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Planning Statement

Kivesborough, Littlehampton Road

January 2025



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Project Name: Kivesborough. Littlehampton Road

Location Kivesborough, Littlehampton Road, Worthing,
BN12 6PN

Client: Mr and Mrs Dichello

File Reference: P2038

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1. Introduction

- 1.1. This Planning Statement has been produced by **ECE Planning** on behalf of **Mr and Mrs Dichello** in support of a Full Planning Application at Kivesborough in Ferring. The description of development reads:

'Subdivision of existing curtilage and erection of 3 No. 3-bedroom dwellings, retention of existing access and provision of landscaping'.

- 1.2. As set out in the development description, the proposals seek to sub-divide the existing underutilised garden area at Kivesborough to provide 3no. 3-bedroom dwellings and private amenity space. The proposed 3no. new dwellings would be lived in by the applicants' children, who intend for these dwellings to be their homes for the foreseeable future.

- 1.3. The application has previously been submitted to Arun District Council (ref: FG/49/24/PL) which was refused on 20 May 2024 for the following reason:

'Insufficient information has been provided within the submitted Surface Water Drainage Scheme to conclude that infiltration is not viable on site or that there is a suitable alternative drainage method for surface water. As a result, the proposal has not identified that it could be constructed without increasing flood risk elsewhere and is in contradiction to policy W DM3 of the ALP and paragraph 173 of the NPPF. The potential resultant harms significantly and demonstrably outweigh the benefits of providing 3 No. new dwellings in contradiction to paragraph 11d(ii) of the NPPF'.

- 1.4. Please refer to **Appendix A** which details the decision notice in full.

- 1.5. This Statement sets out the relevant background for the determination of the planning application, including a description of the site and its surroundings, the relevant planning history, planning policy, key details of the proposed development and assessment of the relevant planning considerations.

- 1.6. In support of this application, the Statement will examine relevant planning policy and guidance. The proposals have been informed by the Development Plan comprising the National Planning Policy Framework, the Planning Practice Guidance, the Arun Local Plan, and the Ferring Neighbourhood Plan.

- 1.7. The application for Full Planning Permission is supported by the following documents and drawings:

Application Forms, CIL Forms and Notices

Planning Statement

Architectural Drawings inc. Location and Block Plans

Design and Access Statement

Acoustic Report

Transport Report

Preliminary Ecological Appraisal

Arboricultural Report and Tree Protection Plan

Flood Risk Assessment and Drainage Strategy

Water Efficiency Statement

Contamination Report

2. The Site

- 2.1. The site is located on the south side the A259 / Littlehampton Road in the village of Ferring (Refer to Figure 1). As illustrated in Figure 1, the wider site (identified by the blue outline) is also within the Applicant's ownership and comprises an existing dwelling known as 'Kivesborough', associated garage, parking area and garden. Along the boundaries of the existing site comprises established hedging and fencing.



Figure 1- Satellite image of existing site (Source: Google Earth, 2022)

- 2.2. The existing dwelling is accessible via a private driveway, which is achieved through right of way via the Ferring Nurseries Car Park directly from the A259. The total calculated area of the red line site is approximately 0.123Ha.
- 2.3. A number of industrial/commercial uses are situated within close proximity to the site, as illustrated in Figure 1. To the western boundary is Ferring Garden Nurseries with the Asda Ferring Supermarket and Petrol Station further beyond.
- 2.4. To the north, is the newly built out residential development (ref: FG/104/14/PL) which surrounds the north and east boundaries of the site. To the imitate southern boundary, is a bungalow (Lynton) which has substantial curtilage and is similarly separated from the wider residential developments.
- 2.5. The site itself is located within a well contained plot and compromises an existing single storey dwelling along the eastern boundary of the site that has be subject to numerous extensions. The site has two areas of space at the front of the site. The site is divided in two by a gravel drive providing access to Kivesborough. Towards the southern area sits a shed with trees along the boundary.

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- 2.6. Arun's adopted Policy Maps have been reviewed and reveal that the site lies within the built-up boundary of Ferring. The site also lies outside the Angmering to Worthing 'Gap Between Settlement'. Refer to Figure 2.

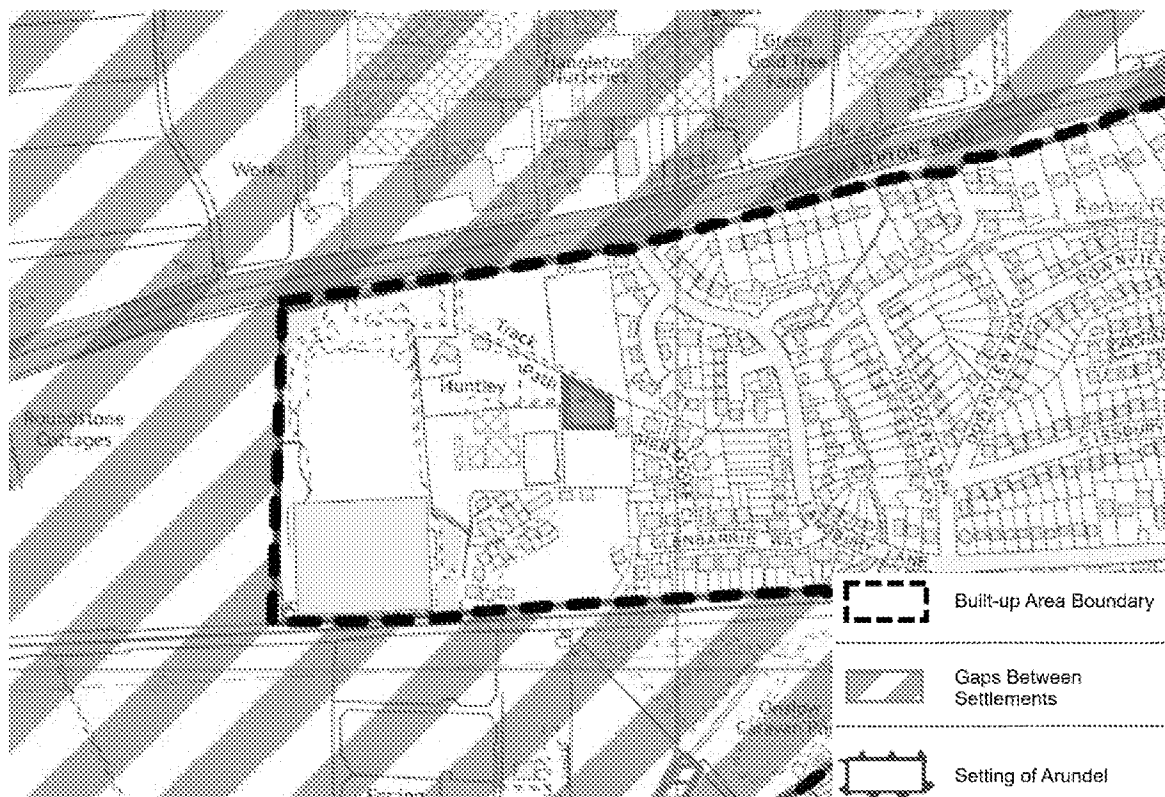


Figure 2- Arun Policy Map and Key

- 2.7. The site is considered to be situated within a highly sustainable location with a variety of local services and amenities available along the Littlehampton Road, and the built-up areas of Goring, West Durrington and Ferring in close proximity.
- 2.8. The closest bus stop to the site is situated to the south, at the entrance of the Asda car park (approximately 84m away). The site is also 1.3 miles from Goring-by-Sea Train station, providing links to Brighton and to the east, and Southampton the west.
- 2.9. The Government's Flood Risk Maps for Planning have been consulted and reveal that the site is within Flood Zone 1 and therefore has a very low risk of flooding.

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3. Planning History

- 3.1. A search of the Council's online register of planning applications has been undertaken which revealed the following applications.
- 3.2. **PAA/104/23**- Pre-Application planning advice and site meeting for the erection of 3 No. dwellings. Kivesborough, Littlehampton Road, Ferring Worthing BN12 6PN. Advice was received 19 December 2023.
- 3.3. The pre-application submission was carried out to understand the Council's thoughts on the proposals prior to an application for full planning permission being submitted. In summary, the Council requested further survey work, however, the principle was considered acceptable.
- 3.4. Following the positive advice received a Full Planning Application was submitted under the following reference:
- 3.5. **FG/49/24/PL**- Subdivision of existing curtilage and erection of 3 No. 3-bedroom dwellings, retention of existing access and provision of landscaping. Kivesborough, Littlehampton Road, Ferring Worthing BN12 6PN. Refused on 20 May 2024 for the following reason:

'Insufficient information has been provided within the submitted Surface Water Drainage Scheme to conclude that infiltration is not viable on site or that there is a suitable alternative drainage method for surface water. As a result, the proposal has not identified that it could be constructed without increasing flood risk elsewhere and is in contradiction to policy W DM3 of the ALP and paragraph 173 of the NPPF. The potential resultant harms significantly and demonstrably outweigh the benefits of providing 3 No. new dwellings in contradiction to paragraph 11d(ii) of the NPPF.'
- 3.6. Please refer to **Appendix A** for further information.

4. The Proposal

- 4.1. This application seeks Full Planning Permission to subdivide the existing underutilised garden space at Kivesborough and the erection of 3no. 3-bedroom dwellings with associated parking and landscaping. The proposed dwelling will be separated from the existing dwelling through the erection of landscaping and fencing, albeit access retained to the original dwelling.
- 4.2. Refer to Figure 3 for the Proposed Site Plan and its relationship with the existing dwelling at Kivesborough.

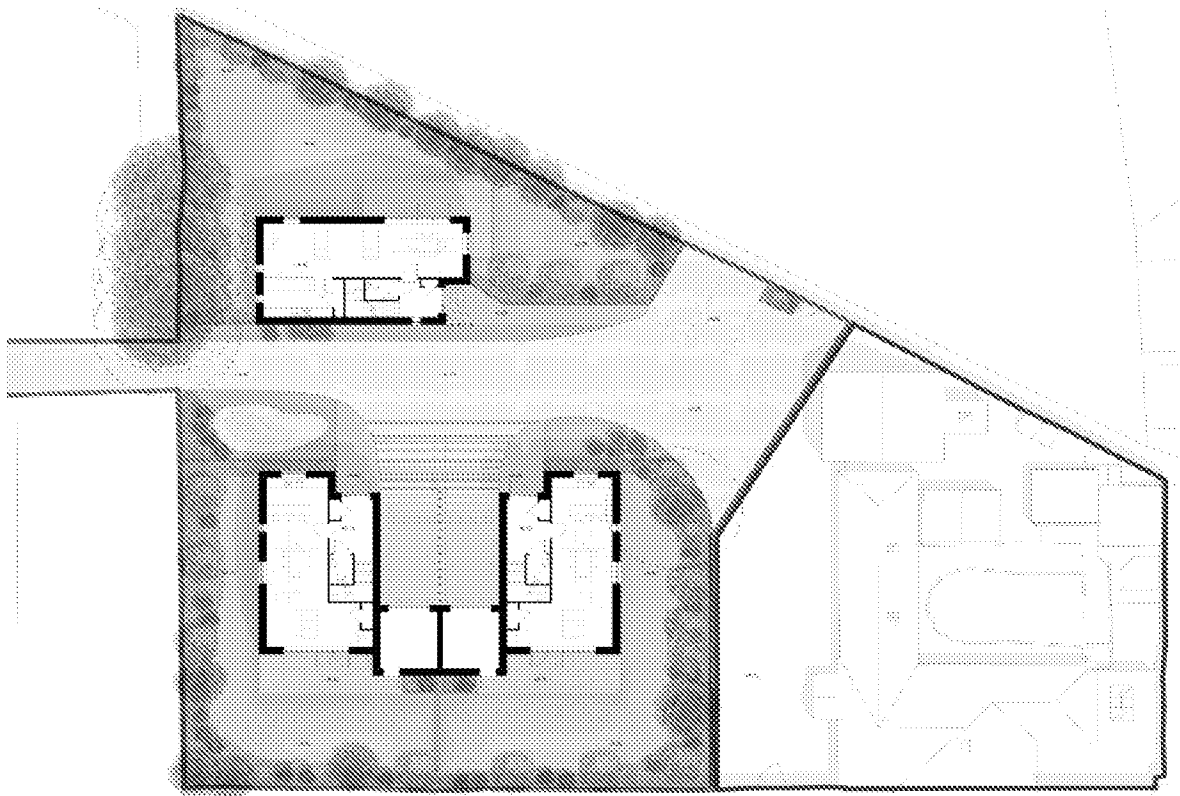


Figure 3- Proposed Site Plan

- 4.3. As illustrated above, the existing access currently serving Kivesborough will be retained via Ferring Nurseries. The parking area within the site will be remodelled formally to allow both the existing and proposed dwellings to utilise the area via formal parking arrangements.
- 4.4. The proposal will provide ample parking spaces for all dwellings, in line with Guidance (as discussed later within this Statement). The proposal also seeks to provide separate cycle sheds at the rear of gardens. An electric vehicle charging point could be provided on site, details of which could be provided by way of condition.
- 4.5. Sufficient space is available on site for the storage of bin/recycling bins.
- 4.6. It is considered that the dwellings make effective use of the generally underused garden area while being orientated to protect the residential amenity of the existing dwelling on site. The existing property also retains their main amenity space at the rear of the house.

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- 4.7. In terms of architectural styling, the proposal seeks a creative and contemporary design. The dwellings are two storeys but are designed in such a way that the front elevation would read as 1.5 storey dwelling. All dwellings are predominantly the same design with two of the units being semi-detached on the south and the other being detached to the north of the site.
- 4.8. The dwellings would feature brickwork with projecting headers, tile hanging, vertical timber boarding, metal cladding, and black metal fenestrations. These materials are generally feature brown and deep red colorations; however further information can be provided via an appropriately worded condition.
- 4.9. The proposal consists of two-house types 1no. 3-bedroom dwelling (House Type A) and 2no. 3-bedroom dwelling (House Type B). Both house types at the ground floor of each dwelling will accommodate an open plan dining/ kitchen/ living area and downstairs toilet. A first floor each dwelling will accommodate 3no. bedrooms and associated bathrooms.
- 4.10. Please refer to the accompanying floor and elevation plans for greater detail.

5. Policy Overview

5.1. Introduction

5.1.1. A key role of the planning system is to regulate the development and use the land in the public interest. At the heart of the planning framework are Statutory Development Plans, which seek to guide the decision making process. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires, that where the Development Plan contains relevant policies, and application for planning permission shall be determined in accordance with the Development Plan, unless material consideration indicate otherwise.

5.1.2. In this case the Development Plan for the area, consists of the following:

The Arun Local Plan (2018)

Ferring Neighbourhood Plan (2015)

5.1.3. The section considers how the proposed application complies with relevant National and Local Policy.

5.2. National Planning Policy Framework (NPPF)

5.2.1. The NPPF, most recently amended in December 2024, sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

5.2.2. The following extracts of the NPPF are considered most relevant in the determination of this application. The below are not explored in detail within this Statement but have been fully reviewed in preparation of this application.

Chapter 2 (Achieving Sustainable Development)

Chapter 5 (Delivering a Sufficient Supply of Homes)

Chapter 9 (Promoting Sustainable Transport)

Chapter 11 (Making Effective use of Land)

Chapter 12 (Achieving well-designed places)

Chapter 14 (Meeting the challenge of climate change, flooding and coastal change)

Chapter 15 (Conserving and enhancing the natural environment)

5.3. Planning Practice Guidance (PPG)

5.3.1. The PPG supplements the overarching objectives of the National Planning Policy Framework. The guidance provided by the PPG has been fully considered in the creation of the application and the proposed plans are seen to be fully compliant with it.

5.4. Arun Local Plan (2018)

5.4.1. The recently adopted Arun Local Plan 2018 sets out the strategic vision, objectives, policies and proposals for the development of the LPA to 2030 and beyond. The following policies in the Local Plan are considered relevant to this application but are not explored in detail in this Statement:

- Policy SD SP1 (Sustainable Development)**
- Policy SD SP1a (Strategic Approach)**
- Policy SD SP2 (Built-up Area Boundary)**
- Policy SD SP3 (Gaps Between Settlements)**
- Policy H SP1 (The Housing Requirement)**
- Policy D SP1 (Design)**
- Policy D DM1 (Aspects of form and design quality)**
- Policy D DM2 (Internal Space Standards)**
- Policy ECC SP1 (Adapting to climate change)**
- Policy ECC SP2 (Energy and climate change mitigation)**
- Policy T SP1 (Transport and Development)**
- Policy T DM1 (Sustainable Travel and Public Rights of Way)**
- Policy ENV SP1 (Natural Environment)**
- Policy ENV DM3 (Biodiversity Opportunity Areas)**
- Policy ENV DM5 (Development and biodiversity)**
- Policy W SP1 (Water)**
- Policy W DM1 (Water supply and quality)**
- Policy W DM3 (Sustainable Urban Drainage Systems)**
- Policy QE SP1 (Quality of the environment)**
- Policy QE DM1 (Noise Pollution) Policy QE DM3 (Air Pollution)**

5.5. Supplementary Planning Guidance – Ferring Neighbourhood Plan 2015

- 5.5.1. The Ferring Neighbourhood Plan was made on 14 January 2015 and forms part of the Statutory Development Plan for this part of the District. The following policies are considered to be the most relevant policies in relation to the proposed development but are not explored in detail within this Statement:

- Policy 1A (Spatial Plan for the Parish)**
- Policy 10 (Sustainable Drainage Systems and Water Management)**

5.6. Supplementary Planning Documents (SPDs)

- 5.6.1. The following Supplementary Planning Documents (SPDs) have been prepared by the LPA to provide additional advice and guidance on specific planning issues within the district. They are non-statutory documents but are a material consideration that the council will take into account when considering an application.

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5.6.2. The following are considered relevant in the determination of the application but are not explored in detail within this Statement.

- Parking Standards SPD (January 2020)
- Design Guide SPD (January 2021)

6. Planning Appraisal

6.1. Introduction

- 6.1.1. This section of the Statement details how the proposed development complies with the policies set out within the Development Plan. The following matters are the principal considerations with regards to the proposal:

Principle of Development

Design Form and Appearance

Residential Amenity

Access, Transport and Parking

Trees

Ecology

Drainage and Flooding

Noise

Contamination

6.2. Principle of Development

- 6.2.1. The proposal seeks Full Planning Permission for the construction of 3no. dwellings within the underutilised garden curtilage of the existing dwelling known as Kivesborough.
- 6.2.2. Policy SD SP2 of the Arun Local Plan states that *'Built Up Area Boundaries are defined for the main towns and villages in the District and shown on the Policies Maps. Development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of this Local Plan.'*
- 6.2.3. Paragraph 70 of the NPPF states that *'small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:*
- c) support the **development of windfall sites** through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and'*
- 6.2.4. As identified within Arun's Policy Maps, the site lies within the built-up area boundary of Ferring where development is encouraged. The site forms part of an existing settlement where development proposals that are of an appropriate nature and scale and maintain characteristics and function of the settlement are considered acceptable. There is a presumption in favour of sustainable development within the built-up area, and as such, the proposal is considered acceptable in principle, subject to all other material considerations.
- 6.2.5. Further to the above and at the current time of writing this Letter, the Council do not have a five year housing land supply and, as of 1 April 2024, can only demonstrate a 3.41-year supply (Arun District Council Authority Monitoring Report January 2025). In the absence of a five year Paragraph 11(d) of the NPPF is engaged.
- 6.2.6. It is therefore considered that the provision of three additional dwellings on this land is not considered to result in any adverse impacts which would 'significantly and demonstrably' outweigh the benefits. The benefits in providing 3no. new dwellings is considered to be a very valuable contribution to the District's significant housing need.

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- 6.2.7. Further to the above, the site is considered to be sustainably located, owing its transport connectivity to Littlehampton, Goring, Worthing and the wider area; as well as its close proximity to key local services.
- 6.2.8. Overall, the proposal is considered to be entirely acceptable, representing an acceptable form of development and having no detrimental impact on the surroundings. The proposal makes good use of land and has been sensitively designed in terms of surrounding dwellings (as discussed in further detail below). The dwelling would make a small but valuable contribution towards the District's housing.
- 6.2.9. The proposal therefore complies with Policy SP2 of the Arun Local Plan and Policy 1A of the Ferring Neighbourhood Plan.

6.3. Design, Form and Appearance

- 6.3.1. The architectural approach that has been adopted within the proposed development consists of a high-quality design that complements the existing dwelling and would generally enhance the surrounding area. It is considered that the proposed development makes efficient use of the development site while not having an adverse impact on its surroundings.
- 6.3.2. In terms of general design, the Arun Local Plan Policy D SP1 states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. The design, form, appearance and scale of the proposal is expected to adhere to the policy in the following ways.
- 6.3.3. The overall scale and massing of the proposal is designed in line with the site's context. The height of the proposal is of similar height (1-2 storeys) to the existing neighbouring buildings at Kivesborough and the two storey dwellings to the north/north-west of the site. The careful approach to depth, height and width would therefore result in a dwelling which would not translate to an imposing structure but would result in a dwelling consisting of a visual mass commensurate to the existing dwelling and neighbouring properties, in accordance with Arun's Design Guide.
- 6.3.4. The site is located within the curtilage of the applicant's land and would not be overly visible from other residential dwellings, apart from the neighbour dwelling (Lynton) to the south. It is noted that the neighbouring dwelling (Lynton), features a mobile home within the curtilage that is approx. 6m from the south side boundary of the host site.
- 6.3.5. Section J.01 of the Arun Design Guide identifies that contemporary designs that take design cues from well-designed features within the existing environment will be supported. The design and style of the scheme utilises a traditional material palette, in a contemporary way which is acceptable.
- 6.3.6. It is important to note within the Pre-Application Advice (reference PAA/104/23/):
- 'Whilst the contemporary design is not clearly derived from established traditional design features within the area and would be a visual contrast to the same, it is not thought that the contemporary character or design would result in any significant harm to the visual amenity or character of the area'*
- 6.3.7. The wider context of Ferring comprises a mix of building types or example within the surrounding land there are corrugated iron commercial buildings, wooden barn style warehouses, glasshouses, bungalows, detached and semidetached houses.

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- 6.3.8. As such there is no specific architectural style, house type or form that must be followed in the immediacy and therefore the proposal should be a welcome addition to this mix. The proposal is therefore in line with paragraph 13.2.10 of the Arun Local Plan by attempting to “enhance, add variety and local distinctiveness” to the area.
- 6.3.9. The proposed dwellings would feature a of brickwork with projecting headers, tile hanging, vertical timber boarding, metal cladding, and black metal fenestrations. These materials are generally feature brown and deep red colorations with the exception of the fenestrations and relate well to the vernacular of the existing site. Further details can be submitted by way of an appropriating worded condition.
- 6.3.10. Section H.04 of the Arun Design Guide identifies minimum separation distances between dwellings so as to avoid overly dense and unneighbourly developments. This includes a recommended 14m minimum front to side separation distance between habitable rooms/side gables of units. Although it is noted that the elevation of the proposed unit to the north is likely to be in breach of this measurement, the proposed internal layout of the unit includes bathrooms, a porch and office, none of which constitute habitable rooms. This distance is therefore considered acceptable in amenity terms.
- 6.3.11. The density of the site is approx. 22 dwellings per hectare which is in accordance with recommended densities for semi-detached and detached dwellings in village locations as set out in Section G.04 of the Arun Design Guide.
- 6.3.12. Overall, the proposed dwellings result in a thoroughly considered and a well-designed scheme, providing high quality, interesting architecture on a site that makes minimal contribution to character and appearance of the area. It is therefore deemed to be in accordance with all relevant National and Local Planning Policy providing guidance on design.

6.4. Residential Amenity

- 6.4.1. Policy D DM1 states when considering any application for development the Council will have regard to the following aspects:
- (3) 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*
- 6.4.2. Policy QE SP1 requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the district.
- 6.4.3. Given the isolated siting of the proposed dwellings, there is unlikely to be any significantly adverse impacts to any of the neighbouring properties by way of overbearing or overshadowing.
- 6.4.4. The proposed position and angle of the dwellings have been centred away from the existing dwelling at Kingsborough to prevent undue overlooking. The dwellings have been positioned forward facing towards the access road with amenity spaces behind. No windows are proposed on the eastern elevation of the properties, apart from on Plot A which is a significant distance from the existing dwelling to the northern boundary.

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- 6.4.5. Currently on site there is a low wooden boundary fence and shrubbery surrounding the south side of the site. As part of the proposals, all the fencing is being sought to be replaced along the boundaries with further infill planting and hedging to afford privacy to the private amenity spaces of the proposed dwellings to the south.
- 6.4.6. In addition, H.04 of the Arun Design Guide states *that "Amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5 metres"*.
- 6.4.7. Whilst the private rear gardens of the properties do not meet the 10.5 metre minimum depth requirement listed with the Arun Design Guide due to the irregular shape of the plot, however, the private gardens are wide, and the overall amount of garden space is generous and provides ample space to be usable and enjoyable for inhabitants.
- 6.4.8. Overall, the proposed development is not considered to result in an overbearing or harmful development but will respect the amenities and privacy to occupiers of the existing neighbouring property. In conclusion, the scheme is considered to meet the policy requirements set out in the Arun Local Plan and provide the highest quality living environment for future occupiers

6.5. Access, Transport and Parking

- 6.5.1. Paragraph 115 of the NPPF states in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.5.2. Policy T SP1 of the ALP seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian, and bridleway network. It also requires appropriate parking provision and incorporation of EV charging facilities.
- 6.5.3. The proposed development is considered to be located in a sustainable area, owing its transport connectivity to Ferring, East Preston, Rustington and the wider area; as well as its close proximity to key local services, as set out in Section 2 of this Statement. The location of surrounding public transport options and the close proximity of local services sets the proposal in accordance with Policy T SP1 of the Arun Local Plan.
- 6.5.4. The proposal seeks to make use of the existing and established access to the 2-no. existing residential properties on site. This would result in an intensification of the existing access which runs through the adjacent nursery.
- 6.5.5. The submitted transport assessment asserts that the 3 no. dwellings with 6 no. car parking spaces will generate an increase of 2 no. journeys in the peak AM and 2 no. journeys in the peak PM. No other journeys (i.e., off peak times) are specified outside of the raw data. The total estimated increase in daily car trips from 3 No. detached/semi-detached is approximately 13 no. trips.
- 6.5.6. Due to the small scale of the scheme and with regard to Paragraph 111 of the NPPF, this will not lead to any severe highway safety impacting the existing dwelling or other residences in the area and therefore the provision of an additional dwelling in this location is considered to be acceptable.

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- 6.5.7. In addition, the proposal includes a proposed pedestrian access point to the existing public right of way at the north of the site. The access will be via a locked gate to prevent unintended access and percolation of pedestrian movement that may promote crime.
- 6.5.8. The Arun Design Guide (Sections I.01, I.02 and I.03), and the Arun Parking Standards include guidance on the provision and design of car parking, electric vehicle bays and charging points, and cycle parking. Arun District Council adopted these Parking Standards SPD in Jan 2020.
- 6.5.9. The proposed dwellings comprise 3no. bedrooms and has sufficient space available on site for at least 6no. vehicles and 6no. cycle spaces which is in line with standards set out in Table 3.1 of the Arun Parking Standards SPD. Respective of Policy SD SP1 and ECC SP1 and ECC SP2, an EV charging point can also be include on-site for each dwelling and can be secured via an appropriately worded condition if necessary.
- 6.5.10. Therefore, taking all the relevant information into consideration including the likely limited increase in daily traffic movements, the accessibility of the site and good links to all modes of travel, it is evident that the proposed development will not have a severe impact on highway capacity or an unacceptable impact on highway safety.
- 6.5.11. The proposal is within a sustainable location with sufficient alternative transport method connections and services.
- 6.5.12. Please refer to the submitted Transport Report has been produced by Reeves Transport Planning in support of this Full Planning Application.

6.6. Trees

- 6.6.1. Policies QE SP1, ENV SP1, ENV DM4 & ENV DM5 of the ALP require development proposals not to have any significantly adverse impact on the natural environment, to achieve a Biodiversity Net Gain, protect any protected species on site, and protection of existing trees on and adjacent to the site.
- 6.6.2. An Arboricultural Survey has been produced by PJC in support of this Full Planning Application. The report details there is a total of 4no. tree and 3no. tree groups. A summary of their British Standard categorisation is shown below.

Tree Category	Individual Tree	Tree Group
A	-	-
B	-	-
C	3	3
U	1	-
Total	4	3

- 6.6.3. It is important to note the that the Councils Tree Officer commented on the Pre-Application Scheme (reference PAA/104/23/) and concurs with the details of the submitted Arboricultural Survey. The Officer stated the following in the Pre-Application Feedback:

'The layout is generally sympathetic to the presence of adjacent/perimeter trees and none of the surveyed trees represent a particularly stark constraint for the proposal. Further information and a detailed survey with trees and hedgerow accurately plotted on a topographical map and overlaid with proposed building footprints, infrastructure (including routes for any subterranean utility apparatus) and hard landscaping should be included within a full submission.'

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Attention should be drawn to nominal root protection areas (RPAs), their potential growth, and how these can interfere with subterranean apparatus such as SuDS schemes. Buffers around such RPAs on site should be retained to ensure interference with such schemes are minimised.

If an RPA of any tree which is proposed for retention overlaps the development, then an Arboricultural Method Statement (AMS) and a Tree Protection Plan should be included in support of the application.

Indicative landscaping has been shown but further landscape detail should be provided forming a scheme that maximises the biodiversity of the site including mixed ornamental and native species. This detail should be shown in plan form detailing species choice, planting densities and size at time of planting. Further detail should also be provided regarding boundary planting'.

- 6.6.4. Subject to the feedback received above, a Tree Protection Plan has been submitted in support of the Application which details the protection methods to mitigate the potential of damaging sensitive root areas in line with the guidance within BS 5837 (2012).
- 6.6.5. The proposal also seeks to significantly improve the landscaping throughout the development site including enhancing the existing landscape buffer to the perimeter of the dwellings, retaining existing trees, introducing a new pond, addition of green roofs and further landscaping within the garden areas with a mix of plant species.
- 6.6.6. Therefore, the proposal is considered to comply with NPPF (Paragraph 131) and Local Plan Policy ENV DM4.

6.7. Ecology

- 6.7.1. Policies QE SP1, ENV SP1, ENV DM4 & ENV DM5 of the ALP require development proposals not to have any significantly adverse impact on the natural environment, to achieve a Biodiversity Net Gain, protect any protected species on site, and protection of existing trees on and adjacent to the site.
- 6.7.2. This Application is accompanied by a Preliminary Ecological Assessment which highlighted that there was limited potential in relation to bats, great crested newts, reptiles and nesting birds and only mitigation is required. The site highlighted that there could be potential for badgers and therefore a pre-works condition could be implemented prior to construction.
- 6.7.3. It was concluded within the report, that no further surveys were required, providing that the avoidance and mitigation measures and adhered too.
- 6.7.4. It is important to note that the Councils Ecologist commented on the Pre-Application Scheme (reference PAA/104/23/) and stated:

*'This proposal was supported by a Preliminary Ecological Appraisal which is welcomed. The council's ecologist has reviewed this information **raised no objections to the proposal**. They have identified that no further surveys are required, although their comments indicate that a search of local biological records would have been ideal'.*
- 6.7.5. Further to the above, the application has been submitted as a 'self-build/custom build' project, which falls under the exemption category.
- 6.7.6. Although the scheme does not meet the 10% Biodiversity Net Gain (BNG) requirement, it includes biodiversity enhancements in line with Policy ENV DM5. These enhancements will involve the installation of bird and bat boxes as well as insect hotels, which can be secured through an appropriately worded planning condition prior to the occupation of the dwelling.

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6.7.7. It is for these reasons that the proposal is considered to comply with Policy ENV DM5 of the Local Plan.

6.8. Drainage and Flooding

6.8.1. Policy W DM1 of the Arun Local Plan would require this proposal to be water efficient and reduce pressure on water abstraction sites. It must include measures that meet the optional standards of 110 litres per person per day. It also requires proposals to submit a Drainage Impact Assessment that must take account of both the individual and cumulative impact upon foul water disposal, flood storage capacity and surface water drainage

6.8.2. Policy 10 of the Ferring Neighbourhood Plan requires all development to identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development and will support proposals that do.

6.8.3. It is noted that the previous application was refused for drainage matters only. The reason for refusal was as follows,

'Insufficient information has been provided within the submitted Surface Water Drainage Scheme to conclude that infiltration is not viable on site or that there is a suitable alternative drainage method for surface water. As a result, the proposal has not identified that it could be constructed without increasing flood risk elsewhere and is in contradiction to policy W DM3 of the ALP and paragraph 173 of the NPPF. The potential resultant harms significantly and demonstrably outweigh the benefits of providing 3 No. new dwellings in contradiction to paragraph 11d(ii) of the NPPF'

6.8.4. The submitted information has overcome the reason of refusal in full. The submitted report details,

'The EA's Flood Map for Planning shows that the site is within Flood Zone 1 and the site is at very low risk of surface water flooding. The risk of flooding from the sea, canals, reservoirs and infrastructure failure are also deemed to be low and climate change-related increases in flood risk are not considered to be an issue for the proposed development site.

Groundwater susceptibility mapping places the site in an area where there is an elevated risk of groundwater susceptibility. This is due to the average characteristics of the superficial and bedrock geology in the area but is not represented in the geology specifically below the site. Intrusive investigations found groundwater to be present in the chalk solid geology at 2.85mBGL and this did not rebound into the River Terrace Gravel superficial geology above. Therefore, the site is at lower risk than is indicated by the groundwater susceptibility mapping and groundwater flood risk should not form an impediment to the development.

The drainage strategy for the proposed development has been produced in line with the drainage hierarchy and WSCC's and ADC's policies on SuDS and surface water management. The proposed drainage strategy will use surface level SuDS features to provide attenuation, source control and pollution mitigation. Attenuation will be provided through a SuDS Pond and permeable surfacing provided by Golpla gravel retainment system with a porous subbase below.

The site's surface water will discharge to ground via infiltration. Site-specific BRE365 soakage testing has been carried out and showed that the site's infiltration coefficients supported a 'Total Infiltration' solution for the development.

The proposed drainage system will also be complimented by green roofs on two of the units and water butts on the properties. This approach ensures that the drainage strategy for the site uses all the top tiers of the drainage hierarchy and is the most sustainable solution possible.

This drainage strategy has been hydraulically modelled in MicroDrainage's Network module with parameters in accordance with WSCC's LLFA and ADC's standards, which includes the use of FEH2022 data. The hydraulic modelling has shown that the proposed drainage strategy can provide the requisite attenuation for surface water generated up to and including the 1 in 100-year + 45% rainfall event, without flooding, with an inclusion for urban creep.

A drainage management and maintenance plan has been produced that shows how the proposed drainage system will be maintained in perpetuity.

In conclusion, this drainage strategy has shown that the proposed development is at a very low residual risk of flooding from all sources. This means that the proposed three dwelling 'non-major' development is appropriate in this location. Similarly, the drainage strategy has shown that the development can manage its foul and surface water sustainably. Therefore, flood risk and surface water management should not form an impediment to the progress of this application'

- 6.8.5. The proposals have overcome the reasons for refusal and therefore accord with Policy W DM1 and DM2 of the Arun Local Plan and Policy 10 of the Ferring Neighbourhood Plan.

6.9. Noise

- 6.9.1. Policy QE DM1 of the ALP states that Residential development which are likely to experience noise from road must:

- a) *Be supported by a noise exposure category (NEC) assessment and designed to ensure that residents will not be adversely affected by noise.*
- b) *Consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future.*

- 6.9.2. It also states that in order to safeguard the continued use of existing industrial and commercial uses and to protect amenity, noise sensitive development should not normally be permitted where there is a likelihood of complaints about noise from industrial development.

- 6.9.3. In line with the comments received by the Officer at Pre-Application stage, an Acoustic Assessment has been submitted in support of the Full Planning Application. In summary,

'A single unattended class 1 sound level meter was left in situ at the boundary of the residential property (the application site) between 15th to 22nd February 2024 to measure the site soundscape.

Firewood processing does occur at the adjacent Ferring Nurseries (located to the West) and this was witnessed firsthand when setting up the survey equipment. The measured daytime (07:00-23:00 hours) sound pressure levels are 53dB LAeq, 16 hours with a worst-case hour identified of 59dB LAeq, 1 hour on both Thursday and Friday mornings (08:00-09:00 hours). The overnight (23:00-07:00 hours) measured sound pressure level was 47dB LAeq, 8 hours.

Whilst the firewood processing occurs, this is a daytime use only and there are no obvious night time sound sources which impact the application site.

The resulting initial site risk assessment consistent with the ProPG2017 approach identifies a negligible to low risk in terms of noise mitigation measures required to develop the site and protect future occupants.

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The sound reduction index required to protect future occupants ranges from 18dB to 24dB and it is concluded that the site is capable of being constructed with standard thermal double glazing (Traffic of no less than 25dB(A)) and either trickle vents or passive through wall vents.

External amenity areas were also considered for plots 1, 2 and 3 and these are predominantly comfortably below the requirements of BS8233:2014 and World Health Organisation Guidelines for Community Noise dated 1999.

A level 1 overheating assessment, consistent with the approach in the Acoustics, Ventilation and Overheating Guidance dated Jan 2020 indicates that the BS8233:2014 Table 4 values for daytime and night time internal sound pressure levels are capable of being complied with for open windows using a 13dB outside to inside attenuation. The use of opening windows as primary means of mitigating overheating is not likely to result in adverse effect.

6.9.4. *Planning consent should not be withheld on noise grounds'*

6.9.5. The proposals therefore accord with Policy QE DM1 of the Arun Local Plan.

6.10. Contamination

6.10.1. Policy QE DM4 of the Arun Local Plan promotes the use of previously developed land and the remediation of contaminated land to ensure it is brought back into use, provided that prior to any development, evidence to show that unacceptable risk from contamination will be successfully addressed through remediation without undue environmental impact during and following the development.

6.10.2. In line with the comments received by the Officer at Pre-Application stage, a Contamination Report has been submitted in support of the Full Planning Application. In summary:

'The site comprised part of an open field at the time of the earliest inspected historical map, dated 1876. By the early 1960s, the site formed part of a larger nursery, and a glasshouse was shown to extend onto the site. By the early 1970s, the site is shown in its current configuration'.

Reference to geological datasets indicates that the site is expected to be underlain by River Terrace Deposits overlying the White Chalk Subgroup. The ground investigation confirmed the underlying soils to comprise a shallow thickness of made ground soils, overlying River Terrace deposits.

The River Terrace Deposits are classed as a Secondary A Aquifer. The White Chalk Subgroup is classed as a Principal Aquifer. The site does not lie within a SPZ. Groundwater was not encountered during the course of the investigation.

The preliminary contamination risk assessment identified potential pollutant linkages relating to proposed end users of the site and controlled waters.

The ground investigation did not identify any of the potential contaminants to be present at concentrations considered to pose an unacceptable risk to either end users of the site or controlled waters beneath the site. No remedial measures or further contamination risk assessment works are considered to be necessary'.

6.10.3. The proposals therefore accord with Policy QE DM4 of the Arun Local Plan.

7. Conclusions

7.1. This Planning Statement has been prepared by ECE Planning on behalf of **Mr and Mrs Dichello** in support of an application for Full Planning Permission for the construction of a 3no. new dwellings at Kivesborough in Ferring. The full description of development reads:

'Subdivision of existing curtilage and erection of 3 No. 3-bedroom dwellings, retention of existing access and provision of landscaping'.

7.2. It is considered that the application overcomes the singular reason of refusal application (ref: FG/49/24/PL) and there are no other outstanding issues to prevent the application being approved within the statutory consultation period through delegated procedures.

7.3. It has been demonstrated within Section 6 of this Statement that the proposed development is considered to be entirely acceptable, representing an acceptable form of development and having no detrimental impact on the surrounding landscape. The proposal makes good use of the underutilised garden area and has been sensitively designed in terms of surrounding dwellings. The dwelling would make a valuable contribution towards the District's housing need. In this regard, the principle of development is considered to be acceptable.

7.4. The design of the proposed development, including architectural style and scale, has been fully informed to be in-keeping with the surrounding area and is not expected to have a detrimental impact on the surrounding residential schemes. The proposal is also not considered to have any adverse effects on local amenity, due to the careful positioning of the new dwellings on site.

7.5. In conclusion the proposed development is fully compliant with the policy objectives outlined in the National Planning Policy Framework, Arun Local Plan and the Ferring Neighbourhood Plan, and represents an appropriate form of in-fill development. The proposal will represent a small but valuable contribution to the District's significant housing need and we therefore trust the proposal will be met with support and the planning application will be approved accordingly.

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Appendix A – Decision Notice FG/49/24/PL

Application for Planning Permission

DECISION NOTICE

Application Ref: FG/49/24/PL

1 To Addressee

ECE Planning Limited
64-68 Brighton Road
Worthing
BN112EN

2 Site Address

Kivesborough
Littlehampton Road
Worthing
BN12 6PN

3 Description of Development

Subdivision of existing curtilage and erection of 3 No. 3-bedroom dwellings, retention of existing access and provision of landscaping. This application may affect a Public Right of Way and is in CIL Zone 4 and is CIL Liable as new dwellings.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **REFUSE** to approve the development as described in the application and plans for the reasons stated.

- 1 Insufficient information has been provided within the submitted Surface Water Drainage Scheme to conclude that infiltration is not viable on site or that there is a suitable alternative drainage method for surface water. As a result, the proposal has not identified that it could be constructed without increasing flood risk elsewhere and is in contradiction to policy W DM3 of the ALP and paragraph 173 of the NPPF. The potential resultant harms significantly and demonstrably outweigh the benefits of providing 3 No. new dwellings in contradiction to paragraph 11d(ii) of the NPPF.

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. It has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. The Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.



Neil Crowther
Group Head of Planning

Case Officer: Harry Chalk

Decision Issued: **20th May 2024**

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on

highway land).