

REPORT UPDATE

Application No: FG/92/24/PL

Reason for the Update / Changes

UPDATE 30/1/25

Reason for Update/Changes:

To correct inaccuracies in the previous verbal presentation of application.

Officer Comment:

Further to a question posed during the presentation of this application, the Officer indicated the footprints were:

- FG/54/22/PL: 89 sqm
- FG/134/22/PL: 71 sqm
- FG/92/24/PL: 90 sqm

Following the meeting, and prior to the decision being issued, it was brought to our attention that there maybe was a discrepancy with the figure provided to Councillors for the current application. The correct floor areas are as follows:

- FG/54/22/PL: 90.16sqm plus detached garage and garden room at 27sqm. Total footprint of 117.16 sqm.
- FG/134/22/PL: 71.8sqm plus detached garage and garden room at 27sqm. Total footprint of 98.8 sqm
- FG/92/24/PL: 97.3sqm plus detached bike store at 6sqm. Total footprint of 103.3 sqm.

SUMMARY

There is no change to the officer's recommendation to approve the application. Due to the incorrect measurements being given Members are asked to reconsider the report and take another vote on the recommendation.

UPDATE FROM PREVIOUS COMMITTEE 14/01/25

Reason for Update/Changes:

Agent has submitted a revised BNG metric and revised plans demonstrating a biodiversity gain.

Officers Comment:

BIODIVERSITY

The BNG hierarchy states (where no medium to high habitat distinctiveness is present), all onsite habitats which are adversely affected by the development, the adverse effect should be compensated by prioritising in order, where possible, enhancement of existing onsite habitats, creation of new onsite habitats, allocation of registered off-site gains and finally the purchase of BNG credits. The submitted application made no attempt to create new on-site habitat despite having a good amount of open space to the front of site. Further to discussion between the officer and agent, it was agreed that this preferred approach to securing BNG would be explored.

Amended plans have now been submitted showing a 4m deep area to the front of site allocated to

establish an area of BNG. This area will be fenced from the front garden to define it from the rest of the garden. An estimated 12.09% in habitat units and 100.84% in hedgerow units is achievable on-site, this exceeds the minimum 10% gain requirements.

The proposal accords with Policy ENV DM5 and the Environment Act.

CHARACTER AND APPEARANCE

Further to securing an on-site BNG, the amendments will also have a positive effect on the street scene. The submitted scheme included a 1.5m high fence to the site's frontage, which is not out of character as it is existing but it cannot be described as welcoming. In this respect, it didn't accord with Part P of the ADG. With the addition of a landscaping buffer 4m deep to the site's frontage, this will soften the development when viewed from the highway. It is also in-keeping with 108 Sea Lane as this has a mature garden to its frontage.

Overall, the inclusion of planting to the site's frontage adds a pleasant greening effect which is more welcoming than the previously proposed fence. It accords with Part P of the ADG.

RESIDENTIAL AMENITY

The inclusion of a planting buffer to the site's frontage, which includes a native mix hedgerow, will act as a physical and visual buffer from passing pedestrians and traffic, giving the front garden more privacy.

As there is limited private rear amenity space, securing a private front garden will enhance the amenity space provision. Part H of the ADG states dwellings should be afforded a minimum of 10.5m rear garden space unless other private and usable spaces can be created.

As the remaining frontage will be 6m deep, it will be usable for future occupants, it will also be no less private than the rear space. In this respect, the proposal accords with Part H of the ADG.

REPORT UPDATE SUMMARY

There is no change to the officer's recommendation to approve the application; the amendments will have a positive effect. An amended condition; Condition 2 (plans) can be found under Officer Recommendation at the end of the attached report.

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

PLANNING APPLICATION REPORT

REF NO: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks permission for a new detached dwelling

to the rear garden of No. 1 Sea Drive.

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.

The dwelling is 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.

SITE AREA	0.13 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	8 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	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.
BOUNDARY TREATMENT	Fence.
SITE CHARACTERISTICS	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.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FG/108/23/HH	Replacement of boundary fence and maintenance access gates onto Sea Lane.	ApproveConditionally 29-09-23
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 Appeal: Dismissed 14-07-23
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 Appeal: Dismissed 14-07-23
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

21/11/24 - 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.

Ecology

13/01/25 - Approve with conditions.

- The BNG report now shows that there is an estimated gain of 12.09% for habitat units and an estimated gain of 100% for linear units, exceeding the minimum requirements. This is an improvement on the previous BNG proposals.

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. As an on-site Biodiversity Net Gain is now being achieved, ADC Ecologist has revised their response and is recommending approval subject to conditions.

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 to the front of site.

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 Inspector's 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 98.3m². 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 93m².

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 C
3. Elevations Front and Side 2114 702 Rev A
4. Elevations Rear and Side 2114 703 Rev A
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 Rev A
8. Proposed Site Section 2114-PL-706A

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/>

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)

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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