

Recommendation Report for Planning Permission

REF NO: BR/42/18/PL

LOCATION: 86 Annandale Avenue
Bognor Regis
PO21 2EX

PROPOSAL: 2 No. 2 bedroom flats, one on first floor & one on second floor over existing single storey flat.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to extend above the existing rear single storey extension (4.1m high to the ridge) adding a new floor above and then a third floor within the new roof space. The extension will be 6m to the underside of the eaves and 9.2m to the ridge. The new building will be 1.1m below the height of the main ridge to the existing. Both flats will have 2 bedrooms. Four new dormers and 4 new velux windows to the new roof. New bin & cycle stores to the side but no car parking proposed.
SITE AREA	0.0865 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Together with the existing 3 flats, this would result in a density of 58 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	* Low flint wall and part 1.4m high close boarded fence along the Annandale Avenue frontage; * 1.4m high brick wall part with 3m high hedge behind along the Chichester Road frontage; * 2m part block work wall, part close boarded fence to the rear; and * 1.8m high wall/close boarded fence to no. 84.
SITE CHARACTERISTICS	Detached two storey corner double fronted building in a mix of light brown/orange brick and grey render/pebble dash with a tiled roof. Light blue/green rendered single storey extension to the rear. The property already comprises of 3 residential flats, two spread across the ground floors and the 3rd within the existing first floor. External staircase on the south western side. Space for one to two off-street parking spaces on the north eastern side. Large rear garden which in part wraps around the rear of no. 84..
CHARACTER OF LOCALITY	Predominantly residential. Mix of houses and flats. Unrestricted on-street parking on both sides of Annandale Avenue. Double yellow lines on Chichester Road to the side and Longford Road to the rear. No 84 is a two storey dwelling

(not flats). It has two rear bedroom windows plus ground floor rear kitchen and study windows.

RELEVANT SITE HISTORY

BR/74/17/PL	Conversion of the ground floor to create 2 No. self contained flats.	App Cond with S106 09-06-17
BR/166/10/	Variation of Condition No 3 imposed on BR/67/91 and Condition No 2 imposed on BR/102/03 to increase number of children from 34 to 42.	ApproveConditionally 19-08-10
BR/102/03/	Conversion of 1st floor into self contained flat together with ground floor classroom & toilet extension to child day nursery	ApproveConditionally 03-06-03
BR/67/91	Use of property as a Kindergarten (A Pre School Play Group providing early learning activities for children aged 2-5 years) revision to previously approved Application No BR/511/87	ApproveConditionally 24-04-91
BR/511/87	Renewal of temporary planning permission BR/309/86 - Continuance of use of property for residential purposes in conjunction with further use as a kindergarten. (A pre-school playgroup providing early learning activities for children aged 3-5 years).	ApproveConditionally 09-11-87

The existing ground floor rear extension was approved by virtue of BR/102/03/ to provide a classroom & toilet extension to the then child day nursery.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"No Objection however members asked that as many trees as possible be preserved".

9 letters of objection from local residents. Grounds of objection as follows:

- (1) Lack of car parking;
- (2) Increased parking congestion on Annandale Avenue is dangerous to cyclists;
- (3) Design is not in keeping with the existing/nearby houses;

- (4) Overlooking of windows and garden to nos. 84 & 82 Annandale Avenue; and
 (5) Pressure on local sewers.

COMMENTS ON REPRESENTATIONS RECEIVED:

It is not considered that the proposal will affect any existing trees given that it is to be built above the existing single storey rear projection. The local resident objections will be discussed within the conclusions section.

CONSULTATIONS

WSCC Strategic Planning
 Engineering Services Manager
 Engineers (Drainage)
 Natural England
 Environmental Health

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - No objection provided that a contribution is secured towards the mitigation of impacts on the Pagham Harbour Special Protection Area.

WSCC HIGHWAYS - Does not consider that the proposal for two new dwellings would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32) and there are no transport grounds to resist the proposal. Consider that the site is sustainably located, within walking distance of Bognor Regis town centre which contains a variety of local shops and services and that there are bus stops are located within metres of the property providing access into Bognor Regis and Chichester. Also that Bognor Regis train station is within short walking distance providing access to Chichester, Brighton, Portsmouth and London. Also note the proposed cycle storage. Do not consider that the nil parking provision would adversely affect highway safety. Recommend a cycle storage condition.

ADC ENVIRONMENTAL HEALTH - No comments.

ADC PRIVATE SECTOR HOUSING - Comment that (1) appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary; (2) room sizes should meet the minimum standards for houses in multiple occupation if the flats are intended to be rented; and (3) must meet the requirements of the Housing Act 2004 and be free of Category 1 and significant Category 2 Hazards.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area;
 Class A Road; and
 Building of Character.

DEVELOPMENT PLAN POLICESArun District Local Plan (2003):

AREA13	Sites of International Importance for Nature Conservation
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM3	External Space Standards
D SP1	Design
ECC SP2	Energy and climate change mitigation
ENV DM2	Pagham Harbour
H DM1	Housing Mix
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development
W DM3	Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and then subject to public consultation. The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector then wrote to the Council to set out his 'Interim Views following the Hearings'. The plan was then modified further in January 2018 (Modified - Arun Local Plan - January 2018 Consultation) and these were subject to public consultation between 12 January 2018 and 23 February 2018.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little

weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

There are no relevant Bognor Regis Neighbourhood Development Plan policies to consider.

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and on the residential amenities of the adjoining properties.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

The site is in an urban and predominantly residential area. It is defined as being part of the built up area boundary area and is acceptable in principle subject to normal development control criteria such as residential amenity, highway safety and parking. Paragraph 49 of the National Planning Policy Framework (NPPF) states with regard to housing that: "Housing applications should be considered in the context of the presumption in favour of sustainable development".

The Council cannot currently demonstrate a 5 year housing land supply and the policies of the development plan relating to housing supply (i.e. Arun Local Plan policy GEN2) are considered to be out of date. As a result, paragraph 14 of the National Planning Policy Framework (NPPF) is engaged and this states that planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted.

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and

environmental gains should be sought jointly and simultaneously through the planning system.

The application site lies within the settlement boundary of Bognor Regis and there are various local amenities and services within walking distance of the site along street lit footways. Bognor Regis Train Station is a walk or cycle of around 640m and there are bus stops nearby on Longford Road (100-160m) and Chichester Road (180m). The closest food shops are either a Tesco Express near to the Bognor Regis train station (750m) or the Morrisons supermarket in Bognor Regis (900m).

The site also sits within 200m of the Bognor Regis hospital, 600m of the Edward Bryant School in Bognor Regis, 1.2km of Bersted Green Surgery and the same distance to Bersted Green Primary School. It is therefore considered that the proposal is environmentally sustainable as residents will not need to rely on the private car to access basic services & facilities. These environmental factors weigh in the scheme's favour.

It is considered the proposal will result in localised economic benefits through the need to employ people to carry out the building works. The proposal will also result in a net gain of 2 new dwellings and so an increase in Council tax receipts and new homes bonus payments. In addition, the new dwellings could bring new people into the area who could then spend money on local goods & services. These economic factors weigh in the scheme's favour. It is also considered that the proposal will have social benefits by providing new housing to meet local needs. This also weighs in the scheme's favour.

It is considered the proposal is sustainable development and would benefit from the NPPF presumption in favour of sustainable development. This report now considers the proposal against the relevant policies of the development plan.

DESIGN & CHARACTER:

Local residents consider the proposal not to be in character with either the host building or nearby buildings.

Arun Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Emerging Local Plan policy D DM1 is similar to GEN7. It requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area."; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that:

"All development proposals must make efficient use of land and reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability,

security, attractiveness and usability, health and wellbeing and climate change mitigation); and the influence these objectives have on the form of the development. All development proposals must reflect the efficient use of land, layout, landscape and its setting, density, mix, scale, massing, character, materials, finish, architectural details and nearby habitats of the site and local area."

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 7 states that good design is a key aspect of sustainable development (paragraph 56), and that developments should respond to local character & history, reflect the identity of local surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 60 advises that local planning authorities should promote or reinforce local distinctiveness. Paragraph 64 then confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

The building is already in a flatted use and there are other flatted buildings in the locality. As such, there is no objection to the principle of flats in this location. Furthermore, the proposal does not seek to exceed the existing eaves or ridge heights.

However, it is not considered that the proposed extension respects the character and appearance of the host building. In coming to this conclusion, regard is had to the design of windows in the new build (which are different to those in the existing), the use of soldier courses above & below windows, the first floor sill heights of windows (which do not match with those in the existing flank elevations) and the use of dormers in the roof. It is also noted that the proposal suggests that the new walls will be rendered not in brick to match the host dwelling.

It is considered that the design of the proposed two floor extension fails to respect the character and appearance of the host dwelling and as such will adversely affect the appearance of the existing building and be harmful to views of the site from public viewpoints to the north east (Chichester Road, Gordon Avenue). It is therefore considered that the proposal would be contrary to policy GEN7 of the adopted Arun Local Plan 2003, policies DDM1 & DSP1 of the Arun Local Plan 2011-2031 Publication Version showing Modifications and the guidance on design and scale in the National Planning Policy Framework.

RESIDENTIAL AMENITY:

Local residents consider that the extensions will result in harmful overlooking of the windows and private gardens to nos. 84 & 82 Annandale Avenue. Arun District local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. One of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Emerging Local Plan policy D DM1 is similar to GEN7. It requires that the Council have regard to certain aspects including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

The concerns of no. 82 are noted however, in view of the 18.5m distance between the new building and the nearest part of no. 82's house and the presence of fencing and trees in between, it is not considered that the proposal will lead to any harm to the amenity of no. 82. It is accepted however, that the occupiers of 82 may still have a fear of overlooking.

The main issue to consider is the impact on no. 84 which adjoins with the site and which will be most affected by the new extension. The new two floor extension will add a further 5.1m to the existing ground

floor extension. This will be due north east of the neighbouring property and will be only 2-2.5m from the boundary (3m from the 84 itself). It is therefore considered that this extension will interfere with the amount of sunlight during the morning hours reaching the rear windows and private garden of no. 84. This has the potential to cast shadow over this area and also to have an overbearing impact on the occupants. This will be harmful to their amenity and living conditions.

It is also considered that the proposed first and second floor windows in the south western flank of the extension will look directly into no. 84's rear garden and provide views of the neighbouring windows. The position of the extension only around 2-2.5m in from the boundary means that these windows will look into 84's garden at only a very short distance and will also offer short range viewing of their windows. These new windows serve bedrooms, a kitchen & bathrooms and will severely compromise the privacy and living conditions of the adjacent property.

It is accepted that there are some trees along this boundary and that these will may already block out some sunlight reaching no. 84 and will also mitigate views of this property from new windows. However, it is not considered that these will completely prevent overlooking and it is considered that the addition of the extension will result in a greater loss of sunlight and a grater sense of overbearing. Furthermore, these trees are not protected and if they were to be pruned or removed then there would be no protection to no. 84.

It is therefore considered that the proposal would conflict with policy GEN7 of the adopted Arun Local Plan 2003 and the guidance on amenity in the National Planning Policy Framework

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The stated requirement for single storey, 2 bedroom, 4 person flats is 70m². The proposed internal space for each is around 73m² and this therefore exceeds the standard.

In respect of external garden standards, the current modified version of the emerging Arun Local Plan proposes to delete policy D DM3 in favour of inclusion within a future design guide. It is not therefore considered appropriate to now refer to this policy. However, regard is had to paragraph 17 of the NPPF which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. The proposal retains communal garden space to the rear of the building and this will be available to residents. This is considered to represent an appropriate solution and as such there is no conflict with policy.

PARKING PROVISION:

Local residents object on the grounds that the proposal does not provide any off-street parking spaces, that this will lead to greater demand & conflict with others for the unrestricted on-street spaces on Annandale Avenue and that parking in this location has the potential to impact on the safe use of a cycle lane.

Policy GEN7 (vii) requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Regard should also be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West

Sussex (Residential) Parking Demand Calculator. This indicates a total demand for the proposal of 2 off-street parking spaces. The demand for 5 flats has also been checked and this equates to 5 off-street spaces.

The property already benefits from a vehicular access into the area on the north east side of the existing building. This is typically occupied by 1 car but could at a push, accommodate 2 cars. The proposal does not seek to provide any additional parking.

The concerns of local residents are noted. However, this is a highly sustainable location and as such, residents do not need to own a car in order to access places of employment, schools, shops and other necessary facilities. Furthermore, the existing situation with parking on Annandale Avenue is likely to deter any future residents who own a car and instead appeal strongly to those who do not. Furthermore, County Highways do not raise any objections on either parking or highway safety grounds. It is not therefore considered that a refusal on the grounds of insufficient parking or harm to the safety of cyclists could be defended on appeal. On this basis, it is considered that the proposal complies with the NPPF and the policies of the development plan.

PAGHAM HARBOUR:

The application is accompanied by a signed legal agreement relating to a payment of £1,742 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

Emerging Local Plan (Arun Local Plan 2011-2031 Publication Version showing Modifications) policy ENV DM2 states that all new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The report to Cabinet stated that:

"The access management measures identified are referred to as Strategic Access Management and Monitoring (SAMMs). As these do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, does not apply. It is common practice by many other authorities (for example Elmbridge) that contributions towards SAMMs are gathered through S106 planning obligations. This approach has also been confirmed within Counsel advice sought by the Council. As a contribution is required to make the development acceptable in planning terms, it is therefore in compliance with the tests under Regulation 122 of the CIL Regulations (2010) as amended"

The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

Paragraph 014 (Reference ID 23b-014-20160519) of the Planning Practice Guidance describes tariff style contributions. It clearly states that these consist of contributions to pooled funding 'pots' intended to fund the provision of general infrastructure in the wider area. The Council accepts that the Pagham Harbour contribution is based on a tariff. However, the contribution is required to fund strategic access management and monitoring measures (SAMMs) which are necessary to meet the requirements of European law (transposed into English law through the Conservation of Habitats and Species Regulations 2010). Essentially this requires the Council to maintain, if not improve, the existing condition of the site.

As these SAMMs do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the

Planning Act 2008, meaning that the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, do not apply.

Therefore, it is considered that the Council is able to seek these contributions despite the guidance in PPG Paragraph 031 (Reference ID: 23b-031-20160519009). This has also been tested at appeal on several occasions. For example, APP/C3810/W/16/3146804 which concerned a single dwelling in nearby Aldwick.

Furthermore, it should be noted that this policy has a basis in the current development plan in that Local Plan policy AREA13 "Sites of International Importance for Nature Conservation" which states that: "Where development is permitted, the use of conditions or planning obligations will be considered in order to secure any compensatory or mitigation measures and appropriate management that may be required."

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 2 dwellings resulted in a contribution of £1,742 at the current rate and it is this that is secured by the signed legal agreement.

SUMMARY:

There is no in principle objection to the further residential development of this site within the built up area and it is considered that the proposal complies with development control criteria concerning highway safety, parking, internal and external space standards. However, notwithstanding, it is not considered that the existing single storey rear projection is suitable for two further floors of residential accommodation as a result of the impact on the amenity of the neighbouring property. It is also considered that the design of the extensions will not be in character with the host building or with nearby buildings and that this will have a materially harmful impact on the appearance of the building within the public realm.

The Council cannot currently demonstrate a 5 year housing land supply and the policies of the development plan relating to housing supply are considered to be out of date. As a result, paragraph 14 of the National Planning Policy Framework (NPPF) is engaged and this states that planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted.

In this case, it is not considered that the tilted balance in favour of sustainable development would apply as the proposal would result in adverse impacts to the amenity of adjacent residential occupiers and to the appearance of the building within the streetscene. It is therefore recommended that the application be refused for the following reasons.

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

The application is accompanied by a signed/complete legal agreement relating to a payment of £1,742 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

RECOMMENDATION

REFUSE

- 1 The scale of the proposed two floor extension to the rear of 86 Annandale Avenue will result in an overbearing impact on the amenity of the existing rear windows of no. 84 and its garden taking away sunlight during the morning hours. 84's rear garden will also be overlooked by the new residential windows in the south western side of the extension. This will result in a materially harmful impact on the living conditions of the adjacent property and the proposal is therefore contrary to policy GEN7 of the Arun District Local Plan; the National Planning Policy Framework; and policy DDM1 of the Arun Local Plan 2011-2031 Publication Version showing Modifications.
- 2 The design of the proposed two floor extension fails to respect the character and appearance of the host dwelling particularly in respect of window designs, window sill heights, detailing & dormers and will this will be harmful to the streetscene when viewed from public viewpoints to the north east. The proposal is therefore contrary to policy GEN7 of the Arun District Local Plan; the National Planning Policy Framework; and policies DDM1 & DSP1 of the Arun Local Plan 2011-2031 Publication Version showing Modifications.
- 3 **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.