

Recommendation Report for Outline Consent

REF NO: AW/232/19/OUT

LOCATION: 19 & 21 Nyewood Lane
Aldwick
PO21 2QB

PROPOSAL: Outline application with all matters reserved for demolition of 19 & 21 Nyewood Lane & erection of up to 20 No 1bed & 3 No 2bed flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Outline application with all matters reserved for demolition of 19 and 21 Nyewood Lane and erection of up to 20 n. 1 bed and 3 no. 2 bedroom flats.

SITE AREA 0.1 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 230 dph.

TOPOGRAPHY Predominantly flat.

TREES None of affected by the development.

BOUNDARY TREATMENT The primary (eastern) elevation boundaries comprise open parking areas with low lying brick course walls. To the western (rear) boundary a combination of timber fencing with associated boundary planting is present. To the northern elevation a brick wall of approximately 1.8m in height is present and to the south is a close boarded timber fence.

SITE CHARACTERISTICS The site comprises nos. 19 and 21 Nyewood Lane which comprises 2 no. detached residential dwellings. Both properties are set c. 6m back from the pavement of Nyewood Lane. The buildings are detached with distances between their side elevations of c. 2 metres which establishes the spatial character of the site.

CHARACTER OF LOCALITY The application site is bounded to the north by three storey development which is situated on the junction of Nyewood Lane and Aldwick Road. Taller development on corner junctions are typical of the character of this area. Such taller development, owing to their corner plots, are situated further forward in their positions on their sites which allows for greater separation distances to rear properties. For example, the taller corner development to the north of the application site is situated some c. 38 metres away from the nearest residential properties to the rear at an oblique angle. This allows a greater density of development without appearing cramped or resulting in subsequent neighbouring impacts.

To the wider south of the application site is 5 storey

development that fronts Kings Street Parade. This 5 storey development is harmoniously accommodated due to the sunken nature of the site, but also given its sea facing orientation which allows for greater densities due to its open aspect to the south. Development along Kings Street Parade frames the Bognor Regis promenade area, where the main public visibility is from a distance along the promenade.

Nyewood Lane is an area characterised by a mixture of 2 storey residential development, with anomalies of 3 - 5 storey development due to site specific factors (i.e. corner plots, open aspects to the south). Public visibility is appreciated from the pavements and roads along Nyewood Lane. In the tighter aspects along Nyewood Lane, development typically comprises a lesser scale to account for proximity to street frontage, proximity to adjacent development and proximity to neighbouring rear gardens.

Nyewood Lane contributes to the contrast between the more open, developed southern aspect of Bognor Regis promenade, compared to the more tighter grained, suburban and developed aspect of Aldwick Road.

RELEVANT SITE HISTORY

PAA/79/12/	Pre-application advice for demolition of existing guest house & construction of nw 8 no.apartment block, 3 no 1 bed., 5 no 2 bed) together with bin & cycle store and 12 no. car parking spaces.	Refuse Pre App 26-07-12
AW/150/91	Renewal of unimplemented permission AW/191/86 for Change of Use from guest house/hotel to residential nursing home.	ApproveConditionally 14-10-91

Pre-application submission PAA/79/12 sought the 'demolition of existing guest house and construction of an 8 no. apartment block (3 no 1 bed, 5 no 2 bed) together with bin & cycle store and 12 no. car parking spaces' at 19 Nyewood Lane in 2012.

In respect of Design, the Council stated:

'The proposal would comprise a three storey block of flats, approximately 11.3 metres in height, 16.5 metres in depth and 11 metres in width. The building would take the form of a large dwelling with double fronted bay windows, pitched hipped roof and 4 no. flat roof dormer windows. 12 parking spaces would be provided to the front and the rear.

It is considered that on the basis of the submitted plans, the proposal represents an overdevelopment of the site, as evidenced by the extensive parking layout to the front and rear of the plot, with no communal

amenity space, or landscaped area provided on the plot. Furthermore, the insertion of 4 no. flat roof dormer windows to provide additional accommodation in the roof, unacceptably increases the scale, bulk and mass of the roofline of the building. The proposal is therefore unacceptable in terms of layout and design.'

In terms of neighbouring amenity, the Council stated:

'From the submitted, no private or communal amenity space would be provided for residents. Furthermore, the creation of a new access driveway and carpark at the rear of the building, would represent an unneighbourly form of development, to the detriment of the residential amenities of neighbouring dwellings to the north and at the rear.'

The pre-application response enquiry concluded that:

'Based on the above comments I conclude that 8 flats is considered to be an unacceptable overdevelopment of the site and the proposal is likely to be refused on that basis. Six flats as a maximum would be more appropriate. Furthermore, if private amenity space is not provided for each unit, some communal amenity space at the very least should be provided for future occupiers, and the level of parking reduced accordingly.'

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

Strongly object to the development on the ground that it does not make efficient use of land not reflect the characteristics of the site and local area in layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural detail. Members considered that it does not respond to local distinctive patterns of development or understand the nature of buildings on a site so close to the sea and that it represents an overdevelopment in siting, and has an overbearing effect on the properties opposite. Members further considered that the application proposes insufficient parking for the number of flats and that no mention is made of visitors' parking. The development is not visually subservient nor related to the existing building but that it varies in height and bulk from those nearby. The development does not preserve the existing separation of dwellings in order to prevent unneighbourly, cramped or visually intrusive closure of gaps or establishment of ill-conceived linkages between buildings. The development does not preserve existing boundary walls, trees and hedges and that it represents an over-development of the area by infilling and conversion of large properties into flats. The development is in direct conflict with Policy D SP1a of the Arun District Local Plan 2011-2031 and with the Parish Design Statement Pages 64 1, 2, 8 and 9.

6 letters of objection were received throughout the consultation period that detailed the following:

1. Overdevelopment of the existing space - number of units too high
2. Destroy the ambience and characteristics of the homes surrounding it
3. Proposed building will overpower existing properties on Wessex Avenue
4. Intrusion on privacy on properties along Wessex Avenue
5. Insufficient level of parking provision
6. Greater risk of antisocial behaviour/noise pollution
7. Balance of family homes must be retained
8. Refuse bin storage
9. Loss of existing trees

10. Precedent setting/creeping development

COMMENTS ON REPRESENTATIONS RECEIVED:

All applications are assessed on their own individual merits that take into account the context at the time of application. A development that may or may not be acceptable in one application does not automatically dictate acceptability in another. All other matters are assessed in the following sections of this assessment.

CONSULTATIONS

Engineering Services Manager
 Engineers (Drainage)
 Southern Water Planning
 WSCC Strategic Planning
 Ecology Advisor
 Environmental Health
 Sussex Police-Community Safety
 NHS Coastal West Sussex CCG

CONSULTATION RESPONSES RECEIVED:

WEST SUSSEX COUNTY COUNCIL HIGHWAYS

The increase in vehicular trips in the peak hours is not anticipated to result in a capacity issue on the nearby road network.

On the basis that the spaces are allocated, the WSCC Car Parking Demand Calculator envisions a demand for 21 spaces total. Whilst a shortfall is anticipated, it is noted that on-street parking is controlled in the vicinity, with 1 hour parking (no return within 1 hour) Mon-Sat 9am-6pm. The junctions with Aldwick Road to north and Marine Drive West to the south are protected by double yellow line road marking. Any overspill on-street parking is therefore not anticipated to take place in locations that would be detrimental to highway safety.

Furthermore, there are a range of local retail including Tesco Express within walking distance of the site with street lit footway links and pedestrian crossing points. Bognor Train Station is approximately 0.8 mile distance and bus services run from B2166 to larger settlements such as Chichester. It is considered that travel by foot, cycle and public transport could be feasible alternatives to the private car in this location. The applicant proposes a Travel Plan Statement which could secure such items as travel voucher for initial occupants of flats to contribute toward sustainable travel. Details of this can be secure via condition at of reserved matters application. Communal bicycle parking will be provided for the flats with 1 space per 1 bed flat and 2 spaces per 2 bed flat.

Whilst the principle of the application is considered to meet with para 109 of the NPPF in that a 'severe' cumulative impact on the operation of the highway network is not expected, the matters relating to access to car parking spaces as outlined above should be addressed and clarified on a detailed to scale plan.

ARUN DISTRICT COUNCIL SURFACE WATER DRAINAGE

If minded to approve the application please apply conditions detailed in the response on the file.

WEST SUSSEX COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY

No objection subject to advice detailed in full in the consultation response found on application file.

ARUN DISTRICT COUNCIL ENVIRONMENT OFFICER

Bats - the lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. We require that a bat box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

Nesting Birds - any works to the trees of vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work). We would like a bird box to be installed on the extension / and or tree within the garden of the property.

ARUN DISTRICT COUNCIL ENVIRONMENTAL HEALTH OFFICER

Imposition of conditions relating to Construction Management Plan as detailed in full found on the application file.

SOUTHERN WATER

Initial investigations indicate that Southern Water can provide foul and surface water sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. We request that should this application receive planning approval, the informative detailed in the full consultation response is attached.

SUSSEX POLICE DESIGNING OUT CRIME OFFICER

Due to the application being outline, comments will be broad with more in-depth advice at reserved matters. I have concern that the dwelling on the ground floor in the front right of the development could suffer from vehicle exhaust fumes entering the front living room window if a car reverses back to the wall or alternatively, if driving forward, the car driver will be able to view into the private residence.

WSCC S106 CONSULTATION RESPONSE

Schools - At present primary/secondary/further education secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would need to be requested.

Libraries - The proposed development would be within the area served by Willowhale Library and that the library would not currently be able to adequately serve the additional needs that the development would generate. However, a scheme is approved to provide additional floorspace or facilities at the library. In the circumstances, a financial contribution towards the approved scheme would be required in respect of the extra demands for library services that would be generated by the proposed development.

Fire - The County Fire Officer advises that a financial contribution from the proposed development towards the cost of fire and rescue infrastructure, principally fire stations and services serving the area within which the proposal stands, would be required.

POLICY CONTEXT

Designation applicable to site:

- 2km Buffer of Bognor Reef Site of Special Scientific Interest
- Pagham Harbour Access Management Zone B
- Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
HDM1	H DM1 Housing mix
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031 and the West Sussex County Council's Waste and Minerals Plans. The application site falls outside the made Neighbourhood Plan area for Bognor Regis.

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered contrary to the relevant Development Plan policies when taken as a whole in that the development would result in harm to the character of the area, neighbouring amenity and highways safety. The material considerations identified are not considered to be of such weight to warrant deviating from the Development Plan policies.

OTHER MATERIAL CONSIDERATIONS

The application site falls within the Parish of Aldwick where the Parish Design Statement SPD comprises a material consideration. However, this SPD is used to inform the policies contained within the Development Plan. There are no further material considerations that have been identified to warrant a decision otherwise than in accordance with the Development Plan.

CONCLUSIONS

PRINCIPLE

Arun District Council are unable to demonstrate a 5 year Housing Land Supply at the time of this assessment which therefore triggers the presumption in favour of sustainable development under footnote 7 and paragraph 11(d). Applying the presumption in favour of sustainable development for decision taking means granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

Paragraph 8 of the National Planning Policy Framework outlines the three overarching objectives to achieve sustainable development in the planning system; comprising economic, social and environmental objectives. The development would provide housing in a sustainable location that would provide access to jobs which would support the local economy (economic). The development would provide a range of homes that could meet the needs of present and future generations (social). The development would make an effective use of the land on a previously developed site (environmental).

However, paragraph 11(d)(ii) makes clear that decisions should be taken in accordance with the policies in the Framework unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. A full assessment of all matters and their significance are outlined in the below assessment.

DESIGN AND VISUAL AMENITY

Paragraph 127 of the National Planning Policy Framework requires planning decisions to ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Developments should be visually attractive as a result of good architectural and sympathetic to local character and history, including the surrounding built environment and landscaping setting and maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Paragraph 130 of the National Planning Policy Framework makes clear that permission should be

refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policies D SP1 and D DM1 of the Arun Local Plan is consistent with NPPF provisions in that it requires development proposals to make efficient use of land but reflect the characteristics of the site and local area in their layout, density, mix, scale, massing, character, materials, finish and architectural details. Policy D SP1 requires development proposals to have derived from a thorough site analysis and context appraisal. Policy D DM1 of the Arun Local Plan requires development proposals to have regard to character, appearance/attractiveness, density and scale.

The Ministry of Housing, Communities and Local Government: National Design Guide comprises a material planning consideration for the purposes of decision taking. Criteria C1 requires developments to understand and relate well to the site, its local and wider context; including the existing built development, layout, form and scale. Criteria I1 requires development to respond to existing local character and identity including the characteristics of existing built form and the elements of a place or local places that make it distinctive. Criteria B2 requires development to be of an appropriate building type and form, having regard to the height of buildings around them, the relationship with the street width, and the sense of enclosure that results.

The proposed quantum of development is only capable of being accommodated within a 3 - 3.5 storey development and whilst the plans submitted are illustrative only, such parameters of height, scale and massing will determine the acceptability of this quantum of development at outline stage. The applicant has confirmed in email correspondence dated December 2019 that the development would need to comprise a 3 - 3.5 storey flatted block on a similar footprint to those submitted, to achieve 23 units.

As detailed in the former sections of this report, Nyewood Lane is transitional from the grander sea front location to the more subdued Aldwick Road location. To facilitate this character there is a commensurate reduction in height, scale and massing, to the more built up and tighter urban grain of development within the Aldwick Road area. This contrast between the two forms of development is key in defining this juxtaposition in character. Whilst it is acknowledged 3 storey development is found within the nearby area, the 3 storey development to the north comprises a corner plot where a commensurate increase in height, scale and massing would be expected. The taller development to the south has a wider urban design purpose in framing the Bognor Regis promenade area. In contrast, the application site is read as one with development along the eastern side of Nyewood Lane. Public appreciation of this area is from the footpath directly adjacent to the application site. Buildings therefore have greater presence and sensitivity to change, given the proximity of public views.

Detached properties along this aspect of Nyewood Lane feature regular breaks within the built form. In contrast, the development proposes a flatted development in a block format with little/no relief in the illustrative elevations. Whilst it is appreciated detailed design can be addressed within the subsequent reserved matters stages, such relief by providing breaks in the built form through set backs etc, would result in the loss of apartments.

The application outlines an illustrative layout of the site which comprises car parking forward of the primary elevation in bays. This would comprise 10 no. open spaces which would not be characteristic of the area. Whilst detached properties feature open air off-street car parking, these nearby arrangements serve detached single residences where a maximum of 3 no. cars are parked at any one time. This has found to be the case on site visits undertaken throughout both September and December. This lesser quantum of vehicles has a lesser impact upon the character of the area and reiterates the subdued character of this area.

However, the flatted nature of the development, combined with the formalised bay parking arrangements,

would result in a harsh primary elevation that would be uncharacteristic of the area. Such a quantum of development is reliant upon delivering this level of parking provision. However, this amount of parking provision results in harm to the character of the area owing to the bay nature of parking, which derives from the flatted nature of development.

Taking the above factors into account, the development would result in a building that discordant with the character of the area in terms of height, scale, massing, footprint and layout. These features would adversely affect the character of this transitional area, contrary to paragraph 127 of the National Planning Policy Framework (2019), policies D SP1 and D DM1 of the Arun Local Plan and criterias C1, I1 and B2 of the MHCLG National Design Guide.

HIGHWAYS, TRANSPORT AND PARKING

This application proposes outline consent only with all matters reserved; however, key to assessing the acceptability of any quantum of development is having adequate satisfaction that such a level of development can be accommodated, in principle, without causing subsequent issues.

Paragraph 108 of the NPPF states that 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. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy T SP1 of the Arun Local Plan requires development proposals to incorporate appropriate levels of parking in line with West Sussex County Council guidance on parking provision. Arun District Council have formulated its own SPD on parking standards and is due to be adopted on 15 January 2020. It has passed public consultation and modifications stage and therefore carries material weight on the time of this assessment. On the basis of ADC and WSCC guidance, 1 space per 1 and/or 2 bedroom apartment is advised.

The Council has liaised with the applicant to establish whether the footprint of the building could be amended to determine where, in principle, parking could be accommodated. It is considered that owing to the proximity of the rear garden space that parking to the rear would be unacceptable. A similar rear parking arrangement was proposed in pre-application submission PAA/79/12 for the redevelopment of no. 19, and was assessed as resulting in unacceptable impacts upon residential amenity.

The only option to accommodate parking is to the primary elevation. Any other variation to the parking layout, unless underground which results in considerable cost and user access issues, would require a net loss in residential units. The applicant has indicated that the illustrative plans submitted would comprise the parameters of a subsequent reserved matters application.

In its submitted form, the development provides for 10 no. off-street parking spaces. This level of provision was assessed by WSCC as being acceptable owing to the sustainable location of the site. However, the arrangement of such parking would result in impacts upon neighbouring amenity which are detailed above.

The proposed access would require vehicles either stopping in the highway, to undertake a reverse bay park manoeuvre; or require vehicles to park in a forward gear and reverse out over the footpath onto the public highway. Whilst this arrangement is not uncommon of residential properties along Nyewood Lane, such frequency of movements comprise c. 4 movements in any one day given they serve singular residences.

The proposed quantum of development which comprises the flatted form would result in approximately

48 vehicle movements per day. Such vehicle movements undertaken by way of crossover arrangement would likely result in conflicts with pedestrians and other motor vehicle users. This would therefore fail to provide safe and sufficient access.

This level of harm derives specifically from the quantum of development proposed in principle. The inadequacy and unsafe nature of the proposed parking arrangements is symbiotic of the quantum of development. On this basis, the level of development would be unable to facilitate safe and sufficient access; contrary to paragraphs 108 and 109 of the National Planning Policy Framework (2019) and Local Plan Policy T SP1 of the Arun Local Plan.

NEIGHBOURING AMENITY/PRIVACY

Paragraph 127(f) of the National Planning Policy Framework (2019) which requires planning decisions to create place with a high standard of amenity for existing and future users.

Policy QE SP1 and D DM1 of the Arun Local Plan is consistent with paragraph 127 of the NPPF in that it requires development to not have a significantly negative impact upon residential amenity. Further, Policy D DM1 of the Arun Local Plan requires development to have a minimal impact to users and occupiers of nearby property and land. For example, Policy D DM1 requires development to avoid significant impacts upon privacy and outlook.

Whilst it is acknowledged that three storey development is present to both the north and south of the application site, these examples are situated obliquely to properties along Wessex Avenue and have separation distances of typically around 36m (back to back). These characteristics allow greater building heights without prejudicing the amenities of existing occupiers along Wessex Avenue.

Conversely, the proposed development would extend the built development into the rear garden area by a further c. 4m and would achieve separation distances of only 9.5m to the boundary. Whilst the Council considers an acceptable depth of garden to be approximately 10m for 2 storey dwellings, this development would comprise 3 - 3.5 storeys which would result in a greater perception of overlooking from neighbouring properties along Wessex Avenue. This perception of overlooking would be intensified by the flatted use/nature of the building which would feature more activity along the rear elevations. At such a height, boundary treatments and landscaping would be unable to sufficiently resolve such concerns at reserved matters stage.

The applicant has confirmed to the Local Planning Authority in writing that the quantum of development proposed would need to comprise c. 3 - 3.5 storeys to achieve the proposed 23 units of development. However, this 3 - 3.5 storey form, which is the only form capable of accommodating the proposed level of development, could not be undertaken without significant prejudice to the amenities of neighbouring occupiers.

Furthermore, to achieve sufficient living conditions for the future occupants, outward facing windows would need to be provided along the western rear elevation of the building. Windows serving accommodation in this elevation, combined with the footprint of the building and its proximity to neighbouring properties, combined with the height of development, would result in unacceptable impacts upon the existing residents of neighbouring properties.

Such a proposed footprint, combined with the height of development, would result in a scale and mass that would have an unacceptable level of perception of overlooking and overmassing on the neighbouring properties along Wessex Avenue to the west.

On this basis, the development would fail to accord with paragraph 127(f) of the National Planning Policy Framework (2019) and policies QE SP1 and D DM1 of the Arun Local Plan.

LANDSCAPING & TREES

Paragraph 127(b) of the NPPF requires planning decisions to ensure that development are visually attractive as a result of effective landscaping. Policies D DM1 and D SP1 of the Arun Local Plan is consistent with paragraph 127 of the NPPF in that it requires the Council to have regard to hard and soft landscaping when assessing development proposals. Policy D SP1 of the Arun Local Plan also requires development proposals to reflect the characteristics of the site and local area in their landscaping.

This application seeks consent for outline only, with all matters including landscaping reserved. Whilst concerns have been raised throughout the public consultation period in relation to the loss of trees and lack of landscaping, such a matter would be assessed in full at reserved matters stage.

BIODIVERSITY

Paragraph 170(d) of the NPPF requires planning decisions to contribute and enhance the natural and local environment by providing net gains for biodiversity. Policy ENV DM5 of the Arun Local Plan is consistent with paragraph 170 of the NPPF in that it requires that 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).

This application seeks outline planning permission with all matters including design and landscaping reserved for subsequent approval. It appears the illustrative floor plans demonstrate that sufficient scope would exist to achieve biodiversity net gains on the basis of the illustrative footprint. However, such matters would need to be formally approved at reserved matters stage.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Such an assessment would take place upon submission of a reserved matters application relating to design.

BIN AND CYCLE STORAGE

Paragraph 102 of the NPPF requires development proposals to pursue opportunities to promote walking, cycling and public transport uses. Policy WM DM1 of the Arun Local Plan accords with paragraph 102 of the NPPF in that it requires new residential development to be designed to ensure that kerbside collection is possible for municipal waste vehicles. Where appropriate, communal recycling bins and safe bin storage areas are available to residents for flats.

Whilst such matters would be formally approved at reserved matters stage, such a principle matter is used to assess whether the quantum of development is capable of being delivered. The illustrative site plan appears to denote sufficient room to allow for safe and secure bin storage, whilst allowing for municipal kerbside collection. However, such matters would need to be formally approved within reserved matters stage.

Policy T SP1 of the Arun Local Plan requires development which reduces the need to travel by car and gives priority to pedestrian and cycle movements. The illustrative floor plans appear to show sufficient communal cycle storage within the potential floor space. To accord with Policy T SP1 of the Arun Local Plan, WSCC guidelines such provision would need to provide 1 cycle space per 1 bed flat, and 2 spaces per 2 bed flat. However, such matters would need to be formally approved within the reserved matters stage.

WATER QUALITY

Policy W DM1 of the Arun Local Plan requires sufficient water supplies be provided prior to occupation to

serve the development. Policy W DM1 requires that the provision of water supply is not considered detrimental to existing abstractions, river flows, water quality, fisheries, amenity or nature conservation.

The applicant has indicated that the illustrative plans indicate a reduced overall footprint from the existing dwellings to the potential likely design of the building. As a result, surface water drainage would be improved. Such a matter would be assessed in full at reserved matters stage when the extent of hard and soft surfacing can be ascertained.

However, in principle, the development would benefit from access to mains water and foul sewerage and Southern Water have not detailed any concerns over such provision in principle. However, such matters would need to be formally approved within the reserved matters stage.

5 YEAR HOUSING LAND SUPPLY POSITION

Arun District Council are unable to demonstrate a 5 Year Housing Land Supply on the date of this assessment. Current Annual Monitoring Report indicate a supply of 3.7 years on the date of this assessment. The National Planning Policy Framework (July 2019) makes clear at paragraph 117 that planning decisions should promote an effective use of land in meeting the need for new homes.

Paragraph 118(d) of the NPPF states that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops).

Paragraph 118(e) of the NPPF states that planning decisions should support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

Paragraph 122 of the NPPF states planning decisions should support development that makes efficient use of land taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; local market conditions and viability; the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places.

Paragraph 123 of the NPPF states that where there is an existing shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Criteria (c) of paragraph 123 states that in this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

These revisions to the NPPF have been given weight as a material consideration in the absence of the Council being able to demonstrate a 5 year Housing Land Supply. However, owing to the harm caused by the quantum of development to the character of the area, neighbouring amenity and highways safety, such material considerations are not considered to be of sufficient weight to outweigh the the significant and demonstrable harm identified.

SUMMARY

Given the Council's current 5 year Housing Land Supply position the presumption in favour of

sustainable development is triggered under paragraph 11(d) of the National Planning Policy Framework. Paragraph 11(d)(ii) of the NPPF makes clear that permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'. In this instance the development has been assessed against the policies in the Framework taken as a whole and it has been demonstrated that the adverse impacts would significantly and demonstrably outweigh the benefits.

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.

SECTION 106 DETAILS

This application is for outline only with all matters reserved. S106 contributions would be sought when the definitive design and layouts of apartments has been detailed to enable consideration of financial matters.

RECOMMENDATION

REFUSE

- 1 The quantum of development proposed would result in a building that is discordant with the character of the area having regard to the required height, scale, massing, footprint and layout. These discordant features would adversely affect the transitional character of the area; contrary to policies D SP1 and D DM1 of the Arun Local Plan, paragraph 127 of the National Planning Policy Framework (2019) and criterias C1, I1 and B2 of the Ministry of Housing, Communities and Local Government National Design Guide.
- 2 The quantum and nature of development proposed, combined with the footprint of development, is unable to deliver a form of parking provision that provides safe and sufficient access for vehicles and pedestrians; contrary to policy T SP1 of the Arun Local Plan.

- 3 The proposed footprint and height which derives from the proposed quantum of development would result in a scale and mass that would have an unacceptable level of overlooking and overmassing impact on the neighbouring properties along Wessex Avenue; contrary to policies QE SP1 and D DM1 of the Arun Local Plan and paragraph 127(f) of the National Planning Policy Framework (2019).
- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern 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.