86/20/PL relating to approved plans.

The Senior Planning Officer presented the report with updates.

A member sought clarification regarding the variety of different residential property types within the vicinity of the application site. The Senior Planning Officer confirmed that there was a wide variation along the street and therefore it would be difficult to determine that the application was out of character in this residential setting.

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

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY.

635. WA/35/23/OUT - LAND EAST OF WANDLEYS LANE, FONTWELL

4 Public Speakers

Andrew Vawer, Walberton Parish Council.

Amanda Sutton, Objector.

Huw James, Agent.

Damon Turner, Applicant

Outline Planning Application for up to 95 no. residential dwellings (including 30% affordable), with all matters reserved apart from access. This application is a Departure from the Development Plan.

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The Development Management Team Leader introduced the report with updates. A correction to the report was made - paragraph 111 within the report should read paragraph 115 of the NPPF.

A verbal update was provided amending refusal reason 1 to add the following text: '...The site is in an unsuitable location for new residential development having regard to the spatial characteristics of Walberton and would result in unacceptable harm to the character and appearance of the area contrary to policy DDM1 of the Arun Local Plan and the NPPF. This decision has been made with reference to the weight to be afforded to neighbourhood plans by virtue of paragraph 14 of the NPPF'.

Members then took part in a debate on the application where a number of points were raised including:

- It was considered that the Walberton neighbourhood plan had fulfilled its required housing allocation. The Group Head of Planning responded that paragraph 14 of the NPPF was one of the tests to determine the weight to be given to the application when carrying out the balancing exercise.
- Concern regarding the development's proximity to the nearby ancient woodland and the loss of category B trees on the site.
- Concern was raised that the development would lead to a conflict of vehicles along Wandleys Lane, and the provision of pedestrian footpaths was also queried. The Development Management Team Leader, confirmed proposals had been put forward to alter the highway to create pedestrian footpaths, for which neither the West Sussex County Council Highway's Authority and Lead Flood Authority or the District Council's Drainage Engineer had raised any objection.
- Paragraph 186c of the NPPF advised that development resulting in the loss of unreplaceable woodland should be refused unless a suitable compensation strategy existed. The Group Head of Planning advised that there was not enough information at this outline stage to justify paragraph 186c as a reason for refusal. Paragraph 175c of the NPPF dealt with development resulting in a loss or deterioration of replaceable habitats. The specific impacts of development on this site would not be known until a scheme was submitted with a detailed layout and landscaping scheme.
- Members wished it to be noted that they considered the indicative layout before them to be unsatisfactory.

The recommendation, as amended by the update, was proposed by Councillor Woodman and seconded by Councillor McDougal.

The Committee

RESOLVED

That the application be REFUSED.

636. Y/68/23/PL - LAND WEST OF DROVE LANE, MAIN ROAD, YAPTON

2 Public Speakers

Lisa Jackson, Agent  
Simon Blanford, Supporter

Erection of 20 dwellings (including 6 affordable units) with new access, open space, landscaping, sustainable drainage, biodiversity mitigation and associated works. This application may affect the character and appearance of the Main Road/Church Rd, Yapton Conservation area, is a Departure from the Development Plan and is in CIL Zone 3 and CIL Liable as new dwellings.(Resubmission of Y/149/22/PL).

The Principal Planning Officer presented the report with updates. A verbal update was provided that officers accepted that the agricultural land was grade 2 and not grade 1 as detailed in the report. Therefore condition 1 had been amended as follows: ‘...net loss of high value grade 2 agricultural land...’.

Members raised the following points regarding the Council’s 5-year housing land supply and the number of planning permissions for housing development within the District that remained unimplemented by developers. A large amount of the District’s housing need had already been accommodated in Yapton.

The recommendation, as amended by the update, was proposed by Councillor McDougall and seconded by Councillor Blanchard-Cooper.

The Committee

RESOLVED

That the application be REFUSED

637. APPEALS

Members noted the appeals list presented.

638. APPEALS PERFORMANCE & COST 2023

Upon the invitation of the Chair, the Group Head of Planning presented the report which outlined the Council’s performance at appeal during 2023 and the costs associated with those appeals.

It was highlighted that, compared against previous years, there was a continuing increase in workload concerning the number of appeals with 48 having been determined. However, it was pleasing to see that despite the number of appeals performance was good, with 65% of all appeals having been dismissed, being only slightly below the target of 70%. He referred to the Planning Committee’s performance at paragraphs 4.13 and 4.14, advising that 3 appeal decisions were made on decisions

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contrary to recommendation of officers. It remained difficult to defend appeals on major schemes at appeal particularly in light of Arun District Council's current 5-year housing land supply

The Committee noted the report.

639. PLANNING APPLICATION REPORT - R/230/23/HH

The Group Head of Planning presented the report. It was explained that since the application had been determined by an officer under delegated authority it has come to light that the application was a 'member' application that should have been determined by the Planning Committee.

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

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY.

640. KEY PERFORMANCE INDICATORS 2022-2026 - QUARTER 3 PERFORMANCE REPORT FOR THE PERIOD 1 APRIL 2023 TO 31 DECEMBER 2023

The Committee noted the report.

(The meeting concluded at 4.58 pm)

## REPORT UPDATE

Application No: LU/299/22/PL

Reason for the Update / Changes

REPORT UPDATE IN RELATION TO PLANNING COMMITTEE 20 MARCH 2024

Delegated authority was given to Officers on 28 June 2023 to grant planning permission subject to completion of the Section 106 Agreement.

Member discussion during that committee meeting highlighted the desire to secure the open space to the east of the application site, known as the meadow, in perpetuity. Officers through the negotiation of the Section 106 have sought to secure this. However, the applicant and landowner are not willing to agree this clause within the S106 owing to concerns that it would constrain them from disposing of the land in the future.

Therefore, in the absence of the Section 106 agreement securing the land as open space in perpetuity, officers are unable to exercise the delegated authority previously granted to them by the Planning Committee. Therefore, delegated authority is now sought to grant planning permission without the Section 106 securing the retention of the meadow in perpetuity. All other matters within the S106 agreement are agreed and finalised.

The proposal remains the same as that previously presented at Planning Committee, in June 2023. The meadow land would still form part of the planning application, and the quantum of open space without the meadow would remain policy compliant in accordance with policy OSR DM1 of the Arun Local Plan and the Open Space Supplementary Planning Document (SPD).

The meadow would still be subject to ongoing maintenance and management arrangements as part of the Landscape Ecological Management Plan (LEMP) to be secured via the S106, which would ensure that the meadow and soft landscaping are maintained.

The absence of a clause securing the retention of the land in perpetuity would therefore not result in the proposals conflicting with the Development Plan, as the meadow would still be provided as part of the application. Any redevelopment of the meadow in the future would require planning permission and as such would be within the control of the Council should the loss of the meadow be deemed unacceptable at that time.

In addition, whilst the retention of the meadow in perpetuity is desirable, it is not required to make the development acceptable in planning terms. Therefore, the council cannot require an obligation to secure the meadow land in perpetuity as it is not essential to mitigate the developments impacts.

In accordance with the original officer's recommendation the scheme remains policy compliant, and as such delegated authority is sought to grant the permission subject to the proposed conditions and completion of a S106 which does not secure the meadow in perpetuity.

REPORT UPDATE IN RELATION TO PLANNING COMMITTEE 28 JUNE 2023

UPDATED CONSULTATION COMMENTS

Littlehampton Town Council - Have provided an updated representation which has withdrawn their objection to the proposed development.

WSSC Lead Local Flood Authority (LLFA) - Have raised an objection to the application (despite having previously raised no objection) as the submitted FRA & Drainage Strategy are not in accordance with the NPPF, Planning Practice Guidance (Aug 2022 version) or with local policies. The LLFA have requested that further information is necessary to be able to lift the objection. The following information was identified as outstanding:

- Groundwater monitoring and infiltration testing is required in the location on infiltration features.
- Water quality benefits required.
- Appropriate water quality assessment is absent / incorrect.
- ½ drain times need to be submitted and show that they are within 24 hours (or within 48 hours for features that are lined e.g. lined tanks or lined basins).
- Appropriate easements (to the adopting authority standards) to SuDS features should be shown on a drawing, this will be a minimum 3m
- Manhole schedule required
- Results for 1 in 30 year plus climate change allowance storm
- Calculations for the swales, permeable paving and other SuDS features which have not been included.
- The use of oversized pipes should be reconsidered.
- Consideration of exceedance from the soakaway
- It looks like houses are located in low spot with low surface water flood risk
- Reconsideration of an appropriate safety factor based on SuDS Manual
- Further design of soakaway required in accordance with Arun Supplementary Requirement for Surface Water Drainage Proposals.

NHS - Maintained objection should no financial contribution be secured. An updated S106 contribution was also provided based on updated housing numbers. This figure has been included in the attached Heads of Terms (HOT).

Southern Water - No objection, and provided standard advice. Advised that the pumping station would be required to be a minimum of 100sqm in area and 15m from the nearest residential property.

WSSC Highways - No objection. The access and visibility splays can be achieved, and will be subject to a S278 agreement with WSSC. The Design Audit has been reviewed and no concerns were raised with the layout. The capacity of the junction has been modelled and the development would not result in a severe residual impact on the highway network. They confirm that without the by-pass infrastructure, as specified in the Neighbourhood Plan policy, there is sufficient capacity and the reasons for this policy are met.

WSSC Education - Maintaining their objection on the basis of a lack of secondary schools, and identified a need to provide school transport contributions. This is included within the Heads of Terms (HOT).

WSSC Strategic Planning - Provided details of the contributions for Primary, Secondary, 6th Form, Libraries, Fire & Rescue. These are included within the HOT.

Greenspace Officer - No objection to the revised play provision.

Environmental Health - Subject to conditions to require further noise assessments and any mitigation required, EH have raised no objections. The previous conditions raised are still relevant.

## UPDATE ON PUBLIC REPRESENTATIONS

For clarity, the publicity period is open until 29th June, and this is reflected within the recommendation. There are now a total of 83 public representations, with 78 objections registered.

The new public representations can be summarised as follows:

- No details of the pumping station have been provided, and the impacts of noise, odour and access on neighbouring residents
- Will the landowner confirm that the green space to be left between the development site and Oakcroft Gardens will be officially confirmed as publicly accessible green open space?
- Concern over who would be responsible for the management and maintenance of the remaining open space
- How will the open space be protected from future development?
- Will the HEELA allocation on the precise footprint of the green open space as a developable site be withdrawn.
- The trees opposite Oakcroft Gardens backing onto Daisyfields will not be part of the greenspace and will have their roots covered by a road surface
- The application should be removed from the planning committee agenda because there is an objection from the Lead Local Flood Authority (LLFA)
- The fencing is inappropriate adjacent to Cornfield School

## UPDATES TO THE OFFICER'S REPORT

### Greenspace

With regards to the greenspace and meadow, any future changes to develop this area will require a planning permission, which will be assessed against policy and the requirements of public open space serving existing development. The Section 106 Agreement will secure the public access arrangements, including management and maintenance schedule. With reference to the sites inclusion within the HELAA, this does not allocate a site for housing, and only identifies high level parameters for potential housing sites.

### Drainage and Flooding

In November 2022, comments from the Lead Local Flood Authority (LLFA) raised no objections to the development on flooding or surface water drainage grounds. As of 19th June 2023, the LPA received an objection from the LLFA, and requested further information, including groundwater monitoring and infiltration testing.

Arun District Drainage Engineers have advised that whilst further winter infiltration testing is required in line with the standards of the Local Planning Authority (LPA), and as requested by the LLFA, the initial bore hole testing does indicate that infiltration is viable. Therefore, a policy compliant drainage scheme is likely to be achievable and therefore are comfortable securing this via condition.

It is not unusual for this information to be provided at condition stage, and is an approach which the LPA have taken in other applications. Therefore, whilst an objection from the LLFA for more information to ascertain whether the layout is impacted by a policy compliant drainage scheme has been received, ADC engineers have confirmed we can secure details at condition stage. The conditions will be secured prior to commencement of the development, and if it is found that the drainage layout cannot be accommodated for any reason, the applicants will be required to submit amendments to the layout.

Therefore, the imposition of conditions will ensure that the scheme adheres to policies W SP1, W DM2, W DM3 of the ALP, and the NPPF.

### Pumping Station

The proposed pumping station has been indicatively shown on the plans to the east of the site and located within the meadow area. The provision of a pumping station will support any future designs for foul sewerage, and the full details are secured by condition. Southern Water have not objected to the use of a pumping station, however, they have highlighted the standard requirements for pumping stations to be at least 15m away from habitable rooms. This is achieved within the current layout, however the exact appearance of the pumping station will be conditioned and a condition to restrict noise and vibrations will also be imposed to ensure no unacceptable adverse impacts upon the amenity of nearby residents.

Access to the pumping station will be required for maintenance, and this will be provided separately to the pedestrian link through the meadow. The provision of access for maintenance has not been objected to by WSCC Highways and would not adversely impact the safety or capacity of the existing network.

Therefore, this would accord with policies QE SP1, QE DM1, T SP1, and D DM1 of the Arun Local Plan.

### Play Space

The play space provision has been amended to provide a LEAP instead of the previously proposed enhanced LEAP on the central village green. With this change, the play provision meets the minimum buffer distances required within the Open Space Supplementary Planning Document (SPD) which aims to reduce conflict with play users and residents. The play equipment retains inclusive play items, and provides a good mix of play experiences. The Locally Equipped Area of Play (LEAP) is also supplemented with a Local Area of Play (LAP) on the central village green, which is considered suitably located and acceptable. The requirement of a Neighbourhood Equipped Area of Play (NEAP) is therefore being sought as an off-site financial contribution and on this basis the play provision is in accordance with policy HWB SP1 of the Arun Local Plan and Open Space SPD.

### UPDATE TO CONDITIONS

There are a number of amendments to the conditions, which are summarised as follows:

- Amendment to plan revision numbers to co-ordinate the widening of the meadow path to 3m path through the meadow and to reflect play space provision changes.
- Addition of Environmental Health conditions relating to noise assessments (and subsequent mitigation), contamination.
- Further clarity within the CEMP condition to add a Dust Mitigation Strategy as part of the Air Quality requirements

### HEADS OF TERMS

The application update is accompanied by a Heads of Terms setting out the infrastructure contributions required by the site. Financial contributions are secured for a range of infrastructure such as NHS, schools, fitness contributions, NEAP play and allotments.

A query has been raised by the developer as to the financial contributions towards Primary Education, Sixth Form Education, Libraries, Fire and Rescue as well as the NEAP contribution. This issue relates to conflicting figures between consultee response and online contribution calculators. In total financial



contributions of £1,990,146 are to be secured, with the online calculators suggesting figured which are £56,728 less.

Officers have sought to resolve this ahead of the committee meeting, but this has not been possible. Therefore, the recommendation has been updated to secure delegated authority to allow for the financial contributions to be confirmed with West Sussex County Council and Arun District Council.

UPDATED RECOMMENDATION: "To grant delegated authority to the Group Head of Planning, in consultation with the Chair or Vice-Chair of Planning Committee, to approve the planning application with conditions subject to:

- 1) End of the consultation period (29th June 2023), with any new matters being discussed
- 2) Confirmation of contribution towards Primary Education, Sixth Form Education, Libraries, Fire and Rescue and NEAP provision.
- 3) Completion of a signed section 106 agreement"

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

PLANNING APPLICATION REPORT

**REF NO:** LU/299/22/PL

**LOCATION:** Land North of Littlehampton Academy  
Littlehampton

**PROPOSAL:** Development of the site to provide 101 dwellings and associated car parking, cycle parking and landscaping. This application is in CIL Zone 4 and is zero rated.

<b>SITE AND SURROUNDINGS</b>
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<b>DESCRIPTION OF APPLICATION</b>	The application seeks full planning permission for 101 dwellings, with associated parking and landscaping. The proposal includes a central village green and a large portion of the eastern part of the site is retained and improved as an open meadow.
<b>SITE AREA</b>	The application site has an area of 6.6ha, with 4.26ha forming the developable area.
<b>RESIDENTIAL DEVELOPMENT DENSITY</b>	The proposed density is 23.7dwellings per hectare (dph) based upon the developed area of the site (4.26ha)
<b>TOPOGRAPHY</b>	Mostly flat, with level changes limited to approximately 1.3m across the site.
<b>TREES</b>	14 Grade 'U' trees are required to be felled regardless of any development, due to health and safety. The development proposes to fell three category 'C' individual trees (T003, T013 and T020), two category 'C' areas of trees (A001 and A002), one category 'C' group of trees (G002), two trees from a group of category 'B' trees (G004) and fourteen trees from one group of category 'C' trees (G006).

There are Two Tree Preservation Orders (TPO) which cover trees on the site, which are as follows:

TPO/LU/1/22 protects T1 - Hybrid Black Poplar, T2 - London Plane, T3 - Lombardy Poplar, T4 - London Plane to the East of the site adjacent to Oakcroft Gardens.

TPO/LU/2/18 protects 7No. Sycamore, 1No. Norway Maple, 1No. Grey Poplar, 1No. Lombardy Poplar & 1No. Beech adjacent to the Daisyfields development to the north of the site.

The trees protected under a tree preservation order are all proposed to be retained.

BOUNDARY TREATMENT

The site is largely open with views into the site possible from Fitzalan Road to the west. The southern boundary is shared with Littlehampton Academy and features palisade fencing with no mature boundary vegetation. There is some existing whippet planting to the west of the boundary outside of the site. There are mature trees to the north of the site. The two Tree Preservation Orders (TPO) protect trees to the north and east of the site.

CHARACTER OF LOCALITY

The site sits within the built-up area of Littlehampton, to the south of the A259.

The existing site is a 'U' shaped open green field, and although it is not a formal open space with any public right of way, the site is regularly used by local residents, largely accessing the site from Oakcroft Gardens and the Fitzalan link road.

Residential development exists to the east, west and north of the site. The houses within Oakcroft Gardens to the east are mainly bungalows, whereas the Daisyfield development to the north is a mixture of two storey dwellings and four storey apartment buildings, one of which is located close to the boundary of the application site.

Littlehampton Academy is located to the south of the site separated by the school playing fields. Cornfield School is located immediately to the north of the site. To the immediate west is the Fitzalan link road.

There are no designated or non-designated heritage assets on the application site. There are buildings of character to the east, north and west, however there will be no inter-visibility between these and the proposed development.

RELEVANT SITE HISTORY

PAA/12/22/	Request for Pre-Application Advice for developing 110 new homes aligning our proposal to local demand, mix as well as the Arun District Design Guide 2021.	Refuse Pre App 17-06-22
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The applicants have undertaken extensive pre-application engagement with the Council and draft proposals were presented to the Littlehampton Advisory Group in February 2022.

## REPRESENTATIONS

The application was re-publicised due to the amended description and plans. The publicity period runs until the 29th June 2023, and therefore the recommendation to members reflects this.

Littlehampton Town Council - Objection due to:

- Mix of market and affordable not spread throughout the site
- No solar panels
- No left only junction for the access
- Noise levels not taken with future use levels in mind
- Removal of 22 trees
- Design felt to be unimaginative.
- Room sizes only above minimum, potentially due to the increase in number of dwellings.

The Town Council have been re-consulted on the amended proposals.

To date, a total of 66 objections have been received with the following comments:

- Lack of suitable infrastructure - doctors, schools, dentists, public transport, jobs
- Too many houses on the site
- Loss of green space and dog walking site
- Removal of 22 mature trees; site access positioned so that it removes trees and other places along boundary
- better suited; removal of trees will decrease privacy for school
- Ecological appraisal based on one visit only and removal of scrub prior to ecological surveys taking place
- The site supports bats, and other protected species
- Biodiversity impacts (loss of overall wildlife) and net gain only 2.44 and seems overstated
- Opportunity missed to install solar panels
- Proposed greenspace is an odd shape and layout and comments on who will maintain the greenspace
- Missing information on sewage, drainage and rainwater storage and no capacity in foul sewers
- Affordable housing unaffordable for average income earners
- Highways implications - congestion, noise, air quality
- The response from Environmental Health is incorrect as they state the road is 30mph and not 40mph along Fitzalan
- Restriction for Littlehampton Academy expanding after built houses
- The environmental health response is wrong - it is a 40mph road and not 30mph
- There is a water shortage / concern over water pressure with additional houses
- Trees within residential gardens proposed to be removed for no reason
- POS is odd shape, and reduced size promised in Neighbourhood Plan
- Construction traffic should access Fitzalan link and not from Oakcroft Gardens
- The current land would break the Highways Act 1980 as the land is dedicated as a public highway

- Need adequate parking to ensure emergency vehicles are not obstructed
- Privacy issues with Daisyfields
- Need cycle provision from Oakcroft meadow and details of accessible kissing gate
- Planting/ screening needed on site between proposed dwellings and Littlehampton Academy
- Issues with overlooking to schools, and construction disturbance
- Soft landscaping not good enough
- Issues with boundary fencing to Cornfield school (overbearing, lighting)

The above comments have been noted and considered in full. Where relevant, they are discussed in the report below.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

Environmental Health - Re-consultation request made on additional information provided.

WSCC Highways - The principle of the site access has been accepted, and Highways are satisfied that visibility splays can be achieved. Highways have been reconsulted on the Design Audit for the creation of the new priority junction onto Fitzalan Road, and the junction capacity details that they requested.

ADC Greenspace - An objection has been raised due to the need for the site to include onsite playspace provision (NEAP, LAP and LEAP). The pathway needs to be DDA compliant and all weather useable. The Greenspace officer has been re-consulted on the amended plans.

ADC Drainage - No objection subject to securing adequate planning conditions for detailed drainage designs. The layout provided will be adequate to allow a policy compliant surface water drainage scheme. Drainage have been re-consulted to ensure that these comments are still applicable.

SUSTRANS - No objection, recommend looking at footpath width and accessible kissing gate.

Economic Regeneration - No objection subject to securing the inclusion of an Employment and Skills Plan via a planning condition.

Sussex Police - No objection raised, and standing advice provided on designing out crime.

Natural England - No objection.

Archaeology - No objection, subject to securing the programme of archaeological investigation works via the imposition of a suitably worded planning condition.

WSCC Lead Local Flood Authority - No objection

Ecology - No objection subject to securing biodiversity mitigation and enhancement

Housing Strategy and Enabling - Advice provided on what would be acceptable. Provision of 30% affordable units would be acceptable and should be secured through a Section 106 agreement.

Water & Access & Fire & Rescue - No objection, however requested a planning condition to be imposed to ensure that fire hydrants are within 150m of dwellings.

NHS - Required S106 financial contribution to overcome objection.

Southern Water - No objection. Requested inclusion of a condition to ensure that foul water and surface water disposal have been agreed prior to commencement.

WSSC Education - Objection raised due to lack of capacity for secondary schools. However, if the development was to be approved financial contributions would be required within the S106.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

**DEVELOPMENT PLAN POLICIES**

Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
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
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
INFSP1	INF SP1 Infrastructure provision and implementation
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
1	
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
WSP1	W SP1 Water

Littlehampton Neighbourhood Plan 2014 Policy 1

The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 4	Housing Site Allocations
Littlehampton Neighbourhood Plan 2014 Policy 3	Housing Supply
Littlehampton Neighbourhood Plan 2014 Policy 16	Open Spaces
Littlehampton Neighbourhood Plan 2014 Policy 17	Buildings and Structures of Character
Littlehampton Neighbourhood Plan 2014 Policy 19	Lyminster Bypass & the A27 at Arundel
Littlehampton Neighbourhood Plan 2014 Policy 22	Design of New Development
Littlehampton Neighbourhood Plan 2014 Policy 23	Infrastructure Investment Priorities

**PLANNING POLICY GUIDANCE:**

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

**SUPPLEMENTARY POLICY GUIDANCE:**

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

**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 Littlehampton Neighbourhood Development Plan.

The site is allocated within the Littlehampton Neighbourhood Plan, Policy 4.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

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

The proposal is considered to conflict with the Littlehampton Neighbourhood Plan, however there are material considerations which warrant the departure, which is explained in full below.

**OTHER MATERIAL CONSIDERATIONS**

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

## CONCLUSIONS

### SUBSTITUTE PLANS

The applicant undertook extensive pre-application engagement with the Council, however on submission of the application the Council found further issues which were not highlighted to the applicant at the time of the pre-application discussions. The applicant has worked proactively and positively with the Council to address officers' concerns.

The applicant submitted additional plans during the determination of the application, which were re-consulted on and re-advertised. The main changes to the scheme were:

- Reduction of units to 101 dwellings from 117;
- Inclusion of a play provision;
- Rear facing development to western boundary now changed to side facing;
- Rear facing development to eastern meadow now changed to all be front facing;
- Amended distribution of car parking within 'Mews' areas;
- Changes to orientation of dwellings adjacent to Cornfield School to reduce overlooking;
- Inclusion of boundary fencing to south to provide garden privacy, and;
- Re-distribution and changes to the mix of affordable housing.

### PRINCIPLE OF DEVELOPMENT

Part of the site falls within the Neighbourhood Plan housing allocation. Policy 4 of the Littlehampton Neighbourhood Plan states the residential allocation should provide for "approximately 100 dwellings comprising primarily 2, 3 and 4 bedroom houses, to be delivered in the period 2020 - 2029, subject to the provision of a new open space on land adjacent to Oakcroft Gardens."

The remainder of the site is within the Built Up Area Boundary (BUAB) as defined by Policy SD SP2 of the Arun Local Plan (ALP), within which the principle of development is accepted. The principle of development is therefore acceptable subject to the developments accordance with other relevant development plan policies.

### HIGHWAYS

Policy T SP1 of the ALP seeks to ensure that development provides safe access onto the highway, contributes to local highway improvements and promotes sustainable travel. Policy 19 of the Littlehampton Neighbourhood Plan requires that development of the allocated site should not occur before the completion of the A284 Lyminster Bypass scheme (northern and southern sections). The supporting text to Policy 19 of the LNP states that this work is required to significantly improve the capacity of the road network to serve the growth of the town already envisaged over the plan period.

The proposed development is intended to be accessed by a priority junction circa 200m south of the Fitzalan Road / A259. The Town Council in their representation raised concerns with the design of the access due to highway safety and as such requested the adoption of a left turn only. However, WSCC acting as Local Highways Authority have raised no objection to the access arrangements for the site and the local planning authority have no basis on which to disagree with these conclusions. Therefore, the proposed access would accord with policy T SP1 of the ALP and would not result in an unacceptable impact on highway safety.

The Transport Assessment (September 2022) and Road Safety Audit, have been reviewed by WSCC. A

further Transport Technical Note (December 2022) was submitted following the original response from WSCC and this document is currently the subject of re-consultation with WSCC.

At the time of writing, the Lyminster bypass remains incomplete with the northern connection between Hampton Park and Lyminster Road unbuilt. It is expected that the final part of the Lyminster bypass will not be complete until autumn 2024. Therefore, there would be conflict with Policy 19 of the Neighbourhood Plan if the site was to be brought forward before completion of the bypass. However, the Transport Assessment submitted in support of the application has confirmed that the proposed development would not result in any existing junctions operating over capacity. It should also be noted that given the remainder of the bypass is anticipated to be completed in Autumn 2024 that the development is unlikely to be substantially occupied prior to the completion of the bypass.

WSCC highways are yet to provide an updated consultation response following the submission of the technical note. Subject to no further objections or issues being identified by WSCC it is anticipated that despite the proposals non-compliance with Policy 19 of the Littlehampton Neighbourhood Development Plan (LNDP) that the proposals would not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network in accordance with paragraph 111 of the NPPF. The updated consultation response from WSCC will be included as part of the report update.

## DESIGN AND LAYOUT

Substitute plans were received during the application process to address officer concerns, which resulted in all proposed dwellings addressing the meadow area, and the proposed dwellings adjacent to the Fitzalan link road orientated side facing (originally rear facing). These changes resolved concerns regarding natural surveillance to the meadow. Whilst a front facing scheme would have provided more opportunities for an active frontage and better public realm, there are multiple points of access and more overlooking within the amended layout. Therefore whilst not all concerns were fully addressed, the layout provides for natural surveillance and does positively address Fitzalan Road.

The proposed built form is located primarily to the west of the site, with the eastern part of the site to be retained as open space. Policy 4 of the Neighbourhood Plan requires development to provide new open space adjacent to Oakcroft Meadows, and therefore this design approach is supported.

The layout includes a primary east-west access road with dwellings to the south of the road. To the rear of these dwellings, adjacent to the southern boundary of the site, are mews' which contain 4 or 5 dwellings with parking forward of the primary elevations. A central village green is proposed within the main part of the site, with further mews development along the northernmost boundary of the site. There are pedestrian links from the existing residential development to the east, Oakcroft Gardens, through the site and onto the Fitzalan Link Road. The layout provides natural surveillance, opportunities for solar gain, a strong movement network for pedestrians, and good legibility.

The dwellings proposed are of a simple contemporary form, and predominantly two storey semi-detached properties, measuring approximately 9.4m in height. Eight detached properties of 1.5 storeys are proposed adjacent to the northern boundary and measure approximately 7.9m in height. There would be a mixture of gable fronted and eaves fronted dwellings within the scheme. There is limited variation in house types across the site as a whole, and gable fronted 3-bedroom dwellings dominate the east-west access road, which has the potential to be overly repetitive. However, there are different elevational treatments proposed, and given the scale of development and the relationship of it with the main east-west route through the site it is considered to be a positive response which results in a strong sense of place and identity for the development.

Parking is generally on plot, typically to the sides of the dwellings, reducing the presence of cars within



the street scene. Where allocated off plot parking is proposed, there are a maximum of four car spaces in a row, and they are proposed to have additional landscaping to soften their impact. Parking within the mews areas of the development are well spaced and screened from the main public routes through the site. Therefore, the parking arrangements are considered acceptable and would not detrimentally impact upon the character of the development.

Rainwater downpipes, gutters, electricity, EV and data points have been provided on elevational plans, and have been located discreetly to minimise their presence.

Overall, the layout provides a legible scheme which responds to the characteristics of the site and the wider locality. The proposed layout provides a permeable layout with strong linkages through the development. Therefore the proposed development is in accordance with policies LAN DM1, D SP1, D DM1 of the Arun Local Plan (ALP), the Arun Design Guide (ADG) SPD, and the National Design Guide and NPPF, and is considered acceptable.

## MATERIALS

The proposed material palette is simple and includes: two brick types, zinc-like roofs to porches. Roofs predominantly feature grey roof tiles, but some plots will feature standing seam roofing to provide some variation. The Arun Design Guide (L.01) supports the use of a simplistic palette, and this will enhance the contemporary character as well as to help create a sense of place.

The proposed brick types will be used throughout the scheme, and the use of typical stretcher bond, and an alternating projecting brick course on selected front and side elevations will provide interest throughout the scheme.

The materials are considered a positive response to the existing residential development within the locality and Littlehampton as a whole. The exact distribution and specification of materials will be controlled by a planning condition to allow details to be provided and approved by the Local Planning Authority.

## AMENITY

ALP policies D DM1 and QE SP1 seek to ensure development contributes positively to the quality of the environment and protect residential amenity for both occupiers and neighbours.

The scheme has been amended along the northern boundary, with the dwellings having been rotated 90 degrees in order to remove windows overlooking the school playing field. This has reduced the number of dwellings adjacent to this boundary and secured the provision of a maintenance strip between the application site and Cornfields School. This approach has had a positive impact upon the relationship between the development and the school.

The interface distances between the dwellings (front to front, rear/front to side, and back to back) are in accordance with the Design Guide, and are all acceptable. Distances between existing and new dwellings adjacent to the site boundary also accord with the Design Guide. The layout of the dwellings therefore provide sufficient privacy and amenity for occupants as well as protecting the existing amenity of existing residents.

All gardens meet the 10.5m depth requirement as per the ADC Design Guide, which is extended to a minimum of 12m at the site boundaries.

Given the above, the amenity of future occupiers of the site as well as existing residents and adjoining

uses would be acceptable and would accord with ALP Policies D DM1 and QE SP1, and the ADG SPD.

## NOISE

The application was accompanied by a noise impact assessment (Stage 2 Environmental & Intrusive Noise Assessment Report May 2023) to demonstrate that noise levels of the proposed dwellings are acceptable both internally and externally. The specification of Air Source Heat Pumps will be conditioned to ensure that the cumulative impacts do not result in any unacceptably adverse impacts on the amenity of future occupiers of the site. Environmental Health are yet to provide a response on the amended information submitted, and any comments received will be provided as a report update to the committee.

## OPEN SPACE AND PLAY PROVISION

The Public Open Space (POS) required for the site is 7,710sqm. The proposals include 207,508m<sup>2</sup> of open space, made up of a mixture of natural and semi-natural, and amenity green space. Approximately 201,000m<sup>2</sup> of this figure includes the meadow area. The quantum of POS proposed accords with Policy OSR DM1 of the ALP, and would exceed the requirements established through the Open Space SPD (January 2020).

The proposed development, by virtue of its size, would be required to provide approximately 555m<sup>2</sup> (0.0555ha) of Local Area of Play (LAP)/Local Equipped Area of Play (LEAP provision, and a Neighbourhood Area of Play (NEAP) (0.666ha). The original application did not show any on site play provision, however, the proposals have been amended during the application process to include play provision within the village green. The proposals include one enhanced LEAP (ELEAP) of 667m<sup>2</sup> with 9 pieces of play equipment, including an inclusive roundabout and swing set. There is no provision for a NEAP and given the sites constraints and presence of play provision in the area, an ELEAP is considered acceptable to mitigate the lack of NEAP provision.

However, there are amenity concerns with the ELEAP given the location within the central green and the distance to dwelling facades. There are no set distance buffers within the SPD for ELEAPs, only for LEAPs (20m) and NEAPs (30m), however given the increased capacity of an ELEAP we would typically expect a 25m buffer. This is not currently achievable given the layout of the development. Therefore, it has been requested that the applicant amend the location of the ELEAP to the meadow, which would address amenity concerns.

The Greenspace Officer has been re-consulted on the amendments to the scheme, and comments will be reported as part of the updated ahead of committee.

## HARD AND SOFT LANDSCAPING

The proposed hard surfacing materials proposed include permeable block paving, and tarmac for roads, in buff, and grey colours. The proposed materials demarcate parking spaces within the mews courtyards and would be conditioned to allow the submission of specifications of materials, ensuring materials are of high quality in line with D DM1. The proposed materials are considered an appropriate response to the wider character of the site and would not appear out of character or in conflict with the wider locality of the site and are therefore considered acceptable.

There is a good variety of tree, shrubs and hedgerows, made up of native and non-native species. The planting stock proposed is mature and will soften the impact of built form and provide good amenity. Planting has been located along primary and secondary roads, contributing to legibility, green infrastructure connectivity and shade. Planting is provided within areas of parking which will reduce the presence of cars within street scene.

The western frontage of the site adjacent to the Fitzalan link road is under a current S278 Agreement, which has secured a substantial planting barrier between the road and the application site. Once matured, this will provide substantial screening and soften the developments edge. Therefore, further planting along this boundary is not considered necessary to mitigate the impact of the proposed development.

Overall, the soft landscaping will contribute to a good quality public realm and soften the developments frontage and would accord with Policy D DM1, E.02 of the Arun Design Guide.

#### PROTECTED SPECIES AND BIODIVERSITY NET GAIN

A preliminary ecological appraisal has been undertaken, followed by bat and reptile surveys. Mitigation measures for both bats and reptiles have been proposed, and the Councils Ecologist is satisfied with the recommendations. Suitably worded conditions have been included as part of the recommendation in order to secure further detail of the mitigation strategies.

Furthermore, additional biodiversity enhancements such as hedgehog boxes, hedgehog friendly fencing, bird boxes/tiles, bat boxes/tiles and boxes, and hibernacula across the site have been suggested within the application documents and will be secured via condition.

There is a Biodiversity Net Gain of 2.3% for habitat units and 18.15% for hedgerow units, which accords with policy ENV DM5 within the Arun Local Plan.

#### TREES

The relevant policy considerations in relation to trees are policy ENV DM4 of the ALP and policy EH6 of the ANDP. Both policies seek to prevent the loss of trees which contribute to amenity.

There are two Tree Preservation Orders affecting the site. TPO/LU/1/22 protects T1 - Hybrid Black Poplar, T2 - London Plane, T3 - Lombardy Poplar, T4 - London Plane to the East of the site adjacent to Oakcroft Gardens. No tree within this order is proposed to be removed, however it is proposed to re-inspect the trees after removal of brambles and dead branches.

TPO/LU/2/18 protects 7No. Sycamore, 1No. Norway Maple, 1No. Grey Poplar, 1No. Lombardy Poplar & 1No. Beech adjacent to the Daisyfields development to the north of the site. Root pruning of the Norway Maple will be required to facilitate the proposed turning heads, but no trees are proposed to be removed that are protected under either TPO.

An Arboricultural Impact Assessment has been submitted, which confirms 14 Grade U trees are required to be felled regardless of any development, due to health and safety. The assessment also states that it is "necessary to fell three category 'C' individual trees (T003, T013 and T020), two category 'C' areas of trees (A001 and A002), one category 'C' group of trees (G002), two trees from a group of category 'B' trees (G004) and fourteen trees from one group of category 'C' trees (G006) to achieve the proposed layout".

295 trees are proposed within the layout, which is considered to acceptably offset the proposed loss of trees on the site and as such the proposals would accord with policies D DM1, ENV DM5 and ENV DM4 of the ALP.

#### HOUSING MIX AND AFFORDABLE DWELLINGS

Littlehampton Town Council Neighbourhood Plan Policy 4 seeks to secure this development allocation primarily for the delivery of 2, 3, and 4 bedroom dwellings.

Policy H DM1 (Housing Mix) of the ALP requires developments to seek a mix of dwelling types and sizes in general accordance with the Strategic Housing Market Assessment (SHMA). The SHMA provides the latest evidence base for housing mix need, and includes 1 bed dwellings.

The Planning and Compulsory Purchase Act 2004 (s38) indicates that where there is conflict between policies, the conflict must be resolved in favour of the policy contained in the most recent plan, which is the Arun Local Plan and the associated SHMA.

The proposal seeks to provide the following housing mix:

2 Bedroom: 24 units (24%)

3 Bedroom: 69 units (68%)

4 Bedroom: 8 units (8%)

Comments were provided from the Affordable Housing Officer highlighting the lack of 1-bedroom dwellings. However, Policy H DM1 recognises that housing mix should be negotiated on a case-by-case basis. The inclusion of an apartment block of 1-bedroom dwellings was proposed during pre-application discussions, but this was felt to be overly dominant adjacent to Fitzalan Road and as such was removed from the proposals.

The site is surrounded by sensitive existing uses, such that taller overbearing buildings would be a less appropriate response to the established character of the locality. An attempt has been made to maintain a two storey development, which is considered an appropriate response to the existing character of the locality. Therefore, the proposed mix of dwellings is considered appropriate and based on the above, the proposal would deliver a satisfactory mix of housing.

The application would secure 30 affordable housing units within the S106 agreement. The mix of affordable proposed is: 20 affordable rented (14 x 2 beds, 6 x 3 beds); 8 First Homes (all 2 beds), and 2 Shared Ownership (all 2 beds) which fully accords with the expectations of policy AH SP2 of the ALP and the Interim Policy Statement 'First Homes' 18th October 2021.

The Town Council highlighted concerns with the distribution of affordable housing units, but this has since been amended and the units would be distributed appropriately across the site. Therefore, the affordable housing is in small clusters throughout the site as required by policy AH SP2 of the ALP.

#### **INTERNAL SPACE STANDARDS AND ACCESSIBLE DWELLINGS**

The proposed dwellings meet the thresholds for the Nationally Described Space Standards, and whilst the Town Council have noted disappointment that some house types are only just above this, the size of the dwellings is acceptable.

Arun District Council have published guidance to assist in the interpretation of Policies D DM1 and D DM2 in relation to accessible dwellings. The guidance document would expect for a development of this size to contribute 50 (i.e. 50%) dwellings to M4(2) standard (Accessible Homes), and 4 dwellings to M4(3) standard (Wheelchair Accessible).

It is not proposed to provide any M4(3) standard dwellings, which is not in accordance with published guidance. However, 100% of the scheme is M4(2) compliant which is a significant overprovision, and, on balance, this overprovision is deemed to mitigate the under provision of M4(3) units.

The document approved is a material consideration but is not a policy requirement or an adopted SPD. Therefore, whilst the absence of M4(3) dwellings is disappointing, the provision of 101 dwellings to M4(2) standard can be adequately conditioned and is deemed to offset the shortfall.

Therefore, the scheme complies with Policy D DM2 in terms of internal space standards and provides for adaptability in accordance with D DM1 and the Arun Design Guide SPD.

#### CAR AND CYCLE PARKING

ALP Policy T SP1 and the adopted Arun District Council Parking Standards SPD (January 2020), seek to provide sufficient parking, ensure safe access within and on to the highway network and promote sustainable transport.

Development is allocated within parking zone 2, and therefore 2 no. allocated parking spaces are required for all one-, two-, and three-bedroom dwellings. 3 no. parking spaces are required for four-bedroom properties, and 20 visitor parking spaces are required.

The overall allocated parking provision is 210 spaces, and all properties have adequate allocated parking in accordance with the Parking SPD. 21 visitor spaces are also proposed, and of this provision 11 are accessible parking spaces, which equates to 5% of the total provision which aligns with the requirements of the parking SPD.

Cycle parking is provided for each dwelling; two-bed dwellings will have one bicycle storage space, three and four-bed dwellings will have two bicycle storage spaces. The cycle parking will be provided as cycle stores located within rear gardens which is an acceptable solution. With all houses having rear access to gardens.

Based on the above, the proposal would deliver satisfactory parking provision for bicycles and vehicles and would accord with Policy T SP1 of the ALP and I.01 of the Arun Design Guide.

#### ELECTRIC VEHICLE CHARGING (EV)

Policy T SP1 of the ALP and ADC Parking Standards SPD 2020 requires development to provide for active EV charging points. This can be suitably conditioned to ensure that details are provided and the EV charging points are provided prior to occupation which would ensure the development accords with Policy T SP1 and the ALP as well as the Parking Standards SPD.

#### WATER, FLOODING AND DRAINAGE

Southern Water have no objection to the proposal and have confirmed that there is capacity within the network for foul sewerage disposal.

ADC Drainage Engineers have reviewed the original application and have confirmed that the layout will not jeopardise the provision of a policy compliant surface water drainage scheme. They have raised no objection subject to imposing conditions to secure the detailed drainage designs prior to commencement. WSCC Lead local Flood Authority have also raised no objection. Both consultees have been consulted on the new plans to ensure that their comments remain unchanged. Subject to the proposed conditions, the development is in accordance with Policy W DM3 of the ALP.

#### EXTERNAL LIGHTING

External lighting locations have been provided on the Hard Landscaping details. Details will need to be secured in relation to their design, and specification to ensure that the lighting design would not adversely impact upon bats. Subject to the proposed lighting condition, the development would accord with Policy QE DM2 of the ALP.

#### AIR QUALITY

Major developments are required to assess and mitigate any negative impacts on air quality. An Air Quality Assessment has been undertaken which identifies several mitigation measures for air quality, such as using Air Source Heat Pumps, providing bicycle storage, Electric Vehicle Charging (EV) provision, and a suitable Construction Environmental Management Plan which minimises dust during the construction phase. These will be conditioned and therefore the requirements of Policy QE DM3 of the ALP has been met.

#### CONTAMINATION

Environmental Health have confirmed that the findings presented are accepted, and that there is no objection subject to the imposition of a suitably worded condition to secure a remediation and verification report.

#### ARCHAEOLOGY

A desktop study has confirmed that the site has a moderate to high potential to contain archaeological remains of local to regional significance, based upon the West Sussex Historic Environment Records. The Council's archaeology advisor is satisfied with the conclusions within the archaeological desk-based assessment (October 2021, By Orion, reference PN3139\_2). Therefore, subject to the inclusion of a suitably worded planning condition, the application would accord with policy HER DM6 of the ALP.

#### REFUSE AND BIN COLLECTION

Refuse and emergency vehicle tracking has been provided, which shows that fire engines can access the dwellings.

Refuse vehicle tracking shows that the collection points within the mews clusters are accessible by vehicles. Therefore, the details proposed ensure that appropriate refuse collection and safe fire access.

#### CLIMATE CHANGE AND SUSTAINABILITY

Policy ECC SP2 of the ALP requires major development to provide at least 10% of energy demand from renewable sources. The application proposes the 101 units to be heated using air source heat pumps, which is a renewable technology. Therefore, the principle of air source heat pumps are acceptable, a planning condition will be used to ensure that at least 10% of the predicted site energy demands are met through this provision.

The Town Council previously requested solar panels in pre-application, however, they support the provision of air source heat pumps. The type of renewable energy source is based on a case-by-case basis, and the use of one technology over another is not a consideration within policy. Therefore, subject to confirmation that the air source heat pumps or another method would generate 10% of the developments predicted energy demands the proposals would accord with policy accords with Policy ECC SP2.

The proposed water use per person is proposed to be less than 110 litres per person per day, which is in

accordance with Policy W DM1 of the ALP. This will be secured via condition to ensure that the optional standard is met.

## INFRASTRUCTURE AND FINANCIAL CONTRIBUTIONS

Policy INF SP1 of the ALP requires developments to proportionally contribute to wider infrastructure and service needs.

This application is located in a £0psqm CIL zone, and therefore no infrastructure contributions will be collected through the CIL charging regime.

The applicant has agreed to enter into a Section 106 agreement to secure the necessary infrastructure relating to the development. A Heads of Terms will be included alongside the report update setting out the contributions for this development in accordance with policy INF SP1 of the Arun Local Plan once the updated consultation responses have been received.

## CONCLUSION AND RECOMMENDATION

The applicant has made significant amendments to the application to overcome/address the concerns raised by the LPA and statutory consultees. Given the amendments to the proposal it is in accordance with the Arun Design Guide, and the Local Plan policies. As such, it is recommended that the application is approved subject to the conditions proposed.

The publicity period finished on 19th June 2023, and therefore the recommendation to members is as follows:

"To grant delegated authority to the Group Head of Planning to grant planning permission subject to conditions and a s106 agreement once the consultation period has ended, so long as no material matters which have not already been considered through the recommendation report are raised.

If any new material considerations are raised which have not been addressed, then delegated authority is given in consultation with the Chair or Vice-Chair of the Planning Committee to determine the application as appropriate."

### 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

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 SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

- 21080\_03-07-100\_Proposed Site Plan - P3
- 21080\_03-07-101\_Proposed Ground Floor Plan - P3
- 21080\_03-07-102\_Proposed First Floor Plan - P3
- 21080\_03-07-105\_Proposed Roof Plan - P3
- 21080\_03-07-200\_Proposed Elevations and Sections 01 - P4
- 21080\_03-07-201\_Proposed Elevations and Sections 02 - P3
- 21080\_03-07-202\_Proposed Elevations and Sections 03 - P2
- 21080\_03-07-010\_Building Heights - P3
- 21080\_03-07-012\_Indicative Tenure Plan - P3
- 21080\_03-07-021\_Refuse Storage and Collection - P3
- 21080\_03-07-022\_Site Vehicle Parking - P3
- 21080\_03-07-400 - 2B3P Semi-detached House - P2
- 21080\_03-07-411 - 2B4P Terrace House 01 - P3
- 21080\_03-07-412 - 2B4P Terrace House 02 - P3
- 21080\_03-07-413 - 2B4P Semi-detached House (eaves fronted) - P2
- 21080\_03-07-420 - 3B4P+ Semi-detached House - P2
- 21080\_03-07-421 - 3B4P+ Semi-detached House - P2
- 21080\_03-07-432 - 3B5P+ Semi-detached House - P2
- 21080\_03-07-436 - 3B5P+ Detached House - P2
- 21080\_03-07-440 - 4B6P Semi-detached House - P2
- 21080\_03-07-443 - 3B5P Detached Dormer House- P2
- 1444-HED-DR-03-001 P03 Illustrative Masterplan
- 1444-HED-DR-03-002 P04 Hard Landscape Plan
- 1444-HED-DR-03-003 P03 Soft Landscape Plan
- 1444-HED-DR-03-006 P05 Trees to be Retained
- 1444-HED-DR-03-007 P05 Trees to be Removed
- 1444-HED-DR-03-008 P05 Trees to be Proposed
- 1444-HED-DR-03-009 P05 Boundary and Fencing Plan
- 1444-HED-DR-03-010 P02 Planting Schedule
- 1444-HED-DR-03-013 P04 Play Area Detail Plan
- 1444-HED-DR-03-014 P04 Play and Open Space Plan
- Air Quality Assessment Update

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



with the aims of the Local Plan.

- 3 Prior to the commencement of the development, including any works of demolition, a Construction and Environmental Management Plan (including for biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and adhered to throughout the entire construction period. The submission shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- An indicative programme for carrying out of the works
- the method of access and routing of vehicles during construction,
- the details of any compound locations,
- the parking of vehicles by site operatives and visitors,
- loading and unloading of plant and materials, including permitted times for deliveries;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- 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)
- A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted
- Dust Management Plan in accordance with the IAQM document 'Guidance on the assessment of dust from demolition and construction, 2014'
- details of public engagement both prior to and during construction works.
- biodiversity CEMP measures (risk assessment, biodiversity protection zones, sensitive security/work lighting, covering foundation gaps overnight for badger protection, sensitive working practices, location and staging/timing of certain works to avoid adverse impacts on species, ecological clerk of works).
- details of pollution control measures for bats (In accordance with the recommendations within the Bat Survey Report 2022, RP-HED-062, Page 15).

Reason: In the interests of highway safety, and the protection of amenity of local residents in accordance with policy T SP1 and QE SP1 of the Arun Local Plan. And in the interest of the protection of protected and priority species so that development is in accordance with 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). 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.

- 4 Prior to the commencement of development, other than works of site survey and investigation, full details of the proposed surface water drainage scheme are required to be submitted and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and are an overriding factor in terms of requirements. Winter groundwater

monitoring to establish highest annual ground water levels and winter percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

- 5 Prior to the commencement of development details shall be submitted 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.

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

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

- 7 Prior to the commencement of development a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy D DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because site levels must be set prior to works commencing on the new houses as otherwise it would be difficult and expensive to rectify any changes.

- 8 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.

- 9 Prior to the commencement of the development, a programme of archaeological work in accordance with a written scheme of investigation shall be submitted and approved by the Local Planning Authority. The programme shall be implemented in strict accordance with the approved details.

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 the approved measures may need to be built into the fabric of the buildings.

- 10 Prior to the commencement of development an Arboricultural Method Statement and Tree Protection Plan shall be submitted and approved in writing by the Local Planning Authority and the development shall be undertaken in strict accordance with the details so approved. Where felled trees are proposed, a soft fell approach should be taken.

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

- 11 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 Report' 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.

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

The scheme shall be implemented as approved and, prior to commencement of any

construction work (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 report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031

12 Prior to the commencement of development an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include but is not limited to the following:

- Details and locations of integrated bat bricks / tiles and non integrated bat boxes on retained trees.
- Inclusion and details of fencing gaps to allow movement of small mammals across the site, such as hedgehogs.
- Details and locations of hibernacula, log piles and hedgehog nesting boxes.
- Details and locations of integrated and non integrated bird boxes, including barn owl boxes.
- Details of the timings of the delivery of the measures above.

The approved plan shall be implemented in full in accordance with the agreed timings and details.

Reason: To ensure the retention, protection and enhancement of biodiversity in accordance with Policies ENV SP1, ENV DM1 and ENV DM5 of the Arun Local Plan 2011-2031. It is considered necessary for this to be a pre-commencement condition to prevent harm to potentially vulnerable species.

13 Prior to the commencement of the development, a Reptile Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The mitigation will be carried out in full accordance with the details approved.

Reason: To conserve and enhance protected and priority species 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 NERC Act 2006 (Priority habitats & Species). This is required to be a pre-commencement condition due to reptiles needing to be moved prior to construction activities.

14 Prior to the commencement of the development, the applicant shall submit an Employment and Skill Plan for the development to be approved in writing by the Local Planning Authority. Following approval, the developer will implement and promote the objectives of the plan.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. It is necessary for this to be a pre-commencement condition as it relates to the construction phase of development.

15 No development above damp proof course (DPC) level shall take place until full details are submitted to and approved in writing by the Local Planning Authority demonstrating how the development will ensure a minimum of 10% of the predicted energy supply uses either decentralised/renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF), unless otherwise agreed in writing by the Local Planning Authority. Any

physical features that are required as part of the works must be installed in full accordance with the approved details and installed prior to the occupation of each dwelling and shall be maintained in good working condition.

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

- 16 Notwithstanding the details within the approved plans, no development above damp proof course (DPC) level shall take place unless full details of the pumping stations and substations on the site have been submitted and approved by the Local Planning Authority.

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.

- 17 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes for walls, roofs, and boundary materials have been submitted to and approved by the Local Planning Authority. The details to be approved will include samples of materials of the materials to be used for external walls and roofs of the proposed buildings. The development shall be implemented as approved.

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.

- 18 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall be submit for approval by 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.

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

- 19 Prior to the occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the 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. It shall also include any plan (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 to the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 20 Prior to the occupation of any part of the development, full details of all external lighting (including streetlighting and security lighting) shall be submitted to and approved in writing by the Local Planning Authority. 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) and minimise potential impacts to any bats using trees and hedgerows (in accordance with the BCT/ILP Guidance Note Bats and artificial lighting in the UK 08.18) by avoiding unnecessary artificial light spill through the use of directional light

sources and shielding. Details should include, but are not limited to:

- a) The location of lighting columns.
- b) Mitigation measures to minimise potential glare and spillage.
- c) Appearance (including height), and design of lighting columns.
- d) Timings of lighting including timers/PIR sensors to reduce unnecessary lighting.
- e) Details of lighting luminaires (lux levels), lighting temperature (K).
- f) A horizontal illuminance contour plan.
- g) identification of important routes used by foraging bats and demonstration of limiting lighting on these areas.

The lighting approved shall be installed and maintained in accordance with the approved details.

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

- 21 Prior to occupation of any of the approved dwellings, an Electric Vehicle Charging Strategy shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. 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) and shall be implemented and operational prior to the occupation of each dwelling. 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.

- 22 Prior to the commencement of the development, a further noise assessment shall be completed by a competent acoustician that takes account of recent changes to the local road network and a scheme for mitigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the internal noise levels within the residential units will conform to the "Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014 and that the external noise levels within the curtilage of residential units will conform to the "Design criteria for external noise" upper guideline value of 55 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014.

The scheme shall include details and locations of any acoustic wall and/or fencing designed to protect amenity spaces and also window specification and ventilation requirements in order to achieve a suitable acoustic environment with adequate natural ventilation. The assessment shall include all noise sources, including but not limited to noise generated by the local schools, any proposed air source heat pumps and mechanical ventilation plant. Any works which form part of the scheme approved by the Authority shall be completed before any permitted dwelling is occupied, unless an alternative period is agreed in writing by the Authority.

Reason: In the interests of amenity in accordance with policy D DM1 and QE DM1 of the Arun Local Plan. This is required to be a pre-commencement condition due to the requirement for appropriate external and internal noise levels to be reached.

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

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

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

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

24 The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner.

Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 and ENV DM4 of the Arun Local Plan.

25 Notwithstanding the provisions of Parts 1 & 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting this Order) no dormer/roof extensions/alterations to the houses approved shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf. Reason: In the interests of visual amenity, and the particular characteristics of this development in accordance with policies D DM1, D SP1 of the Arun Local Plan.

26 No development (including demolition) 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.

Reason: In the interests of neighbour amenity in accordance with QE DM 1.

27 All dwellings hereby permitted shall be built to the optional requirement M4(2) - Accessible and adaptable dwellings standard as defined within Part M of the Building Regulations, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To deliver accessible homes in accordance with Policy D DM1.

28 Noise from the pumping station shall not exceed 45dB LAeq (15mins) with no tonal components evident at the boundary of the nearest noise sensitive property. When assessed by a competent acoustic engineer, the Vibration Dose Value (VDV) shall not exceed the

applicable 'low probability of adverse comment' level for the test environment in question (i.e. residential buildings, offices, workshops) contained within BS 6472-1:2008 (Guide to evaluation of human exposure to vibration in buildings - Part 1: Vibration sources other than blasting) inside the nearest property. A test or prediction of the noise levels and a test or estimation of the expected vibration environment to demonstrate compliance with the levels shall be undertaken within 3 months of the development being implemented.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031

- 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 and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 30 No individual dwelling hereby approved shall be occupied until the optional requirement for restricted water consumption in Part G of the Building Regulations as demonstrated through the water calculator has been complied with for that dwelling.

Reason: To improve the sustainability of the dwellings in accordance with policy W DM1 of the Arun Local Plan.

- 31 No individual dwelling shall be first occupied until the car parking spaces and access to and from the dwelling have been constructed and are operational, in accordance with the approved plans and details. The parking spaces shall thereafter be retained at all times for their designated use.

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

- 32 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement.

- 33 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.

- 34 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.

- 35 **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, (plus40%) 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'.

- 36 **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](mailto: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.

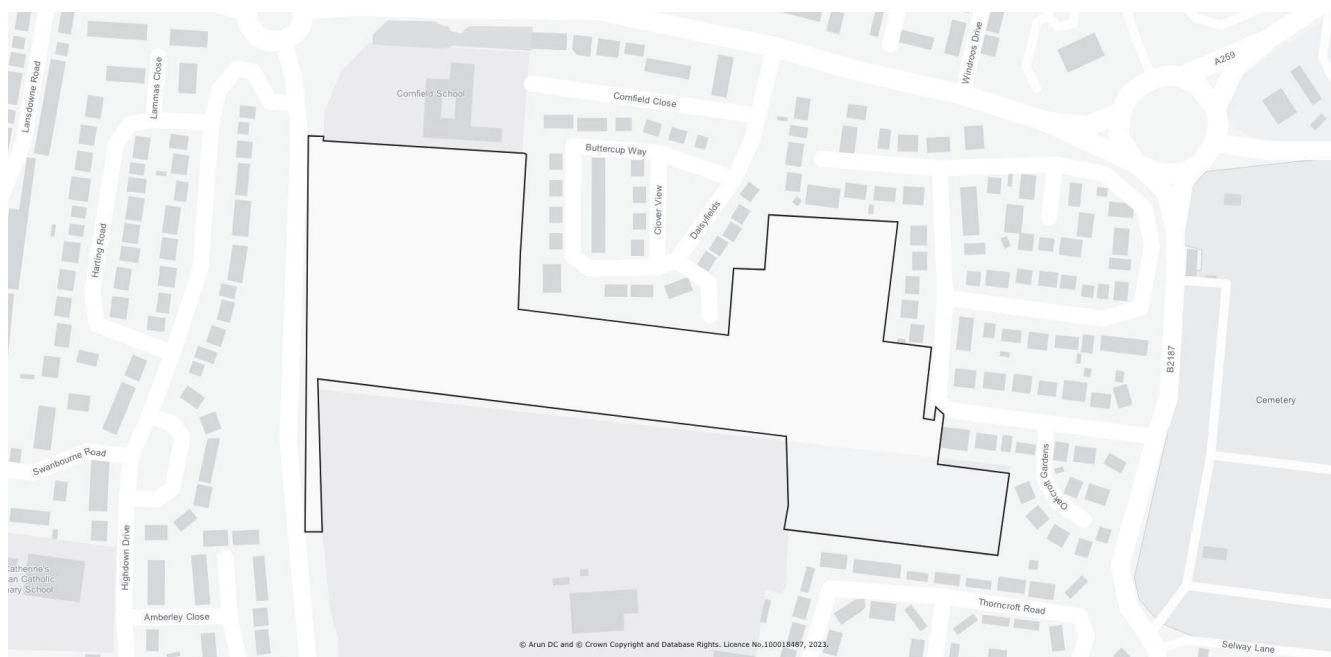
The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 37 **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.

**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](https://www.arun.gov.uk/weekly-lists) and entering the application reference or directly by clicking on [this link](#).

**LU/299/22/PL - Indicative Location Plan (Do not Scale or Copy)**  
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## PLANNING APPLICATION REPORT

REF NO: AB/8/24/HH

LOCATION: 54 Torton Hill Road  
Arundel  
BN18 9HH

PROPOSAL: Raised terrace to rear of property.

### SITE AND SURROUNDINGS

#### DESCRIPTION OF APPLICATION

The terrace will span the width of the rear of the house but due to the topography (the garden slopes from the north-west to the south-east) and the inclusion of a stepped height, the terrace height ranges from around 0.22m to 2.3m. The area of the terrace is not a uniform shape but at it's extremes is around 18.6m wide by 3.8m deep.

A small garden store is proposed under the south-eastern end of the terrace and the terrace itself will be enclosed by a 1.2m high metal balustrade with a timber handrail and tension wire guarding. Steps will be provided down to the garden and also between the two sections of terrace. A new raised planted bed will be provided between part of the terrace and the lawn. The applicant has also agreed to the principle of a 1.8m high privacy screen along the south-eastern side of the terrace, which could be secured via an appropriately-worded planning condition.

The application is to be determined at Planning Committee as it is submitted by a senior staff member.

### RELEVANT SITE HISTORY

AB/23/20/HH	First floor side/rear extension, porch and canopy to front, single storey rear extension, two storey side/rear extension, external refurbishment to all principle elevations & new permeable paving to drive (resubmission of AB/117/19/HH).	ApproveConditionally 22-06-20
AB/117/19/HH	First floor side, porch and canopy to front, single storey rear extension, two storey side extension, external refurbishment to all principle elevations & new permeable paving to drive.	ApproveConditionally 20-12-19

AB/4/04/

Renewal of unimplemented Permission AB/53/99 for first floor extension over existing garage

ApproveConditionally  
15-03-04

## REPRESENTATIONS

Arundel Town Council - no objection.

Three letters have been received, all from the occupiers of no. 58 Torton Hill Road raising the following issues:

- The recently approved extensions have brought the house closer to, and well above the ground level of, neighbouring properties.
- An existing soakaway is sited close to the boundary with no. 58 and when it rains, surface water runs off the site down the slope into 58's garden. As a result, 58's garden is saturated and this may be worsened as a result of the terrace.
- The property as extended is already out of character with the area; and
- Overlooking, loss of privacy and loss of light to no. 58 (both the house and garden).

## CONSULTATION RESPONSES RECEIVED:

None requested.

## DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment

[Arundel Neighbourhood Plan 2018-2031 AR1](#)

Arundel Built Up Area Boundary

## PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

## SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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## CONCLUSIONS

### PLANNING HISTORY:

It is material that the planning permission granted under AB/23/20/HH (which has been implemented), also included a rear terrace. The terrace was to be approximately 18.2m by 1.1m and around 1.1m high. Therefore, it was a similar width to that now proposed. However, the new terrace the subject of the current planning application will be wider/deeper and higher.

ALP policy D DM1 sets out design aspects for which applications should be assessed including character, appearance, impact, layout, and scale. Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. These generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours, and the locality. Policy QE SP1 states development should not have a significantly negative impact on residential amenity.

The Arun Design Guide (ADG) is an important material consideration, however, it contains no specific guidance on new terraces. Generally, the ADG states extensions should be visually subservient to the host dwelling. Rear extensions are stated to generally be acceptable from a design standpoint as they are less visible in the streetscene, but the emphasis should instead be on maintaining the amenities of neighbours.

#### DESIGN AND VISUAL AMENITY:

The proposed terrace will be built in matching materials to the house and will clearly complement it as a structure. Currently, the house without its rear terrace (noting one has been approved but not implemented) appears unfinished. Whilst the height at the south-eastern end is significant, it should be noted that there is currently a significant drop between the ground floor windows and the ground level which is due to the topography. The rear terrace will not be visible in the street scene and there is no conflict with the relevant policies or guidance in visual terms.

#### RESIDENTIAL AMENITY:

The raised terrace is almost at ground level on the north-western side and there is a hedge here which will help to prevent adverse overlooking of no. 52's windows and garden. However, due to the topography, the height of the terrace at the opposite end will be around 2.3m and will allow elevated views of land to the south-east and south including the house and garden of no. 56 and the rear garden of no. 58 (which wraps around the rear of 56 and adjoins the garden of the application site). It may also be possible to view the windows of no. 58 when looking over/through 56's plot, but this would be at a distance of around 28m, which is significant and even exceeds the council's 21m standard for back-to-back interfaces.

The addition of a 1.8m high screen on the south-eastern edge of the terrace will prevent any overlooking to the immediate south-east and therefore preserve the amenities of neighbouring properties. The set back of the terrace from the shared boundary (4m), coupled with its height will prevent any material overshadowing from taking place.

Even with the proposed side screen in place, it will still be possible to look in a southerly direction towards the part of no. 58's rear garden that lies directly behind no. 56. There is a garden studio and play building in this part of the garden and the council's site visit photos demonstrate that it is already possible to look over the boundary hedge from this higher elevation into this space. This is unfortunate, but the studio is not stated to be in a residential use and views over the rears of gardens from two storey neighbouring properties is commonplace. The studio is also at least 30m from the edge of the proposed terrace and therefore meets the council's distance guidance on facing windows.

Although the terrace will allow the occupiers to view neighbouring land from not just through their windows, the views are at a significant distance and a side screen will protect the amenities of land immediately adjacent. There is no conflict with the relevant policies or guidance. It is also material that a terrace has already been agreed, albeit the previously approved deck would have been lower and not so deep.

**OTHER MATTERS:**

Policy ENV DM5 requires all developments contribute to biodiversity net gain. The proposal will hard surface over an area of lawn but proposes a substantial raised planting bed and this is likely to result in a net gain compared to the loss of the lawn.

The site is on a profound slope, and it is understood that the underlying geology has an initial clay layer and a deeper layer of boulder clay. Therefore, water does not infiltrate into the ground easily and is likely to run off the site through the soil to land at a lower level. The objector has claimed their issues only started when the house was extended, and the soakaway was installed but it is not possible to re-assess a previous permission, particularly not one where drainage was covered by Building Regulations. It is also noted that no concerns have been raised by the occupier of no. 56. It would not be appropriate to impose a pre-commencement drainage condition and this would not meet the NPPF condition tests of necessity, reasonableness, or relevance to the development to be permitted.

**SUMMARY:**

The proposal is in accordance with the relevant development plan policies and there are no material considerations of such weight to justify taking a different decision. As such, it is recommended for approval subject to the following conditions and informative.

**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.



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

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

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

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

- Block Plan & Location Plan P02 Rev B; and
- Proposed Plan and Elevations P01 Rev B.

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

- 3 No development shall commence unless and until full details of a 1.8m high screen along the full extent of the south-eastern side of the terrace has been submitted to and approved in writing by the Local Planning Authority. The approved screen shall be implemented in accordance with the approved details prior to the terrace being brought into beneficial use and shall, thereafter, remain in place for the lifetime of the terrace.

Reason: To protect the amenities and privacy of the adjacent properties to the south-east in accordance with Arun Local Plan policies D DM1, and QE SP1. This is required to be a pre-commencement condition because it is not possible to have the requirement to submit details trigger with any other stage of the development.

- 4 The materials and finishes of the external walls forming the base of the terrace hereby permitted shall match in colour and texture with those of the existing house.

Reason: In the interests of amenity in accordance with Arun Local Plan policies D DM1 and D DM4.

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

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

**AB/8/24/HH - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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## PLANNING APPLICATION REPORT

REF NO: AB/9/24/PL

LOCATION: Orchard House  
33A Torton Hill Road  
Arundel  
BN18 9HF

PROPOSAL: Demolition of existing dwelling and erection of 1 No. replacement dwelling with associated landscaping. This application is in CIL Zone 2 and is CIL liable as a new dwelling.

### SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The replacement dwelling is larger in scale than the existing, maintaining the front building line but extending further backwards into the plot. Its overall depth is approximately 18.6m compared to 11.4m as existing.

The new dwelling will have four en-suite bedrooms at first floor with two in the roof. Two integral garage spaces are proposed and there is no change to the front driveway (other than new permeable surfacing and landscaping). The dwelling will be of masonry construction with white rendered facades inclusive of a portion of hung tile to the first floor (front facade). Aluminium framed windows and doors will be provided.

The roof will be half hipped on the flanks with a central flat top and front/rear projecting gables/dormers. The ridge height of the new dwelling is approximately 9.5m (measured at the front) compared to 7.8m for the existing. The first floor has balconies at the rear. New landscaping is proposed at the front and rear.

SITE AREA 1666.3 square metres.

RESIDENTIAL DEVELOPMENT No change.

DENSITY

TOPOGRAPHY The site slopes from the front to the rear.

TREES Mature and prominent trees to the front (but outside) of the site. These are on highway land. Further trees in or adjacent to the site boundaries and with a cluster in the rear garden.

BOUNDARY TREATMENT Mix of hedging, fencing and walls. The landscape drawing suggests all boundaries are to remain except the rear fence which is in disrepair and requires replacement.

SITE CHARACTERISTICS Large detached two storey dwelling with accommodation in the roof and a chimney on either side. The property has six bedrooms. Materials are brick, stone, and tiles. The dwelling

has a twin integral garage and large front driveway for parking. Extensive gardens to the rear.

**CHARACTER OF LOCALITY**

Residential in nature and benefits from an open spatial quality with detached and semi-detached, predominantly red bricked, dwellings set back from the road with generous garden areas. The property is surrounded by two and two and a half storey properties with substantial gardens.

**RELEVANT SITE HISTORY**

AB/24/23/PL	Demolition of existing detached dwelling and garage and erection of 1 No detached dwelling with rear annexe (resubmission following AB/150/22/PL. This site is in CIL Zone 2 and is CIL Liable as a new dwelling.	ApproveConditionally 09-06-23
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AB/110/21/HH	Two storey front and rear extension, hip to gable roof extension and alterations to fenestration.	ApproveConditionally 01-11-21
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AB/110/21/HH proposed two storey front and rear extensions including the raising of the roof. The extended property would have had a maximum depth of 17.3m and a ridge height of approximately 9.5m (measured at the front). This permission is valid until 21 November 2024. It is noted the Town Council did not object to this. This application takes the previously proposed form & frontage and has revised the internal layouts whilst retaining the visual look of the front and rear. AB/24/23/PL is referred to elsewhere in this report.

**REPRESENTATIONS**

Arundel Town Council object - the height of the ridge which will be overbearing on the street scene.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted. The height is discussed in the conclusions section.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

SOUTHERN WATER - note the position of a sewer in the back garden which may need to be diverted or require the layout to be amended. Request an Odour assessment due to the site being in their 500m buffer (330m to be exact) of the demolished Arundel Wastewater Treatment Works.

ADC DRAINAGE ENGINEERS - at the time of writing no response has been received, It is noted in their response to AB/24/23/PL they requested no conditions and advised drainage would be covered by Building Regulations. This location is not subject to any high risk of ground, surface, or watercourse flooding.

**COMMENTS ON CONSULTATION RESPONSES:**

There is separate legislation concerning the protection of sewers so a condition cannot be imposed but an informative will be added to ensure the applicant is aware of this.

The request for an odour assessment is noted. It is material that the proposal concerns the replacement of a dwelling not additional residential development. Southern Water did not request the same assessment in April 2023 on an application for a replacement dwelling a short distance away and in the 500m buffer (AB/24/23/PL - 23 Torton Hill Road).

**POLICY CONTEXT**

Designations applicable to the site:

Within the Built Up Area Boundary.  
Current/Future Flood Zone 1.  
Low Groundwater Flood Risk  
Southern Water Sewer within part of the back garden.  
2km buffer of Arundel Park SSSI; and  
CIL Zone 2.

**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
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
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

[Arundel Neighbourhood Plan 2018-2031 AR1](#)      Arundel 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. The Arundel Neighbourhood Development Plan has been considered in this determination.

#### **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 result in a development that would be out of character with the area or result in any significantly adverse impacts to the built or natural environment, or residential amenities.

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

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

#### **OTHER MATERIAL CONSIDERATIONS**

It is material that there is an extant planning permission for extensions which achieves a very similar design of dwelling (including the same height) as proposed. There are no pre-commencement conditions on the extant permission and it is understood it already benefits from Building Regulations approval.

#### **CONCLUSIONS**

##### **PRINCIPLE:**

The site is in the built-up area boundary (BUAB) where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) provided it accords with other development plan policies covering such issues as highway safety/parking, design/character, residential amenity, biodiversity, and climate change. The location in the BUAB means that the proposal complies with Policy AR1 of the Arundel Neighbourhood Development Plan ANDP). It is relevant that this application is for a replacement dwelling.

##### **DESIGN AND CHARACTER:**

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. The Arun Design Guide (ADG) is a material consideration and part J is particularly pertinent. This refers to new building design and states development must ensure the existing character and sense of place of an area is respected and enhanced. This can allow for contemporary design forms where these take cues from well-designed elements of the area. Development should generally reflect the scale of existing buildings and avoid overshadowing neighbouring properties.

This is an area of predominantly large, detached dwellings in extensive gardens, well set back from the road and benefitting from well-established street trees. During spring and summer months when trees are in leaf, there is limited visibility of existing houses from the road. There is no visibility of the rear of the site except from neighbouring properties. Heights are not uniform but there are examples of a third storey in the roof including at the host dwelling and diagonally opposite at no. 38.

It is material that there is an extant permission for extensions which achieve an almost identical design and scale to that proposed. The only real differences between the two schemes are the extra depth (18.6m versus 17.3m) and the addition of the flat roof top (measuring 11m by 1.5m). There are some design/fenestration changes. The previous application was determined against the same planning policies including the ADG.

This scheme significantly increases the floor area. This does not negatively impact the proposal as much of the additional floor area is contained at first and second floor levels. The increase in habitable space in a similar footprint is an effective use of the land, especially as the house is on a large plot. Likewise, the scheme does not compromise the established spatial character of the area, which is characterised by large two/two and a half storey residential dwellings on large plots.

From the street, the roof changes and extra height will be highly visible (less so when the trees are in leaf). This aspect of the scheme will increase the bulk of the roof. This is not a reason for refusal as the previous eaves line level to the front of the building will be maintained, through a northward falling catslide roof above the garage and through the use of a similar eaves line to the western half of the front.

The building is on the southern side of Torton Hill Road, at which point the houses are lower than the road which is lower still than the houses on the north side. Due to this, front boundary fences/hedges on the south side are taller by approximately 0.5-1m.

The design and scale remains very similar to the approved scheme, and this coupled with the characteristics of the site (lower level than land on the northern side of the road), set back building line and extensive street trees are such that the proposal is acceptable in design and character terms. A condition will be imposed to require approval of the materials. There is no conflict with the relevant development plan policies or guidance.

#### RESIDENTIAL AMENITIES:

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 ADG sets out guidance on interface distances between dwellings and these are: 21m for back-to-back, 16m for front to front and 14m for front/back to side.

There are no standards given for side to side, but it is normally expected that side windows are discrete, serve secondary rooms/areas and can be obscure glazed without harm to the amenity of future occupiers. The proposal includes four first floor flank bathroom windows but states these will be obscure glazed, and this will be reinforced by a condition.

Despite the changes to the depth of the building, due to the length of the plot, there is no conflict with interface distance standards. Two first floor balconies are proposed but one is recessed into the building and has solid sides. The second will have obscured full height side panels. Neither allows unhindered views of land to the east or west.

The dwelling will be in broadly the same position as the existing (albeit deeper into the plot) and occupies a very similar footprint to the extant permission. It will not unacceptably affect light to nearby properties. The proposal complies with relevant development plan policies.

**QUALITY OF ACCOMMODATION:**

As per ALP policy D DM2, it is necessary to assess the proposal against standards in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if buildings will be suitable for residential use. Section J.08 of the ADG re-iterates this requirement. The 6 double bed dwelling would have an internal space of 521m<sup>2</sup> (excluding integral garage) whilst the requirement according to standards is 125m<sup>2</sup>. The dwelling considerably exceeds the minimum standard.

Section H.04 of the ADG sets out standards for garden sizes and requires rear gardens to be a minimum of 10.5m deep and front gardens at least 2m. The dwelling benefits from extensive rear gardens and this aspect is unchanged despite the extra depth of the building. There is no conflict with the ADG.

**TREES AND BIODIVERSITY:**

ALP policy ENV DM4 states protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity should not be damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees. The trees to the front contribute to the verdant character of the area but are on highway authority land and not in the site. There is no change to the position of the driveway access and although a new low front wall is proposed, this will be on the line of an existing low wall so there is already intrusion into the ground at this location. There are other trees in and adjacent to the site and whilst it is indicated that some small garden trees may need to be removed, it is proposed to replant these. On the basis that no trees are protected and that only small garden trees are affected, there is no policy conflict.

ALP policy ENV DM5 requires proposals achieve a net gain in biodiversity and protect habitats on site. The site is residential garden and likely to have low potential for protected species habitat so there is no need to consider this aspect. Ordinarily, it would be appropriate to impose a condition to seek details of biodiversity net gain/enhancements to comply with policy ENV DM5. In this case, it is material that there is already a dwelling here and no such requirement was imposed on the extant permission. The application proposes a landscaping scheme which includes new planting, replanting of affected trees, the retention of hedgerows, some new hedges, bat, and hedgehog boxes. This proposal can be conditioned and there is no conflict with ENV DM5.

**HIGHWAY SAFETY & PARKING:**

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network, accommodate efficient delivery of goods & supplies, give priority to pedestrian & cycle movements, and provide appropriate levels of parking. The council's Parking SPD sets out a requirement for a dwelling of this size of 3 allocated parking spaces and 2 cycle storage spaces.

The proposal includes two integrated garage spaces, but these are undersized versus SPD standards (5.4m by 5.8m compared to the requirement for each to be 3m by 6m) and are not to be treated as providing any provision. The front parking area is extensive and can easily accommodate three cars with additional turning space. There is no indication of cycle storage, but a condition can be imposed.

The NPPF allows for a refusal on highway grounds when there is an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. There will be no such unacceptable or severe impacts. There is no conflict with ALP policy T SP1 or the Parking SPD.



CLIMATE CHANGE/SUSTAINABLE CONTRUCTION:

ALP policy ECC SP2 requires all new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires new development be designed to adapt to impacts arising from climate change. The design and access statement sets out the following:

- use of high-performance materials to create an energy efficient and sustainable building envelope.
- a Mechanical Ventilation with Heat Recovery (MVHR) for ventilation and recovery of waste heat.
- water fittings will ensure the per person daily use remains below the water efficiency standard of less 110 litres per person per day.
- rainwater harvesting.
- wastewater heat recovery (WWHR) will be used to recover the latent heat from the waster hot water.
- solar panels will be used to feed into the dwelling reducing energy usage and carbon emissions.
- heating will be via Air Source Heat Pumps with thermal storage; and
- use of external louvres and specified glazing to mitigate the overheating risk.

These proposals can be controlled by planning condition and this along with a condition to secure an electric vehicle charge point will ensure compliance with the relevant policies.

SUMMARY:

This proposal represents an appropriate redevelopment of a building plot and does so without compromising the visual amenity of the area or the amenities of existing neighbouring residential occupiers. It is recommended the application be approved in accordance with the following conditions.

**HUMAN RIGHTS ACT**

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

Consideration has been 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 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.

<b>CIL DETAILS</b>
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This application is CIL liable. The applicant has indicated the house will be self-built but the requisite forms have not been submitted and so it has not been possible yet to calculate the CIL liability. Arundel Town Council would receive a 25% share of any payment.

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

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of 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 and proposed block plan 2000 rev P01.  
 Proposed ground floor plan 1050 rev P02.  
 Proposed first floor plan 1051 rev P01.  
 Proposed loft level plan 1052 rev P01.  
 Proposed roof level plan 1053 rev P01.  
 Proposed east elevation 3052 rev P01.  
 Proposed west elevation 3053 rev P01.  
 Proposed south elevation 3051 rev P01.  
 Proposed north elevation 3050 rev P01.  
 Proposed north elevation (street scene) 3055 rev P01; and  
 Landscaping masterplan rev D.

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

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

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

- 4 No development above damp-proof course (DPC) level shall take place unless and until a detailed colour schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved in writing by the Local Planning Authority and the materials approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and character of the area by endeavouring to achieve a building of visual quality in accordance with Arun Local Plan policy D DM1.

- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided. 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 Prior to occupation of the new dwelling, the applicant/developer shall provide electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires 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. Individual charge points shall be in accordance with 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.

7 The development shall include energy efficiency measures that reflect 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 occupation of the 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 national planning policy and Arun Local Plan policies ECC SP1 and ECC SP2.

8 The landscaping and new wildlife features on the Landscape Masterplan Rev D shall be carried out in the first planting and seeding season, following the occupation of the dwelling or the completion of the development, whichever is the sooner, and any trees or plants which, in a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

9 The hardstanding to the front garden hereby permitted shall be made of permeable or porous materials and/or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the dwellinghouse.

Reason: To ensure adequate consideration of surface water runoff in accordance with Arun Local Plan policy W DM3.

10 The four first floor bathroom/ensuite windows on the east and west flank elevations of the dwelling shall at all times be glazed with obscured glass and fixed to be permanently non-opening to a minimum height of 1.7m from the finished floor level of the room that they serve. This arrangement shall be permanently retained thereafter.

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

11 The balcony screens to bedrooms 2 and 3 shall be implemented in accordance with the approved details prior to any use of the balconies and shall, thereafter, remain in place for the lifetime of the balcony.

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

12 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning

(Development Management Procedure) (England) Order 2015 (as amended). 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 may 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.

13      INFORMATIVE: The development will lie over an existing public foul sewer and this will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before construction begins. It may be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions. Please note:

- The 100 mm foul sewer requires a clearance of 3m on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3m of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located in 5m of public or adoptable gravity sewers; and
- All existing infrastructure should be protected during the course of construction works.

Please refer to: [southernwater.co.uk/media/3011/stand-off-distances.pdf](https://www.southernwater.co.uk/media/3011/stand-off-distances.pdf).

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=docm93jjjm4n12193.pdf&ver=12201>

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

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

**AB/9/24/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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**PLANNING APPLICATION REPORT**

**REF NO:** BR/6/24/PL

**LOCATION:** 1 Argyle Road  
Bognor Regis  
PO21 1DY

**PROPOSAL:** Conversion of an existing 2 storey, 4 bedroom end of terrace house into 2 No. 2 bedroom flats. This application is CIL Zone 4 ( zero rated) as other development.

**SITE AND SURROUNDINGS**

<b>DESCRIPTION OF APPLICATION</b>	This application seeks permission for the conversion of an existing 2 storey, 4 bedroom end of terrace house into 2 No. 2 bedroom self contained flats (use class C3).
<b>SITE CHARACTERISTICS</b>	Two storey residential end of terrace dwelling house.
<b>CHARACTER OF LOCALITY</b>	The character of the locality is predominantly residential, with a small number of ground floor commercial and retail units within the local vicinity. The Steyne Conservation Area is to the south of the site, and is a designated heritage asset of historical and architectural significance.

None of relevance to this application.

**REPRESENTATIONS**

Bognor Regis Town Council - Abstention:- The application is for a fellow Councillor, and the Council declared an ordinary interest.

No representations received from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Regardless of the Town Council's decision, this application needs to be determined at Planning Committee.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

**ADC ENVIRONMENTAL HEALTH (EH):**  
No objection subject to a condition regarding construction hours.

**NATURAL ENGLAND (NE):**  
No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites.

**WSCC HIGHWAYS (LHA):**

Does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 115), and that there are no transport grounds to resist the proposal.

#### COMMENTS ON CONSULTATION RESPONSES:

Noted. ADC's EH condition is applied. NE's comments will be secured by a s106 contribution.

#### POLICY CONTEXT

Built Up Area Boundary  
Pagham Harbour Zone B  
2km Buffer for Site of Special Scientific Interest  
CIL Charging Zone 4

#### 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
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
WDM3	W DM3 Sustainable Urban Drainage Systems
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 result in adverse harm to visual or residential amenity.

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 proposal to subdivide the property would provide one additional residential unit to the Council's housing supply figure. 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 in a sustainable location where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan, provided it accords with other policies. These will be assessed in relation to the sections outlined below.

Bognor Regis has a 'made' Neighbourhood Development Plan, however no policies are directly relevant to this application. The Arun Design Guide and Arun Parking Standards SPD are pertinent to this application.

NPPF para 128 supports the effective and efficient use of land for sites in the built-up area but advises development should maintain an area's prevailing character and setting (including residential gardens) and secure well-designed, attractive, and healthy places. This is discussed below.

The property is in a sustainable location on the edge of the town centre. The development would provide two residential units within easy walking and cycling distance of a range of shops, facilities and services, including bus stops and a railway station. The proposal is acceptable in principle.

### DESIGN AND VISUAL AMENITY/CHARACTER

The proposal seeks the conversion and change of use of a single dwelling to 2 no. self-contained 2 bed flats. Whilst the proposal will include a number of internal works, there will be no significant external changes to the property. In terms of harm to design and visual amenity, the proposal will have no impact on the visual appearance of the property and is acceptable.

The works result in a change to the character of the property, in terms of it altering from a single dwelling to two flats, but would not have a significant impact on the area and will be a negligible change. Almost all properties in the immediate vicinity are either dwelling houses or flats. The conversion of a dwelling into flats will not be out of keeping with the predominant character of the area and is appropriate in this location.

The works will have no demonstrably adverse harm in terms of visual amenity and will preserve the character of the area. This is in accord with D DM1 of the Arun Local Plan and the Arun Design Guide.

#### RESIDENTIAL AMENITY

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

Paragraph 135(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.

There will be no change to the scale, massing, or footprint of the property, and no change in any overbearing or overshadowing experienced by neighbouring properties. The only impact to residential amenity posed by the proposal will be by way of overlooking from the new Flat 2 to the amenity space serving Flat 1. The conversion of the dwelling will result in the garden and patio space on the ground floor being sectioned as part of Flat 1. Flat 2 will be provided with a first floor balcony as external amenity space. The location of this balcony is to the south of the garden and patio space and, due to its positioning, opens up the possibility of overlooking from the balcony down into the amenity space of Flat 1. This issue has been addressed with the agent, and a condition has been applied requiring an obscure screen at a minimum of 1.7m high to be installed to the northern boundary of this balcony to reduce any overlooking and protect residential privacy and amenity.

The change results in two sets of separate residents in the property. Whilst this could result in slightly more noise/activity the impacts would be comparable to that from the existing use. There will be no demonstrable harm to the quality of the environment for those living nearby.

The development will not be unduly harmful to residential amenity and accords with D DM1 and QE SP1 of the Arun Local Plan, and Arun Design Guide.

#### INTERNAL AND EXTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. The Nationally Described Space Standards require 2 bed, 3 bed space (2b3p) apartments to have a gross internal floor area of 61m<sup>2</sup>, and 2b4p to have 70m<sup>2</sup>. Single bedrooms require 7.5m<sup>2</sup> of floor area, and double bedrooms require 11.5m<sup>2</sup>. The minimum floor to ceiling height is 2.3m.

Flat 1 provides a gross internal area of approximately 66m<sup>2</sup>. This exceeds the minimum requirement for a 2 bed flat. Bedroom 1 provides an internal floor area of approximately 13m<sup>2</sup>. This is acceptable for 2 people. Bedroom 2 provides an internal floor area of approximately 8.4m<sup>2</sup>, and is only acceptable as a single bedroom for 1 person. In terms of compliance with Nationally Described Space Standards and D DM2, this flat is acceptable.

Flat 2 provides a gross internal area of approximately 70m<sup>2</sup>. This exceeds the minimum requirement for a 2 bed flat. Bedroom 1 provides an internal floor area of approximately 19m<sup>2</sup>. This is acceptable for 2 people. Bedroom 2 provides an internal floor area of approximately 9.5m<sup>2</sup>, and is only acceptable as a single bedroom for 1 person. In terms of compliance with Nationally Described Space Standards and D DM2, this flat is acceptable.

The Arun Design Guide sets out standards for garden sizes. It is preferable for each flat to have its own private external amenity space. In this case an external patio and garden space will be provided to Flat 1, and a balcony to Flat 2. These amenity spaces, whilst fairly small, will provide a useable, private external area for the occupiers of each flat. The property is within 65m of Steyne Gardens, and 120m of Waterloo Square, both providing green public spaces in easy walking distance. The property is fairly close to other public spaces, such as the Promenade. This provides another option for external amenity space. A variety of external amenity spaces, both public and private would be available to the occupiers of both flats, which is in accord with the Arun Design Guide.

### **BIN AND CYCLE STORAGE**

Policy T SP1 of the Arun Local Plan requires the Council to ensure that developments promote sustainable transport including the use of bicycles. No details have been provided by way of cycle storage. As per the Arun Parking SPD, 1 parking space per flat is required. A condition requiring the submission of cycle provision and secure storage details to the Local Planning Authority is recommended.

From the information submitted it is understood that waste storage and collection will remain as existing, using the small frontage area between the front elevation and footpath adjacent to Argyle Road. Given the number of occupiers of the flats will be comparable to that in the existing dwelling, amendments to current waste arrangements will not be required. This is in accord with WM DM1 of the Arun Local Plan.

### **HIGHWAYS, TRANSPORT AND PARKING**

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

Arun District Council adopted a Parking Standards SPD (Jan 2020). Principle 1 2.12 stresses that parking provision should be sufficient to accommodate demand whilst exploiting the potential for sustainable travel, minimizing adverse effects on road safety, and avoiding increased on-street parking demand. Principle 2.13 advises: 'If parking could reasonably be expected to take place in existing streets, then it will be necessary to demonstrate through a parking capacity survey that there is sufficient capacity to accommodate the expected parking demand.'

Zero car parking is proposed. The Arun SPD requires two parking spaces be provided. There is some on street parking in the locality, however this is limited. WSCC Highways raised no objection. The proposal is sustainably located, in walking/cycling distance of local service, amenities, and public transport connections. Should the residents require a car for commuting or further journeys there is enough on-street parking provision in the locality to allow for one or two more cars in the area, without significant impact on the highway network or its safety. This is acceptable, and in accord with T SP1 of the ALP.

### **HERITAGE ASSET**

The proposal is on the boundary of The Steyne Conservation Area. Given no external changes are proposed which would affect the visual amenity or significance of the setting of this conservation area,

the proposal will have no impact on heritage assets in the locality.

#### **DRAINAGE and FLOOD RISK**

The proposal falls in Flood Zone 1 (lowest flood risk). As the proposal concerns an existing building, the existing systems regarding surface water and foul water will be retained. Given there will be a minor change in the number of occupiers within the property, the retention of the existing systems will be sufficient and acceptable for sustained use by around 6 occupiers. The proposal is in accordance with W DM3 of the Arun Local Plan.

#### **CLIMATE CHANGE/SUSTAINABLE CONSTRUCTION**

ALP policy ECC SP2 requires residential development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. Whilst there are no decentralised, renewable, and low carbon energy supply systems proposed, the proposal concerns only internal works to an existing property. As such, it would be unreasonable to refuse on the grounds of non-compliance with ECC SP2.

#### **PAGHAM HARBOUR**

ALP policy ENV DM2 requires residential developments in a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £938 per net new unit is required. This will be secured through a Section 106 legal agreement.

#### **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. Whilst it is required Biodiversity Net Gain be sought, the 10% requirement has not yet been implemented for small sites such as this. No details of biodiversity net gain, nor any ecological assessments have been provided and an appropriately-worded condition to secure this is, therefore, recommended.

#### **SUMMARY**

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

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

Consideration has been 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 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 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 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

A S106 Unilateral Undertaking has been completed. This is dated 23/01/2024, and requires the undertaker to pay £938 for the purpose of delivering mitigatory actions at Pagham Harbour.

## CIL DETAILS

This application is not CIL liable.

## 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:

- Location and block plans 14121.01
- Proposed ground floor plan 14121.04
- Proposed first floor plan 14121.05
- Proposed East (rear) elevations 141121.06

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

- 3 Prior to the first occupation of Flat 2, hereby permitted, a privacy screen shall be installed along the northern extent of the balcony at a minimum height of 1.7m above the floor level of said balcony. This arrangement shall be permanently retained thereafter.

Reason: To protect the amenities and privacy of Flat 1 in accordance with Arun Local Plan policies D DM1 and QE SP1.

- 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 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.

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

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

6 No part of the development shall be occupied until covered and secure cycle parking spaces have been provided to serve the two flats. The spaces shall, thereafter, 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.

7 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.

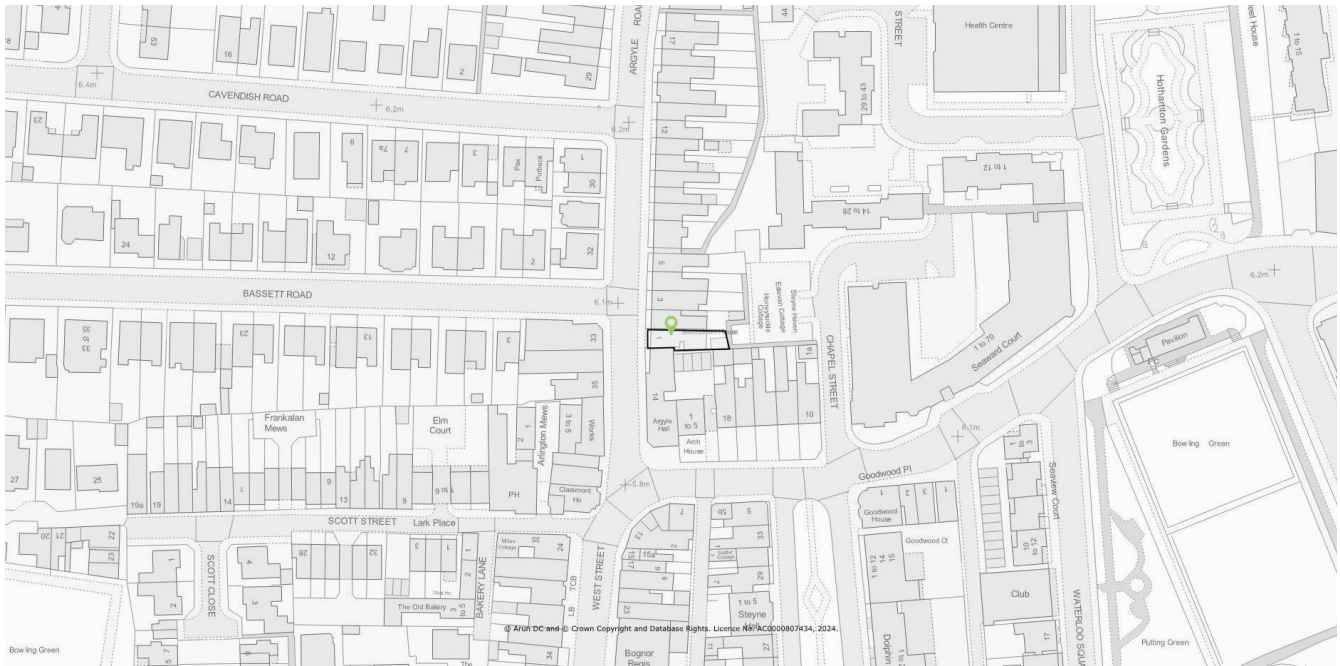
8 **INFORMATIVE:** To prevent impacts to the amenities of future occupiers of the proposed dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', available from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

9 **INFORMATIVE:** This decision has been granted with a Section 106 legal agreement relating to a contribution £938 for the mitigation of the Pagham Harbour Special Protection Area.

## **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/6/24/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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## PLANNING APPLICATION REPORT

REF NO:	K/46/23/PL
LOCATION:	Land north-east of Kingston Lane Kingston Lane Kingston
PROPOSAL:	Erection of 47 No residential dwellings (including affordable homes) (resubmission following K/56/22/PL). This application is a Departure from the Development Plan and is in CIL Zone 5 and is CIL Liable as new dwellings.

### SITE AND SURROUNDINGS

#### DESCRIPTION OF APPLICATION

The application proposal comprises a residential development including 47 dwellings and associated gardens, parking, access roads, landscaping and public open space.

The proposed site layout includes a main access road to the south-east corner from Kingston Lane which forks and circles the site. A vehicle access route is also proposed to the southeast, running towards the retained element of the existing field.

The proposed dwellings include a mixture of two storey detached, semi-detached and terraced houses, in addition to a two storey block of flats to the northwest corner. The proposed dwellings are of traditional character with predominantly gabled roofs other than the block of flats which would be hipped.

The proposed detached dwellings would have driveways and integral garages for parking and the proposed terraces and flats would have shared grouped parking spaces. A total of 113 parking spaces are proposed. There is a landscaped buffer to the east and southern boundaries and an open space to the southeast corner. The proposed gardens would be laid as lawn with a number of trees planted within front gardens and communal landscaped areas.

A pedestrian route is proposed from the southeast corner of the site along Kingston Lane to North Lane.

The proposed housing includes the following mix.

- 33 market dwellings, comprising:
- 9 x 2 bedroom units (27.3%)
  - 15 x 3 bedrooms units (45.4%)
  - 9 x 4bedroom units (27.3%)

14 affordable dwellings, comprising:  
 - 9 (64%) Affordable Rent (2 x 1 bedroom, 3 x 2 bedroom, 3 x 3 bedroom and 1x4 bedroom)  
 - 5 (36%) Intermediate (1 x 2 bedroom Shared Ownership unit and 4 x 1 bedroom First Homes)

SITE AREA	2.16 Acres
RESIDENTIAL DEVELOPMENT DENSITY	22.2 dph
TOPOGRAPHY	Predominantly flat.
TREES	Several trees would be removed to facilitate the proposals and replacement trees are proposed along the west, south and east boundaries.
BOUNDARY TREATMENT	The site's boundaries comprise hedgerows with some semi-mature trees to the north and west and a low barbed wire fence with several trees to the south. There is a watercourse/drainage ditch running along the majority of the north boundary of the site and the eastern boundary would split the existing field.
SITE CHARACTERISTICS	The site forms part of a long, rectangular field which extends from Kingston Lane in an easterly direction. The field has been subdivided to square off this plot to prevent physical encroachment into the countryside beyond the existing development and settlement boundary that runs around Somerset Road and Russell's Close to the north. Agricultural access is currently taken off Kingston Lane, in the southwestern corner of the site. Kingston Lane comprises an adopted highway.
CHARACTER OF LOCALITY	Rural to the northeast, east and southeast comprising open fields and a grouping of several dwellings and associated buildings to the south. The land immediately adjacent to the west and north comprises residential dwellings on the edge of East Preston. The main views of the site are from passing road users on Kingston Lane, users of the railway line running parallel to the north of the site and from Public Rights of Way to the south and east of the site. There are also some long range views of the site from Highdown Hill.

<b>RELEVANT SITE HISTORY</b>
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K/56/22/PL	Erection of 48 No residential dwellings (including affordable homes). This application is a Departure from the Development Plan and is in CIL Zone 5 and is CIL Liable as new dwellings.	Refused 24-04-23
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K/56/22/PL -Erection of 48 No residential dwellings (including affordable homes). This application is a Departure from the Development Plan and is in CIL Zone 5 and is CIL Liable as new dwellings. Refused

due to clustering of affordable housing, insufficient drainage details, inadequate layout relating to open space, absence of older persons housing and inadequate disabled parking provision.

Nearby site to North of application proposals:

A/168/21/PL - Land south of Littlehampton Road and east of Worthing Road, Angmering, West Sussex, BN12 6PN - Erection of 76 no. dwellings, means of access, public open space, play areas, associated infrastructure and landscaping - Appeal allowed 26 July 2022.

## REPRESENTATIONS

Kingston Parish Council - Object.

- Conflict with development plan policies relating to Built up Area Boundary.
- Loss of open countryside and prime agricultural land.
- Infringement of gap between settlements.
- Situated upon land prone to flooding.
- Loss of natural habitat for wildlife.
- Design impact on the neighbourhood.
- Lack of services/infrastructure.
- Detrimental impact upon Road Network and Road Safety.
- Archaeological finds.
- Request for construction management plan in the case of approval.
- Location of the proposed crossing point on North Lane.
- Submission of additional plans/no re-consultation.
- Design and Access Statement is misleading.
- Concern with response and conditions from LLFA.

East Preston Parish Council - Object.

- The proposal conflicts with policies SD SP2 and C SP1 of the Arun Local Plan.
- The proposal would result in infringement of the gap between settlements (East Preston to Ferring), undermining the physical and visual separation between the two settlements.
- The application would result in a cumulative strain upon infrastructure, and there appears to be no resolution.
- Harm to highway safety. Development is not in an appropriate location for occupants or existing residents.
- Loss of open countryside.
- Loss of natural habitat for wildlife.
- Harmful impact upon the character of the neighbourhood. Excess visual intrusion. Inappropriate bulk massing and scale.
- Impact upon Grade II Listed Building.
- Loss of prime agricultural Land.
- Exacerbating the risk of flooding.

Angmering Parish Council:

- Conflict with the development plan.
- Loss of open countryside and prime Grade I agricultural land.
- Infringement of gap between settlements.
- Situated upon land prone to flooding.
- Loss of natural habitat for wildlife.
- Design impact on the neighbourhood.
- Lack of services/infrastructure.
- Detrimental impact upon Road Network and Road Safety.
- Archaeological finds.

- Lack of educational facilities.
- Impacts to sewage system/capacity issues.

Rustington Parish Council:

- Conflict with the development plan.
- Loss of open countryside and prime Grade I agricultural land.
- Infringement of gap between settlements.
- Situated upon land prone to flooding.
- Loss of natural habitat for wildlife.
- Design impact on the neighbourhood.
- Lack of services/infrastructure.
- Detrimental impact upon Road Network and Road Safety.
- Archaeological finds.

Ferring Conservation Group:

- It would add to the infilling of the Ferring-East Preston Gap.
- The location off the narrow country lane would create serious problems for traffic.
- Loss of agricultural land.
- Destruction of habitats and biodiversity.

Sir Peter Bottomley MP objects to the application on the following grounds:

- The land should remain for agricultural use.
- The green space between settlements has to be maintained.
- The reasons given by the objectors are valid in detail..

448 individual letters received from members of the public objecting to the application on the following, summarised, grounds:

- Impacts upon the rural nature of the area.
- The coalescence of the settlements, contrary to the Council's Local Plan.
- Loss of agricultural land.
- Adequacy of the ecological information submitted.
- West Sussex County Council Education Services department has objected.
- Negative impact upon the highway network/network capacity issues.
- Impact upon local amenities and services.
- Potential safety issue to pedestrians and other road users.
- Increase in noise and disturbance.
- Disruption during construction works.
- Additional impact on surface water and foul water infrastructure.
- Flood risk to surrounding properties and downstream.
- Impacts upon the setting of the South Downs National Park.
- Brownfield sites should be built upon first/loss of greenfield land.

1 letter received from a member of the public supporting the application on the following summarised grounds:

- Houses are needed and need to be built somewhere
- Comments from the Parish Councils are out of touch.

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

Comments noted and all material planning considerations are addressed in 'Conclusions' below.

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

**LEISURE & GREENSPACE:** Recommend no landscape objection to the proposals subject to confirmation of compliant Public Open Space (POS) quantity and informal play provision, with further detailed submission of landscape proposals to be approved. A landscape led development in this location would be advised in order to blend the development proposal into the character of the rural fringe area. Concern expressed regarding 10% BNG and lack of play space.

**WEST SUSSEX COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY) (LLFA):** The applicant has provided a Flood Risk Assessment (FRA), Drainage Strategy and additional information to account for the local flood risk issues and surface water drainage at this location. Following a review of the submitted documents, the details are in accordance with NPPF and local planning policy W DM2. No objection subject to pre-commencement conditions being attached to any consent regarding SuDs details to be submitted, maintenance and management of SuDs, accordance with the submitted FRA, and independent review of the SuDs system.

**DRAINAGE ENGINEER:** Seeking clarification from the LLFA as to the adequacy of the suggested drainage conditions.

**WEST SUSSEX FIRE BRIGADE:** Recommend a condition to secure additional fire hydrants on site.

**NATURAL ENGLAND:** No objection. The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

**SOUTHERN WATER:** Recommend that the exact position of the public assets must be determined on site by the applicant in consultation with Southern Water. Investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

**ENVIRONMENTAL HEALTH:** No objection in principle. Recommends conditions in respect of air quality, contaminated land, unexpected contamination, construction, construction hours, external lighting, electricity sub-station noise assessment.

**ARCHAEOLOGY ADVISOR:** Recommends a condition relating to the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

**NATIONAL HIGHWAYS:** No objection.

**WEST SUSSEX COUNTY COUNCIL EDUCATION SERVICES:** Object to the proposals, on the grounds that no financial contribution is made towards the extra Arun District pupil transport costs that will be generated as a result of this application.

**ECOLOGY OFFICER:** No objection subject to conditions to secure biodiversity measures.

**WEST SUSSEX HIGHWAYS:** No objection subject to conditions to secure construction management plan, parking and turning areas, travel plan and provision of off-site highways works (pedestrian link and crossing) through a s278 agreement. The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety.

SUSSEX POLICE: Recommends that the site follows secured by design principles.

HOUSING AND ENABLING OFFICER: The dwelling mix is acceptable, the overall number and tenure of affordable housing are acceptable.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Any further clarification from the LLFA on recommended conditions or formal response from the Council's Drainage Engineer received in advance of the Committee date will be reported via an update sheet.

### POLICY CONTEXT

Designation applicable to site:

- Outside the Built-up Area Boundary (BUAB) in the Arun Local Plan.
- Within a protected Settlement Gap in the Arun Local Plan.

### DEVELOPMENT PLAN POLICIES

#### Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
INFSP1	INF SP1 Infrastructure provision and implementation
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
SDSP3	SD SP3 Gaps Between Settlements
SODM1	SO DM1 Soils
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality

<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 KPNP3	SETTLEMENT STRUCTURE & GREEN INFRASTRUCTURE
Kingston Neighbourhood Plan 2014 Policy KPNP5	WATER
Kingston Neighbourhood Plan 2014 Policy KPNP7	DESIGN & DEVELOPMENT

### PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework

NPPG National Planning Practice Guidance

#### SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

SPD13 Arun District Design Guide (SPD) January 2021

#### 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 relevant Development Plan policies with regard to Policy C SP1 and SD SP2.

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. Where the site is situated in a countryside location where the principle of unrelated residential development is not permitted, in this case the relevant policy Arun Local Plan policy SD SP2 (built up area boundaries) is considered out of date for the purposes of paragraph 11 of the NPPF.

#### CONCLUSIONS

##### PRINCIPLE

The application site lies outside of the Built-Up Area Boundary (BUAB) set out by Policy SD SP2 of the Arun Local Plan (ALP) and Policy KPNP 2 of the Kingston Parish Neighbourhood Plan (KPNP). The site is therefore located in the countryside, as defined by ALP Policy C SP1 which states that development will only be permitted for a defined list of countryside uses to prevent encroachment into open countryside. The site is also within an area designated as a Gap Between Settlements (East Preston to Ferring).

The provisions of Policy SD SP2 and Policy C SP1, therefore, preclude residential development on the application site and the principle of development on the site is contrary to the development plan. However, the most relevant development policy in the Local Plan (SD SP2) and Local Plan policy C SP1 have reduced weight as Arun is currently unable to demonstrate an adequate supply of housing land.

The Council cannot demonstrate a deliverable 5 year supply of housing. As such, paragraph 11 d) of the National Planning Policy Framework (NPPF) is triggered, which states that permission should be granted where the relevant policies are out-of-date unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Policy D DM1 of the ALP sets out 15 aspects of which applications should be assessed against. These include Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM2 relates to internal space standards which take guidance from the Nationally Described Space Standards.

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.

Kingston Parish Council Neighbourhood Plan (KPNP) Policy KPNP1: The Presumption in Favour of Sustainable Development seeks to ensure that planning applications which accord with the policies within the KPN1 be approved without delay unless: i. Any adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole; or, ii. Specific policies in the NPPF indicate development should be restricted.

KPNP Policy 2: Built Up Area Boundary states that development will be permitted within the Built-Up Area Boundary and account should be taken of the intrinsic character and beauty of the countryside outside of the Built-Up area and the need to support thriving communities within it, in the context of a presumption in favour of sustainable development.

As set out above, the tilted balance is triggered and the NPPF makes clear that permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits', when assessed against the policies in this Framework taken as a whole'. The impacts of the proposed development are considered below.

Although Kingston does have an adopted Neighbourhood Plan, it was not 'made' within the last 5 years and, therefore, the additional weight afforded to Neighbourhood Planning areas under Paragraph 14 of the NPPF (Dec 2023) do not apply in this instance.

It is of relevance that an appeal (ref. A/168/21/PL) was recently allowed for 76 new dwellings at Land to the South of Littlehampton Road, located circa 250m to the northeast of the site and, similarly, within the East Preston to Ferring Gap. The Inspector weighed the harm of the scheme against the benefits associated with the delivery of 76 dwellings, and in the context of the lack of five year housing land supply allowed the proposed development. The Inspector concluded that the benefits associated with the delivery of additional homes (including affordable units), the benefits to the local economy and the provision of open space would outweigh the harm of the development within the countryside and the associated impact in terms of character and appearance.

#### SETTLEMENT GAP POLICY AND LANDSCAPE PROTECTION

Policy SD SP3 of the Arun Local Plan sets out the criteria for assessing development within the Gaps and sets out specific criteria where where development could be permitted.

Kingston Parish Neighbourhood Plan Policy KPNP3: Settlement Structure and Green Infrastructure only permits development within the Gap where specific criteria are met, including where It would not undermine the physical and/or visual separation of settlements or detrimental to district's character and strong sense of place, and where it would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development;



The site is located on the eastern edge of the gap between East Preston to Ferring, adjacent to residential development to the west and open fields to the east and south. The land to the west and north is clearly developed, whilst the land to the east and south is agricultural and equestrian land.

Within the nearby allowed appeal (ref. A/168/21/PL) for a similar development within a narrower section of the East Preston and Ferring Gap, the Inspector noted that the proposal would not undermine the physical or visual separation and that the integrity of the gap would not be compromised.

A detailed Landscape Visual Impact Assessment (LVIA) has been submitted in support of the application which includes an appraisal of the visual evidence and an assessment of the landscape impacts associated with the development.

The initial chapter of the LVIA concludes that the site is well contained within the north and western boundaries and is not reflective of the wider Ferring to East Preston Gap, has a clear access point, development should take account of views from Highdown Hill, should include a landscaped buffer to the east, should align with existing development to the north and should retain and improve existing footpath along southern boundary.

The second chapter of the LVIA concludes that the site is not broadly representative of wider the gap due to influence of adjacent residential development within East Preston. The assessment then goes on to summarise that the site layout has been devised to protect more sensitive receptors and viewpoints and concludes that there are no major adverse landscape impacts. The overall conclusion indicates that the proposals would have a moderate to minor adverse impact on key receptors, a significant/adverse impact on views from neighbouring private houses and a neutral impact on views from Highdown Hill.

The general conclusions of the LVIA are not disputed. The proposed development would impact on the short-range views into and across the site, particularly from the southeast on Kingston Lane and also from adjacent PROWs, however the impact on long range views, such as from Highdown Hill and the SDNPA, would be limited. The site would effectively square off a section of the field and would be viewed in the backdrop of the settlement of East Preston, appearing as an extension of the settlement boundary and therefore would not significantly harm the character of the undeveloped coast.

The proposed development would not extend beyond the narrowest section of the existing settlement gap and a separation of approximately 1200m would be retained between Ferring and East Preston.

The application submission does not include any evidence to suggest that the development could not be located elsewhere, however in light of the significant under delivery of housing within the district and the Council's lack of ability to demonstrate a 5 year Housing Land Supply it is considered that potential for a development of this scale in alternative locations would be limited.

This proposal would result in the encroachment into the identified Gap, however, it would be read as an extension to East Preston and would ensure a sufficient level of separation would be retained between the two settlements, thereby avoiding significant harmful coalescence and the visual separation of Ferring and East Preston. Whilst not fully in accordance with ALP policies SD SP3 and KPNP Policy KPNP3, the level of harm caused in this regard would not significantly and demonstrably outweigh the benefits given the Council's inability to demonstrate a five year supply of deliverable sites for housing.

#### DESIGN AND IMPACT ON VISUAL AMENITY

ALP Policy D SP1: Sustainable Development requires development proposals to make efficient use of land whilst reflecting the characteristics of the site. Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of land by reflecting or improving on the character of the site

and the surrounding area, including demonstrating high quality design. Similarly, ALP Policy D SP1: Design requires development to make efficient use of land and reflect local character.

ALP Policy LAN DM1 requires special regard to be had to the setting of the South Downs National Park.

KPNP Policy 7: Design and Development requires development to be appropriate and sympathetic to the Parish's character and appearance in terms of scale, siting, layout, density, building materials, and landscaping.

The National Design Guide (NDG) and Arun Design Guide (ADG) are material considerations in the determination of this application. Both documents require good design through layout reinforced by appropriate form and scale of buildings, their appearance, landscape, materials and their detailing.

The general design would include a mixture of dwelling typologies, scales and arrangements as summarised below:

- A single, standalone two storey block of six flats.
- Two terraces of four two storey houses.
- A single terrace of three two storey houses.
- Ten pairs of semi-detached two storey dwellings, three of which would have living accommodation within the loft space.
- Ten two storey detached houses.

The dwellings would all be of traditional appearance with predominantly gable roofs with the ridge set parallel to the proposed access routes, other than two detached dwellings set perpendicular. The block of flats would be located to the north-east corner and would have a hipped roof. The general material palette would be traditional including grey, rustic red brick and brown roof tiles and features properties with tile hanging and weatherboarding.

The general pattern and distribution of development is considered to be of an acceptable quality. The proposal in this application would include a refined layout with parking broken up by more landscaping than in the previous refused application, with the general layout being improved by the reduction in the number of units and reinforcement of the landscaping/biodiversity area to the eastern boundary. The site would create a positive relationship between the built form and areas of landscaping and open space. The open space is located to the edges of the site with a clear, open and usable area located to the southeastern corner. While it is normally preferable to have the open space throughout the development and more centrally located, in this instance the location of the open space also helps to ensure that the southern and eastern boundaries are kept free from built form and can be utilised as a buffer.

An access road leading off the southeast corner of the site is also included within the site layout. The function of this access road is to retain farm access to the fields to the east; however, it is assumed that it could provide access to potential future developments on the adjacent land, should these be permitted. The access road is constructed with re-enforced grass to allow its use as a farm access whilst maintaining a green appearance.

The proposed dwellings' design and materials are appropriate for this location, the site layout and open space are appropriate for this location and sit well within the existing character of the surrounding built form.

The proposals are therefore considered to be of an acceptable design and layout and while there would be an adverse impact upon the character of the site this would not result in significant harm, in accordance with policies D SP1 and D DM1.

## RESIDENTIAL AMENITY

ALP policy D DM1 requires development to avoid significant impact and harm 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 Arun Design Guide sets out guidance on garden depths and interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other; and
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- Minimum private rear garden depth of 10.5m

The proposals are in general conformity with these requirements, apart from some minor discrepancies within the layout, such as the distance from the rear elevations of plots 23 and 40/41, and the rear garden depths of plots 21 and 22 (8.75m). In the context of the wider development, these minor conflicts with guidance (rather than policy) do not justify withholding planning permission.

The ADP also recommends that all units should have access to external private amenity space, and flatted developments should include a combination of shared gardens, private ground floor areas and balconies. A minimum of 3sqm usable space is recommended for balconies. The block of flats includes a shared external garden area; however, the first floor flats would not include projecting balconies.

The lack of private amenity space for several units weighs against the scheme, however, the standard of accommodation is considered acceptable when considered as a whole, in accordance with policies D DM1 and QE SP1 of Arun Local Plan.

## INTERNAL & EXTERNAL SPACE STANDARDS:

ALP policy D DM2 requires residential developments to meet the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard NDSS). The supporting text of D DM2 requires external space to accord with the guidelines set out within the Arun Design Guide.

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

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

As set out above, a small number of the units would marginally fall short of these standards which weighs against the scheme, however, all units meet or exceed the NDSS minimum requirements.

## HOUSING MIX/AFFORDABLE HOUSING

Policy H DM1 of the Arun Local Plan 2011-2031 seeks to secure a mix of dwelling types and sizes, including affordable housing units. It states, "for developments of 11 units or more the Council shall require a balanced mix of market and affordable dwelling sizes including family sized accommodation based on the most up to date SHMA recommendations".

The most up to date recommendations are contained in the SHMA report published in September 2016. The suggested mix of housing by size and tenure is as follows:

	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Market	5-10%	40-45%	35-40%	10-15%
Intermediate/Starter Homes	15-20%	50-55%	25-30%	0-5%
Affordable Rented	35-40%	35-40%	15-20%	5-10%

ALP Policy AH SP2 requires that all developments of 11 residential units or more provide a minimum of 30% affordable housing with a tenure mix of 67% affordable rented, 25% First Homes and 8% Intermediate. The Affordable Housing Statement (AHS) submitted with the application indicates that 14 AH units are to be provided on site, equating to a total AH provision of 30%, with the following tenure mix:

14 affordable dwellings are proposed comprising:

- 9 (64%) Affordable Rent (2 x 1 bedroom, 3 x 2 bedroom, 3 x 3 bedroom and 1 x 4 bedroom)
- 5 (36%) Intermediate (1 x 2 bedroom Shared Ownership unit and 4 x 1 bedroom First Homes)

This provision, tenure and occupancy mix is acceptable and has received support from the Council's Housing Officer.

The intermediate/First Homes are 80% 1-bedroom and 20% 2-bedroom. The proposed Affordable Rent are 22.22% 1-bedroom, 22.22% 3-bedroom, 33.33% 3 bedroom and 11.11% 4 bedroom. The intermediate units are weighted towards smaller units, whilst the Affordable Rent are slightly weighted towards larger units.

The proposed market mix is 27.3% 2-bedroom, 45.4% 3-bedroom and 27.3% 4-bedroom. This market mix is therefore skewed slightly towards larger units in comparison to that suggested in the SHMA, however, this alone would not warrant refusal of planning permission.

ALP Policy AH SP2: Affordable Housing requires proposed affordable houses to be visually indistinguishable from market housing and for units to be pepper potted across the site to avoid large clusters of single tenure types.

Affordable units would be along the northern portion of the site but, unlike the previously refused scheme, they are now split up by market housing so as to avoid clustering. The proposed development is therefore in accordance with ALP Policy AH SP2.

The applicant has agreed heads of terms for a s106 agreement to include the provision of affordable housing in the terms as set out above.

#### HOMES FOR OLDER PEOPLE AND PEOPLE WITH DISABILITIES

Arun DC 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. It is supported by references in ALP policies D DM1 & D DM2. This requires at least 14 of the homes (30%) are designed to the M4(2) standard, and that 2 are designed to meet M4(3) in order to provide wheelchair accessible units.

The application proposes 16 M4(2) units and 2 M4(3) compliant units and, therefore, provides adaptable dwellings in excess of those required by internal policy and ALP Policies D DM1 & D DM2.

#### TRAFFIC, ROAD SAFETY & PARKING

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

T SP1 of the Arun Local Plan states proposals must incorporate appropriate levels of parking taking into consideration the impact of development on on-street parking. Policy T DM1 of Arun Local Plan requires new development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards provision of a joined-up cycle network and Public Rights of Way network.

Paragraph 114 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users. Regard should be had to para 115 which 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 site is located adjacent to the settlement boundary of East Preston and is within walking and cycling distance to a number of local services, amenities and sustainable transport options. A new pedestrian access is proposed to cross North Lane and would link up to the existing pavement network, allowing access via foot to bus stops and East Preston centre. WSCC highways has raised some concern with the indicated location of the crossing point, being close to the 90 degree bend in the road. WSCC highways has requested this is relocated. The applicant's transport consultant has proposed altering this location by moving in further north within North Lane to satisfy the request of WSCC. Nonetheless details of the provision of this crossing point could be secured through condition and would be secured via a s278 agreement with the local highway authority.

In terms of vehicle access, vehicles would enter the site via a formalised junction onto Kingston Lane at the southeast corner of the site. The access road would be 5.5m wide with a 6m kerb radii in addition to a 2m wide footway. 2.4m x 43m visibility splays are proposed in either direction onto Kingston Lane. This arrangement is acceptable for the scale of development and 30mph speed limit of the road. West Sussex County Council Highways raise no objections to the proposed access.

The site will include a range of car parking including garages, driveways and street parking. A total of 113 parking spaces (104 allocated and 9 unallocated spaces) would be provided which would comply with the requirements of ADC parking SPD. All residential dwellings would be provided with electrical charging points in accordance with Building Regulations Approved Document S. Parking guidance requires 5% of the total parking provision to be designated for people with disabilities. Details of accessible parking for people with disabilities has been provide showing a total of 9 accessible parking spaces (1 of which is a visitor parking space).

Secure covered cycle parking is proposed for all dwellings within garages or garden sheds in addition to a communal store for the flats. The proposed car and cycle parking provision is considered acceptable and in accordance with the ADC Parking SPD.

Details have been provided to confirm that refuse and emergency vehicles can safely enter, circulate and leave the site.

The supporting Transport Statement concludes that the development is likely to create 24 vehicle

movements during AM and 30 in the PM peak hours, approximately 1 vehicle every 2 minutes during peak hours. This increase in vehicle movements is considered acceptable and would not result in severe impacts to the road network capacity.

A detailed Travel Plan is proposed including a number of incentives and methods to promote sustainable transport use such as cycle planners, car sharing, travel vouchers and details of cycle and walking routes set out within a 'welcome pack' for future residents.

County Highways raise no objections to the application with regards to sustainable location, access arrangements, traffic generation and do not foresee any significant impact on highway safety, subject to conditions to secure implementation of vehicle parking and turning spaces, a Construction Management Plan and a Travel Plan and linked footway and crossing of North Lane via legal agreement. These items would be secured via condition if recommended for approval. The proposal application accord with ALP Policies T SP1 and T DM1.

## BIODIVERSITY AND LOSS OF TREES

Policy ENV SP1 of the Arun Local Plan confirms that Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species.

Policy ENV DM4 of the Arun Local Plan requires development to protect and manage existing trees wherever possible. It also requires development to take a comprehensive view of tree issues at the early stages of the design process.

KPNP Policy 4: Natural Environment requires development to contribute to the quality of the natural environment of the Parish, to ensure protected species are accounted for, to avoid the loss of any trees or hedgerows with amenity value and to ensure it would not impact on the Ferring Rife and Meadows SNCI.

The application is supported by an Arboricultural Assessment and Method Statement and an Ecological Assessment. The Arboricultural Assessment details that the proposals will involve the felling of one horse chestnut, one sycamore tree, an elder tree and several Elm trees suffering from Dutch Elm Disease. All development would be located outside of root protection areas of the retains trees and a detailed method statement is included confirming that appropriate measures will be put in place to protect retained trees during construction. No objections are raised in terms of impact on trees. No comment has been received from the ADC Tree Officer.

The Ecological Assessment includes several surveys for protected species including bats, birds, Great Crested Newts and reptiles. The bat survey concludes that there is moderate bat activity associated with the site boundaries. The Great Crested Newt and breeding bird surveys did not observe any evidence of species/nesting territories on the site. The reptile survey identified a small population of slow worms on the site, therefore an appropriate mitigation and enhancement strategy is proposed to ensure they are protected during construction. Appropriate reptile mitigation measures are also proposed including translocations to suitable areas on site and three reptile hibernacula.

A number of ecological mitigation and enhancement measures are also proposed including new native shrub species, native hedgerows, a wildflower grassland, removal of non-native vegetation and planting within the SUDs attenuation pond. The ADC Ecological Officer supports the proposals subject to conditions to secure implementation of the mitigation and enhancement measures, a biodiversity CEMP, a biodiversity enhancement strategy and a wildlife sensitive lighting scheme. The current BNG

requirements do not apply to this application as it was submitted before 12 February 2024.

The proposed development is therefore considered acceptable in terms of impact on trees and biodiversity, in accordance with ALP Policies ENV SP1 and ENV DM4 and KPNP Policy 4.

#### LOSS OF AGRICULTURAL LAND

ALP policy SO DM1 and KPNP Policy 6 state that unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect land in the long term. Grades 1, 2 and 3a are considered to be Best and Most Versatile (BMV) land.

The site forms a section of an arable field which would be removed as a result of the proposed development. The retained section would be retained as an arable field.

The application is supported by an Agricultural Assessment which concludes that the land is Grade 1 and is therefore excellent quality agricultural land. The application proposes a residential use of the site and would not include any agricultural, horticultural or forestry uses and is therefore contrary to policy SO DM1. The report concludes that the site would not be appropriate for horticultural uses given the close proximity to residential dwellings and the size of the site would restrict its usage. The report also states that the loss of the small section of land would be minimal in the overall supply within the area, would not be of more than local significance, and would not affect the viability of the farming business in the long term.

As the application does result in the loss of Grade 1 agricultural land, which will need to be weighed in the balance, it is important to note that that Arun has a high proportion of BMV land with Grades 1 and 2, representing around 40% of agricultural land in the district and Grade 3a a further nearly 30%. Any development outside of the existing built-up areas is therefore more than likely to contain some land of at least medium through to excellent quality. Most of the Local Plan strategic allocations contain 50% or more BMV land. Nonetheless, while the proposal is contrary to SO DM1 this policy only carries moderate weight in light of the Council's HLS position.

Policy SO DM1 (e) requires demonstration that site appraisal documents have considered the Department for Environment, Food & Rural Affairs (DEFRA)'s Soil Strategy for England, (f) that the productivity of the land is demonstrated using a methodology for assessing gross margins and (g) a comprehensive soil resources plan for the development site which demonstrates that care will be taken to preserve the soil resource, such that it can be incorporated into a productive Green Environment following development. The proposal submitted does not meet these requirements and is in conflict with policy SO DM1 of the ALP. However, a soil resource management plan could be secured through conditions should permission be granted.

When considering a similar issue in respect of the appeal for land to the north east of the application site (A/168/21/PL), it is relevant to note the Inspector concluded that the proposal would have an adverse effect on the provision of agricultural land in the District and failed to accord with ALP Policy SO DM1, as a sustainability and options appraisal had not been submitted as required by the Policy to demonstrate that the need for the development outweighed the need to protect such land in the long term. However, in the overall planning balance, the appeal Inspector gave this conflict only moderate weight, that was not sufficient to significantly and demonstrably outweigh the benefits afforded by the development.

#### DRAINAGE/FLOODING

The site is located within Flood Zone 1 (low probability of river or sea flooding) with a moderate risk of groundwater flooding. Arun Local Plan policy W DM2 seeks to limit development in areas at risk of flooding and W DM3 requires all development identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process.

KPNP Policy 5: Water requires development within areas at risk from flooding to be avoided unless specific measures are put in place and appropriate assessments are undertaken.

A Flood Risk Assessment has been submitted with the application which details a number of SuDs systems are to be incorporated into the development. Recommendations are made including appropriate consideration of floor levels and external level design to manage risk and direct water away from dwellings.

The LLFA raise no objection subject to conditions relating to details of the surface water drainage network, construction in accordance with the details within the FRA, an independent review of the SuDs system prior to occupation and details of maintenance and management of the SuDs system prior to occupation.

No comments have been received from Arun District Council's Drainage Engineers at the time of writing this report. On the previous application objections had been raised by the Council's Drainage Engineers and a reason for refusal was formed on the basis of insufficient information in relation to surface water drainage. The applicant has since submitted information with this application which addresses these issues, as set out in the submitted Sustainable Drainage Report (section 5.2). These changes include addition of a 3m easement to all identified drainage features, provision of a impermeable area plan, revised QBAR (runoff rate) calculations, consideration of infiltration which has subsequently been discounted for this site, and the detailing of ground uplift. Furthermore, given the LLFA have raised no objection, and the conditions require the submission and approval of detailed drainage information, it is considered that the application can be determined in the absence of the Drainage Engineers comments.

The details provided at this stage are sufficient to demonstrate that the development of the site will not increase flood risk elsewhere and that a workable surface water drainage strategy is available in accordance with policies W DM2 and W DM3 of the Arun Local Plan and KPNP policy 5. Nevertheless, as set out in the Consultation Responses section, the Council's Drainage Engineers have sought clarification from the LLFA as to the adequacy of the suggested drainage conditions. An update will be provided to Planning Committee of any further response received from the LLFA.

## FOUL DRAINAGE

ALP policy W DM1 states that all 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 also states that a drainage impact assessment is required for all major development.

Southern Water were consulted and have confirmed they can facilitate foul sewerage disposal to service the proposed development. They require a formal application for a connection to the public foul sewer to be made by the applicant or developer and have recommended a condition. The application submission states that a foul water sewer is available in Kingston Lane and a gravity connection is available. Further details could be secured via condition in the event of an approval to ensure that the development would accord with Policy W DM1 of the Arun Local Plan.



## ENERGY AND CLIMATE CHANGE

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change.

An energy report has been submitted with the application which details that the dwellings would be supplied with air source heat pumps and would include water efficiency measures and have been designed to include high grade insulation, high-performing windows and doors, increased air tightness and maximising passive solar gains.

The applicant states that these measures would achieve a reduction in CO2 emissions of 75.85% over the baseline of Part L which would accord with policy ECC SP1 and ECC SP2. Sustainable measures would be secured via a suitably-worded planning condition.

## ARCHAEOLOGY

ALP Policy HER DM6 requires development within sites of archaeological interest to be supported by an archaeological assessment to demonstrate that there would be no harm to the interest of the site.

The application submission includes an archaeological report which confirms that the majority of the site does not contain any significant archaeology, however some evidence of Roman artefacts was discovered on the site. ADC's archaeology consultee has reviewed the assessment and raised no objection to the development subject to the inclusion of a condition to secure a programme of archaeological work.

## PUBLIC OPEN SPACE & PLAY

ALP policy OSR DM1 requires housing developments 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 for 4,043 sqm of Public Open Space (POS) and a separate play provision of an onsite, play area on site.

The ADC Open Space SPD advises that open space and play space should be located where they are on most value in accessible parts of the site avoiding conflict with busy roads and ideally not immediately adjacent to SUDs. Open spaces should be linked with paths and distributed evenly throughout the site, with larger areas located centrally. The SPD clarifies that public open spaces should not be located on areas without any purpose and that the inclusion of undesirable areas with no clear function to make up required number will not be supported. The Greenspace officers comment note that a Locally Equipped Area of Play (LEAP) would be required, and some concern is expressed about the layout and amount of the open space proposed.

The proposed site plan indicates that 5,036sqm of open space would be provided and while this is to the perimeter of the site adjacent to access roads, the space to the southwest corner is considered to be suitably located, open and accessible. Additionally, with the open space being located to the peripheries of the site, in this instance it would also provide an enhanced buffer between the built form and open countryside beyond the boundaries of the site. A LEAP is required for the site. While this is not identified on the site plan, there is suitable space for this to be provided and the applicant has confirmed they intend to meet this requirement. In this instance a condition could be used to secure a plan to be provided and approved showing the location, type and size of the play equipment. The applicant has agreed to head of terms for the play space to be secured through the s106 agreement.

As set out above, the open space would have a clear function, would be usable, accessible and appear as an integrated part of the site layout. The proposals are therefore in accordance with ALP policy OSR DM1.

## **SUPPORTING INFRASTRUCTURE**

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. Any off-site provision or financial contribution must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010.

The Parish Council will be provided 25% of the CIL receipts to spend on their own projects. These payments go towards providing the infrastructure that the district needs to support existing and future development. On this basis, there is no conflict with ALP policy INF SP1.

The proposed development would be required to make a CIL contribution towards local schools, libraries, sports facilities and allotments as set out in the Open Space SPD, and the local health service. The development site is located in Zone 5 of the Arun CIL Charging Schedule Zone Maps and would therefore be liable to pay CIL at £114.07 per square metre of net additional floorspace.

WSCC as the Local Education Authority have objected to the application as there are not sufficient spaces within secondary schools within the area to accommodate new pupils. As an interim solution, WSCC require transport contributions to cover costs to transport pupils from Arun District to alternative secondary schools within West Sussex which cannot be covered by CIL payments. The applicant has agreed to enter into a s106 agreement to secure the appropriate Education Transport Contributions. Policy-compliant affordable housing and open space will also be secured via the s106 agreement

The application would, therefore, accord with ALP policy ALP INF SP1.

## **SUMMARY & PLANNING BALANCE**

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year HLS (currently 4.17 years), paragraph 11(d) of the NPPF and the application of the 'presumption' in favour of 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 conflicts with the Council's policies in respect of: development in the countryside, the settlement gap (in part); loss of agricultural land; and impacts on the character and appearance of the area.

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

Given the lack of a 5 year HLS the weight to be applied to the contribution of housing development to the HLS is significant weight. Similarly significant weight should be given to the delivery of affordable housing and limited weight to the economic benefits of the scheme, limited weight to the environmental benefits

of the scheme, such as biodiversity enhancements, and neutral weight to the social benefits of the scheme.

Moderate weight can be applied to the conflicts with policies with regard to location of development and loss of agricultural land, and limited weight to the impacts on the character and appearance of the area.

Taking into consideration the tilted balance as required by paragraph 11d and weighing all matters together, the adverse impacts identified do not significantly and demonstrably outweigh the benefits and there is no conflict with other policies within the NPPF to justify refusal.

**RECOMMENDATION:**

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

Grant permission subject to the conditions and informatives as set out in the report (including any report update or additional conditions voted for inclusion by the Committee), and subject to confirmation from the Council's Drainage Engineers on the adequacy of the surface water drainage conditions, and the satisfactory completion of a section 106 Agreement, the terms of which are substantially in accordance with those set out in this report (as may be amended by report update), with any minor amendments authorised by the Group Head of Planning.

**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).

<b>RECOMMENDATION</b>
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**APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT**

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

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

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

Location plan LP.01C  
 Location plan with vis splays LP.02C  
 Site layout SL.01G  
 Colour Site Layout CSL.01G  
 Colour Streetscene Elevations CSE.01E  
 Affordable Housing layout AHL.01E  
 Boundary Materials layout BML.01E  
 Dwelling materials layout DML.01E  
 Parking strategy layout PSL.01E  
 Refuse strategy layout RSL.01E  
 Bin and cycle store BBS.01.peA  
 Car port type 1 CP.01.peA  
 Car port type 2 CP.02.peA  
 Substation ESS.01.peA  
 Sales garage SGAR.01.peA  
 Sheds SH.01.peA  
 Landscape General Arrangement 2368-TF-XX-00-DR-L-1001PO9

PLOTS 1-6 (1B2PWCX2, 1B2PAX4) GROUND FLOOR PLAN SHEET 1 OF 2 P.1-6.p1 REVB  
 PLOTS 1-6 (1B2PWCX2), 1BW2PAX4) FIRST FLOOR PLAN SHEET 2 OF 2 P.1-6.p2 REVB  
 PLOTS 1-6 (1B2PWCX2, 1B2PAX4) ELEVATIONS SHEET 2 OF 2 P.1-6.e1 REVA  
 PLOTS 1-6 (1B2PWCX2, 1BWPAX4) ELEVATIONS SHEET 2 OF 2 P.1-6.e2 REVB  
 PLOTS 7-10 (HT.L401; HT.301) ELEVATIONS P.7-10.e REVB  
 PLOTS 7-10 (HT.401; HT.301) FIRST FLOOR PLAN SHEET 2 OF 2 P.7-10.p2 REVB  
 PLOTS 7-10 (HT.401; HT.301) GROUND FLOOR PLAN SHEET 1 OF 2 P.7-10.p1 REVB  
 PLOTS AS 11-12, 13-14 HT304 F(2BLOCK) M4(2) ELEVATIONS HT304(2BLK)\_M4(2)-1.e REVA  
 PLOTS AS 11-12, 13-14 HT304(2BLOCK) M4(2) GROUND AND FIRST FLOOR PLANS OPTION 1 T304(2BLK)\_M4(2)-1.p REVA  
 PLOTS 15-18 (HT.203) GROUND FLOOR PLAN SHEET 1 OF 2 P15-18.p1 REVB  
 PLOTS 15-18 (HT.203) FIRST FLOOR PLAN SHEET 2 OF 2 P15-18.p2 REVB  
 PLOTS 15-18 (HT.203) ELEVATIONS P.15-18.e REVC  
 PLOTS AS 19-20 HT307 (2 BLOCK) ELEVATIONS HT307(2BLK).e REVB  
 PLOTS AS 19-20 HT307(2BLOCK) GROUND, FIRST AND SECOND FLOOR PLANS HT307(2BLK).p REVB  
 PLOTS AS 21.22.28.30.31 HT402 GROUND AND FIRST FLOOR PLANS HT.402.p REVC  
 PLOTS AS 21,30 HT402 ELEVATIONS OPTION 1 HT402-1.e REVC  
 PLOT AS 22 HT402 ELEVATIONS OPTION 2 HT402-2.e REVB

PLOTS AS 24-25,26-27 HT403(2BLOCK) M4(2) GROUND, FIRST AND SECOND FLOOR PLANS HT403(2BLK)\_M4(2).p REVA  
PLOTS AS 24-25 HT403(2BLOCK) M4(2) ELEVATIONS OPTION 2 HT4.3(2BLK)\_M4(2)-2.e REVA  
PLOTS AS 26-27 HT403(2BLOCK)M4(2) ELEVATIONS OPTION 2 HT403(2BLK)\_M4(2)-1.e REVA  
PLOTS AS 28,31 HT402 ELEVATIONS OPTION 3 HT402.3.e REVC  
PLOTS AS 32, 47, HANDED 29 HT 306 M4(2) ELEVATIONS HT306\_M4(2).e REVA  
PLOTS AS 32, HANDED 47 HT306 M4(2) GROUND AND FIRST FLOOR PLANS HT306 M4(2).p REVA  
PLOTS AS 33,HANDED 23 HT309 M4(2) ELEVATIONS HT309\_M4(2).e REVA  
PLOTS AS 33,HANDED 23 HT309 M4(2) GROUND AND FIRST FLOOR PLANS HT309\_M4(2).p REVA  
PLOTS AS 34-35 HT204(2BLOCK)ELEVATIONS HT204(2BLK).e REVB  
PLOTS AS 34-35 HT204(2BLOCK) GROUND AND FIRST FLOOR PLANS HT204(2BLK).p.REVB  
PLOTS AS 36-37 HT203(2BLOCK) ELEVATIONS HT203(2BLK).e REVB  
PLOTS AS 36-37 HT203(2BLOCK) GROUND AND FIRST FLOOR PLANS HT203(2BLK).p REVB  
PLOTS AS 38-39 HT202(2BLOCK) ELEVATIONS OPTION 2 HT202(2BLK)-2.e REVB  
PLOTS AS 38-39, 40-41 (2 BLOCK) GROUND AND FIRST FLOOR PLANS HT202(2BLK) .p REVB  
PLOTS 40-41 AS HT202(2BLOCK) ELEVATIONS OPTION 1 HT202(2BLK)-1.e REVB  
PLOTS 42-43 JT304 (2BLOCK) M4 (2) ELEVATIONS OPTION 2 HT.304(2BLK)\_M4(2)\_2.e REVA  
PLOT 42-43 HT304(2BLOCK) M4(2) GROUND AND FIRST FLOOR PLANS OPTION 2 HT.304(2BLK)\_M4(2)\_2.p REVA  
PLOTS 44-46 (HT.301/HT.202) ELEVATIONS P.44-46.e REVB  
PLOTS 44-46 (HT.301/HT.202) GROUND AND FIRST FLOOR PLANS P.44-16.p REVA

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D SP1 and D DM1of 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, roofs, doors and windows 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 setting of the conservation area by endeavouring to achieve a building of visual quality in accordance with policy D SP1, and D DM1 of the Arun Local Plan.

- 4 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.

- 5 Prior to any works commencing, an air quality assessment must be submitted to and approved in writing by the Local Planning Authority. The applicant must follow the Air Quality and Emissions Mitigation Guidance for Sussex (2020): [www.sussex-](http://www.sussex-)

air.net/Reports/SussexAQGuidanceV.12020.pdf. The assessment shall include full details of the measures necessary to mitigate the emissions calculated by the assessment.

Reason: To protect the amenity of local residents in accordance with Arun Local Plan policy QE SP1 and QE DM3. It is necessary for this to be a pre-commencement condition because all aspects of the development from commencement will contribute to air quality.

- 6 No part of the development or premises shall be first used unless and until details of all operational phase air quality mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The mitigation shall be equal to a value as identified in the emissions mitigation assessment, contained in the submitted Air Quality Impact Assessment/Environmental Statement.

Reason: To protect the amenity of local residents in accordance with Arun Local Plan policy QE SP1 and QE DM3.

- 7 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; 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 Report 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.

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority

5. The scheme shall be implemented as approved above and, prior to commencement of any construction work (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 report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031

- 8 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 Adopted Arun Local Plan 2011 - 2031

- 9 Prior to the first use of the electricity substation, an acoustic report assessing the impact shall be submitted to and approved in writing by the Local Planning Authority.

The assessment shall be undertaken in accordance with BS 4142:2014+A1:2019 and shall include a scheme of attenuation measures to mitigate adverse impacts identified in the acoustic assessment. The scheme shall ensure that the rating level of noise emitted from the proposed substation is 5 dB less than the prevailing background sound level (LA90). The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.

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

The following link provides information/guidance: Planning Noise Advice Document - Sussex, September 2021 <https://www.arun.gov.uk/supplementary-planning-documents-spds>

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031

- 10 Prior to above ground works details showing the proposed location and number of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. The fire hydrant in the approved location to BS 750 standards or stored water supply shall be installed prior to occupation of any dwelling.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP 1 of the Arun Local Plan 2011-2031 and in accordance with The Fire & Rescue Service Act 2004.

- 11 No development including site access, demolition or associated construction activities shall commence unless and until all the existing trees/bushes/hedges to be retained on the site have been protected in accordance with the details contained within the Arboricultural Impact Appraisal and Method Statement ref: MW.2211.KLEP.AIA rev B. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area.

Reason: To ensure the retention and maintenance of trees and vegetation which is an

important feature of the area in accordance with policy ENV DM4 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 12 The approved 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 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.

- 13 No development shall take place, apart from the enabling works listed below (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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).



- A dust management plan produced in accordance with the Institute of Air Quality Management (IAQM) 'Assessment of dust from demolition and construction (2014).
- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones".
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.
- Containment, control and removal of any Invasive non-native species present on site.

Details of how measures will be put in place to address any 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.

The 'Enabling Works' referred to above shall comprise the following:

- (a) site investigations or surveys.
- (b) ecological preparation works.
- (c) the provision of security fencing, hoarding and sales signage.
- (d) the clearance of the Site.
- (e) the provision of any temporary site point of access for construction traffic.
- (f) provision of temporary Welfare & Accommodation; and
- (g) temporary builders supply (electricity, water, data etc).

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

Reason: 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.

- 14 No dwelling shall be occupied until the approved cycle storage sheds associated with that dwelling has been erected/provided. These cycle storage spaces shall thereafter be permanently retained and maintained.

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

- 15 Prior to occupation of any of each of the approved dwellings, 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 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.

- 16 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan, once approved, shall thereafter be implemented as specified within the approved document.

The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

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

- 17 No individual dwelling shall be first occupied until the vehicle parking and turning spaces serving that dwelling have been constructed in accordance with the approved plans. The parking 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 policy T SP1 of the Arun Local Plan and the NPPF.

- 18 Prior to commencement of development a Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the Local Planning Authority which provides a minimum of 10% measurable biodiversity net gain, using the DEFRA Biodiversity Metric 4.0 or any successor. The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site;
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- Details of the implementation measures and management of proposals;
- Details of any off-site provision to be secured by a planning obligation;
- Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure measurable net gains to biodiversity and in accordance with the Environment Act 2021 and policies ENV SP1 and ENV DM5 of the Arun Local Plan.

- 19 Prior to above ground works 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 contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

20 Prior to the new development being first occupied, a scheme for monitoring the effectiveness of the biodiversity mitigation and enhancement measures shall be submitted to and approved by the Local Planning Authority. This shall include:

To include: annual protected species surveys of created and retained receptor habitats, bird surveys of created and retained habitats, use of bird or bat boxes. The monitoring shall be carried out and reported to the Local Planning Authority in accordance with the agreed scheme for a period of 30 years. Surveys should be undertaken in years 1, 3, 5, 7, 10, 15, 20, 25 and 30. Species results will be submitted to the West Sussex Records Centre,

Reason: To comply with the Biodiversity Net Gain requirements of the Environment Act 2021. To measure the effectiveness of biodiversity mitigation and/or enhancement measures, to see whether the measures achieve the expected biodiversity benefits.

21 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.
- 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 allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

22 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation of the development. 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 period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also 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 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) and to ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: ENV SP1 and ENV DM5 of the Arun Local Plan.

- 23 Details of bat tubes, bricks or boxes shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. No less than 20 bat tubes, bricks or boxes shall be provided, and the details shall include the exact location, specification and design of the habitats. The bat tubes, bricks or boxes shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The bat tubes, bricks or boxes shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: GI SP1, ENV SP1 and ENV DM5 of the Arun Local Plan.

- 24 Details of integral nesting bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.

No less than 20 Swift nesting bricks shall be provided and the details shall include the exact location, specification and design of the bricks. The bricks shall be installed within the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The Swift nesting bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: GI SP1, ENV SP1 and ENV DM5 of the Arun Local Plan.

- 25 Details of Bee bricks and/or invertebrate hotels shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. No less than 12 Bee bricks and/or invertebrate hotels shall be provided and the details shall include the exact location, specification and design of the habitats. Bee bricks and/or invertebrate

hotels shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The Bee bricks and/or invertebrate hotels shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: GI SP1, ENV SP1 and ENV DM5 of the Arun Local Plan.

- 26 None of the dwellings shall be occupied unless and until full details of the public open space (POS) and associated management arrangements have been submitted to and approved in writing by the Local Planning Authority. The POS shall thereafter be implemented in accordance with the details as agreed through the discharge of condition (or any subsequent variation application) prior to occupation of the 10th dwelling and permanently retained thereafter. The approved details shall then be permanently adhered to.

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

- 27 None of the dwellings shall be occupied unless and until full details of the public play provision and associated management arrangements have been submitted to and approved in writing by the Local Planning Authority. The play provision shall thereafter be implemented in accordance with the details as agreed through the discharge of condition (or any subsequent variation application) prior to occupation of the 10th dwelling and permanently retained thereafter. The approved details shall then be permanently adhered to.

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

- 28 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 29 Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall then be constructed as per the agreed drawings, method statement, Flood Risk Assessment by Pell Frischmann, 13.10.2023, revision P02 and Sustainable Drainage Report by Pell Frischmann, 07/12/2023, revision P04 and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. This must be informed by further groundwater monitoring and infiltration testing in accordance with BRE Digest 365. Further surveys of the existing drainage system (watercourses and surface water sewers) must be completed to aid with detailed design. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Policy W DM2 Flood Risk in the Arun Local Plan

- 30 All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated 13.10.2023), this includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy W DM2 Flood Risk in the Arun Local Plan

- 31 Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy W DM2 Flood Risk in the Arun Local Plan

- 32 The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation,
- II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,
- III. a Management and Maintenance Plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and W DM2 Flood Risk in the Arun Local Plan

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

34 INFORMATIVE: Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Arun District Council. It is advised to discuss proposals for any works at an early stage of proposals.

35 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

36 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.

37 INFORMATIVE: Investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Southern Water (SW) can also facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

To make an application visit Southern Water's 'Get Connected' service: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk) and please read the New Connections Charging Arrangements documents which are available to read on SW's website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](http://southernwater.co.uk/developing-building/connection-charging-arrangements)

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: [southernwater.co.uk](http://southernwater.co.uk) or by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

## BACKGROUND PAPERS

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

**K/46/23/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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PLANNING APPLICATION REPORT

REF NO: LU/305/23/PL

LOCATION: Antonia Court  
Terminus Road  
Littlehampton  
BN17 5BS

PROPOSAL: Erection of an upward extension to the existing three storey residential building to provide two additional floors comprising 8 No flats along with associated external alterations to the existing building. This application may affect the setting of listed buildings, may affect the Littlehampton River Road Conservation Area and is in CIL Zone 4 (Zero Rated) as flats.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION Upwards extension of existing residential block of flats to create 2 new storeys (total of 5 storeys) and 8 residential dwellings.

The overall upward extension measures 5.75m, with the new 3rd floor sitting above the bulk of the existing building. The 4th floor will be situated between 4.5m and 5.6m in from the eastern elevation of the building.

The extension comprises three rendered 'columns' to the 3rd floor with glazed balconies and winter gardens (recessed and flush) breaking up the elevational treatment. The 4th floor will be constructed of glazing and cladding panels, slightly recessed from the edge of the footprint, again with balconies and winter gardens facing north. Bin and cycle store provision is made on site.

The 8 dwellings will comprise of the following mix:  
2 x studios,  
5 x 1 bed flats,  
1 x 2 bed flats.

SITE AREA 0.08 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 287 dwellings per hectares.

BOUNDARY TREATMENT The footprint of the building forms the boundary to the front and part of the eastern and western boundaries. Other boundaries to the south are formed by close boarded fence and neighbouring buildings.

SITE CHARACTERISTICS The site comprises a 3 storey block of 15 dwellings, situated fronting Terminus Road. A small rear parking and bin storage area can be accessed through the ground floor of the building

which accommodates parking for the existing flats.

The existing building is brick built with a false mansard roof to its upper storey.

CHARACTER OF LOCALITY

Mixed retail/residential area, positioned on the outskirts of Littlehampton Town Centre. To the north is Terminus Road with the recently completed flatted development of Saxon Court opposite site, to the west is a MOT garage, to the east, southeast is the Old Market Lane development with the River Road Conservation Area and Listed Buildings immediately to the south.

**RELEVANT SITE HISTORY**

LU/45/16/PL	6 No. two bed & 3 No. one bed apartments with associated cycle & refuse storage	ApproveConditionally 19-05-16
LU/517/04/	Mixed use development with part retail use to ground floor and 24 No. one bedroom flats, 18 No. two bedroom flats, 6 No. three bedroom flats to part of the ground/upper floors and 3 No. two bed houses and 1 No. three bedroom house with public and private hard and soft landscaped areas.	Refused 20-05-09  <b>Appeal: Allowed+Conditions 11-03-10</b>

LU/45/16/PL relates to the redevelopment of The Locomotive Inn (now Saxon Court) for 6 No. two bed & 3 No. one bed apartments. This is a 4 storey development directly to the north of the application site.

LU/517/04/ relates to the redevelopment of the Covered Market (now Old Market Lane development) for a mixed use development including 24 No. one bedroom flats, 18 No. two bedroom flats, 6 No. three bedroom flats to part of the ground/upper floors and 3 No. two bed houses and 1 No. three bedroom house. A 5 storey development directly to the east/southeast of the application site, albeit the block to the immediate east/southeast is 4 storeys in height.

**REPRESENTATIONS**

- Littlehampton Town Council - Objection.
- Concerns raised over lack of parking, unrealistic to expect new residents would not have cars.
  - Bin storage insufficient.
  - Overdevelopment of site.

- 10 letter of objection.
- Overlooking of neighbouring buildings.
  - Excessive height.
  - Not enough on street parking as it currently stands.
  - Major disruption for existing residents.
  - Not enough bin storage provision.
  - Not in character development.

- Will be highly visible and dominate the Conservation Area.

#### COMMENTS ON REPRESENTATIONS RECEIVED:

It is understood that disruption during the construction phase will be of concern to residents of Antonia Court and neighbouring buildings, however this is not a matter that goes against the principle of development. A condition such as a Construction Management Plan can be included to ensure that the development is undertaken and managed in a responsible way, ensuring that disruption for residents and the public is kept to a minimum.

All other matters are discussed in the body of the report below.

### CONSULTATIONS

#### CONSULTATION RESPONSES RECEIVED:

WSSC Highways - Advice additional information requested.

- Details of cycle provision exceeds WSSC requirements.
- Two personal injury accidents (PIAs) resulting in 'slight' injuries occurred within the last five years close to the site. One of these was close to the signal crossing found outside the site, while the other occurred at the junction of Terminus Road with Albert Road.
- Careful consideration is needed to minimise disruption on the local road network and to safeguard highway users and existing occupiers of Antonia Court and adjacent buildings and businesses. Care needs to be taken with new footpath paving and pedestrian crossing.
- Information about how they intend to construct the development, including details of any special requirements (including parking for contractors) and traffic management that might be required to minimise disruption on the local road network and to safeguard highway users and existing occupiers of Antonia Court and adjacent buildings and businesses (and how long that might be for), as may be informed by traffic management providers.

CAAC - Objection.

- The appearance of Antonia Court could benefit from an improved design but to add two more storeys, making five in total, would provide a building totally out of keeping in scale, height and massing.
- Development does not have a significant impact on Terminus Road Conservation Area Views.
- Distinctly adverse effect and impact on the setting of the Conservation Area where it is located immediately to the south of the application site and which includes Listed Buildings.
- Design is indifferent.
- Overbearing on 2 storey Listed Buildings to the south.
- Overlooking of properties to the south.

Conservation Officer - Less than substantial harm.

Environmental Health - No objection conditions suggested.

- Conditions relating to noise assessment for flats, construction management plan and hours of working are required.

WSSC Fire and Rescue - Advice.

- Evidence is required that there is sufficient supply of water within 45m. Any area not within the 45-metre distance from the fire appliance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS8458 standard.

ADC Drainage Engineers - Advice.

- Due to the scale, location and type of application (no increase in building area footprint or impermeable area) we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

Public Sector Housing - Advice.

- General advice relating to public health and safety within dwellings.  
 - 3rd Floor bedroom should have access to natural light and ventilation.

Ecologist - No objection with conditions suggested.

- No further surveys required.  
 - The proposed locations of the nest box on the western elevation, sparrow terrace and bat boxes are not optimal. The swift brick on the West risks overheating. The sparrow terrace and bat boxes are too low.  
 - The features on the biodiverse roof are good.  
 - Installing a green roof under the PV's will further enhance biodiversity and optimise the performance of the PV's.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. Noise Assessment and ecological conditions are discussed in the body of the report below.

Given the application site has very little private space for the storage of materials and plant etc coupled with its proximity to the local train station and town centre shops, a Construction Management Plan which could also alleviate WSCC Highways queries, would appear to be a practical solution.

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

**DEVELOPMENT PLAN POLICIES**

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

TSP1	T SP1 Transport and Development
QESP1	QE SP1 Quality of the Environment
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
WDM1	W DM1 Water supply and quality
ECCSP2	ECC SP2 Energy and climate change mitigation
EMPSP2	EMP SP2 Economic Growth Areas
RETDM1	RET DM1 Retail development
HERDM3	HER DM3 Conservation Areas

<a href="#">Littlehampton Neighbourhood Plan 2014 Policy 22</a>	Design of New Development
Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 17	Buildings and Structures of Character

Littlehampton Neighbourhood Plan 2014 Policy 2    A Spatial Plan for the Town  
 Littlehampton Neighbourhood Plan 2014 Policy 3    Housing Supply

#### 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.

#### 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 no harm to the character and appearance of the area, heritage assets, residential amenity or negative impact to highway safety will arise.

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

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

#### OTHER MATERIAL CONSIDERATIONS

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

#### CONCLUSIONS

##### PRINCIPLE

The site is located within the Built-up Area Boundary (BUAB), as such Policy SD SP2 is of relevance, where development should be permitted subject to consideration against other policies in the plan. Policies 1, 2 and 3 of the Littlehampton Neighbourhood Plan also support the sustainable supply of development within the BUAB, noting that some of the provision will occur on windfall sites such as the application site.

The NPPF gives a presumption in favour of sustainable development and generally seeks to promote the effective use of all land. NPPF para. 124 (e) states planning policies and decisions should support development that makes efficient use of land supporting opportunities to develop airspace above existing buildings for new homes.

Para. 70 acknowledges that small and medium sites can make an important contribution to meeting housing requirements, as they are built out relatively quickly.

Para. 11(c) states that development proposals that accord with an up-to-date development plan should be approved without delay.

Given the above, the principle of the development of the site is therefore acceptable.

## DESIGN AND CHARACTER

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

Policy RET SP1 seeks to maintain the existing hierarchy of retail centres. Town centre uses which fall within the hierarchy will be permitted subject to compliance with the following matters: High-quality design, materials and layout, accessibility, cycle and pedestrian access, disability provision and crime prevention measures are incorporated. Littlehampton Town Centre should be a main focus of major residential development.

Part P of the Arun Design Guide (ADG) is relevant to infill development and strives to have development respond positively to the character, appearance and layout of an area. Sites with street frontages should emulate the established pattern of building height, scale, special pattern, and continue the rhythm of the street by repeating key architectural elements.

Part R relates to apartment buildings. Block development such as the application site should provide for optimum sunlight and ventilation conditions. Each habitable room is provided with openings and access to natural light.

The site is in a prominent position on Terminus Road, a highly sustainable location well connected via train, bus and pedestrian access to services and leisure facilities. The proposal, seeks to extend the existing footprint of the building upwards, providing two additional storeys to the top of the existing residential building, with an appearance similar to that of the building immediately to the east at Old Market Lane. It will involve slight elevation alterations of the existing 2nd floor and introduce a part rendered/glazed 3rd and 4th floors. The alterations will be highly visible; however, it will have more visual impact when viewed from afar rather than when viewed at the site's boundaries, due to its elevated position above street level. As it is proposed to extend the building upwards, the proposal maintains the established pattern of development in the area. The appearance of development emulates the existing building in terms of the rhythm and pattern of openings and the articulation of architectural features, materials used and the form and set back position of the 4th floor takes its inspiration from the adjacent development at Old Market Lane. The design offers good natural surveillance of both public and private areas.

The scale of the extension is greater than adjoining buildings in the locality at 5 stories when the closest buildings are 3-4 stories in height. Through the course of this application following the advice of the Officer, the Applicant has reduced the bulk of the 4th floor, removing 1 unit from the eastern side of the development, and has reduced the overall height of the 4th floor. Changes have also been made to the material finish in that a rendered finish has been chosen over that of a brick finish to lessen its visual

impact. Despite the building being taller than its immediate neighbours, its curved roofline and glazed 4th floor mirrors the Old Market Lane development and produces a pleasing design and one which adds interest to the street scene. Given the character of the area and the Town Centre location, the scale is acceptable.

At Arun Design Guidance 'Infill Developments' development is required to provide a cohesive and unified response to the existing scale, form, massing and design details of surrounding development and to ensure that any deviations from the prevailing character of the area are of a high-quality design response which complements its surroundings and is appropriate to the schemes location in the existing street hierarchy. The design of the new development is considered to accord with the Design Guidance in this respect in that the appearance of the building, while larger than surrounding buildings, would be reasonably attractive and therefore accords with policy D SP1 of the ALP and Policy 22 of the LNP. Furthermore, the use of the site for residential development supports the aims of Policy RET SP1 to maintain the hierarchy as Littlehampton as a main town centre and the increase in density in this location is seen as an effective use of the land in accordance with para 123 of the NPPF.

#### TRANSPORT AND PARKING

Policy T SP1 ensures development of the transport network so that it reduces the need for car travel, promotes green infrastructure, protects the major road network, and requires applications to consider and design for development in relation to transport infrastructure.

Part I of the ADG requires parking standards to be adhered with, whilst exploiting opportunities to promote sustainable travel.

The Arun Parking Standards states for a development of this size and in this location, there should be 8 parking spaces. A nil provision has been made. Part (d) of Policy T SP1 requires an appropriate level of parking to be provided and part (e) requires that the scheme is supported by an effective and deliverable Transport Assessment. An assessment has been provided which demonstrates that the nil parking provision is appropriate for this development. This is justified due to the town centre location and the fact there are comprehensive traffic control measures surrounding the site. This ensures on-street parking is well managed and is not to the detriment of highway safety. It also evidenced that within a 200m radius of site there would be residual parking capacity.

Policy T DM1 requires that development be located within easy access to public transport services, have good links to pedestrian and cycle networks and make provisions for cycle facilities to meet the cycle parking standards. The site is in a highly sustainable location some 50m away from Littlehampton Train Station and with good bus services, with pedestrian access to other town centre facilities including supermarkets and other retail and service providers. An appropriate level of cycle parking provision is provided within site, a condition can be introduced to ensure that the cycle parking will be secure and covered, to increase usability of these spaces.

The site is sustainably located and makes provision for cycle facilities and promotes sustainable means of transportation in accordance with Policy T DM1. Despite not meeting the level of parking provision set out in Arun Parking Standards, it does provide an appropriate nil parking provision justified by a Transport Assessment and thus accords with Policy T SP1 of the ALP.

#### HERITAGE ASSETS

Policy HER DM3 relates to conservation areas and state that proposals must protect and if possible, enhance the setting of each. Policy 17 of the LNP requires the significance of Heritage Assets to be considered in development.

Chapter 16 of the NPPF paragraphs 200, 201 relates to identification and assessment of the significance

of the heritage asset, the weight given to the conservation of the asset and its weight against public benefits of the proposal.

Para 200 of the NPPF requires Applicants to identify and describe the significance of heritage assets affected. A Heritage Report has been provided. This report has identified the River Road Conservation Area to the immediate south of the site. The significance is noted by the report, and it is stated that the northern setting of the Conservation Area is one which has been significantly altered over the last 200+ years, the modern development to the north of the Conservation Area cannot be said to contribute positively to its setting.

Listed Buildings are also identified - Nos. 10-12 River Road directly back the application site. It is noted that the buildings significance arises from their well-preserved architectural interest, their setting is best appreciated within their own curtilages and from River Road. River Road makes a positive contribution to the setting of the Listed Buildings, whereas the modern development to the north could be said to have a neutral impact. Views of the modern development to the north of the heritage assets are limited (or fleeting between rooflines) unless taken from much further to the south within the Conservation Area.

Para. 201 requires the Local Authority to identify and assess the significance of any heritage asset that may be affected. The Conservation Area is of historical and architectural significance, the historic interest relates to the fact that it contains a number of listed buildings which housed dignitaries and those with associations with the sea and seafaring. Architectural interest is derived from the quality of the architecture of the heritage assets. The Conservation Officer has stated that the application site forms a part of the setting of the Conservation Area, which is true for the Terminus Road views, however whilst on site it was noted that views of the application site are highly limited from within the Conservation Area, as such the existing building forms a limited part of its setting. Should the development be permitted then further views will be achievable, and these will have neutral impact given the existing glimpses of other modern development to the north. The proposed development does not detract from the Terminus Road views from the Conservation Area due to the existing modern character of this area.

The Listed Buildings are of historical and architectural significance. Views of the existing building can be achieved from within the curtilage of the Listed Buildings (especially Nos 10-12 River Road). The Conservation Officer has commented that the excessive amount of glazing and the large single block of development would be out of keeping with the residential scale of the Listed Buildings.

It is concluded that some harm arises to the significance of the heritage assets from development, although towards the less than substantial harm scale. Para 208 of the NPPF goes on to say that where less than substantial harm is found, the this harm must be weighed against the public benefits gained through development. In this instance the provision of 8 new dwellings is a benefit towards reducing the Housing Land Supply target for the area and outweighs the less than substantial harm.

Since these comments have been made new plans have been submitted detailing a reduction in the height, amount and scale of the proposal, which will go some way in alleviating the harm caused by the development. Consequently, the application should be determined in accordance with the relevant policies within the Development Plan.

The proposal has a neutral impact of the setting of the Conservation Area and as such accord with Policy HER DM3 of the ALP, Policy 17 of the LNP and the relevant parts of the NPPF.

#### RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 indicates permission will only be granted for schemes which take into account impacts on adjoining occupiers, land, use or property by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. Policy QE SP1 requires that all



development contributes positively to the quality of the environment and that development does not have a significantly negative impact upon residential amenity.

New windows generally face towards the front and rear of the block, as do the existing openings within the building's facade. Separation distances between habitable windows at the front of the building accord with the ADG requirement (minimum 16m for front-to-front relationships) and the design includes features such as terraces and winter gardens to increase the distances between habitable rooms, and therefore the privacy of occupants. Rear distances also exceed rear-to-rear separation distances between habitable rooms (minimum of 21m) however the gap between the rear elevation to the rear boundary is slightly short of recommended levels (12m minimum). To the newly formed western elevation two new windows are introduced to serve habitable rooms, the 3rd floor this window is encased by a winter garden. The relationship between the western winter garden on the 3rd floor is approx. 11.5m from an eastern facing 2nd floor window found within No.6 Terminus Road, which despite there being a slight staggered effect due to the difference in cill height of the windows, may still cause a negative impact through overlooking. However, the winter garden is of a size where large gathering would not be possible, nor would it be expected to be frequented for occasional use only. As such an appropriate solution would be to reduce the impact from over looking by obscuring views and keeping the winter garden from opening on the western return of the glazing. By obscuring the view to the lower half of the winter garden will force views up and across the roof of No.6 Terminus Road. The opening found on the 4th floor is elevated well above the windows of concern at No.6 and no negative impact from overlooking will occur. The level of overlooking between all properties in the immediate area is one expected of a town centre location and the proposed distances are no lower than the existing situation/or can be satisfactorily mitigated against, as such this would not be reason to refuse the application.

The proposal will not be overbearing or overshadow other residential development as it is a significant distance away from 2-storey properties to the south and as the pattern of development is already established.

In terms of amenity of occupants Part H of the ADG requires outdoor amenity space to be provided of an appropriate size, space is to be useable, balconies provided will accord with this requirement. The balconies provided for each unit exceed the minimum usable area of 3sqm, at a minimum of 5sqm. Only 1 of the units (a studio) is not afforded independent external amenity space, although not ideal this would not be a reason to refuse this application especially as the unit is of a size ideal for first time buyers.

Environmental Health have no objection to the scheme, with suggested conditions to apply relating to noise, construction management and hours of construction requested.

Therefore, the development would accord with policies D DM1 and QE SP1 of the Arun Local Plan and relevant paragraphs of the NPPF as no significant harm is identified to the amenity of other residential dwellings or the local environment.

#### 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) to determine whether the dwellings are suitable for residential use.

The following mix of accommodation is provided:

2 x studios/ 1 person.

5 x 1 bed/2 person flats.

1 x 2 bed/4 person flat.

The floor area of each of the units exceeds the standards for the relevant accommodation type, the minimum floor area being 37sqm, 50sqm and 70sqm respectively. The development accords with policy.

#### BIODIVERSITY NET GAIN

Policy ENV DM5 seeks to achieve a biodiversity 'net gain' and protect existing habitats on site. This can be achieved through incorporation of biodiversity elements such as green walls, bird/bat boxes or other mitigation measures into the landscape.

An Ecological Impact Assessment has been provided; it found the site of negligible ecological value which is to be expected as an urban area. No significant impacts to ecology will occur, habitats to be removed offer no significant potential for protected species including bats. Mitigation in terms of construction best practices have been outlined, and provision is made to achieve a biodiversity net gain. The Council's Ecologist has stated the mitigation included is not ideal and has suggested slight amendments to the proposed features. A biodiversity enhancement strategy shall be required by condition.

Subject to condition, the proposal does not negatively impact ecology or habitats found on site. Biodiversity net gain can be achieved in practice through the implementation of new ecological features to support species.

#### NOISE

Policy QE DM1 states that new noise generating development should be supported by an appropriate noise assessment detailing the existing noise environment, and the likely impact of the development and evidence to show that it will not negatively impact noise sensitive environments.

Residential development is not considered to be noise generating development, however, Environmental Health have requested a noise assessment is undertaken to ensure traffic and industrial generated noise does not negatively impact occupants of the proposed dwellings. It is their belief that predicted that the internal noise levels specified will not be met with windows open, and that an alternative ventilation system will be required, to reduce the need for windows to be opened. This is considered unnecessary resultant of the fact that the proposed development would be a greater distance away from the highway and MOT garage than existing units are already situated, and other new development can be found with openable windows and balconies fronting the highway and garage. Indeed, it was the Officer experience that during the site visit, many windows could be seen open, and balconies obviously used, such as to assume that noise was not an issue to existing residents.

The existing noise environment is one to be expected of a busy town centre location, however no so great to significantly negatively impact new occupiers. The proposal accords with Policy QE DM1.

#### ENERGY EFFICIENCY

Policy ECC SP2 relates to energy and climate change mitigates and states that extensions should utilise energy efficient measures that reflect current standards, use design and layout to promote energy efficiency and incorporate decentralised, renewable and low carbon energy supply systems in development.

It is noted that the proposal includes 12 Photovoltaic Panels (PV). A condition can also be included to ensure water efficiency it met. Given on site renewables are included, the proposal accords with policy.

#### 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 development plan policies in respects of character, appearance, impact on residential amenity, heritage assets and impacts to highways. This proposal would make a moderate gain in smaller housing units in a highly sustainable town centre location. Given the scale of development it would be expected to be built-out quickly.

In accordance with Para 11(c) of the NPPF, where development proposal accord with an up-to-date development plan they should be approved without delay. It is therefore recommended that planning permission is approved 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:

- Location Plan PL01
- Proposed Site Plan PL07
- Proposed Elevations PL13 B
- Proposed Elevations PL14 B
- Proposed 3rd Floor Plan PL10 B
- Proposed 4th Floor Plan PL11 B
- Proposed Roof Plan PL12

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

- 3 No development shall take place unless and until a detailed colour schedule of materials and finishes to be used for external walls (and roofs) of the proposed extension have been submitted to and approved in writing by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the heritage asset / by endeavouring to achieve a building of visual quality in accordance with Arun Local Plan policies D DM1 and HER DM3.

- 4 The winter garden hereby approved located to the 3rd floor western elevation, shall be at all times obscured up to 1.5m above the finished floor level of the winter garden and non-opening below this point. The obscured glazing/material and non-opening requirements are required to the western elevation only, the southern and northern returns remain unrestricted.

Reason: In the interests of protecting the amenity of No 6 Terminus Road in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 5 Prior to any development, a revised Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment - Version 2 (EMP), shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

- No less than 2 bat boxes.
- A Sparrow terrace.
- No less than 2 Swift bricks.
- Green roof to include log piles, native species wildflower mix and gravel trays.

The nest/bat boxes proposed within the EMP are required to be correctly positioned to optimise the use of such i.e. the sparrow and bat boxes are positioned too low, the swift brick on the western elevation is at risk of overheating. It is also suggested that a green roof is installed under the PV panels to optimise their performance and increase biodiversity.

Details shall include the exact location, specification, and design of the habitats. The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats in accordance with Arun Local Plan policies: ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF 2023 and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 6 Details of the proposed biodiversity (green/brown) roof(s) shall be submitted to and approved

in writing by the Local Planning Authority prior to development, unless otherwise agreed in writing, the biodiversity roof(s) shall conform to the following:

- a) Intensive green roof or vegetation over the structure with a substrate minimum settled depth of 150mm, or
- b) Extensive green roof with substrate of minimum settled depth of 80mm (or 60mm beneath a vegetation blanket) - meeting the requirements of GRO Code 2014,
- c) Laid out in accordance with roof plans; hereby approved; and
- d) Planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on minimum 75% wildflower planting, and no more than a maximum of 25% sedum coverage).

The biodiversity roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used by people in the case of essential maintenance or repair or escape in case of emergency.

The biodiversity roof shall be installed prior to occupation of the development and carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reasons: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Arun Local Plan policies GI SP1, ENV SP1 and ENV DM5.

7 No development shall take place, (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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:

- a) An indicative programme for carrying out of the works;
- b) 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), to be in accordance with BS5228:2009;
- c) The parking of vehicles of site operatives and visitors;
- d) Loading and unloading of plant and materials, including permitted times for deliveries;
- e) Storage of plant and materials used in constructing the development;
- f) Details of any special requirements and traffic management that might be required to minimise disruption on the Local road network and to safeguard highway users and existing occupiers of Antonia Court and adjacent buildings and businesses, as may be informed by traffic management providers.

Details of how measures will be put in place to address any 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.

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.

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

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

- 9 The development shall not be occupied until details for the storage of waste and recycling on the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policy WM DM1.

- 10 No individual dwelling hereby approved shall be occupied until the optional requirement for restricted water consumption in Part G of the Building Regulations as demonstrated through "The Water Efficiency Calculator for New Dwellings" has been complied with for that dwelling.

Reason: To improve the sustainability of the dwellings in accordance with Arun Local Plan policies ECC SP1 and W DM1.

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

## BACKGROUND PAPERS

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

**LU/305/23/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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## PLANNING APPLICATION REPORT

REF NO: M/9/24/HH

LOCATION: 44 Southdean Drive  
Middleton-On-Sea  
PO22 7TB

PROPOSAL: First floor rear infill extension; Loft conversion and internal alterations; New roof windows to the front and rear elevations; New Juliet balcony to the rear elevation.

### SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION      The application seeks the construction of a first floor, rear, infill extension and a loft conversion which involves the installation of 4no. roof lights and internal alterations. Additionally, a Juliet balcony is to be installed to the rear elevation.

The application is to be determined at Planning Committee as an application made by a Councillor.

### RELEVANT SITE HISTORY

M/105/23/CLP	Lawful development certificate for the proposed first floor rear infill extension, loft conversion and internal alterations, new roof windows to the front and rear elevations and new Juliet balcony to the rear elevation.	PP Required 29-01-24
M/145/21/HH	Roof extension to facilitate conversion of loft to habitable use and alterations to fenestration.	ApproveConditionally 21-01-22

### REPRESENTATIONS

Middleton Parish Council - no objection.

No representations received from members of the public.

### CONSULTATION RESPONSES RECEIVED:

None.

### DEVELOPMENT PLAN POLICIES

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

DDM1      D DM1 Aspects of form and design quality

DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

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

**CONCLUSIONS**

Key Development Plan policies relevant to this proposal are D DM1 and D DM4 of the Arun Local Plan (ALP). Additionally, guidance set out in Part M of the Arun Design guide is relevant.

Middleton does not benefit from a made Neighbourhood Development Plan but does have a Village Design Statement.

**SITE HISTORY**

The site benefits from an extant planning permission for a roof extension. The approved scheme consists of the construction of 3no. dormers in the rear (south) elevation, the insertion of 4no. roof lights in the side (east and west) roof planes and, additionally, a first floor rear infill extension and alterations to the fenestrations. The planning permission has not been implemented to-date. The previously approved scheme is a slightly larger version of what is now proposed under the application the subject of this report.

An application for a lawful development certificate in December 2023 determined that a loft conversion, first floor rear extension and alterations to fenestrations would not be permitted development, due to non compliance with the relevant criteria set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Specifically, it was determined that the total enlarged part of the dwellinghouse would be within 2m of the boundary of the curtilage of the dwellinghouse and the eaves height would exceed 3m. Hence, this planning application has been made.

**DESIGN & VISUAL AMENITY**

The host dwelling is a detached, two-storey property located at the western end of a no through road within a substantial plot. The property has neighbours to the west and east and its rear garden backs onto the seafront. The proposal seeks to convert the loft space of the host dwelling into habitable accommodation by way of inserting 4no. roof lights in the roof plane and additionally, completing a first-floor rear infill extension in place of what is currently a balcony. No additional ground floor area is sought through this application. Due to the setting of the host dwelling and the small-scale nature of the development, the proposal will have little to no impact on the visual amenities or character of the street scene.

The first-floor extension infills an area approximately 3.1m wide x 2.6m deep and will have a roof structure that integrates with the existing roof structure in terms of height and pitch. The external materials will match the host dwelling and the proposed new window responds well to the existing rear

elevation. The rear extension will be integrated with, and subservient to, the host dwelling.

The loft conversion involves the insertion of 4no. roof lights in total, 2no. in the front (north) roof plane and 2no. in the rear (south) roof plane. These roof lights are considered minor incidents in the roof plane and are positioned to be as least visually intrusive as possible. Design guidance states the creation of additional habitable space within loft spaces as an effective use of land.

In visual terms, the proposal is in accordance with policies D DM1 and D DM4 of the Arun Local Plan, Part M of Arun Design Guide and the Middleton-on-Sea Village Design Statement.

#### RESIDENTIAL AMENITY

Part M of the Arun Design Guide states householder extensions should protect neighbouring amenity in terms of privacy and overshadowing, considering the positioning of neighbouring buildings and responding to existing elevations through the size and positioning of doors and windows.

This application does not propose to increase the ground floor footprint or ridge height of the existing property. The first floor addition is an infill extension located between two existing protrusions and will not be overbearing or overshadow of any neighbouring properties.

In terms of overlooking, the proposed Juliet balcony replaces an existing first floor bedroom window and will achieve similar views already available to the occupants of the property. The balcony will not increase overlooking into neighbouring properties. The 4no. roof lights would provide new viewpoints at second floor to the front (north) and rear (south) of the property. The views generated would be similar to what can already be achieved at first floor and largely provide views across the rear garden and front driveway. These views would not be materially harmful to residential amenity.

The development will not result in adverse harm on residential amenity and is therefore in accordance with Part M of Arun Design Guide and policy D DM4 of the Arun Local Plan.

#### OTHER ISSUES

Parking provision and private amenity space serving the dwelling remains unaltered by the proposed development.

#### SUMMARY

The proposed development accords with relevant development plan policies and, as such, is recommended for approval subject the following conditions and informatives.

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

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

property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

The proposal would have 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:

- The Location Plan PL100
- Block Plan PL101
- Proposed Site Plan PL102
- Proposed Plans and Elevations PL104

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D DM4.

- 3 The materials and finishes of the external walls and roof of the development hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with Arun Local Plan policies D DM1 and D DM4.

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

**BACKGROUND PAPERS**

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

**M/9/24/HH - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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## APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

### Appeals Awaiting a Decision

**A/216/22/PL**

**Original Decision** = Refused

**Received:** 06-11-23

The Beeches, Crete House Dappers Lane Angmering

**Decision Level** = Delegated

Extension of existing dwelling (Crete House) and erection of two detached dwellings on vacant plot to the south, together with new shared access, car parking and landscaping. (Resubmission of A/266/21/PL). This application is in CIL Zone 2 and is CIL liable as new dwellings.

**Written**

**Representations**

**PINS Ref:** APP/C3810/W/23/3322262

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**AB/130/22/T**

**Original Decision** = Refused

**Received:** 20-02-24

Riverside House 2 Fitzalan Road Arundel

**Decision Level** = Delegated

Fell 1 No. Horse Chestnut (T1) to ground level.

**Written**

**Representations**

**PINS Ref:** APP/TPO/C3810/9394

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**AL/58/23/PL**

**Original Decision** = Refused

**Received:** 23-11-23

Lidsey Farm House Lidsey Road Bognor Regis

**Decision Level** = Delegated

Erection of 1no dwelling to replace historic caravan and detached garage. This application may affect the setting of a Listed Building, is a departure from the development plan, is in CIL Zone 3 and CIL Liable as new dwelling. (Resubmission of AL/167/22/PL).

**Written**

**Representations**

**PINS Ref:** APP/C3810/W/23/3328459

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**BE/71/23/PL**

**Original Decision** = Refused

**Received:** 22-01-24

Land to the rear of Regal House Shripney Road Bognor Regis

**Decision Level** = Delegated

9 No. residential dwellings and associated works including a new access. This application is in CIL Zone 3 and is CIL liable as new dwellings, and is a Departure from the Development Plan. (Resubmission of BE/102/22/PL).

**Written**

**Representations**

**PINS Ref:** APP/C3810/W/23/3332326

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**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

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**BN/132/22/PL**

***Original Decision*** = Refused

***Received:*** 14-11-23

51 Warren Way Barnham

***Decision Level*** = Delegated

Construction of 1 No. end of terrace two storey dwelling with associated vehicular crossover.

***Written***

***Representations***

**PINS Ref:** APP/C3810/W/23/3324032

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**BR/114/23/PL**

***Original Decision*** = Refused

***Received:*** 23-01-24

Unit 7 Durban Road Business Centre Durban Road Bognor Regis

***Decision Level*** = Delegated

Change of use from B2 (General Industrial) and B8 (Storage & Distribution) to Class E (Commercial, Business and Service). This application is in CIL Zone 4 (zero rated) as other development.

***Written***

***Representations***

**PINS Ref:** APP/C3810/W/23/3328753

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**BR/180/21/T**

***Original Decision*** = Refused

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

4 The Orchard Close Bognor Regis

***Decision Level*** = Delegated

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

***Written***

***Representations***

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

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**EP/3/22/PL**

***Original Decision*** = Refused

***Received:*** 10-10-22

2 The Street East Preston

***Decision Level*** = Delegated

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

***Written***

***Representations***

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

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**FG/13/23/PL**

***Original Decision*** = Refused

***Received:*** 15-11-23

Land between 11a The Grove and 30 Brook Lane Ferring

***Decision Level*** = Delegated

1 No 1-bedroom house along with associated parking & private outdoor amenity space (resubmission following FG/46/21/PL). This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

***Written***

***Representations***

**PINS Ref:** APP/C3810/W/23/3323503

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<p>M/84/23/PL  <b>Original Decision =</b>          ApproveConditionally  <b>Received:</b> 05-02-24</p>	<p>117 Elmer Road Middleton-on-sea  <b>Decision Level =</b> Delegated</p> <p>Retention of a pair of semi detached chalet bungalows. This application is in CIL Zone 4 and is CIL Liable as new dwellings.</p> <p><b>Written Representations</b></p> <p><b>PINS Ref:</b> APP/C3810/L/23/3336319</p>
<p>P/80/23/PL  <b>Original Decision =</b> Refused  <b>Received:</b> 24-01-24</p>	<p>Lagnersh House Lower Bognor Road Lagness  <b>Decision Level =</b> Committee</p> <p>Use of land for the stationing of 4 No. mobile homes for occupation by people unable to afford rented housing. This application is a Departure from the Development Plan and may affect the setting of a Listed Building. (Resubmission of P/150/22/PL).</p> <p><b>Written Representations</b></p> <p><b>PINS Ref:</b> APP/C3810/W/23/3330447</p>
<p>WA/101/22/PL  <b>Original Decision =</b> Refused  <b>Received:</b> 13-07-23</p>	<p>Brookfield Farm Eastergate Lane Walberton  <b>Decision Level =</b> Delegated</p> <p>2 x detached 4 bedroom dwellings</p> <p><b>Written Representations</b></p> <p><b>PINS Ref:</b> APP/C3810/W/23/3318743</p>
<p>Y/31/23/PL  <b>Original Decision =</b> Refused  <b>Received:</b> 28-02-24</p>	<p>Land adjacent to Little Meadow Bilsham Road Yapton  <b>Decision Level =</b> Committee</p> <p>Construction of 6 No new dwellings with new access from Bilsham Road, sustainable drainage and landscaping. This application is a Departure from the Development Plan, may affect the setting of listed buildings and is in CIL Zone 3 and is CIL Liable as new dwellings.</p> <p><b>Written Representations</b></p> <p><b>PINS Ref:</b> APP/C3810/W/23/3330541</p>
<p>Y/41/23/PL  <b>Original Decision =</b> Refused  <b>Received:</b> 05-12-23</p>	<p>The Old Coal Yard North End Lane Yapton  <b>Decision Level =</b> Delegated</p> <p>Erection of 4 No dwellings with associated landscaping, access and parking. This application is a Departure from the Development Plan and is in CIL zone 3 and is CIL Liable as new dwellings.</p> <p><b>Written Representations</b></p> <p><b>PINS Ref:</b> APP/C3810/W/23/3329367</p>

*Received:*

***Written Representations***

**PINS Ref:** APP/C3810/C/23/3316696

**ENF/366/21**

15 South Terrace Littlehampton West Sussex

*Received:*

***Written Representations***

**PINS Ref:** APP/C3810/F/23/3322586

**ENF/362/21**

Flat 1 , 4 Nelson road Bognor regis West Sussex

*Received:*

***Written Representations***

**PINS Ref:** 3335746 3335747 3335748

**ENF/262/23**

Pavilion Bungalow Hook Lane Bognor Regis West Sussex

*Received:*

***Written Representations***

**PINS Ref:** APP/C3810/C/24/3337426

**ENF/347/22**

1 Somerset Gardens Bognor Regis West Sussex

*Received:*

***Written Representations***

**PINS Ref:** APP/C3810/C/24/3336222

**ENF/182/17**

TEST TEST TEST Test Location Arun Civic Center

*Received:*

***Written Representations***

**PINS Ref:** PiNS Ref 123456789X