



# Public Document Pack

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7 January 2025

## PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber, at the Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** on **Wednesday 15 January 2025 at 2.00 pm** and you are requested to attend.

Members: Councillors McDougall (Chair), Wallsgrove (Vice-Chair), Blanchard-Cooper, Bower, Hamilton, Kelly, Lury, 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 - 6)

To approve as a correct record the Minutes of the meeting held on 18 December 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**

### **PLANNING APPLICATIONS**

### 6. **WA/74/24/OUT - LAND OFF ARUNDEL ROAD, FONTWELL**

(Pages 7 - 38)

### 7. **LU/186/24/S73 - MEWSBROOK PARK TRADING KIOSK, HENDON AVENUE, LITTLEHAMPTON, BN16 2LX**

(Pages 39 - 46)

8. **LU/242/24/PL - 1-5 ST MARTINS LANE, LITTLEHAMPTON, BN17 6BS** (Pages 47 - 58)
9. **FG/92/24/PL - LAND TO THE REAR OF 1 SEA DRIVE, FERRING, BN12 5HD** (Pages 59 - 72)
10. **BR/232/24/HH - 11 CHICHESTER ROAD, BOGNOR REGIS, PO21 2XG** (Pages 73 - 80)

## **PLANNING APPEALS**

11. **APPEALS LIST** (Pages 81 - 86)
12. **MODERNISING PLANNING COMMITTEES - PROPOSED NATIONAL SCHEME OF DELEGATION FOR PLANNING COMMITTEES** (Pages 87 - 92)

To consider a working paper setting out some proposed options received from The Ministry of Housing, Communities and Local Government regarding the creation of a national scheme of delegation.

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

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

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

These meetings are webcast live.

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# Agenda Item 4

Subject to approval at the next Planning Committee meeting

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## PLANNING COMMITTEE

18 December 2024 at 2.00 pm

Present: Councillors McDougall (Chair), Blanchard-Cooper, Bower, Hamilton, Kelly, Lury (Vice-Chair, in the Chair), O'Neill (Substitute for Northeast), Partridge, Patel and Woodman

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

Apologies: Councillors Northeast and Wallsgrove

### 345. DECLARATIONS OF INTEREST

The Declaration of Interest Sheet set out below confirms those Members who had made a declaration of their personal interest as a Member of a Town or Parish Councillor or a West Sussex County Councillor, as confirmed in their Register of Interest as these declarations could apply to any of the issues to be discussed at the meeting:

<b>Name</b>	<b>Town or Parish Council or West Sussex County Council [WSCC]</b>
Councillor Billy Blanchard-Cooper	Littlehampton
Councillor June Hamilton	Pagham
Councillor Martin Lury	Bersted
Councillor Mike Northeast	Littlehampton
Councillor Peggy Partridge	Rustington
Councillor George O'Neill	Littlehampton
Councillor Sue Wallsgrove	Barnham and Eastergate
Councillor Bob Woodman	Littlehampton

### 346. APPOINTMENT OF VICE-CHAIR FOR THE MEETING

The Chair explained that the Committee needed to appoint a Vice-Chair for the meeting and invited nominations.

Councillor Hamilton proposed that Councillor Lury should act as Vice-Chair for the meeting, which was seconded by Councillor Kelly.

Following a vote, this was declared CARRIED, and it was confirmed that Councillor Long would act as Vice-Chair for the meeting.

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347. MINUTES

The Minutes of the previous meeting held on 13 November 2024 were approved by the Committee and signed by the Chair.

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

There were no urgent items presented at the meeting.

349. BE/37/24/DOV NURSERY FIELDS, LAND TO THE NORTH OF CHALCRAFT LANE, WEST BERSTED PO21 5TS

1 Public Speaker

Lynn Pack, Applicant

Application to enter into a Deed of Variation to the Section 106 agreement dated 7 September 2021 linked to BE/148/20/OUT (APP/C3810/W/21/3275040) to amend schedule 2 (affordable housing) definitions and clauses 1.1, 1.6, 1.7, 2.1, 4.2 and 4.5, add schedule 6 (first homes) and replace schedule 5 (self-build housebuilding).

The Principal Planning Officer, presented the report.

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

As there were no questions were asked, the Chair put the recommendation straight to the vote.

The Committee

RESOLVED

**That delegated authority be given to the Group Head of Planning in consultation with the Chair or Vice Chair authority to complete the Deed of Variation to amend the Section 106 Agreement, with any minor amendments authorised by the Group Head of Planning.**

350. BN/66/24/DOV LAND SOUTH OF BARNHAM STATION, BARNHAM

1 Public Speaker

Lynn Pack, Applicant

Application to enter a Deed of Variation to the Section 106 agreement dated 3/12/2021 linked to BN/142/20/OUT (APP/C3810/W/21/3273087) (as varied by BN/142/20/OUT) to add an additional first homes tenure to Schedule 1, Part 2 - Affordable Housing.

The Principal Planning Officer, presented the report.

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

During the member debate concern was expressed regarding the challenges were developers facing when trying to dispose of their Section 106 Affordable Housing. It was hoped that the Government would address the need to provide the social housing needed for local residents.

The Committee

RESOLVED

**That delegated authority be given to the Group Head of Planning in consultation with the Chair or Vice Chair authority to complete the Deed of Variation to amend the Section 106 Agreement, with any minor amendments authorised by the Group Head of Planning.**

351. BR/180/24/PL 10 CAVENDISH ROAD, BOGNOR REGIS PO21 2JW

1 Public Speaker

Sam Edmonton, Agent

Change of use from 8 bedroom House in Multiple Occupation (HMO) to 11 bedroom HMO. This application is in CIL zone 4 and is CIL liable.

The Team Leader (Development Management), presented the report with verbal updates. He advised that the recommendation before members was not affected following the publication of the revised National Planning Policy Framework on 12 December 2024. An amendment to part of the plan for bedroom number 6 had been submitted (PG90222402 revision F). (Post meeting note: the correct plan reference is PG.9011.24.02.REV F) This was following comments received from the Council's Private Sector Housing Team concerning bathroom sizes with the majority of the doors to the ensuite bathrooms changed to sliding doors to make the best use of the space available.

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

During member debate a question was asked if there would be 24 hour provision would be provided at the HMO given the proposed increase in the number of people living there. The Team Leader (Development Management), advised that this provision

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was not typical for an HMO other than if it was specifically included in their contract. The relatively large private amenity space, the more efficient use of the bathroom space and bringing of the outside of the property back to brick so it was in keeping with nearby properties was welcomed.

The Committee

RESOLVED

That the application be **approve conditionally**

352. BR/198/24/PL ASHBURY HOUSE CARE HOME, 124-128 ALDWICK ROAD, BOGNOR REGIS PO21 2PA

1 Public Speaker

Alex King, Agent

Two storey extension to provide an additional 6 No. care beds at existing care home (Use Class C2) and other associated works. This application is in CIL zone 4 (Zero Rated) as other development.

The Team Leader (Development Management), presented the report with a verbal update. He advised that the recommendation before members was not affected following the publication of the revised National Planning Policy Framework on 12 December 2024.

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

During member debate it was raised that, whilst the proposed development would add bulk to the care home the immediate neighbours had not raised an objection and it was considered that the proposal accorded with Policy H DM2 of the Arun Local Plan, which was generally supportive of the extension of existing care homes in the District.

The Committee

RESOLVED

That the application be **approve conditionally**

353. FP/145/24/PL LAND BETWEEN 49-51 SUMMERLEY LANE, FELPHAM PO22 7LP

No Public Speakers



1 No. self-build single story dwelling following demolition of garage. This application is in CIL zone 4 and is CIL liable as a new dwelling.

The Senior Planning Officer presented the report. presented the report with a verbal update. He advised that the recommendation before members was not affected following the publication of the revised National Planning Policy Framework on 12 December 2024. It was noted that the application was identical to a previous application that had been refused by the Council during 2020 on the grounds of the scale and bulk of the dwelling, and the density of the plot resulting in an out of character design. However, this application had been allowed on appeal with conditions and therefore would not be entirely out of character in the area due to their being two narrow residential plots in the vicinity of the site, specifically referenced in the Planning Inspector's decision.

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

During member debate the Senior Planning Officer confirmed that the elevational plans included provision for a chimney stack, as well as the provision of solar panels with Condition 5 setting out the requirements for the provision of decentralised, renewable or low carbon energy.

The Committee

RESOLVED

That the application be **approve conditionally**

The Chairman then wished the Committee and Officers a Happy Christmas before bringing the meeting to an end.

354. APPEALS

The appeals report was noted by members.

(The meeting concluded at 2.50 pm)

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PLANNING APPLICATION REPORT

REF NO: WA/74/24/OUT

LOCATION: Land off Arundel Road  
Fontwell

PROPOSAL: Outline application with all matters reserved, other than access, for the erection of up to 56 No. residential dwellings including affordable housing and a stand-alone community building. This application may affect the setting of a listed building and may affect a public right of way.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION Although layout is a reserved matter, an illustrative layout and some street scenes have been provided which indicate new residential dwellings including two and half storey houses together with parking, roads, footpaths, play areas, open space, landscaping, and drainage features. A new community childcare building is indicated in the south-east corner. The existing trees and hedging to the boundaries are shown to be retained and new trees are shown within the layout.

The application proposes to take vehicular access from Arundel Road almost opposite Richmond House. This will take the form of a priority junction with a carriageway width of 5.5m and 1.8m footways on each side. Two uncontrolled pedestrian (tactile paved) crossing points are shown on either side of the access to allow pedestrians to cross onto the southern side of Arundel Road. The layout shows a pedestrian access point at the south-west corner close to the existing public footpath. Additional links to the same footpath are indicated on the western side of the layout.

SITE AREA 2.74 hectares

RESIDENTIAL DEVELOPMENT Up to 20.4 dwellings per hectare.

DENSITY

TOPOGRAPHY Appears flat. The topographical survey shows the land is higher on the eastern edge, particularly the northern corner.

TREES All trees are to the site boundaries, predominantly the southern edge where a TPO has been placed on a number of trees including three Oaks, one Beech and a group of Maple trees. The proposed access has been sited so as to avoid the TPO trees.

BOUNDARY TREATMENT All boundaries are hedged but there is also a mix of fencing comprising post & wire, barbed wire and wire mesh.

SITE CHARACTERISTICS Grassed field with vegetated boundaries. The site red edge includes the public footpath on the western edge and also an

**CHARACTER OF LOCALITY**

electric substation beyond the path. There are existing accesses to the site at the south-west and south-east corners.

Edge of settlement location but with houses to the west (beyond the footpath), and the south (beyond Arundel Road). The eastern edge of the site borders the A27 dual carriageway. There is westbound access/egress to/from the A27 close to the south-eastern corner of the site and there is a roundabout junction close to the north-western corner.

**RELEVANT SITE HISTORY**

WA/58/23/S73	Application under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 2 - approved plans following grant of WA/80/22/PL.	ApproveConditionally 25-10-23
WA/80/22/PL	Demolition of 8 No existing buildings and redevelopment of garden land with 10 no. bungalows, amended access, landscaping and associated works. This application may affect the setting of a listed building and is in CIL Zone 2 and is CIL Liable as new dwellings.	ApproveConditionally 24-02-23

Historical aerial imagery indicates that the site was formerly used for animal grazing and that there were a group of farm buildings in the south-eastern corner (these were removed some time before 2015).

WA/80/22/PL is relevant since it lies adjacent to the western edge of the site. It allowed for demolition of 8 buildings and redevelopment of the garden land with 10 no. bungalows, an amended access, landscaping, and associated works. This permission has been amended by WA/58/23/S73 and has commenced. This application was subject to a pre-application enquiry in 2023 concerning a proposal for 65 homes..

**REPRESENTATIONS**

Walberton Parish Council advise no objection in principle due to the Neighbourhood Plan allocation but advise this is conditional on the following:

- A reduction in density as the proposal is for a significantly greater number of dwellings than the policy.
- The community facility being built not just provided as land.
- A Grampian condition being applied to prevent occupation until the sewerage infrastructure and facilities have been adequately upgraded.
- Noise Exposure Assessments and Air Quality Assessments must be conditioned in view of the proximity to the A27.
- A Grampian condition being applied to prevent occupation until adequate parish school provision and healthcare provision can be demonstrated; and
- S106 or conditions be used to secure a safe path crossing over the nearby A27 roundabout junction at the northern end of the public footpath. However, such safe pedestrian crossing should not restrict the flow of traffic as this would increase local pollution.

Barnham and Eastergate Parish Council request a Grampian condition be applied to prevent occupation until the sewerage infrastructure and facilities have been adequately upgraded. They also raise concern about noise and air pollution from the A27.

In addition, as of 18 December 2024, twenty-six letters of objection raising the following concerns:

- Conflicts with the development plan policies.
- Conflict with para 14 of the NPPF.
- Overdevelopment of the site.
- Harm to local landscape character.
- Development on green space.
- No need for a new community facility but childcare is needed.
- Increased traffic and associated safety concerns.
- Need speed ramps along Arundel Road to reduce traffic speeds.
- Risk of vehicles leaving the A27 and crashing into the community building.
- Need for a safe crossing of the A27.
- The footpath should not be moved.
- Harm to users of the footpath.
- Lack of nearby shops.
- Inadequate existing infrastructure in place to support new homes.
- Inadequate foul sewage infrastructure.
- Increased surface water flooding.
- Arundel Road surface water sewer already at capacity.
- High risk of groundwater flooding.
- Harm to existing aquifers.
- Harm to a listed building.
- New street lighting would be inappropriate in this location.
- Harm to biodiversity.
- Potential for removal of existing hedges.
- Increased noise and air pollution; and
- Safety implications of siting a community facility next to a drainage feature.

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

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

- Walberton Neighbourhood Development Plan (WNDP) policy HP18 2020 simply states that "Provision of community childcare facilities in line with Policy CL9 2020 will be encouraged". It does not state this is a requirement and it does not specify that a built facility has to be provided.
- The only way to provide a crossing of the A27 that does not restrict the flow of traffic would be via a bridge or underpass both of which would be prohibitively expensive, unnecessary, and visually undesirable. Policy HP18 2020 does not list this as a requirement and Policy GA2 (Footpath Bridleway and Cycle Path Network) also does not identify this as a priority.
- The WNDP has allocated this site for development. Therefore it has been accepted that there will be a loss of green space, some harm to landscape character and a change to the current environment of the footpath. In addition, WSCC have requested that the application widen and re-surface the footpath.
- The application states that the community building will provide for childcare facilities as per the Policy.
- There are already speed humps on Arundel Road between its junctions with West Walberton Lane and the A29. WSCC have not advised of the need for additional traffic calming measures on Arundel Road or on other nearby roads. If this were necessary in the future, then CIL monies could be used to secure this.
- Notwithstanding that the current layout drawing is indicative only (i.e. not to be approved at this time), there is 10-12m between the edge of the carriageway and the side wall of the building with a wide hedge

in between. The risk is therefore low.

- There are no plans to move the footpath.
- It is acknowledged that there is only a wine shop and a petrol station shop in Fontwell village.
- The Strategic Flood Risk Assessment (SFRA) maps indicate that groundwater levels in the Fontwell area may be high however this does not necessarily mean that the site is prone to groundwater flooding.
- The current layout drawing is indicative only (i.e. not to be approved at this time). Should the community building end up adjacent to a drainage feature then this can be fenced off to prevent access.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - no objection subject to a condition to prevent the use of piled foundations and informatives relating to building waste.

NATURAL ENGLAND - no objection.

NATIONAL HIGHWAYS - no objection and do not request any conditions or infrastructure contributions.

SOUTHERN WATER - stated on 18/09/24: "Your consultation request needs to be progressed by our modelling team as the proposed development is for over 50 dwellings, we will send you our response within 21 calendar days". Southern Water were then chased on 10/10/24 and responded to say "Unfortunately the technical liaison team are currently experiencing a backlog of cases which they are working their way through as efficiently as possible." A further email was sent on 12/12/24 and they responded to state that they were sorry for the delay and they will upgrade this consultation to critical and make their manager aware.

SOUTH DOWNS NATIONAL PARK - due to the location approx. 0.5km south of the National Park (NP), there would be limited direct or indirect impact on the setting of the NP. No Landscape and Visual Impact Appraisal has been submitted with the application and Arun DC must be satisfied that the development will not have an adverse impact on the purposes of the National Park by way of visual impact. Additionally, they say the scheme is heavily reliant on existing planting for screening and recommend that this planting is strengthened as part of any landscape plan. Request a condition to secure a sensitive lighting scheme for the development and recommend seeking to improve connections through and from the site towards the National Park to assist new residents accessing it for recreation.

SUSSEX POLICE - no objection at this stage.

WSCC DRAINAGE - initially objected on the basis of insufficient information. The applicant has responded to the issues raised and is presently negotiating with WSCC in order to resolve the concerns.

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

WSCC WASTE & MINERALS - the site lies in a protected Sharp Sand & Gravels area. No objection subject to an incidental extraction condition.

WSCC HIGHWAYS - no objection subject to conditions to secure the access, a construction

management plan, and approval of a Travel Plan. State that this proposal has been subject to pre-application advice, a site visit, and a Stage 1 Road Safety Audit.

WSSC PUBLIC RIGHTS OF WAY (PRoW) - no objection subject to a condition to require that the applicant fund and carry out improvements to it in order to widen it to 2m and surface it to WSSC standards.

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

PORTSMOUTH WATER - no objection subject to conditions to prevent piled foundations, to control surface and foul water drainage, to protect against unexpected land contamination and secure a construction management plan. Also request that ADC seek to restrict water usage to a minimum standard of 100 litres per person per day.

ADC ECOLOGY - no objection subject to conditions to secure a construction ecological management plan, a biodiversity net gain ecological design, management and monitoring strategy report, and a biodiversity enhancement strategy. Notes the requirement for a Habitat Regulations Assessment. Following receipt of the final reptile survey, stated reptiles are not a constraint for this site.

ADC BIODIVERSITY NET GAIN (BNG) - states no objection to the BNG information. Requests the standard BNG condition and inclusion of BNG within the s106 legal agreement.

ADC TREE OFFICER - raises no objection and does not recommend any conditions. States whilst there will be some incursion of the Root Protection Area of Tree 13 (Ash) on its north and west aspects due to the vehicular access, the extent is tolerable and supports a logical exploitation of the site. Also comments on the proposed path widening stating the new surfacing materials should be self-compacting, permeable and avoid excavation near to any higher value trees.

ADC CONSERVATION OFFICER - raise no objection and states that the development will not impact the setting of the listed buildings identified by the Heritage Assessment and as a consequence, there is no harm to the overall significance of these heritage assets.

ADC LANDSCAPE - no landscape objection subject to a landscape scheme and provision of on-site play/open space. The potential impact on the location would require that additional landscaping be provided to enhance the existing boundaries. Objects to the indicated locations of play which would not appear beneficial to the whole development in location and particularly of concern is the siting of the south-eastern play area at the entrance to the site tucked away from view and surveillance and next to the potential infiltration basin hazard.

ADC HOUSING STRATEGY - need 30% affordable housing provision (17 based on 56 dwellings) comprising 67% affordable rented dwellings, 25% First Homes and 8% other intermediate ownership products providing a range of sizes and accommodation.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions to control construction hours, to protect against unexpected land contamination and to secure an air quality assessment. Also requests that an overheating assessment be undertaken at reserved matters stage.

COUNCIL's ARCHAEOLOGIST - no objection subject to a standard pre-commencement condition.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted and conditions imposed except as discussed below:

SOUTHERN WATER - It is disappointing that Southern Water have not been able to make comments despite being consulted on 21 August 2024. It is not reasonable to delay determination of this application or recommend refusal due to the lack of comment. A residential developer has a right to connect to the existing sewerage system provided they pay Southern Water the new connections charge. These monies are then used to fund necessary offsite network improvements undertaken by Southern Water. Any comments will be reported to members by way of a report update. Notwithstanding, due to third party concerns with the ability of the foul sewer to cope with additional demand, a phased occupancy condition has been included within the recommendation to ensure that necessary upgrades take place before homes are occupied.

SOUTH DOWNS NATIONAL PARK - Given this is not a countryside site, there was no requirement for a Landscape and Visual Impact Appraisal. Conditions are included to secure additional landscaping/screening and a sensitive lighting scheme. There is no conflict with the Purpose 1 of the National Park (To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.) in respect of visual impact.

WSCC DRAINAGE - Any comments will be reported to members by way of a report update and any recommended conditions will be included in the recommendation at that time. Should the drainage not be resolved by the time of the committee then it may be necessary for officers to amend the recommendation to seek a deferral.

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

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

It has been agreed with WSCC that ADC will revisit looking at potential secondary school sites, but it is unreasonable to reject this application solely on the absence of a secured school site when an appropriate contribution through CIL will be secured towards its delivery. The requested school transport contribution will be secured through the s106 agreement. However, it is not possible to secure a contribution towards the actual school as this application is liable for CIL.

ADC LANDSCAPE - The objections to the location of play are noted but layout is a reserved matter and is not to be agreed at this time, therefore this can be considered at a future time. However, for this reason, the submitted parameter plan (which shows the areas of open space) will not be included in the plans condition as an agreed drawing.

## POLICY CONTEXT

Designations applicable to site:

- Built Up Area Boundary (BUAB).
- CIL Zone 3.
- Archaeological Notification Area.



- Area of Advert Special Control.
- Within 12km of the Singleton and Cocking Tunnels Special Area of Conservation (SAC).
- TPO/WA/3/23.
- Public Right of Way (PRoW) on the western side (ref WAL/2825/1).
- Water Source Protection Zone.
- Current / Future Flood Zone 1.
- No known surface water flooding within the site.
- Sharp Sand and Gravel Minerals Safeguarding Area.
- HELAA ref FON3; and
- Likely Grade 3b Agricultural Land.

## DEVELOPMENT PLAN POLICIES

### Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
INFSP1	INF SP1 Infrastructure provision and implementation
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WSP1	W SP1 Water
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

### Joint Minerals Local Plan 2018:

	Joint West Sussex M9 Safeguarding Minerals
<u>Walberton Neighbourhood Plan Policy 2019-2031</u> <u>CL9</u>	Provision of community childcare facilities
Walberton Neighbourhood Plan Policy 2019-2031 GA2	Footpath Bridleway and Cycle Patch Network
Walberton Neighbourhood Plan Policy 2019-2031 GA5	Traffic Management

Walberton Neighbourhood Plan Policy 2019-2031 HP1	Built up boundary (BUAB)
Walberton Neighbourhood Plan Policy 2019-2031 HP6	Housing mix and construction
Walberton Neighbourhood Plan Policy 2019-2031 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2019-2031 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2019-2031 HP18	Fontwell Field (National Trust Field)
Walberton Neighbourhood Plan Policy 2019-2031 VE3	Protection of Trees and Hedgerows
Walberton Neighbourhood Plan Policy 2019-2031 VE7	Surface Water Management
Walberton Neighbourhood Plan Policy 2019-2031 VE8	'Unlit village' status
Walberton Neighbourhood Plan Policy 2019-2031 7 VE10	Biodiversity Corridors

**PLANNING POLICY GUIDANCE:**

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

**SUPPLEMENTARY POLICY GUIDANCE:**

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

<b>POLICY COMMENTARY</b>
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The Development Plan consists of the Arun Local Plan 2011 - 2031 (ALP), 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 Walberton Neighbourhood Development Plan (WNDP) was made in July 2021 and its policies are referred to in this report.

<b>DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND</b>
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Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

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

The proposal is broadly in accordance with the WNDP since it is an allocated site. It is noted that the policy allows for approximately 40 dwellings whereas this applications seeks 56. Notwithstanding, the site is shown in the Arun Local Plan and the Neighbourhood Plan as within the BUAB.

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.

#### **BIODIVERSITY NET GAIN**

This application is liable for Biodiversity Net Gain (BNG) and the following on-site BNG is proposed:

- 24.24% Habitat units (2.28); and
- 143.04% Hedgerow units (2.47).

#### **CONCLUSIONS**

**PRINCIPLE:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For this application, the development plan comprises the Arun Local Plan 2011-2031 (ALP) and the WNDP 2019-2031.

Paragraph 11(d) of the NPPF sets out the presumption in favour of sustainable development which is to be applied where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Paragraph 14 serves to provide additional weight to Neighbourhood Plans in cases where para 11(d) is engaged) and does apply in this case as the WNDP is less than 5 years old and contains policies and allocations to meet its identified housing requirement.

The site is in the BUAB in the ALP & the WNDP and is specifically allocated for residential development by Policy HP18 2020 of the WNDP. On this basis, the residential development of this site is in accordance with the development plan (ALP policy SD SP1 & WNDP policy HP1 2020) and so, paragraph 11(c) of the NPPF would apply rather than 11(d). There is no need to consider para 14 as the proposal concerns one of the allocations referred to by the NPPF. Para 11(c) states development proposals that accord with an up-to-date development plan should be approved without delay.

WNDP Policy HP18 2020 sets a development quantum of approximately 40 and it cannot be argued that 56 dwellings meets this number so there is some conflict with the policy. There may also be conflict arising due to the policy requiring that sewerage reinforcement facilities be adequately upgraded prior to the completion and occupation of the development. This would be entirely dependent on Southern Water fulfilling their infrastructure upgrade requirements and so the application cannot be precise on the

timescales for upgrades. The proposal accords with the other criteria of the Policy in that there is provision for a new community childcare facility and a noise assessment has been provided.

In summary, the principle of the proposal is in accordance with the development plan and so para 11(c) of the NPPF applies. There is no need to consider the presumption in favour of sustainable development unless the proposals results in harm deriving from the application of other relevant policies.

#### TRAFFIC & ROAD SAFETY:

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

Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes. WNDP policy GA2 indicates support for proposals which improve and extend the existing footpath network. Policy GA5 seeks to resist the increase in traffic through the village, particularly HGV movements.

Para 115 of the NPPF states: "In assessing ... specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios."

The application proposes a new vehicular access from Arundel Road a short distance (around 45m) west of the existing single-track access (which is to be closed). At pre-application stage, the applicant was proposing access from the western end as a fourth arm of the mini roundabout. WSCC Highways stated this would not be acceptable and the access was moved eastwards.

The new access takes the form of a priority junction with a carriageway width of 5.5m and 1.8m footways. The layout shows a pedestrian access point at the south-west corner close to the existing public footpath. Additional links to the same footpath are indicated on the western side of the layout. It is noted that the existing footpath is within the applicant's ownership and so WSCC Public Rights of Way have requested that the applicant widen and resurface the footpath. On this basis, the proposals gain support from policy GA2.

The comments of WSCC Highways are set out in full on the council's website and summarised elsewhere in this report. They have no objections to the location of the access, the traffic generation of any other safety aspects. It is material that National Highways raise no concerns with the impact on the A27 and do not request a financial contribution to junction improvements. On this basis there is no conflict with ALP policy T SP1, with WNDP policy GA5 or with the guidance in the NPPF.

As there are no details as to layout, size of the houses or the exact form of parking spaces, it is not appropriate to consider parking provision. Compliance with the Arun Parking Standards SPD will instead be determined at the reserved matters stage. This would include a requirement to ensure 5% of all spaces are suitable for disabled people.

#### HERITAGE ASSETS:

There are no heritage assets within or immediately adjacent to the site. The closest heritage assets are

the Grade II Listed semi-detached dwellings ("5 Goodacres (West Gable)" and "Goodacres House") some 70m to the west. There is intervening development between the site and these houses comprising of the access to the Barnfield House development and Nos. 7 & 8 Goodacres.

ALP policy HER SP1 states development likely to prejudice heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings.

Para 207 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 208 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected. The Local Planning Authority must consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is necessary to counterbalance 'less than substantial harm' with the level of public benefits associated with the proposal (as set out in para 215).

The submission includes a Heritage Statement which identifies the South Gateway and Lodge of Slindon Park which is a listed building at Grade II (some 280m north-west of the site). The Council's Conservation Officer advises that the setting of The Goodacres, is from the curtilage (behind a wall and planting) of the road to the front of it. It is already surrounded by modern development which means that it is experienced in an urban context. There is no inter-visibility between the site and the listed building.

The South Gateway and Lodge of Slindon Park is also separated from the site by a large amount of modern development and the A27 so there is also no inter-visibility. The Conservation Officer concludes that there will be no harm to the overall significance of the heritage assets. As no harm is advised, it is not necessary to consider public benefits.

The proposal accords with the relevant development plan policies and also with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in that it does not directly affect any heritage assets and also has no impact on the setting of the nearby Listed Buildings.

#### ARCHAEOLOGY:

ALP Policy HER DM6 states that where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires a desk based archaeological assessment be submitted and one has been submitted.

This identifies predominantly low potential for archaeological finds but recommends a survey due to no previous surveys having been carried out on the site. This site is within a designated Archaeological Notification Area, but the council's Archaeologist raise no objection subject to a standard condition to secure further field work. On this basis, the application generates no conflict with policy HER DM6.

#### MINERALS SAFEGUARDING:

The site lies in a Sharp Sand and Gravel Mineral Safeguarding Area defined by the West Sussex Joint Minerals Local Plan (JMLP). Policy M9 (b) states that proposals for non-mineral development in the Minerals Safeguarded Areas will not be permitted unless: (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, or (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

The applicant has provided a mineral resource assessment which concludes that the site, being an

isolated, 2.7ha area of land away from existing mineral extraction operations, would not be suitable for prior extraction as a result of the limited economic viability of the resource. In addition, the assessment states the existing residential receptors around the application site would restrict the temporary extraction of the mineral resource owing to the potential impacts on residential amenity that would arise.

The proposal would comply with criteria (iii) of the policy as there is an overriding need for residential land to contribute to the current HLS deficit - and this is allocated for development. A condition could however be imposed to require extraction of minerals uncovered during redevelopment.

#### LANDSCAPE, CHARACTER & DENSITY:

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. Policy LAN DM1 states development should respect the particular characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. WNDP Policy HP13 states new development must be high quality and contribute to local character by creating a sense of place appropriate to its location. Policy HP11 seeks to ensure density is appropriate to its location by virtue of size, siting, and relationship to existing properties.

Section G of the Arun Design Guide (ADG) suggests a density of 15-25 for detached/semi-detached houses, 20-30 for terraced houses and 30-50 for flats all in village locations. The ADG also states density should be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character. The illustrative layout plan shows a mix of detached, semi-detached, and terraced housing also with one flatted building.

The density is a maximum of 20.4 dwellings per hectare (dph) and this is within the range set by the ADG. Had a lower quantum been proposed more in line with the WNDP policy then the density would not be in accordance with the ADG (i.e. 40 dwellings would give an overall density of 14.59dph). Notwithstanding, it is material that permission is applied for up to 56 dwellings (and a community building) and so the Local Planning Authority would be able to seek a lower number of dwellings at reserved matters stage should this be required following assessment against the detailed design policies. In addition, the inclusion of flats in the mix is not being agreed by this outline application.

The application is outline and does not seek the approval of layout, external appearance, scale, or landscaping. The illustrative masterplan suggests the site layout will retain and enhance the existing boundaries thus limiting the visibility of the development outside the site (with the exceptions being from the site access, pedestrian access in the south-west corner or from the western footpath). Given this is not a countryside site, it was not necessary to provide a Landscape and Visual Impact Assessment.

Although the development will result in some visual change to the character of the eastern edge of Fontwell, this change needs to be considered alongside the requirement for more housing across the district and the fact that this site has been allocated for development. In addition, the site is clearly defined by the A27 to the north and east which prevents it from being connected to the wider countryside. It is a logical site for the expansion of Fontwell to help meet future needs. It is also material that the council's Landscape Officer raises no objections on grounds of landscape impact.

Therefore, the proposal is acceptable in respect to density, landscape & character and there is no conflict with the relevant development plan policies.

#### RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land.

ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The ADG sets out guidance on garden depths and interface distances between houses.

It would be appropriate to ensure the proposed (up to) 56 homes (and community building) could be achieved without giving rise to harm to existing residential properties. In this case, the nearest properties are those on the southern side of Arundel Road plus those to the west. The latter includes the new dwellings at Barnfield House (which are shown on the illustrative layout plan) and those of Furlong Close in the north-west corner. The illustrative layout has been checked and all distances to those houses that are existing or presently being built exceed the ADG standards. The existing tree planting to the boundaries will also assist with limiting views in and out of the site.

Subject to a more detailed consideration of privacy issues at the reserved matters stage, there is no conflict with ALP policies D DM1 or QE SP1.

### AIR POLLUTION:

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

As set out elsewhere, the scheme proposes to improve the public footpath and provide new links from the site to it. The site is in an accessible location in the BUAB in walking distance of a shop and bus stops. The reserved matters application will secure the implementation of sufficient EVCP and cycle storage facilities which will further promote the use of non-car means of travel/reduced vehicle emissions. The provision of high-speed broadband will allow for homeworking.

The Policy states a formal air quality assessment is only required for development nearby a designated Air Quality Management Area (AQMA) and there are none of these in Arun or the SDNP. The Environmental Health Officer (EHO) requested a condition to secure one. This is on the basis of the Air Quality and Emissions Mitigation Guidance for Sussex (2020) which is a newer document than the ALP and which states one is required for all major developments.

For the reason set out above, the proposal complies with the relevant development plan policy.

### NOISE POLLUTION:

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

- The worst-case sound reduction index for a bedroom on the noisiest facade is 27dB and 26dB for a living room, on the noisiest eastern facade of plot 51/52 which will directly overlook the A27.
- It is possible to place bedrooms on the noisier facade with passive through frame/through wall vents and standard thermal double glazing.
- An initial site risk assessment for the site, consistent with the approach in proPG2017 for the worst-case plot (51/52) indicates a low to medium risk for the East facade and a negligible risk for the Western facade.
- External amenity areas for the properties have been assessed and are below 55dB LAeq,16 hour thus satisfying requirements.

- Openable windows are achievable for the majority of the site. For the plots in close proximity to the A27, the facades which overlook the road traffic noise will unlikely permit openable windows. Openable windows will be provided on other elevations and alternative passive ventilation schemes will be utilised.

The councils EHO indicates a concern that the ventilation strategy using trickle vents may not be sufficient to prevent overheating in the properties on the east side. The report suggests the strategy might employ the use of plenum windows (these have two separately opening panes) as innovative facade design to further demonstrate "good acoustic design", allowing future occupants the benefit of open windows". The EHO states this would be acceptable and would remove the concern. Should standard double-glazed windows be used a condition is needed to ensure an overheating assessment is provided at reserved matters.

On the basis that the overheating assessment condition is imposed, there is no conflict with the policy.

#### **LIGHT POLLUTION:**

ALP Policy QE DM2 sets out restrictions and conditions on new lighting proposals. WNDP policy VE8 states that new lighting will be required to conform to the highest standard of light pollution restrictions in force at the time. Security and other outside lighting on private and public premises will be restricted or regulated to be neighbourly in its use.

The submission is silent on the provision of lighting, but this is understandable and acceptable given the outline nature of the application. A condition could be imposed to either require the approval of lighting at the reserved matters stage or post permission. Such a condition could be worded to ensure lighting does not spread onto adjacent land and is sensitive to bats/other wildlife using the planted areas of the site. On this basis, there is no conflict with the policy and this accords with the request from the National Park Authority.

#### **FLOODING AND DRAINAGE:**

ALP policy W DM2 requires that proposals in areas at risk of flooding provide a Flood Risk Assessment (FRA), meet the sequential and exceptions tests, provide sustainability benefits to the wider community, demonstrate that the development will be safe and do not increase flood risk elsewhere. Policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SuDS) as appropriate to the size of development.

The site is not affected by current or future flooding from rivers/sea and is in Flood Zone 1. There are no known instances of surface water flooding in the site. The submission includes a Flood Risk Assessment and Drainage Strategy (FRA) which determines that the development site is not at risk of any form of flooding.

In terms of drainage, it states that the areas of hardstanding will be constructed as a lined porous pavement with any roof areas draining directly into them. Flows from each porous pavement will be controlled via small diameter orifices to the adjacent porous pavement or to a proposed lined swale. The swale will discharge into an infiltration basin located in the southeast corner of the site. There are no current plans to drain to a watercourse or existing sewer. As set out elsewhere, drainage is presently being discussed with WSCC Drainage and there is no agreed position at this time. Provided that WSCC are able to lift their objection then the proposal will be accordance with the relevant policies.

#### **FOUL DRAINAGE:**

ALP policy W DM1 states that there must either be adequate drainage capacity or that it can be provided



prior to the occupation of the development. The submission currently states that foul drainage from the development will be removed via a system of gravity sewers discharging into the existing foul sewer located in Arundel Road. Southern Water have not yet provided any consultation advice but due to third party concerns with the ability of the foul sewer to cope with additional demand, a phased occupancy condition has been included within the recommendation to ensure that necessary upgrades take place before homes are occupied.

A residential developer has a right to connect to the existing sewerage system with any offsite network improvements undertaken by Southern Water using revenue they collect from by their Infrastructure Charging Scheme. For the above reasons, there is no conflict with ALP policy W DM1.

#### WATER POLLUTION:

ALP policies W SP1 and W DM1 seek to protect existing water supplies. The site is in a designated Water Source Protection Zone meaning there are aquifers in this area which hold drinking water. Neither the EA nor Portsmouth Water object provided conditions are imposed to ensure foundations are not piled. They request they be involved in the discharge of conditions relating to foul drainage, surface water drainage and construction management. Portsmouth Water request a condition to restrict water usage. Provided these conditions are imposed there would be no conflict with the policies.

#### BIODIVERSITY & BIODIVERSITY NET GAIN (BNG):

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. WNDP policy VE10 2020 states proposals will not be supported where there is evidence that the proposals would significantly harm biodiversity. It also advises that where proposals will have an impact on biodiversity rich habitats, a management plan shall be provided.

The site is in the 12km buffer of the Singleton and Cocking Tunnels Special Area of Conservation (SAC) and policy VE10 states development within the buffer should evaluate the potential loss of suitable foraging habitat and/or severance of commuting flight-lines. Such features should be preserved where it is demonstrated they are used by barbastelle bats.

The application is accompanied by an Ecological Assessment (EA), Ecological Assessment Addendum Report - Reptile Surveys (EAA), Biodiversity Net Gain (BNG) Report, and a Shadow Habitat Regulations Assessment (sHRA). The EA and EAA reports state:

- No evidence of badger activity was found at the site.
- No reptiles were recorded during the survey.
- No evidence of bat roosts were found.
- Common pipistrelle, Soprano pipistrelle and Noctule bats were observed by the surveys.
- The potential for dormouse to be present is negligible.
- There are no waterbodies within the site or in the immediate vicinity.
- The semi-improved grassland within the site is deemed to be of low to moderate "Site value" at best.
- The mature hedgerow and linear belts of trees around the periphery of the site offer some biodiversity value and contribute to the overall ecological permeability of the Site. As such, they are assessed as being of "Local value".
- The bat population would be assessed as being of "Local value" only.

The report recommends mitigation measures including habitat creation and management.

The sHRA was commissioned to determine any likely significant effects of the residential development on the SAC and its qualifying features. It states the site does not form part of any known flight lines for

the Barbastelle species, that no records of barbastelle have been recorded within the site, that the boundary hedgerows will be retained and re-enforced as a result of the proposal and that the existing residential development already present to the west forms an existing barrier to bat movement. It concludes that potential impacts on the SAC and its qualifying features can be screened out; hence, there is no requirement to undertake an Appropriate Assessment.

Arun DC have used the supporting information to produce a screening report as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). This concludes there are no likely significant effects on/no adverse effect on the integrity of the Singleton & Cocking Tunnels SAC. Natural England no longer provide consultation advice on HRA screening reports or Appropriate Assessments unless the proposal is of a significant scale which this is not.

The BNG proposals will secure on-site gain of 24.24% in habitat (2.28 units) and 143.04% in hedgerows (2.47 units). This exceeds the requirements. This includes a 640m<sup>2</sup> ecological enhancement zone in the northern corner of the site. The council's Ecologist has comprehensively assessed the proposals and states no objection subject to mitigation and enhancement measures being secured. There is no conflict with policy.

#### **TREES:**

Policy ENV DM4 states TPO protected trees, those in ancient woodland, 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 or woodland. WNDP policy VE3 refers to the need to protect trees.

All trees are to the site boundaries, predominantly the southern edge where a TPO has been placed on a number of trees. The proposed access has been sited so as to avoid the TPO trees but will result in the removal of a group of Blackthorn. Some gaps will also need to be created in the western mixed hedge to facilitate new accesses onto the public footpath. In addition, WSCC state that in order to widen the footpath, some light clearance and overhead pruning will be required. A condition is included to secure details of the path widening prior to occupation of the site.

The Blackthorn trees to be removed are low quality (category C). The hedgerow on the west boundary is category B and noted as being ecologically important. The creation of three small gaps will not compromise its integrity or overall value whilst these will have significant benefits to site connectivity and wellbeing. A condition will be imposed to ensure the reserved matters scheme delivers two new trees for each one lost plus new hedgerow which will more than compensate for the losses.

The council's tree officer has not raised any objections at this stage but will comment further on the reserved matters application when the layout is known. There is no conflict with the relevant policies.

#### **CLIMATE CHANGE:**

ALP policy ECC SP2 requires new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change and that all major developments must produce 10% of total predicted energy requirements from renewables unless unviable. The planning statement includes a section on "Energy and Sustainability" which details various measures, but conditions will be imposed regardless to ensure that the policy requirements are incorporated into the reserved matters application and the final build. This will ensure compliance with the relevant policies.

**AFFORDABLE HOUSING:**

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The council's interim affordable housing policy also sets out the need to secure first homes as part of the affordable housing mix. The council's Affordable Housing Manager advised that the required affordable housing provision is 17 dwellings and that the mix should comprise of 67% affordable rented, 25% First Homes & 8% Intermediate. It is noted that the new NPPF no longer contains a mandatory requirement for First Homes however, it is still possible to request these where there is a local need. The affordable housing will be secured by a s106 legal agreement, and this will ensure compliance with the policy.

**PUBLIC OPEN SPACE & PLAY:**

ALP policy OSR DM1 states housing developments must provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The Council's SPD "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement (based on 56 homes) for 4,620m<sup>2</sup> of Public Open Space (POS) including 678m<sup>2</sup> of play provision comprising of a mix of on-site Local Areas of Play (LAP) and Local Equipped Area of Play (LEAP). The application states that the illustrative scheme will deliver a total of 0.95 hectares of green space comprising 8,947m<sup>2</sup> of POS with provision of footpaths and play spaces. On the basis that on-site POS and play would be secured by conditions, there would be no conflict with ALP policy OSR DM1.

**OTHER DEVELOPER CONTRIBUTIONS:**

ALP policy INF SP1 requires proposals provide or contribute towards infrastructure & services needed to support development to meet the needs of future occupiers and existing community. This development would be liable for CIL and infrastructure providers such as WSCC and the NHS would be able to bid for a portion of the CIL payments collected to spend on their projects. The Parish Council will be provided with a percentage of the CIL receipts (25%) for their own purposes. These payments go towards providing the infrastructure that the district needs to support existing and future development.

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

The Parish Council request that a condition to prevent occupation until adequate parish school provision and healthcare provision can be demonstrated. Such a condition would not be reasonable as it would be dependent on the actions of third parties and not solely required by the development. It would fail to meet the condition tests per para 57 of the NPPF (conditions must be necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects).

Where CIL is applicable, it is only possible to use s106 agreements to require affordable housing and on-site mitigation and the latter is generally restricted to items in the red edge. However, notwithstanding, it remains possible to use s106 for targeted contributions. Due to secondary school capacity issues in the district, WSCC requested a secondary school transport contribution. Normally, s106 could be used for a contribution to the strategic road network but in this case, National Highways have not requested a contribution. The s106 will include a mechanism to safeguard and transfer, at zero cost, the requisite land for the childcare facility to Walberton Parish Council. The applicant has proposed this provision.

The request for a contribution from WSCC Education can be secured by the s106. This meets the CIL tests (Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended) and the applicant has not raised any objection to this being included in the s106 agreement. On this basis, there

is no conflict with ALP policy INF SP1.

**SUMMARY:**

Para 11 (c) of the NPPF states that the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Notwithstanding the conflict with WNDP Policy HP18 2020 in terms of the quantum of development, the proposal is nevertheless in accordance with the BUAB policies of both the WNDP and the ALP. This report finds no harmful impacts and it is material that the council cannot currently demonstrate a policy compliant Housing Land Supply and with the new NPPF now has an even higher housing requirement. This lends support to the need for an uplift in the number of dwellings on the site.

**RECOMMENDATION:**

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

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

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**CIL DETAILS**

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

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

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:
1. Layout.
  2. Scale.
  3. Appearance.
  4. Landscaping.
- Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development hereby approved shall be carried out in accordance with the following approved plans:
1. Site location plan PL01.
  2. Block plan PL08; and
  3. Proposed Access 33186-H-01 Rev P2 (within the Transport Assessment).
- 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.
- 4 The developer shall enter into a Section 278 agreement with the Local Highway Authority to enable the proposed pedestrian tactile crossing points on Arundel Road to be implemented. The pedestrian improvements shall be completed prior to the occupation of the 29th dwelling in the approved development.
- Reason: In the interests of road safety and accessibility in accordance with Arun Local Plan policies T SP1 & T DM1 and the NPPF.
- 5 The development shall achieve a minimum of 10% energy supply reduction from either the use of decentralised/renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling or the occupation of the community building and shall be thereafter permanently maintained in good working condition.
- Reason: In order to secure a reduction in on site energy use in accordance with Arun Local Plan policy ECC SP2 and the NPPF.
- 6 No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, has been complied with for that dwelling and retained in perpetuity thereafter.

Reason: To improve the sustainability of the dwellings in accordance with Arun Local Plan policies ECC SP1 and W DM1. This condition does not apply to the community building.

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

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

2. Full landscaping details including the use of native trees and compensatory planting on the basis of 2 trees/hedge units for every 1 lost and including a Landscape Management Plan. The landscaping shall strengthen and enhance existing boundaries.

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

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

The lighting scheme shall include a bat friendly Lighting Plan. The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white with a clear view, no UV, a horizontal light spread of less than 70 degrees and a timer. A 3D plan of the illumination level should be supplied so that the Local Planning Authority can assess the potential impact on protected species. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

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

1. A scheme for the provision of facilities to enable the charging of electric vehicles in accordance with the Arun Parking Standards SPD to serve the approved dwellings and community building. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations applicable at the time

(or any subsequent guidance). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

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

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

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

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

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

- 9 The layout and landscape details to be submitted pursuant to condition 1 shall include full details of the required public open space (POS) & play areas and management arrangements. The POS and play areas shall thereafter be implemented in accordance with the provision as agreed prior to occupation of the 29th dwelling and permanently retained thereafter. The approved management details shall be permanently adhered to.

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

- 10 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 1 shall ensure that the scheme makes provision for accommodation to meet the Building Regulations Standards M4(2) and M4(3) in accordance with the Council's guidance note "Accommodation for Older People and People with Disabilities Guidance".

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with Arun Local Plan policies D DM1 and D DM2, section 4 of the Council's guidance Note "Accommodation for Older People and People with Disabilities Guidance" and Walberton Neighbourhood Development Plan policy HP6 2020.

- 11 Where standard double glazed windows are proposed, the details to be submitted pursuant to condition 1 shall include an Overheating Assessment meeting the Chartered Institution of Building Services Engineers (CIBSE) TM59 standard and shall be undertaken with windows closed. The results of this may require the use of plenum windows as an innovative facade design.

Reasons: To mitigate against any issues for future residential occupants concerning heat and ventilation arising as a result of the noise environment in accordance with Arun Local Plan policies D DM1, ECC SP1, and QE DM1.

- 12 The layout, scale and appearance details referred to in Condition 1 shall include details of any temporary sales areas that may be required during the construction and marketing of the development. Such details shall include any temporary buildings or temporary changes to

buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site has been sold. The buildings or area shall be returned to their approved permanent appearance within 3 months of the date of the last building sold.

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

- 13 Before the development hereby permitted is commenced, details of the 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, if appropriate).

Occupation of the development shall be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that waste water network capacity is available to adequately drain the development and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details of any phase or sub-phase.

Reason: To ensure adequate infrastructure is provided to enable the scheme to be satisfactorily drained and avoids adverse impacts upon the Water Source Protection Zone in accordance with Arun Local Plan policies D DM1, W DM1, and W SP1. It is considered necessary for this to be a pre-commencement condition as the foul drainage system goes to the heart of the planning permission.

- 14 The site should be maintained to ensure it does not become suitable for reptiles. Where the site develops suitable reptile habitat (e.g. areas of long grass) between the granting of this outline permission and commencement of the planning permission (post reserved matters approval), then further precautionary reptile surveys (and any mitigation scheme if reptiles are found) must be submitted for approval in writing by the Local Planning Authority prior to commencement.

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

- 15 No development shall take place until an Ecological Design, Management and Monitoring Strategy (EDMMS) for the provision of a minimum 10% on-site biodiversity net gain, has been submitted to and approved in writing by the Local Planning Authority. The EDMMS shall include the following:

1. Description and evaluation of habitat/features proposed (to include full Metric (using most current version) and details of condition assessments).
2. Identification of adequate baseline conditions (for management and monitoring purposes) prior to the start of works (to include full Metric (using most current version) and details of condition assessments).
3. Aims and objectives for the proposed works.
4. Site specific and wider ecological trends and constraints that might influence works.
5. Details of the body/organisation/person/s responsible for undertaking the works and lines of communication.
6. Details of the legal and funding mechanism(s) by which the implementation of the EDMMS



will be secured by the developer with those responsible for its delivery.

7. Detailed design(s) and/or working method(s) to achieve stated objectives including type/source of materials, disposal of any wastes arising from works and appropriate scale plans showing location/area of proposed works.

8. Works Schedule, aligned with any proposed phasing and including an annual work plan capable of being rolled forward over a five-year period.

9. Prescriptions for initial aftercare and long-term management that will ensure the aims/objectives are met.

10. Details for on-going monitoring in years 2, 5, 10, 15, 20, 25 and 30, including:

a. Appropriate success criteria, thresholds, triggers, and targets against which the effectiveness of the work can be measured.

b. Methods for data gathering and analysis.

c. Location, timing, and duration of monitoring

d. Review, and where appropriate, publication of results and outcomes, including when monitoring reports will be submitted to the Local Planning Authority.

e. How contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and implemented so that the original aims/objectives of the approved scheme are met.

The EDMMS shall be implemented in accordance with the approved details and all habitats/features shall be retained in that manner thereafter.

Reason: To ensure measurable net gains to biodiversity and in accordance with the Environment Act 2021 and Arun Local Plan policies ENV SP1 and ENV DM5. This is required to be a pre-commencement condition by virtue of schedule 7A to the Town and Country Planning Act 1990.

16 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 (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.

1. Risk assessment of construction activities potentially damaging to biodiversity.

2. Identification of "biodiversity protection zones".

3. Practical measures (both physical measures and sensitive working practices) to avoid or reduce ecological impacts during construction (may be provided as a set of method statements).

4. The location and timing of sensitive works to avoid harm to biodiversity features.

5. The times during construction when specialist ecologists need to be present on site to oversee works.

6. Responsible persons and lines of communication.

7. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

8. Use of protective fences, exclusion barriers and warning signs.

9. Containment, control, and removal of any invasive non-native species present on site.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to

discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species), and Arun Local Plan policy ENV DM5. This is required to be a pre-commencement condition as otherwise there would be a risk of harm to protected species and their habitat.

- 17 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-air.net/Reports/SussexAQGuidanceV.12020.pdf](http://www.sussex-air.net/Reports/SussexAQGuidanceV.12020.pdf).

The assessment shall include full details of the measures necessary to mitigate the emissions as calculated in the assessment.

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

- 18 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 in writing 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.

- 19 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 WSCC Highways, the council's Environmental Health Officer and Portsmouth Water 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:

1. The phased programme of construction works.
2. 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).
3. The preferred road routing for all construction traffic associated with the development.
4. 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).
5. Details of street sweeping.
6. Details of a means of suppressing dust & dirt arising from the development.
7. A scheme for recycling/disposing of waste resulting from demolition and construction works (i.e., no burning permitted).
8. Details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination).
9. Details of areas for the loading, unloading, parking, and turning of vehicles associated with the construction of the development.
10. Details of areas to be used for the storage of plant and materials associated with the

development.

11. 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).

12. Contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).

13. Details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works.

14. Details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage.

15. 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).

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/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 Arun Local Plan policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 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.

20 Prior to the commencement of development a scheme for incidental extraction of the safeguarded mineral resources underlying the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to:

- An assessment of the extent, volume and practicability for incidental extraction, which shall be based on detailed ground investigations; and
- The methodology for which any identified incidental mineral extraction would be carried out, which shall include a detailed programme/phasing of extraction, and details of the proposed destination/use of the mineral.

Reason: In the interests of safeguarding important minerals in accordance with West Sussex Joint Minerals Local Plan Policy M9. This is required to be a pre-commencement condition because extraction works will need be agreed and ready to start upon commencement.

21 No piling or any other foundation construction using penetrative methods shall be carried out other than with the express written consent of the Local Planning Authority (who shall consult with the Environment Agency & Portsmouth Water). The development shall be carried out in accordance with the approved details.

A piling risk assessment and method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration, and the programme for the works) should be submitted to and approved in writing.

It must be demonstrated that any proposed piling:

1. Will not result in contamination of groundwater.
2. Will not increase risk to drinking water supplies (including turbidity); and
3. Will not deteriorate the transmissivity of the aquifer.

Reason: Piling or any other foundation designs using penetrative methods can pose a risk to potable water supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways. This condition is imposed in accordance with Arun Local Plan policies W SP1 & W DM1 and the NPPF. This is not strictly a pre-commencement condition as other means of foundations are available however, if piling must be used then these details must be agreed prior to commencement and this condition is required because otherwise the water supplies under the site could be adversely affected.

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

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

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

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

- 24 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 or building forming part of the proposed development, the applicant/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 Arun Local Plan policies INF SP1 and T SP1 and in accordance with The Fire & Rescue Service Act 2004.

25 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing 33186-H-01 Rev P2 "Proposed Access" (as contained within the Transport Assessment).

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

26 No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with the plans and details approved by the reserved matters permission and the relevant drainage conditions.

Reason: To secure satisfactory standards of access for the proposed development and in accordance with Arun Local Plan policy T SP1.

27 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 National Highways (or subsequent named body).

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

28 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Enhancement Strategy shall be in accordance with the recommendations of the submitted Ecological Assessment (ref DFA24068, Aug 24) and Ecological Assessment Addendum Report - Reptile Surveys (ref DFA24068A, Oct 24) and include the following:

1. Purpose and conservation objectives for the proposed enhancement measures.
2. Detailed designs to achieve stated objectives.
3. Locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans (where applicable).
4. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
5. Persons responsible for implementing the enhancement measures.
6. Details of initial aftercare and long-term maintenance (where relevant).

The works shall also include new nesting habitat for bats and bee bricks/invertebrate hotels across the site. The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: 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 ENV SP1 and ENV DM5.

29 Prior to the occupation of any part of the development, the applicant or developer shall ensure that infrastructure is implemented to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage thresholds to buildings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a

broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

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

- 30 Prior to the development being first occupied, details of the works to improve Footpath 2825 for pedestrian use between Arundel Road and its most northerly point within the site area along with a phasing plan for delivery of the improvement works shall be submitted to and be approved in writing by the Local Planning Authority. Construction of the agreed scheme shall be carried out in accordance with the approved details and programme, with all works completed prior to occupation of the 50th dwelling.

Reason: To ensure that suitable materials are used for the surfacing works and to safeguard users, in accordance with Arun Local Plan policies D DM1, T SP1 and T DM1.

- 31 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.

- 32 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority, and
2. The planning authority has approved the plan.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

For guidance on the contents of the Biodiversity Gain Plans that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

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

(1) The provision of 30% affordable dwellings (consisting of 67% affordable rented, 25% First Homes & 8% Intermediate).

(2) A Secondary School Transport Contribution.

(3) A Travel Plan monitoring/auditing fee (index linked).

(4) On-site BNG and future management/monitoring.

(5) ADC's standard monitoring fee of £2000; and

(6) WSCC's standard monitoring fees.

35 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>.

36 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 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](mailto:Frs.waterandaccess@westsussex.gov.uk)

37 INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing, should such works be required. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

38 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The

applicant should be aware that a charge will be applied for this service.

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

40 INFORMATIVE: Should the applicant intend to offer any of the internal estate roads for adoption under S38 of the Highways Act 1980, they will be required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover these. The applicant should contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk. Additionally, any works offered for adoption must connect to other roads that form part of the adopted highway network or are confirmed as being secured for adoption under S38.

41 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 22/08/24) as available on the council's website.

42 INFORMATIVE: A closure of the public footpath will be required during improvement works and a temporary closure application must be submitted to this departments at least 6 weeks in advance. Beyond any improvement work, the applicant is urged to allow access to the footpath during other phases of the development, however if this is not possible for practical or safety reasons a temporary closure application will also be required as above.

43 INFORMATIVE: In the interests of trees, the new surfacing works to the public footpath should be self-compacting and of a permeable construction, avoiding excavation near to any higher value trees on the site.

44 INFORMATIVE: The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- Excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.
- Treated materials can be transferred between sites as part of a hub and cluster project some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The EA recommend that developers should refer to:

- The position statement on the Definition of Waste: Development Industry Code of Practice; and
- The waste management page on GOV.UK.

45 INFORMATIVE: Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:



- Duty of Care Regulations 1991.
- Hazardous Waste (England and Wales) Regulations 2005.
- Environmental Permitting (England and Wales) Regulations 2016; and
- The Waste (England and Wales) Regulations 2011.

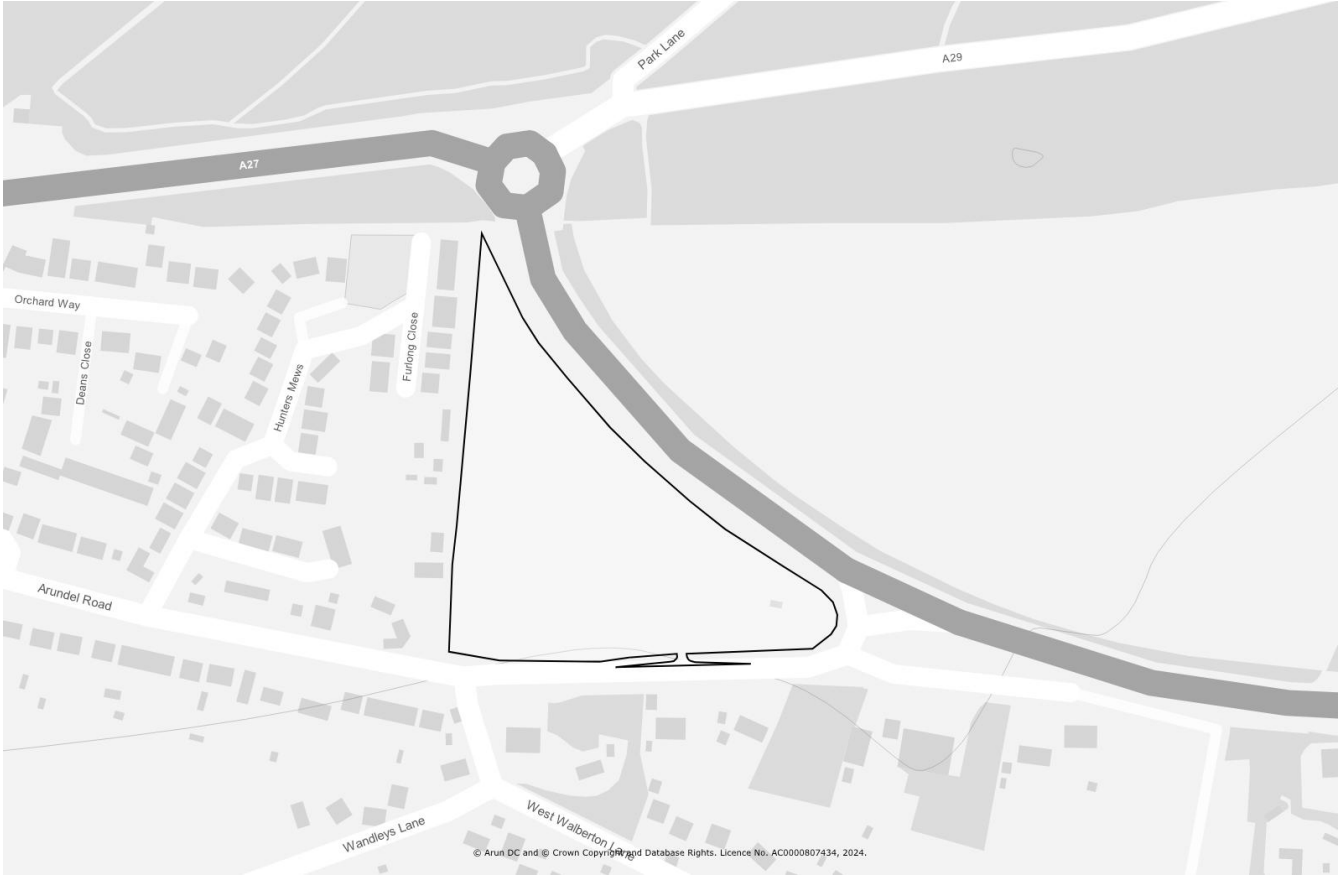
Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If you receive (or reject) any hazardous waste, you must send a report to the Environment Agency. These are known as 'returns'. If you dispose of hazardous waste at the premises where it's produced you may also need to send returns. You should follow the "Hazardous waste: consignee returns guidance" Please do not hesitate to contact the EA should you have any queries.

## BACKGROUND PAPERS

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

**WA/74/24/OUT - 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/186/24/S73

LOCATION: Mewsbrook Park,  
Trading Kiosk  
Hendon Avenue  
Littlehampton  
BN16 2LX

PROPOSAL: Variation of condition 2 and 7 imposed under LU/158/22/PL relating to approved plans and rewording of period for decentralised, renewable, low carbon energy supply system to a 12 month period and removal of condition 8 relating to full details of biodiversity (green/brown) roof.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION This application seeks to vary condition 2 relating to the plans of application reference LU/158/22/PL, to remove condition 8 relating to biodiversity net gain in favour of alternative details, and to vary condition 7 by extending the timeline for the installation of solar panels.

**RELEVANT SITE HISTORY**

LU/158/22/PL	Demolition of existing cafe and change of use of a public WC and extension of the same to form extended detached single storey cafe. This site is in CIL Zone 5 (Zero Rated) as other development.	ApproveConditionally 25-08-22
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LU/158/22/PL granted approval for the demolition of a cafe, and the change of use and extension of a Public WC to form a new cafe.

**REPRESENTATIONS**

Littlehampton Town Council (07/11/24) - Objection:  
- The built structure is different to the original application and it is unclear if that has been approved and relaxing the planning conditions of the prior approval is viewed as setting a dangerous precedent.

Littlehampton Town Council (13/08/24) - No objection:  
- The committee would appreciate confirmation that the public toilets will remain accessible outside the opening hours of the Cafe.

No other representations.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted. This application pertains solely to the variations proposed and does not include the opening hours of the site or access to toilets out of opening hours. The loss of the use of the public conveniences outside of the standard opening hours of the new cafe, was accepted at the original application stage (LU/158/22/PL), in part, on the basis that the Council's Cabinet had made a decision to close the public conveniences in question in 2018.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

Ecologist (07/11/24):

- No objection to the use of ground level planting and ecological features as an alternative to the green roof as this is preferable.
- Before recommending approval, sought additional details regarding the species proposed for planting.

Ecologist (08/11/24):

- Species proposed are acceptable. Recommend approval.

**COMMENTS ON CONSULTATION RESPONSES:**

Noted.

**POLICY CONTEXT**

Designation applicable to site:  
 Outside Built-Up Area Boundary  
 Flood Zone 3  
 Designated Open Space

**DEVELOPMENT PLAN POLICIES**

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

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**POLICY COMMENTARY**

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

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal complies with relevant Development Plan policies in that the building remains of an acceptable visual amenity and the proposal would achieve a biodiversity net gain, and utilise adequate renewable energy sources.

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**

**MATTERS FOR CONSIDERATION**

This application seeks to vary condition 2 (the approved plans), remove condition 8 (pertaining to the provision of a green roof) in favour of biodiversity net gain details provided, and to vary condition 7 (renewable energy sources) to impose a 12-month timeline for the installation of solar panels.

This application is retrospective insofar as the development has been implemented in accordance with the plans submitted, with the exception of the solar panels and biodiversity net gain matters which are matters to be directly considered by this application. A schedule of materials was approved under a discharge of conditions application (LU/157/24/DOC). As the majority of the works have been completed, and materials approved, there is no need to re-impose conditions 3 and 5 (unexpected contamination and approval of materials) of the original permission.

Since the determination of the original permission, condition 6 (construction hours) has been revised to not include reference to 'noisy works' on Sundays, as this is a subjective term and difficult to enforce. Reference to 'noisy works' has been replaced with preventing works on Sundays altogether.

All other matters approved by LU/158/22/PL remain as approved and are not affected by this application.

**DESIGN & VISUAL AMENITY**

Variations to the plans include the replacement of vertical cladding with horizontal cladding and application of the cladding to the south elevation, a slightly reduced service hatch to the north elevation, loss of the green roof, altered roof shape, revised solar panel layout, an alternative and revised fenestration and openings layout, and the removal of the proposed seating area in favour of retaining a seating area to the north of the site that was originally proposed for removal.

The revisions to the design do not alter the scale or general form of the building, but they do result in a building of a varied design, nonetheless. The alterations have not resulted in a building of an unacceptable visual amenity, nor does the building compromise the character of the area.

The amended plans remain acceptable and in accordance with policy D SP1 & D DM1 of the ALP.

#### **BIODIVERSITY NET GAIN**

The original application proposed to use a green roof to offset the loss of grass and planting to the east of the cafe and achieve biodiversity improvements in line with Policy ENV DM5 of the ALP. Green roofs are often difficult to maintain, and ground-level planting and ecological enhancement schemes are generally preferable, being more accessible for wildlife and more visually accessible to users of the site. Whilst the green roof provided a suitable option for achieving biodiversity improvements on site under the original permission, it is understood that it has proven difficult to bring this feature forward and ensure it can be suitably maintained. An alternative scheme is proposed for planting and ecological enhancement features to be provided at ground-level to the east and southeast of the building. This would replace what was proposed to be a hardstanding and seating area to the east of the cafe, and to retain the pre-existing seating area to the north of the cafe.

It would not be suitable to simply remove condition 8 (relating to the green roof and biodiversity net gain requirements of the permission) without imposing a new condition to secure the alternative biodiversity net gain measures proposed. A timeline of six months, or within the next planting season, whichever is sooner, has been imposed.

The applicant produced a planting schedule that identifies the various features to be planted on site. The Council's Ecologist is satisfied that the revised scheme would achieve a biodiversity net gain in accordance with Policy ENV DM5 of the ALP and is an acceptable alternative to the originally approved green-roof scheme.

The proposal is in accordance with Policy ENV DM5 of the ALP. Condition 8 (pertaining to green roof and biodiversity net gain) can be removed in favour of a condition with another that secures the biodiversity net gain scheme now proposed.

#### **ENERGY EFFICIENCY**

Condition 7 (renewable energy sources) of the original permission required the applicant to submit a scheme for the use of decentralised, renewable, and low carbon energy supply systems and subsequently installed prior to occupation and retained thereafter in good working order. The cafe has opened without the approval or installation of such a scheme. The reasoning provided for non-compliance is the rise in building costs since the approval. This application has provided a scheme for the use of solar panels on the roof which is acceptable in principle. The amended solar panel details are acceptable provided it is implemented within 12 months of this decision.

Subject to the compliance with the new condition, the proposal will be in accordance with policy ECC SP2 of the ALP.

#### **SUMMARY**

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

#### DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

#### RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of the original permission granted under LU/158/22/PL (25/08/22).

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

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

- Elevations, Floor Plans, Site plan & Location Plan 149/ 01, Revision C.
- Email correspondence identifying proposed planting schedule (Dated: 8th November 2024).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D SP1, D DM1, ECC SP2 & ENV DM5.

- 3 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated June 2022 by Innervision Design Ltd and the mitigation measures detailed within it.

Reason: To reduce the risk and impact of flooding on the proposed development in accordance with policies W SP1 and W DM2 of the Arun Local Plan.

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

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

5 The solar panels identified within the 'Energize solar quotation' document (Accepted: 23/07/24) shall be installed within 12 months of this decision.

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

6 The planting and ecological enhancement measures identified within the 'Elevations, Floor Plans, Site plan & Location Plan 149/ 01, Revision C', and the planting schedule set out in 'Email correspondence identifying proposed planting schedule (Dated: 8th November 2024)' hereby approved shall be carried out in the next planting season.

Reason: For the avoidance of doubt and to ensure the proposal achieves a biodiversity net gain in accordance with policy ENV DM5 of the Arun Local Plan.

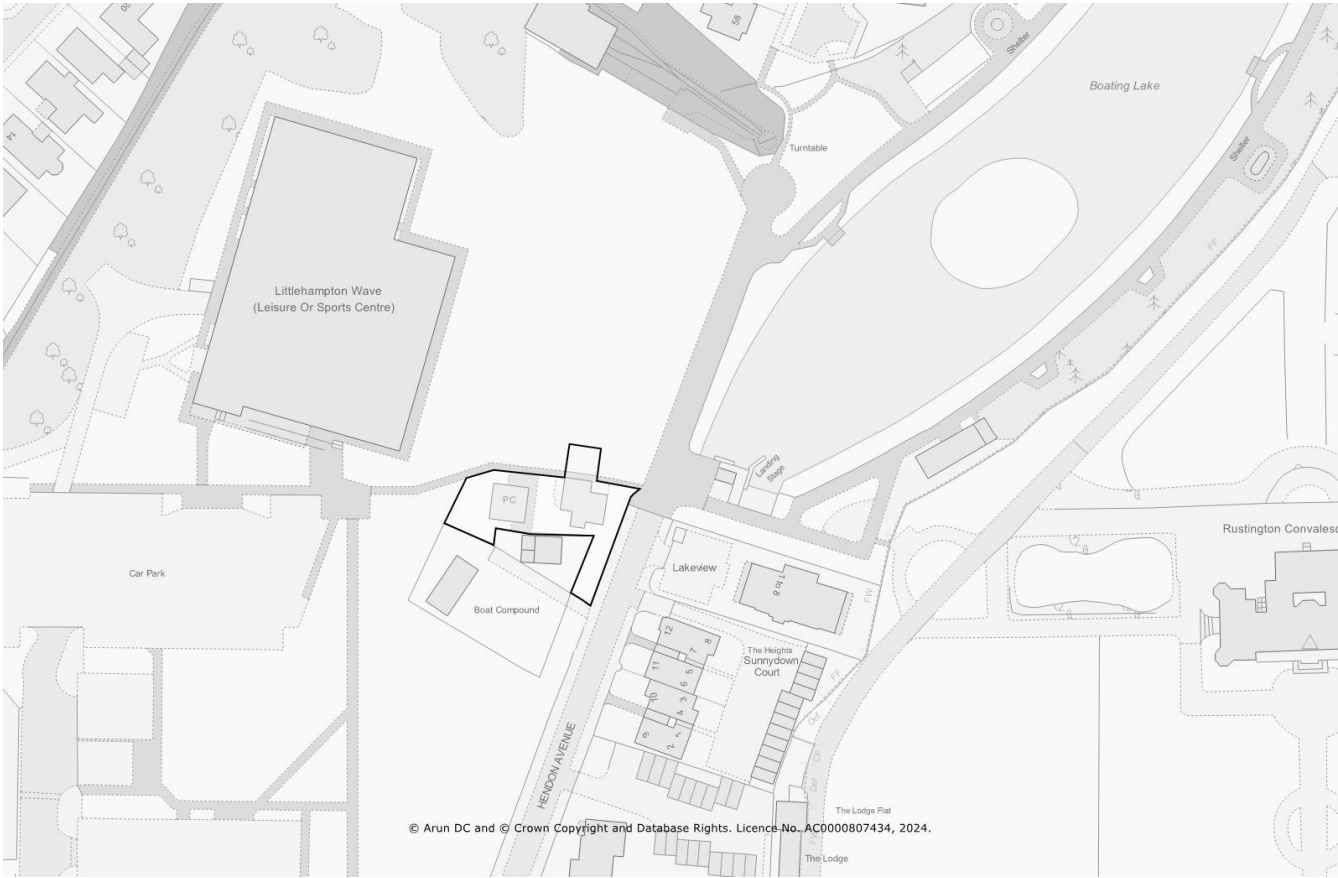
7 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, 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.](https://www.arun.gov.uk/weekly-lists)



**LU/186/24/S73 - Indicative Location Plan (Do not Scale or Copy)**  
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PLANNING APPLICATION REPORT

REF NO: LU/242/24/PL

LOCATION: 1-5 St Martins Lane  
Littlehampton  
BN17 6BS

PROPOSAL: Change of use to F1 and F2 community centre and place of worship. This application is in CIL zone 4 (zero rated) as other development.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application seeks permission for the Change of Use to F1 and F2 Community Centre and Place of Worship.
SITE AREA	270sqm (218sqm total internal area for the building).
SITE CHARACTERISTICS	Premises used for retail, office and professional services. Most recently, the ground floor of the site has been used as a retail unit for Shopmobility.
CHARACTER OF LOCALITY	Littlehampton town centre, comprising a mix of commercial, retail, office, leisure and residential uses.

**REPRESENTATIONS**

Littlehampton Town Council - Support.

107 letters of objection. General comments concern:

- Parking.
- Traffic and congestion.
- Overcrowding
- Anti-social behaviour, crime and safety.
- Low benefit to the wider community.
- Noise pollution.
- Disruption to the town.
- Harm to businesses.
- Confusion regarding the funding for this proposal.
- Inappropriate location.
- Air pollution.
- Harm to neighbouring properties.
- Existing places of worship in Worthing and Bognor.

2 letters of no objection. General comments concern:

- Parking, however query whether spaces for the centre can be limited to ensure there is not a reduction in parking availability for other users of the town.
- Increase in footfall for the town centre, which may benefit businesses.

27 letters of support. General comments concern:

- Sufficient parking provision in the town centre, and a good location for public transport.

- Positive for the community.
- Will benefit businesses by bringing visitors / footfall into the town centre.
- Increases multicultural and community facilities.
- Positive for supporting diversity and inclusion.
- Positive environmental impacts.
- There is an established Muslim Community in Littlehampton. A group are already accommodated at the nearby Church for Friday prayers and this has no impact on parking.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted. Only issues raised which are material to planning can be taken into account.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

ADC ENVIRONMENTAL HEALTH (EH):  
No objection subject to conditions.

WSCC HIGHWAYS:

Holding objection. More information is required to understand trip impact the development would have on vehicle trips and trips made on foot to the site.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. The EH condition regarding opening hours refers to playgroups/nurseries. This has been queried with EH, who confirm the opening hour condition is for the operation of the whole premises, in order to protect neighbouring amenity.

**POLICY CONTEXT**

- Built Up Area Boundary
- Economic Growth Area
- Town Centre Retail Boundary
- 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
DSP1	D SP1 Design
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
RETSP1	RET SP1 Hierachy of Town Centres
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary

TDM1	T DM1 Sustainable Travel and Public Rights of Way
TDM2	T DM2 Public Parking
TSP1	T SP1 Transport and Development

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

**PLANNING POLICY GUIDANCE:**

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 conflicts with relevant Development Plan policies in that it would result in adverse harm to residential and amenity and it has not been demonstrated that highway/parking impacts of the scheme have been acceptable.

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 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. The key policies are SD SP1, SD SP2, D DM1, D SP1, ENV DM5, ENV SP1, QE DM1, QE SP1, RET DM1, RET SP1, T DM1, T DM2, and T SP1 of the Arun Local Plan (ALP), and certain paragraphs of the NPPF. These will be assessed in relation to the sections outlined below.

Littlehampton has a 'made' Neighbourhood Development Plan (LNDP), of which Policies 1 and 2 are relevant. These policies concern the presumption in favour of sustainable development, and concentrating community related development in the BUAB.

The Arun Design Guide (ADG) and Arun Parking Standards SPD are pertinent to this application.

NPPF paragraph 124 supports the effective and efficient use of land for sites in the built-up area but advises new development should maintain an area's prevailing character and setting.

The NPPF gives a presumption in favour of sustainable development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits (para 11(d) ii.) and generally seeks to promote the effective use of all land (para 124) and gives weight to proposals that develop under-utilised land and buildings (para 125 (d)). Paragraph 11(c) states that development proposals that accord with an up-to-date development plan should be approved without delay. 11(c) is relevant in this case as the proposal is in the Built Up Area Boundary and will be determined under an adopted local plan.

The building is in a sustainable location in Littlehampton town centre, with easy access by foot, bicycle, car, bus or train. The change of use poses an appropriate use of an existing unit, and as such, this proposal is acceptable in principle.

#### LOSS OF RETAIL UNITS

The change of use and conversion from retail and office uses to a local community facility is supported under Policy RET SP1 as this policy seeks to reinforce town centre's roles to meet community needs by providing a range of activities including cultural and community development. It goes on to state that Littlehampton (along with Bognor Regis) will be the predominant focus for these activities.

Policy RET DM1 seeks to maintain the hierarchy of town centres provided that (a) the proposal is of a high standard of design, materials, and layout, (b) it is easily accessible by public transport, (c) it includes provision for access on foot and by bicycle, (d) it includes suitable access to enable disabled persons to access the provision and (e) the design incorporates crime prevention measures.

The ground floor retail unit was used by Shopmobility until March / April 2024, following a 25 year lease. This business moved into premises in Manor House Car Park; 1-5 St Martins Lane has remained unoccupied by a retail use since this move.

Criteria a - e are all met by the proposal. The site will re-use an existing building, with no external changes proposed. It is next to St Martins Car Park, with easy accessibility to and from the town centre, and local public transport facilities, such as bus stops at Anchor Springs, and Littlehampton Railway Station. This locality provides sufficient access for those on foot or by bicycle. The ground floor unit is currently fully accessible for disabled persons, and this will be retained. The site has 6 parking spaces to the front and side of the building, of which one space could be conditioned to be for disabled use only to meet this accessibility requirement. The building has a good outlook on public areas and natural surveillance is provided of the site from surrounding properties, including residential properties, such that its layout provides good crime prevention measures.

Separate to RET DM1, but relevant to RET SP1, are the benefits of a community facility and place of worship in the town centre, in addition in reinforcing the towns cultural and community needs. A community facility could bring greater footfall of visitors into the area. Whilst the interest of visits may be focused centrally on the proposed premises, by having a greater number of people visiting the area, there is a higher probability that people may bring custom to town centre businesses. The vitality of Littlehampton is a key focus within policies of the ALP, to ensure that development proposals offer benefit to the improvement of the town centre. The provision of a community centre and place of worship, aids this focus and increases the likelihood of businesses benefitting from higher numbers of patronage associated with the use.

The proposal is in accordance with RET DM1 (a-e) and RET SP1, proposing a suitable and sustainable redevelopment of an empty retail unit.

#### DESIGN / VISUAL AMENITY AND CHARACTER

As the proposal seeks no internal or external alterations to the premises, there will be no change to the design or visual amenity of the site. There is no conflict with D DM1 of the ALP.

The change of use will result in some impact on the character of the area. The site was used for the retail of mobility aids at ground floor, and office above. This use was coherent with the character of surrounding businesses in the locality, and complimentary to the retail character of the town centre. The proposed use is of a differing character, providing a community hub and provisions for the purpose of worship. The footfall and movement of users of this building is anticipated to vary throughout the day, and will be open for longer periods than the retail unit. This will result in an increase in the intensity of the use of this building, with impact on the wider area (discussed further below). In regard to its character as a community centre and place of worship, this is reflective of other nearby premises such as Littlehampton United Church (to the west). Community uses, regardless of religion, are a form of development which is complimentary to the varied character of town centres, especially in Littlehampton where there are limited community centres in the town centre. The development would remain in keeping with the character of the locality, and would be a positive addition to the variety of different uses in the area.

Policy 2 of the LNDP seeks to concentrate community-related development in the built-up area boundary. This proposal would see the sustainable reuse of a building in the town centre retail boundary, of a character coherent with the existing uses of this locality.

The proposal is in accordance with D DM1 and D SP1 of the ALP, Policy 2 of the LNDP and the Arun Design Guide, and will have little harm to the character of the locality.

#### RESIDENTIAL AMENITY / QUALITY OF THE ENVIRONMENT

ALP policy D DM1(3) requires the consideration of impacts of neighbouring amenity such as loss of sunlight, privacy and outlook and unacceptable noise and disturbance. In this instance the primary concern is potential for noise and disturbance, as there will be no change to the structure of the building to result in a change in existing overbearing, overlooking or overshadowing.

Policy QE SP1 of the ALP requires that all development contributes positively to the quality of the environment and does not have a significantly negative impact upon residential amenity. Policy QE DM1 seeks to protect against the impacts of new noise generating development.

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 are approximately 70 residential units within 100m of the premises, and 17 within 50m; the closest of which being 2 units 11m away. This gives rise to potential harm to a substantial number of nearby occupiers.

The proposal includes a number of services, groups and events which will be provided by the centre. This is to include:

- Youth mentoring / personal development (5-10 people)
- Youth counselling (5-10 people)
- After school and holiday youth clubs (10-30 people)
- Advice for domestic conflict (2-4 people)
- Weekend cultural talks / events (up to 50 people)
- Evening community events (up to 50 people)
- Weekend playgroups (10-30 people)
- Adult learning (weekdays, 5-15 people)
- Children after school classes (20-50 people)
- Daily prayers (5-50 people)

It has been noted by the agent in an updated statement that attendance of prayers and other events / groups could result in up to 150 attendees.

This schedule of services identifies that the centre will be used most heavily from approximately 12pm to 9pm during weekdays, and throughout the day during weekends. There would be an occasional increase of visitors from early morning to night to attend daily prayers. This would see groups of visitors at the following times of day:

- Dawn, just before sunrise (from 4.30am to 6am)
- Midday (12pm to 2pm)
- Late afternoon (3pm to 5.30pm)
- Just after sunset (4pm to 9pm)
- Between sunset and midnight (8pm to 10.30pm)

Prayers are expected to last up to 15 minutes during the proposed time slots, and will take place 5 times a day. This will result in some noise and disturbance upon arrival and on departure for each prayer by those attending the centre, which will have an impact on nearby residents. No Noise Impact Assessment has been undertaken, however the hours of operation have been confirmed to be 4.30am to 10.30pm. No call to prayer will be audible from outside the building.

Environmental Health Officers (EH) were consulted to assess potential harm to the locality from noise pollution and other disruption. EH did not object but requested conditions to mitigate harm to the local area. This includes a restriction on the use of sound reproduction or amplification equipment which is audible outside the site boundary, and the requirement for a pre-commencement condition securing the submission of a Noise Management Plan to be approved. This Noise Management Plan must include (but is not limited to) details of:- hours of operation, management responsibilities during opening hours, measures to control noise from activities and operations at the site (including the operation of any equipment plant or building services) and minimising noise from vehicles, deliveries and servicing.

The imposition of this condition would not allow the centre to operate, unless and until an acceptable plan has been submitted and approved. The details of the noise to be produced by the centre must be of



a level that is appropriate for the locality, and will not result in significant noise pollution and disruption which would harm the quality of the environment from nearby occupiers. This is a reasonable condition to mitigate any unduly harmful impacts to residential amenity from noise.

EH requested a condition restricting the opening hours of the premises. This would be limited to 8am to 6pm Monday to Saturday, and 9am to 4pm on Sundays and Public Holidays. This condition would restrict the use of the building during anti-social hours, to protect neighbouring occupiers from unacceptable noise pollution. EH would object to any use in the early morning or at night, as, whilst the premises can be controlled, associated on-street activity cannot, and this would be the activity most harmful to residential amenity.

The lack of noise impact assessment provided with this application is of significant concern. Whilst an hours of operation condition could be applied, this would be unable to accommodate all proposed activities of the development, and would significantly limit the use of the building for the community. Given the number of attendees proposed for the groups, and the hours of operation needing to run from 4.30am to 10.30pm, an objection to the development is raised until sufficient evidence has been provided to demonstrate that the amount of noise produced by the use of the building would not be unduly harmful to residential amenity, and the quality of the environment. At present, with the lack of information, officers cannot be confident that the use would not have undue detriment to neighbouring amenity as a result of noise pollution, which would directly conflict policies D DM1, QE SP1, and QE DM1, on the grounds of noise and disturbance.

Insufficient evidence has been provided to demonstrate the use of the building would not result in adverse noise pollution, which would be unduly harmful to the quality of the environment and amenities of nearby residents. As such, proposal is in conflict with D DM1, QE SP1 and QE DM1 of the Arun Local Plan, and recommended for refusal on these grounds.

## HIGHWAYS, PARKING AND ACCESS

Policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 of the ALP sets four criteria (a-d) which all development must meet. This prioritises the proposal having easy access of established public transport services, and promoting and improving the cycle networks. Policy T DM2 concerns the loss of town centre car parks. The development will have an impact on car park capacity at varying times throughout the day, but will not result in their loss.

Para 116 of the NPPF 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, following mitigation, would be severe, taking into account all reasonable future scenarios.'

Arun has adopted a Parking Standards SPD (Jan 2020) (APS). 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.

Table 4.1 of the APS sets out requirements for vehicular and cycle parking provision in non residential developments. This table references the use classes prior to the change in 2020, and in this case the proposal concerns development within the D1 and D2 use classes. For use class D1, vehicular and cycle parking is set on a site specific assessment based on a travel plan and needs; and for D2 it is required that 1 space per 22sqm is provided for large scale places, or 1 space per 15sqm if serving more than a local catchment. For cycle parking 1 space per 4 staff plus visitor / customer is required. The

development is to serve the needs of the local catchment, with a potential attendance (as stated by the appellant) of 150 visitors; however this is the closest criteria. The total internal area of the property would be 218sqm. Under the APS requirements, 10 (9.9) vehicular parking spaces would be required to meet the APS minimum.

The off-street parking capacity in the immediate vicinity and wider area should also be considered, as this will offer a potential alternative if parking on site is at capacity. The following Council owned public car parks are in walking distance of the premises:

Within 150m:

St Martins Car Park - Capacity 153 spaces (with 11 Blue Badge and 1 motorcycle bays).

Anchor Springs Car Park - Capacity 27 spaces (with 2 Blue Badge spaces).

Within 250m:

River Road Car Park - Capacity 19 spaces (with 3 Blue Badge spaces).

Surrey Street Car Park - Capacity 43 spaces (with 3 Blue Badge spaces).

Within 500m:

Manor House Car Park - Capacity 104 spaces (with 7 Blue Badge spaces and 2 motorcycle bays).

346 publicly available parking spaces are accessible within 500m of the site. However, it is not for the Local Planning Authority to demonstrate that the development will not have an adverse impact on highway amenity and parking provision, it is for the applicant to demonstrate this. WSCC Highways have raised a holding objection, on the basis that more information is required. The application has not been accompanied by a travel plan, and subsequently it is not demonstrated that the level of parking provided both by the site, and surrounding car parks, would be sufficient to accommodate the level of vehicles needing to park by attendees. It is understood up to 150 people could attend the site at any one time, which could put undue strain on parking provision in the area, to the detriment of other uses of the car parks. Without sufficient supporting evidence, the Local Planning Authority must consider the potential harm to highway amenity, and agree with the Local Highway Authority that further information must be provided. The previous use of the building would have parking demands/vehicle movements associated with it. The concerns raised relate to the potential difference between the previous use and the proposed use. Until it is evidenced that the new use of the building would not have unacceptable harm to parking provision in the area, refusal on this basis must be upheld, in accordance with policies T DM1 and T SP1 of the Arun Local Plan.

Being in a town centre and near car parks, the development is also expected to result in an increase in traffic on local highway networks, especially at times of prayer or larger community gatherings / events. The siting of the premises is such that not all visitors require transportation by vehicle, and whilst it is anticipated that car use in the locality may increase, the close proximities to other public transport networks will encourage visitors to use different methods other than via the highway network. The community centre is proposed to serve the local community, in order to provide a hub for those in Littlehampton who attend centres in Worthing and Bognor Regis. The centre serves those who currently need to drive to the other locations, and a closer location reduces the need to use a vehicle to attend the centre. Subsequently, it is more likely that visitors will attend on foot or by public transport, as they will be visiting from the surrounding area and in walking distance.

In regard to cycle parking, there is ample provision in St Martins Car Park, and the High Street for visitors to lock their bicycles. It is not necessary for the building to provide on site covered and secure cycle parking. The scale of the site, and positioning of vehicular parking spaces around the perimeter of the building would make it difficult for a sufficient number of cycle parking spaces to be provided which are able to be secure and covered, without impeding on the access to the building (especially in events of

fire escape) and associated car parking spaces. Cycle parking could be provided to the front of the property, where the verge is too narrow to facilitate car parking; however this could not be covered as it would restrict a number of ground floor windows of the building, and would potentially detract from its visual amenity. Any spaces in this location would be no more secure or covered than spaces in St Martins car park to the north and west.

There are concerns that an increase in visitors could result in on-street parking congesting the accessibility into the town centre from St Martins Car Park, especially in St Martins Lane and St Martins Road, and other neighbouring roads. Whilst there is a possibility vehicle users may be tempted to park along on the roads, they would be forced in most cases to park on double yellow lines, if on-street parking spaces are unavailable. This would leave them open to measures undertaken by parking / traffic enforcement. It is anticipated that the traffic enforcement measures in this location will deter visitors from parking illegally or in an unsafe manner.

It is material to note that the local Muslim community are currently accommodated for some prayers nearby at the Littlehampton United Church. This premises abuts St Martins Car Park, and whilst it is anticipated an individual community centre would attract an increased number of visitors, it should be acknowledged that to date there are no known issues or disruptions associated with the community using the Littlehampton United Church in regard to parking or congestion. However, given the anticipated level of attendance of the proposed building, it cannot be guaranteed that the site would operate in the same way as current meetings at Littlehampton United Church.

Due to the absence of a travel plan, it has not been demonstrated that the level of on-site parking provision is sufficient to accommodate the number of attendees to the site. No information has also been provided detailing information of vehicle trips and trips by foot, and whilst it is anticipated that not all attendees will attend via car, further information is required to evidence this. It therefore has not been demonstrated that the change of use would not result in adverse harm to the highway network, nor put undue strain on local parking provision to the detriment of other users. As such, the proposal is in conflict with T SP1, T DM1 and T DM2 of the ALP, the APS and the NPPF, and must be refused on these grounds.

## BIODIVERSITY

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

The proposal would see the renovation of a brownfield site. This site offers little ecological value, being fully hardstanding. There are no priority habitats on site, and existing sealed surfaces are exempt from the 10% BNG requirement. There will be no change to the ecological value of the site.

Biodiversity Net Gain for small sites came in on the 2 April 2024, requiring all sites provide 10% BNG on or off site, unless exempt. Whilst this requirement is now active, 10% is not required for this application as it is subject to de minimis exemption. Therefore, the lack of ecological enhancement on site does not warrant refusal, and the application is in accord with ENV DM5.

## SUMMARY

Whilst the principle of development is acceptable, insufficient information in relation to highways, parking, and noise pollution has been submitted. Therefore, it cannot be confirmed that the change of use would not result in adverse harm to highway amenity, the amenity of nearby residents, nor the quality of the

environment. This is in conflict with ALP policies D DM1, QE SP1, QE DM1, T SP1, T DM1 and T DM2, the Arun Parking Standards, and the NPPF. As such, the proposal is recommended for refusal.

**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 positive impact on the protected characteristics of religion.

**RECOMMENDATION**

REFUSE

- 1 Insufficient information has been provided evidencing that the level of parking provision on site is sufficient to accommodate the users of the building; specifically in regard to the level of vehicle trips and trips made on foot to the site. Therefore, it has not been demonstrated that the change of use of the building would not negatively affect highway amenity, nor parking provision in the area to the detriment of other vehicle users. This is therefore in conflict with policies T DM1 and T SP1 of the Arun Local Plan, the Arun Parking Standards, and the NPPF.
- 2 Insufficient information has been provided in regard to noise pollution. The proposed use of the building during antisocial hours would result in detrimental harm to the amenity of nearby occupiers, and the quality of the environment. This is in conflict with D DM1, QE SP1 and QE DM1 of the Arun Local Plan, and the NPPF.
- 3 **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 with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

**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/242/24/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:** FG/92/24/PL

**LOCATION:** Land to the rear of 1 Sea Drive  
Ferring  
BN12 5HD

**PROPOSAL:** 1 No dwelling. This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

<b>SITE AND SURROUNDINGS</b>
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<b>DESCRIPTION OF APPLICATION</b>	<p>This application seeks permission for a new detached dwelling to the rear garden of No. 1 Sea Drive.</p> <p>The dwelling would consist of a part two storey, part single storey pitched roof building including 3 bedrooms and a kitchen at ground floor with an open plan living area at first floor with a small balcony to the front elevation.</p> <p>The dwelling is sited 10.4m back from the highways edge, 2m from the northern boundary, a minimum of 1m from the southern boundary and between 7.5-3.5m from the western boundary.</p>
<b>SITE AREA</b>	0.13 hectares.
<b>RESIDENTIAL DEVELOPMENT DENSITY</b>	8 dwellings per hectare.
<b>TOPOGRAPHY</b>	Predominantly flat.
<b>TREES</b>	The site is clear of vegetation. Mature hedging on the northern boundary was present on site and has been taken into account when preparing the BNG metric.
<b>BOUNDARY TREATMENT</b>	Fence.
<b>SITE CHARACTERISTICS</b>	Infill development in the private garden of 1 Sea Drive. The host site's curtilage sits on a corner plot on the junction of Sea Drive/Sea Lane. The site will be accessed from Sea Lane and has an access approved by FG/108/24/HH.
<b>CHARACTER OF LOCALITY</b>	Residential.

<b>RELEVANT SITE HISTORY</b>
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FG/108/23/HH	Replacement of boundary fence and maintenance access gates onto Sea Lane.	ApproveConditionally 29-09-23
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FG/134/22/PL	1 No. dwelling. This application is in CIL Zone 4 and is CIL liable as new dwelling.(Resubmission of FG/54/22/PL)	Refused 27-10-22  <b>Appeal: Dismissed 14-07-23</b>
FG/54/22/PL	1 No new dwelling. This application is in CIL Zone 4 and is CIL Liable as new dwelling.	Refused 18-05-22  <b>Appeal: Dismissed 14-07-23</b>
FG/90/21/HH	Erection of addition of second floor, part single, part two storey extension and wrap around terrace	ApproveConditionally 28-10-21

This submission follows two refused applications for single detached dwellings on site. Both were dismissed at a joint appeal (FG/54/22/PL and FG/134/22/PL). The appeal is a material consideration in this instance. The decision concluded that the proposals would harm the character and appearance of the surrounding area as a result of the bulk and forward placement of the dwellings being unacceptably at odds with the established development pattern, the bulk and unbalanced design being incongruent in views from up and down Sea Drive, their forward position would harmfully diminish the important openness and greenery in the Sea Lane street scene, and the spacious suburban character, to the detriment of the sense of place.

## REPRESENTATIONS

Ferring Parish Council - objection.

- Unduly cramped and prominent form of development which would be detrimental to the character and visual amenities of the surrounding residential area.
- Detrimental to the street scene.
- By virtue of its size and position it would have a detrimental impact on neighbouring properties and their outlook.
- Reduce the size of the plot of 1 Sea Drive which accommodates a substantial dwelling.
- Overdevelopment of the site would be such that there is insufficient turning space and vehicles will be likely to have to access or leave the highway in reverse gear.
- Creates an unsafe vehicular access driveway with insufficient turning space.
- Creates harmful overshadowing and overlooking of the adjacent property in Sea Lane.

A total of 22 letters have been received from neighbours objecting to the scheme.

- Overdevelopment of site detracting from the spacious character of the area.
- Overbearing/loss of light on 108 Sea Lane.
- Dangerous access due to the narrow blind bend.
- Does not overcome the previous reasons the Inspector dismissed the appeal on.
- Diminished rear garden depth.

## COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Comments on material planning considerations are discussed below.

## CONSULTATIONS



**CONSULTATION RESPONSES RECEIVED:**

Ecology - No objection conditions suggested.

- A biodiversity loss is proposed.
- As the site is cleared an ecological survey is not required.
- Ecological enhancements including bat tubes and nest boxes are recommended.

Environmental Health - No objection with conditions suggested.

WSCC Local Highway Authority (LHA) - Advice with conditions suggested.

- Parking bays are sufficient in number and size.
- Turning is not possible on site however there is no anticipated adverse impact to the highway.
- Cycle storey have been provided. Cycling is a variable option the site is highly sustainable.
- A vehicle Crossover License is required.
- The proposal would not have an unacceptable impact on the highways network.

**COMMENTS ON CONSULTATION RESPONSES:**

Amended plans have been received to address the loss of BNG.

**POLICY CONTEXT**

Designation applicable to site:

Built-up Area Boundary

**DEVELOPMENT PLAN POLICIES**

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
ECCSP2	ECC SP2 Energy and climate change mitigation
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

[Ferring Neighbourhood Plan 2014 Policy 10](#)

Sustainable water management

Ferring Neighbourhood Plan 2014 Policy 1A

A Spatial Plan for the Parish

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

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

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

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that the proposed development has an acceptable appearance and impact on the character of the area and an acceptable level of impact to 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

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

## BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG) and the following is a summary of the key points:

On site habitat and linear habitat are proposed including new hedgerow planting, and enhanced native planting.

## CONCLUSIONS

### PRINCIPLE

The site is in the built-up area boundary where the principle of residential development is established by Policy SD SP2, subject to the details of the proposed scheme according with other relevant policies in the Plan.

The relevant development plan policies are Arun Local Plan (ALP) policies D DM1, D DM2, T SP1, ENV DM5, ECC SP2, W SP1, W DM1 and W DM3. Ferring Neighbourhood Plan (FNP) policies 1A and 10, the NPPF and other supplementary planning documents which will be referred to below.

Part P (Infill Development) of the Arun Design Guide (ADG) seeks to ensure that development reflects or

improves the character of the site and the surrounding area, minimises the impact on neighbouring land/residents, provides appropriately sized internal space standards and provides safe access on to the highway network and incorporates appropriate levels of parking in line with WSCC guidance on parking provision.

Parts J (Building Design) (section J.01, Form and Character) and H (Welcoming Streets and Spaces) of the Arun Design Guide are of relevance.

The NPPF (2024) gives a presumption in favour of sustainable development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits (para 11(d(ii))), generally seeks to promoting effective use of all land whilst maintaining an areas prevailing character (paras 125 and 129).

#### DIFFERENCES BETWEEN PREVIOUS APPLICATIONS

This application differs from the previous iterations in that the dwelling is set back from the highways edge by an additional 5m, given the tapered site area this has led to the building being closer to the shared northern and southern boundaries. It is now set in line with the primary elevation of 108 Sea Lane. The bulk and design of the dwelling is significantly different. This application proposes a modern styled building part single-storey, part two-storeys with two shallow pitched roofs joined by a small valley roof. Previous designs refused at appeal included a 1.5 storey, pitched roof dwelling with front pitched dormer, gable with rear box dormer, and a 2-storey pitched and hipped roof dwelling with large gable and flat roof section to its frontage.

#### CHARACTER AND APPEARANCE

The site is in a primarily residential area near the seafront, within the built-up portion of Ferring. To the east lies the Ferring-Goring Gap, an expanse of open countryside. In other directions, the site is bordered by dwellings.

The site comprises the northern portion of the garden of 1 Sea Drive. The host dwelling, a substantial, modern, three-story house, is directly to the south. The frontage is wider than that of the chalet-style dwelling at 108 Sea Lane, but the site is shallower and tapers towards the rear.

Nearby dwellings include detached, mostly two-story houses and chalet-style dwellings in a variety of styles and sizes. These dwellings are generally situated on sizable plots with ample space between buildings, although corner plots are noted for having significantly smaller rear gardens. Nearby dwellings on the west side of Sea Lane are set well back from the lane, creating a buffer zone between the road and the properties. The openness and greenery of these gardens contribute positively to the streetscape of the nearby section of Sea Lane and enhance the overall sense of place.

The dwelling has a simplistic modern form with the two-storey element having a full gable end facing the highway, with a shallow hipped roof facing the rear. The single storey element, which is to the south of the primary part of the dwelling consists of a gabled roof, both front and rear. Three bedrooms and a kitchen/dining area are at ground floor level, with the living space taking in the wider sea views, being at first floor. To the front is a first-floor balcony which is recessed behind the wall/roof construction.

The dwelling would face Sea Lane and, despite being in the rear garden land of No. 1 Sea Drive, would strongly relate to and be perceived in conjunction with 108 Sea Lane. Properties along Sea Lane are traditionally styled with sizable front gardens and low-level boundary treatments. The Inspector noted that the openness and greenery "contributes positively to the street scene and creates a sense of place." The site will retain a 1.5m high boundary fence to the front approx. 1m back from the highway (although 3D images appear to show railings). Part P of the ADG states that infill developments should be reflective of existing streetscapes. In its current format a high front boundary fence adjacent to the highway does not create a welcoming frontage, or one which is in keeping with the neighbours. It is now

proposed that this fence is moved away from the highway to allow for planting (appropriate to achieve a BNG) to occur to the highways edge. Amended plans to this effect are awaited. The expected increased greening of the front of site and screening of the 1.5m fence is seen as a positive visual improvement, creating a welcoming frontage when compared to the existing street scene. The final choice of materials for the front boundary would be secured by condition.

The front elevation is aligned with 108 Sea Lane, with the bulk of the development reflecting the pattern of development in this part of Sea Lane. The proposed dwelling is both different in style and yet similar to the modern three-story host dwelling and the traditionally styled 1.5-story dwelling found to the north. Incorporating elements of both styles into the design, the dwelling will feature a modern palette of materials, including vertically hung timber cladding and rendered walls, as well as a zinc (or similar) standing seam roof covering to match the host. The form of the roof, with gable ends, matches that of 108 Sea Lane. When viewed from the north, the proposed two-storey gable end, although larger than those found on 108 Sea Lane, would continue the rhythm of development. When viewed from the south, the dwelling would not appear unduly obtrusive, sitting with 108 Sea Lane as a backdrop. Unlike the appeal schemes, the dwelling would not erode the spacious character of the area.

Part P requires the scale of new development to be subordinate to buildings with frontages to the street to prevent overdevelopment of the site. By being lower in height and positioned flush with the front elevation of No.108, the dwelling achieves this. While this addresses the Inspector's comments, noting previous dwellings were "harmfully intrusive" due to their scale and forward position relative to the established building line, it raises other issues. The resulting positioning of the dwelling has been moved to the rear of the plot, leading to a building with little private rear amenity space. A couple of nearby neighbours, those on corner plots, have very small private rear gardens, although not to the extent of the proposal. The proposal does not follow the established pattern of development in terms of plot size alone; however, this is not apparent from the highway due to the plot width and, as such, will not cause demonstrable harm to the character of the area. As a result of the Inspectors previous comment and the limited rear garden space, it will be necessary to control permitted development rights via condition.

The proposal has addressed the previous reason for refusal, as the dwelling, being set further back on the plot, is not intrusive to the street scene and is respectful of the established building lines. The proposal is subordinate in scale and layout when compared to the host dwelling and the nearest neighbour (108 Sea Lane). Despite not having a plot as large as others in the area, this does not cause demonstrable harm to the character of the area. The proposal complies with Policy D DM1 and Part P of the ADG.

#### RESIDENTIAL AMENITY

Sea Drive has significant levels of rear-facing glazing (first and second floor levels) and balconies on the first and second floors, which in part faces towards the rear garden. 108 Sea Lane has a south-facing window serving a bedroom, which directly faces the site. Part P of the ADG states that 'Careful consideration must be given to the preservation of existing amenity, through designs which avoid overlooking existing windows and private gardens'.

There is a distance of 11.5m between the rear elevation of 1 Sea Drive and the south elevation of the dwelling and 4m between the side elevations of the proposal and 108 Sea Lane. At its nearest point, the rear elevation of the dwelling is 3.2m from the shared western boundary. Beyond this boundary is the rear garden serving 3 Sea Drive. Direct views from the habitable space of 1 Sea Drive will be possible from any of three north-facing windows on the upper floor of the host dwelling. Despite these not facing into habitable rooms of the proposed dwelling, clear views of all of the (small) garden will be achievable. This will result in some loss of privacy for the dwelling. Views from the south-facing first-floor window in 108 Sea Lane will be screened by the dwelling. While the degree of privacy in the proposal's back gardens would be out of character with the immediate surroundings, the overlooking and loss of privacy

that could occur would not be likely to harm the future occupiers living conditions. Future occupants will always have a choice whether to purchase the dwelling, with the full understanding that it has a small overlooked rear garden. Views from balconies on the host dwelling will be screened by the dwelling and views into the rear garden will not be possible from these vantage points.

The proposed dwelling has one side-facing window facing south and four others on the western elevation at first-floor level. These are all annotated as being obscure glazed and non-opening. The rear-facing (western) windows may give some sense of perceived overlooking; however, their view will primarily consist of views over garden structures/buildings and the rear portion of the neighbour's dwelling. The most sensitive areas of the garden, i.e., those closest to the rear elevation of 3 Sea Drive, will be protected by the angles/distance of viewing.

Light levels entering the south-facing window serving a bedroom at 108 Sea Lane will be impacted. The window will not be able to secure direct views to the south, although due to the host dwelling, direct views south have always been partially obscured. As this is a secondary window in this elevation, the other being an east-facing window, the loss of light is acceptable in this instance.

Rear gardens are required to be a minimum depth of 10.5m. The proposal has a significant shortfall in the depth of the private rear amenity space, it is a maximum of 7m in depth, falling (due to the tapered shape of the site) to only 3m, which does not meet the requirement of Part H of the ADG. The host dwelling retains a garden which meets the expected standards. Despite the lack of a private rear amenity space, as there is a good-sized front garden, private balcony, and excellent access to public open space, this would not be a strong reason to refuse this application.

The proposal will result in some impact on future occupants as well and to one bedroom in 108 Sea Lane. The Inspector previously commented that despite some harm arising from overlooking, a degree of mutual overlooking from upper-floor windows in nearby dwellings could reasonably be expected in a built-up area, and as such it was acceptable. The proposal complies with D DM1 of the Arun Local Plan in respect of impact on residential amenity and the Arun Design Guide Part H and Part P.

#### SPACE STANDARDS

The proposal has a gross internal floor area of 98.3m<sup>2</sup>. Policy D DM2 of the ALP requires adherence to the Nationally Described Space Standards. According to these standards the minimum gross internal floor area for a 3-bedroom 2 storey dwelling for 5 persons is 93m<sup>2</sup>.

Part H of the ADG states that a private dwellinghouse should have a useable and enjoyable private amenity space of a minimum depth of 10.5m. The dwelling features good sized front amenity area, including areas to park and a rear amenity space. The rear amenity space is significantly under the minimum 10.5m as recommended by the Part H of the ADG. A first-floor balcony and the large frontage do make up for this shortfall in some respects. Guidance does state that smaller spaces (below 10.5m in depth) can be allowable as long as the space provided has adequate light and privacy. Despite not reaching the depth as stated in guidance, there is sufficient space provided for use by the dwelling's occupants which will be westerly facing, so will achieve good afternoon light. The frontage is relatively private as well, as there is no footpath adjacent to the site, as such has limited pedestrian traffic.

The dwellings are compliant with policy D DM2 and despite not being fully compliance with Section H of the Arun Design Guide are acceptable for the reasons given above.

#### HIGHWAYS 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, maintains appropriate levels of parking standards, and requires applications to consider and design for development in relation to transport

infrastructure.

Two parking spaces are provided to serve the dwelling, this accords with the requirements of the Arun Parking Standards. The parking spaces shown measure 6m by 3m and accord with Part I of the ADG. On site turning is not feasible in the current layout. WSCC do not anticipate any issues arising from reversing into the highway.

The site is served by bus stops 500m to the north and west. These connect Ferring Village via the 8/8A bus with the main centre of Worthing to the east and Angmering to the north-west. Ferring has good pedestrian/cycle access with a quiet road network. The site is a 15 minute walk to a small area of local convenience stores, restaurants, and other service providers. It is a sustainable location.

Objections state that the proposed entrance is on a busy road with poor visibility. FG/108/23/HH granted permission for an access on to the land. As part of the application visibility splays of 2.4m by 43m were secured. The approved access has been utilised as part of the current application and the required splays have been demonstrated. WSCC Highways have no objection subject to securing the car and cycle parking and visibility splays.

A garden store suitable for cycle storage has been demonstrated on plan. Its size is ample to accommodate 2 cycles as required by Arun's Parking Standards. One EV charging point (not shown) and the secure covered cycle storage (shown on plan) can be secured by condition.

The proposal accords (or can be made acceptable by condition) with the criteria of Policy T SP1 of the ALP and is acceptable.

#### FLOODING / DRAINAGE

Policy W SP1 of the Arun Local Plans seeks to ensure that new development encourages water efficiency, enhances the quality of water environments, and makes effective use of surface water design.

Policy W DM3 of the ALP and Policy 10 of the FNP requires development to incorporate Sustainable Urban Drainage Systems. On site SuDs features including soakaways, permeable paving and water storage features are all possible for this site. It should be ensured that the discharge of water from the development at the same or lesser rate, as prior to construction.

The site is in Flood Zone 1 and at minimal risk of flooding. Surface water flooding is problematic for the highway, however the site itself does not suffer. There is sufficient space on site to accommodate drainage features and due to the scale of the development, remaining surface water drainage matters will be dealt with at the Building Regulations stage.

The proposal is in accordance with policies W SP1 and W DM3 of the ALP and Policy 10 of the FNP.

#### CLIMATE CHANGE AND ENERGY EFFICIENCY

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

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

## BIODIVERSITY

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. The Environment Act requires a measurable 10% net gain.

A BNG metric has been submitted demonstrating a deficit of 53% habitat unit and 100% hedgerow units. This equates to a 0.05 habitat unit and 0.04 hedgerow unit requirement. In order to secure BNG on site (which according to the BNG hierarchy is the preferred option) a small area to the front of site will be excluded from the vegetative residential garden area. Plans are expected to be submitted prior to committee to detail this.

As offsite credits could be purchased to achieve the required BNG, this would not warrant refusal of any application. As a result of negotiations with the agent/applicant the Council seek to achieve the best solution i.e. an on site gain.

The proposal does not currently accord with the Environment Act or ALP Policy ENV DM5 and the NPPF. New plans are expected, and this report can be updated to suit prior to the Committee meeting.

## BIN STORAGE

New residential development should ensure that kerbside waste collections are possible to accord with ALP Policy WM DM1. A bin storage area is included to the north of site. Waste collection from outside the dwellings is achievable.

The proposal accords with Policy WM DM1 of the ALP.

## SUMMARY

Para 11(c) states that development should be approved without delay where it accords with the Plan. The development, while not without some negative aspects, generally aligns with the principles of sustainable development outlined in the NPPF and policies of the Arun Local Plan. While some aspects, such as limited private amenity space and impact to a secondary window to 108 Sea Lane have conflict with policy/guidance, these issues are balanced by the overall positive impact of the development. Amendments are expected to ensure the proposal can achieve a BNG.

Given the current housing land supply position and the presumption in favour of sustainable development, the proposal is acceptable. The conditions imposed will help to mitigate any potential negative impacts and ensure that the development is implemented in a manner that respects the local character and environment.

Therefore, subject to planning conditions, the proposed development is recommended to be approved.

## HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the

rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**CIL DETAILS**

This application is 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:

- 1. Location Plan 2114 004
- 2. Proposed Site Plan 2114 700 Rev A
- 3. Elevations Front and Side 2114 702
- 4. Elevations Rear and Side 2114 703
- 5. Floor and Roof Plans 2114 701
- 6. Section and Plans Garden Store 2114 704
- 7. Proposed Section B-B and C-C 2114 705

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the northern or southern wall of the building without the prior written permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with Arun Local Plan policies D DM1.

4 Notwithstanding the provisions of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-



enacting this Order) no extensions (including porches or dormer windows) to the dwellings shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Arun Local Plan policy D DM1.

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

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

- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with dwg 'Proposed Section A-A & Garden Store 2114 704' hereby approved 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.

- 7 No development above damp-proof course (DPC) level shall take place unless and until details of the front boundary treatment has 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 D DM1.

- 8 Demolition/construction works shall only take place between 08:00 hours and 18:00 hours (Monday to Friday) and between 08:00 hours and 13:00 hours on Saturday with no activities taking place on Sundays or recognised public holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

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

- 9 No part of the development shall be first occupied until visibility splays of 2.4m by 43m have been provided at the vehicular access onto Sea Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.

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

- 10 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.

- 11 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures suitable to achieve a minimum of a measurable 10% Biodiversity Net Gain (BNG) shall be submitted to and approved in writing by the Local Planning Authority.

The proposal should also provide 1 no. bat tube and 1 no. bird nesting box.

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 and 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).

- 12 Prior to any part of the new development being first brought into use/occupied, a bat friendly Lighting Plan shall be submitted to and approved in writing by the Local Planning Authority.

The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white with a clear view, no UV, a horizontal light spread of less than 70 degrees and a timer. A 3D plan of the illumination level should be supplied so that the Local Planning Authority can assess the potential impact on protected species.

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 Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and Arun Local Plan policy ENV DM5.

- 13 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the 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 policy ECC SP2.

- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority, and
2. The planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

15      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.

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

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

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

**FG/92/24/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/232/24/HH

LOCATION: 11 Chichester Road  
Bognor Regis  
PO21 2XG

PROPOSAL: Proposed loft conversion. Adjustments to the fenestration.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION      This application seeks the conversion of the loft to habitable use. This scheme has been amended during the lifetime of the application, and now includes the installation of 2 rooflights and 2 flat roofed dormers to the front elevation, and 5 rooflights to the rear. This is a resubmission of BR/170/24/HH, with an amended design.

**RELEVANT SITE HISTORY**

BR/170/24/HH	Conversion of loft to habitable use including installation of 4 No. front dormers and rear rooflights.	Refused 11-11-24
BR/26/24/HH	Single storey front and two storey side extension following granted upward extension by BR/259/23/PD. New roof to existing conservatory. Widening the access gate. Demolition of existing garage.	ApproveConditionally 08-04-24
BR/259/23/PD	Prior approval under schedule 2, part 1, Class AA for the construction of an additional storey with a maximum height of 7.81m.	No Object'n + Conds 19-01-24

**REPRESENTATIONS**

Bognor Regis Town Council - Objection:

- The scale and height of the building, with the addition of dormers to the rear, are such that it has unneighbourly and significantly adverse impacts on the amenities of the occupiers of the neighbouring property to the east.
- The dormers appear overbearing and oppressive in contradiction with Policies D DM1 and QE SP1 of the Arun Local Plan.
- The grounds which Arun refused permission previously (BR/170/24/HH) still stand.

1 objection from nearby occupiers.

- The rear dormers would have a severe negative impact on privacy, and block light and make a previously open space feel over-shadowed.
- The dwelling is much bigger than neighbouring properties, and is grossly more dominating from the rear than any other property.
- The original building could not be seen at all, but is now overbearing.
- It already has four large second floor windows that overlook neighbouring properties.
- The addition of the dormers at such an excessive height would create an overbearing facade to neighbouring properties.
- The dormers would be higher than existing rear bedroom windows and would have a direct downward sightline into the rear elevation.

Agents response:

- The works will not affect the sunlight of the neighbours.
- The house is minorly higher than allowed under the prior notification application.
- Comments regarding house value.
- The building is in line with Building Regulations.
- Comments regarding comparison of internal space required by both parties.
- There are existing dormers in the locality which have been granted.

#### CONSULTATION RESPONSES RECEIVED:

Comments noted. Issues in regard to material planning considerations are addressed in the conclusions. Matters concerning property value or space requirement for use of the property is not relevant to this application. Building Regulations are a different matter, and not addressed by planning. Only matters concerning design and visual amenity, character, and residential amenity can be considered.

#### 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
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
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## CONCLUSIONS

### BACKGROUND

An application was made in 2024 for the conversion of the roof to habitable space, including the construction of 4 flat roof dormers to the front elevation, and rooflights to the rear. This was refused under BR/170/24/HH for the following reason:

'The construction of 4 No. dormers to the principal elevation would constitute an unduly bulky and dominant overdevelopment of the roof form, which is worsened by the increased ridge height of the property. The dormers, coupled with the increased roof height, would detract from and adversely harm the visual appearance and character of the property, and appear incongruent with the composition, character and appearance of the locality. This is in conflict with policies D SP1, D DM1 and D DM4 of the Arun Local Plan, and Part M of the Arun Design Guide.'

### PRINCIPLE

The key policies are D SP1, D DM1 and D DM4 of the Arun Local Plan (ALP), and guidance set by the Arun Design Guide.

Bognor Regis has a 'made' Neighbourhood Development Plan, however there are no policies of relevance to this application.

### DESIGN AND VISUAL AMENITY

The proposal seeks the conversion of the loft to habitable conversion; resulting in the two storey property becoming two and a half. These works will include the construction of 2 flat roofed dormers and 2 rooflights to the front elevation, and 5 rooflights to the rear.

The original property comprised a low height single storey bungalow with gable roof. Under BR/259/23/PD, prior approval was granted for the construction of an additional storey, with a maximum height of 7.81m. Following this, an application for a single storey front and two storey side extension was approved by BR/26/24/HH. The height of the building had increased in the proposed drawings to 8m. The drawings submitted with this application identify that the overall works to the roof, would result in a final ridge height of 8.6m, which would be 0.8m higher than granted under permitted development and 0.6m higher than approved by BR/26/24/HH. The height of the dwelling at present is taller than its neighbouring properties, and is more dominant of the street scene than the original building. Further additions to the roof should be minimal to ensure the main roof does not appear overdeveloped or obtrusive in its design against other neighbouring properties.

Policy D SP1 of the Arun Local Plan requires all development proposals to reflect the characteristics of the site and their local area in their design and architectural detail. This is re-iterated under policy D DM1 of the ALP, which sets the aspects of form and design quality for developments in the district. Policy D DM4 (a) and (e) seeks that alterations sympathetically related to and is visually integrated with the existing building, and does not compromise the established spatial character and pattern of place. Chichester Road and its surrounding roads comprise a variety of differing scales and designs of buildings; the properties either side of the site comprising a one and half storey bungalow to one side, and a two storey care home with large single storey extensions to the other. In the wider vicinity, there are a large number of detached and semi-detached two / two and half storey properties. Dormers are present in the wider locality; however a key similarity between those existing are that they are minor in scale, minimal in number and sympathetic to the main property, in almost all cases being a sensitive addition to the roof which does not form a dominant key feature of the principal elevation.

The amended design to install 2 flat roofed dormers to the front elevation is an improvement to the previous application; with the dormers appearing more sympathetic in scale to the main roof. They are a less dominant feature of the roof form than previously, and would appear more reflective of other smaller flat roofed dormers in the vicinity. They measure a maximum height of 8.5m from the ground floor, with a width of approximately 2.5m and projection from the roof slope by 3.2m. Whilst flat roofed dormers are generally less desirable from a design perspective over hipped or gable roof dormers which have more visual appeal, in this case the proposal is not of significant enough harm to visual amenity to warrant a reason for refusal. The dormers are proportional to the roof form, not overly dominant, and integrate with the visual appearance and character of the dwelling itself. Given the varied appearance and character of other properties in the surrounding property, the dormers would not appear unduly out of keeping with the rest of the street scene. As such, the dormers to the front elevation are acceptable.

It is proposed for external walls of the dormers to be clad with weatherboarding (Hardie Plank Cedar) in the colour Grey Slate. There are few examples of weatherboard cladding in the immediate vicinity; however there is use of this material in the wider locality. Given the minor amount of weatherboarding that would be used, its incorporation is acceptable.

The Arun Design Guide (ADG) provides guidance on good design principles for dormers, to ensure these are sensitively designed, and well integrated with the rest of the property. Part M of the ADG states that dormers should be a minor incident in the roof plane, not be overly dominant or out of proportion, not damage the original character and appearance of the building and its surrounding area, and minimise interference to the original form and appearance of the building. The proposal is in accord with this.

In regard to the loft conversion itself, and introduction of rooflights to the front and rear elevation, these works are acceptable given their minor impact on the visual appearance and character of the building. They would have no adverse harm to the visual amenity of the property, or the surrounding area.

The proposal is a significant improvement on the previous application, and overcomes the previous reason for refusal. The works will not have an adverse impact on the visual appearance of the property, nor the character of the locality. This is in accordance with policies D SP1, D DM1 and D DM4 of the Arun Local Plan, and part M of the ADG.

## RESIDENTIAL AMENITY

The proposal would see the introduction of 2 dormers to the front, at a height of 8.5m; and 7 rooflights at a height of approximately 7.6m. Whilst these would be substantial additions to the roof form, especially in regard to the dormers, their location is such that the impact on residential amenity does not result in demonstrable harm. The dormers to the front would not unduly overbear or overshadow either neighbouring property, and would provide an outlook that overlooks the street scene and roundabout. The dormers would not provide any overlooking opportunities which would result in adverse harm to residential privacy or amenity.

The rooflights to the rear would not be overbearing or overshadowing, by virtue of their location flush to the roof plane; however they would increase the opportunity for overlooking, being on the rear elevation. This elevation abuts the rear gardens of properties in Annandale Avenue and Victoria Drive, providing additional views of the rear elevations. Whilst the location of the rooflights would give some visibility of the rear gardens, due to the nature of the rooflights being sloped, this would be limited. Any views harmful to amenity would only be possible with intention, and such would not be incidental overlooking easily accessible to the viewer.

The ADG states that alterations to properties should not negatively impact, and instead protect,



neighbouring amenity in terms of privacy and overshadowing, considering the positioning of neighbouring buildings, and respond to existing elevations through the size and positioning of doors and windows. The proposal is in accord with this.

The proposed works will not result in any adverse overbearing, overlooking or overshadowing, and is in accordance with D DM1 and D DM4 of the Arun Local Plan, and ADG.

#### SUMMARY

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

### **HUMAN RIGHTS ACT**

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

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

### **DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

### **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 PL 301  
Site Plan PL 302  
Proposed Plans and Elevations PL 304 Rev A

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 The materials and finishes of the external walls and roofs of the building hereby permitted shall match in colour and texture those of the existing building. This is with the exception of the external walls of the dormers, which shall be Hardie Plank Cedar Cladding in Grey Slate.

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

- 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 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.

- 5 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

## **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/232/24/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/57/24/DOC**

**Original Decision** = DOC Refused

**Received:** 31-10-24

Shrublands Roundstone Lane Angmering

**Decision Level** = Delegated

Approval of details reserved by condition imposed under reference A/64/21/PL relating to conditions 28 - Surface water drainage scheme and 29 - Maintenance and management of surface water drainage scheme.

**Informal Hearing**

**PINS Ref:** APP/C3810/C/24/3349316

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**AL/132/23/PL**

**Original Decision** = Refused

**Received:** 10-09-24

Land West of St. John's Close Woodgate

**Decision Level** = Delegated

Construction of 9 No residential dwellings (resubmission following AL/40/23/PL). This application is in CIL Zone 2 and is CIL Liable as new dwellings.

**Written**

**Representations**

**PINS Ref:** APP/C3810/W/24/3348396

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**AW/118/23/T**

**Original Decision** = Refused

**Received:** 17-06-24

10 Nuffield Close Aldwick

**Decision Level** = Delegated

Fell 3 No. Corsican Pines (T1, T2 and T3).

**Written**

**Representations**

**PINS Ref:** APP/TPO/C3810/9795

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**BE/33/24/PL**

**Original Decision** = Refused

**Received:** 26-09-24

Liseve Lodge 84 North Bersted Street Bersted

**Decision Level** = Delegated

Change of use for two existing outbuildings to be used as holiday lets (resubmission following BE/117/23/PL). This application affects the North Bersted Conservation Area and is in CIL Zone 5 (Zero Rated) as other development.

**Written**

**Representations**

**PINS Ref:** APP/C3810/W/24/3349787

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**BR/111/24/PL**

**Original Decision** = Refused

**Received:** 15-11-24

8 Argyle Road Bognor Regis

**Decision Level** = Committee

Change of use of 1 No. two storey terraced three bed house and workshop to 5 bed HMO (house in multiple occupation). This application is in CIL Zone 4 and is CIL Liable as new dwelling.

**Written**

**Representations**

**PINS Ref:** APP/C3810/W/24/3354162

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BR/50/24/PL  
*Original Decision* = Refused  
*Received:* 12-12-24

Hook House 51 Hook Lane Bognor Regis

*Decision Level* = Delegated

Change of use from a 4 bedroom dwelling to a 6 bedroom student HMO (resubmission following BR/180/23/PL). This site is in CIL Zone 4 (Zero Rated) as other development.

*Written  
Representations*

PINS Ref: APP/C3810/W/24/3356442

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F/2/24/HH  
*Original Decision* = Refused  
*Received:* 30-08-24

1 Fordwater Gardens Yapton

*Decision Level* = Delegated

Erection of new fence and new gates.

*Written  
Representations*

PINS Ref: APP/C3810/D/24/3348507

---

FG/62/24/PL  
*Original Decision* = Refused  
*Received:* 15-10-24

Paddock House 44 Ferringham Lane Ferring

*Decision Level* = Delegated

Existing dwelling to be altered and reduced in footprint. Erection of 1 No. new detached dwelling. This application is in CIL zone 4 and is CIL liable as a new dwelling.

*Written  
Representations*

PINS Ref: APP/C3810/W/24/3351571

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FP/57/24/HH  
*Original Decision* = Refused  
*Received:* 03-09-24

2 Alfriston Close Felpham

*Decision Level* = Delegated

Two storey side extension.

*Written  
Representations*

PINS Ref: APP/C3810/D/24/3348903

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LU/101/24/PL  
*Original Decision* = Refused  
*Received:* 04-12-24

23-25 Beach Road Littlehampton

*Decision Level* = Delegated

Demolition of existing warehouse and erection of 2 No. attached three storey dwellings. This application is in CIL Zone 4 and are CIL liable as new dwellings.

*Written  
Representations*

PINS Ref: APP/C3810/W/24/3356084

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LU/191/24/HH  
*Original Decision* = Refused  
*Received:* 17-10-24

The Old Farmhouse Toddington Lane Littlehampton

*Decision Level* = Delegated

Proposed removal of vehicle housing structure, formed by steel frame and fabric exterior, and replacing with single storey timber secure garage of less height than existing, within the grounds of a Listed Building.

*Written*

***Representations***

**PINS Ref:** APP/C3810/D/24/3352766

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**LU/192/24/L**

***Original Decision*** = Refused

***Received:*** 17-10-24

The Old Farmhouse Toddington Lane Littlehampton

***Decision Level*** = Delegated

Listed building consent for proposed removal of vehicle housing structure, formed by steel frame and fabric exterior, and replacing with single storey timber secure garage of less height than existing.

***Written***

***Representations***

**PINS Ref:** APP/C3810/Y/24/3352757

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**LY/11/23/PL**

***Original Decision*** = Refused

***Received:*** 14-11-24

Travis Perkins The Causeway Arundel

***Decision Level*** = Delegated

Change of use of former Engine Shed as enabling development to provide 6 residential units, and to construct one block of 6 units and one block of 15 units, associated parking, landscaping and bin storage. This application is a Departure from the Development Plan, affects the setting of a listed building and is in CIL Zone 3 and is CIL Liable as new flats.

***Informal Hearing***

**PINS Ref:** APP/C3810/Y/24/3354570

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**LY/12/23/L**

***Original Decision*** = Refused

***Received:*** 14-11-24

Travis Perkins The Causeway Arundel

***Decision Level*** = Delegated

Listed building consent for the change of use of former engine shed (Listed Grade II) as enabling development to provide 6 residential units, and to construct one block of 6 units and one block of 15 units, associated parking, landscaping and bin storage.

***Informal Hearing***

**PINS Ref:** APP/C3810/Y/24/3354700

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**P/28/24/HH**

***Original Decision*** = Refused

***Received:*** 20-09-24

8 Hook Lane Pagham

***Decision Level*** = Delegated

Proposed first floor extension to existing store.

***Written***

***Representations***

**PINS Ref:** APP/C3810/D/24/3350307

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**P/9/24/PL**

***Original Decision*** = Refused

***Received:*** 26-09-24

Land East of Commonmead Barn Pagham Road Pagham

***Decision Level*** = Delegated

Construction of 3 No. two storey dwellings along with associated car and cycle parking. This application is a Departure from the Development plan, may affect the setting of a Listed Building, is in CIL Zone 5 and CIL liable as new dwellings.

***Written***

***Representations***

**PINS Ref:** APP/C3810/W/24/3350009

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WA/35/23/OUT  
*Original Decision* = Refused  
*Received:* 18-11-24

Land East of Wandleys Lane Fontwell

*Decision Level* = Committee

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.

*Informal Hearing*

PINS Ref: APP/C3810/W/24/3349836

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Y/102/23/PL  
*Original Decision* = Refused  
*Received:* 26-09-24

Land west of Hoe Lane and east of A259 Charles Purley Way Yapton

*Decision Level* = Delegated

Construction of barn to provide stables, indoor equestrian riding arena and agricultural storage including alterations to existing access, parking area and associated landscaping. This application is in CIL Zone 3 (Zero Rated) as other development and is a Departure from the Development Plan.

*Written  
Representations*

PINS Ref: APP/C3810/W/24/3350135

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Y/52/23/PL  
*Original Decision* = Refused  
*Received:* 12-08-24

Land West of Bilsham Road Yapton

*Decision Level* = Committee

Full Planning Application for the erection of 170 residential dwellings; with access and parking, the provision of open space, play space and ecology areas with associated vehicular and pedestrian access, attenuation ponds and landscaping and associated works. This application is a Departure from the Development plan and affects a Public Right of Way.

*Informal Hearing*                      10-12-24

PINS Ref: APP/C3810/W/24/3343922

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Y/6/24/HH  
*Original Decision* = Refused  
*Received:* 15-08-24

35 Roemead Drive Yapton

*Decision Level* = Delegated

Two storey side extension.

*Written  
Representations*

PINS Ref: APP/C3810/D/24/3347560 A.

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ENF/362/21  
*Received:*

Flat 1 , 4 Nelson road Bognor regis West Sussex

*Written Representations*

PINS Ref: 3335746 3335747 3335748

ENF/262/23  
*Received:*

Pavilion Bungalow Hook Lane Bognor Regis West Sussex

*Written Representations*  
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**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/46/22**

Lagnersh Campsite Lower Bognor Road Pagham West Sussex

**Received:**

***Written Representations***

**PINS Ref:** APP/C3810/C/24/3341692

**ENF/37/24**

6 Seacourt Close Aldwick West Sussex

**Received:**

***Written Representations***

**PINS Ref:** APP/C3810/C/24/3343512

**ENF/108/24**

18a Durban Road Bognor Regis West Sussex

**Received:**

***Written Representations***

**PINS Ref:** APP/C3810/C/24/3346301

**ENF/236/22**

Shrublands Roundstone Lane Angmering

**Received:**

***Informal Hearing***

**PINS Ref:** APP/C3810/C/24/3349317

**ENF/145/20**

Pine Close Westergate Street Westergate West Sussex

**Received:**

***Written Representations***

**PINS Ref:** APP/C3810/C/24/3348230

**ENF/209/22**

Flint Acre Toddington Lane Littlehampton West Sussex

**Received:**

***Written Representations***

**PINS Ref:** APP/C3810/C/24/3350847

**ENF/209/22**

Flint Acre Toddington Lane Littlehampton West Sussex

**Received:**

***Written Representations***

**PINS Ref:** APP/C3810/C/24/3350848

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## Arun District Council

<b>REPORT TO:</b>	<b>Planning Committee – 15 January 2025</b>
<b>SUBJECT:</b>	<b>National Scheme of Delegation for Planning Committees</b>
<b>LEAD OFFICER:</b>	<b>Neil Crowther, Group Head of Planning</b>
<b>LEAD MEMBER:</b>	Councillor Simon McDougall, Chair of Planning Committee
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:</b> n/a	
<b>DIRECTORATE POLICY CONTEXT:</b> n/a	
<b>FINANCIAL SUMMARY:</b> n/a	

### 1. PURPOSE OF REPORT

- 1.1 On 9 December, the Government published a working paper setting out some options for their proposed national scheme of delegation for Planning Committees. This proposal was first suggested in July 2024 as part of wider proposed changes to the National Planning Policy Framework (NPPF). The paper seeks responses to specific questions.
- 1.2 The paper is undated and is not referred to as a consultation. There are no timescales given in which to respond to the questions. The Ministry for Housing, Communities and Local Government (MHCLG) has also not sent out timescales to Chief Planning Officers but has stated that a formal consultation will follow.

### 2. RECOMMENDATIONS

- i. That the Committee resolve to agree the response drafted in Appendix 1.

### 3. EXECUTIVE SUMMARY

- 3.1 See below.

### 4. DETAIL

- 4.1 The published working paper was accompanied by a statement from the Deputy Prime Minister. It is stated that the introduction of a national scheme of delegation for Planning Committees will be part of a “sweeping overhaul of local planning committees” designed to fast-track development and “get Britain building”.
- 4.2 Publication of the working paper preceded the publication of the revised NPPF on 12 December 2024.

- 4.3 The working paper invites comments on three different models for the national scheme of delegation, as well as laying out plans for dedicated committees for large-scale “strategic” development that would bring “long-term change to an area” and “mandatory” training for planning committee members.
- 4.4 The paper said that, even though 96 per cent of decisions were already made by officials, the department was concerned that some committee decisions were being made not in accordance with material planning factors, and that too many policy-compliant schemes on allocated sites were being overturned. The Government are seeking the creation of a standardised national scheme of delegation.
- 4.5 Under the first option for the national scheme of delegation, decision-making would be delegated for all applications deemed to comply with the development plan, with delegation resting on a judgement about whether they are “in line with plan policies or in line with a design guide”. This approach would apply to other applications such as reserved matters where all proposals in accordance with the development plan would be delegated to officers.
- 4.6 The Government said it wanted views on whether this option would need a different approach where a plan is out of date, and the tilted balance applies, as it wants to “clarify how an officer assesses compliance with the development plan” in these circumstances.
- 4.7 The second option proposes delegation of all applications by default, with exceptions simply for applications which are “departures from the development plan”, or where they are submitted by the authority itself.
- 4.8 The third option also proposes delegation being the default position, with committees only called on to decide applications according to a prescribed “list of exceptions”. The white paper suggested these expectations could include major schemes not on allocated sites and allocated sites where the scheme departs from the local or neighbourhood plan.
- 4.9 In addition to the three options above, the Government is interested in views on the creation of smaller targeted planning committees specifically for strategic development (that could include expert non-elected members), as well as the introduction of a mandatory requirement for training for planning committee members.
- 4.10 The Government intend to publish a formal consultation on these measures alongside the introduction of the Planning & Infrastructure Bill in 2025. It also sits alongside a Devolution Whiter Paper published on 16 December 2024.
- 4.11 The Government consider that national changes to Planning Committees are required because “it is vital that in exercising that democratic oversight, planning committees operate as effectively as possible, focusing on those applications which require member input and not revisiting the same decisions.” And “the Government also wants to make sure that skilled planning officers in local authorities are given the appropriate amount of trust and empowerment.”

4.12 The Government believe that there are a number of issues with how Planning Committees operate that they want to address.

- Too much time is spent considering applications that are policy compliant.
- Delaying appropriate development and wasting taxpayers' money.
- Insufficient understanding among members of planning law and principles.
- Lack of transparency of decisions and their consequences.

## **5. CONSULTATION**

5.1 None.

## **6. OPTIONS / ALTERNATIVES CONSIDERED**

6.1 None

## **7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER**

7.1 There are no direct financial implications. Indirect costs are met by existing budgets, members and officer's time.

## **8. RISK ASSESSMENT CONSIDERATIONS**

8.1 N/a

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

9.1 The legal basis for delegation is Section 101 of the Local Government Act 1972. The functions delegated to the Planning Committee by Full Council are set out within Part 3 Section 5.2 of the Constitution, and the delegations to officers are set out within the Group Head of Planning's delegations at Part 7 Section 2 of the Constitution. Between them, these sections of the Constitution set out the basis on which a delegated function operates, the level of member involvement and the circumstances in which an officer's delegated powers to make a decision may or may not be exercised, as the case may be.

## **10. HUMAN RESOURCES IMPACT**

10.1 N/a.

## **11. HEALTH & SAFETY IMPACT**

11.1 N/a

## **12. PROPERTY & ESTATES IMPACT**

12.1 N/a

## **13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE**

13.1 N/a

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

14.1 N/a

**15. CRIME AND DISORDER REDUCTION IMPACT**

15.1 N/a

**16. HUMAN RIGHTS IMPACT**

16.1 N/a

**17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS**

17.1 N/a

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**CONTACT OFFICER:**

Name:	Neil Crowther
Job Title:	Group Head of Planning
Contact Number:	01903 737500

**BACKGROUND DOCUMENTS:**

[Planning Reform Working Paper: Planning Committees - GOV.UK](#)

## **Appendix 1**

### **Do you think this package of reforms would help to improve decision making by planning committees?**

No. Schemes of Delegation have been formulated for authorities based on vast amounts of experience and discussion in getting the balance right between democratic decision making, public involvement in the planning process and calling upon the expertise of officers. Imposing these matters on individual authorities will remove the ability to achieve this and will result in decisions on a large number of controversial applications not being taken in public.

The proposals also do not reflect the reality in each Council whereby Heads of Planning have good working relationships with Chair's of Committees and, in this way, a pragmatic and flexible approach to schemes of delegation is implemented to ensure that the correct balance is struck.

The proposed changes are simply changes that do not need to be made.

### **Do you have views on which of the options we have set out in regards to national schemes of delegation would be most effective? Are there any aspects which could be improved?**

Option 3. But only if the prescribed list is sensible to achieve the correct balance between speed of decision making and democratically accountable decisions. However, even with a prescriptive list, there must be a degree of flexibility to allow for sensible interpretation and for certain instances where an application may present specific issues that are only relevant for certain authorities.

### **We could take a hybrid approach to any of the options listed. Do you think, for instance, we should introduce a size threshold for applications to go to committees, or delegate all reserved matters applications?**

Arun is opposed to a national scheme of delegation. We consider that the scheme of delegation that is currently in place strikes the correct balance between timely decisions and the democratic process. We do not believe that alternative suggestions around size and reserved matters would add anything useful to what is already in place.

### **Are there advantages in giving further consideration to a model based on objections?**

No. At Arun we have a sensible approach whereby the number of objections are not necessarily determinate about whether an application should go to Committee. Having a black and white number/threshold would simply encourage representations that would be submitted for the wrong reasons. This would not be what public consultation should be.

Do you agree that targeted planning committees for strategic development could facilitate better decision making?

**Do you have a view on the size of these targeted committees?**

A minimum of 7 elected members would be required to ensure appropriate representation.

**How should we define strategic developments?**

100 dwellings and over. However, that would be a relevant threshold for Arun. It wouldn't be a relevant threshold for many other authorities.

**Do you think the approach to mandatory training is the right one?**

Yes. This is something that is done at Arun already.