

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: P/111/21/RES

LOCATION: Land adjacent to Sefter School House
Sefter Road
Bognor Regis
PO21 3EE

PROPOSAL: Approval of reserved matters following P/116/19/OUT for the erection of 2 No detached houses & 4 No semi detached dwellings. This site is in CIL Zone 5 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks reserved matters approval for 6 x 4 bed dwellings (2 x detached & 4 x semi-detached) with gardens, parking, communal areas, landscaping and ancillary works. Approval of scale, layout, external appearance and landscaping are sought. Access was approved on P/116/19/OUT.

The houses will be two storeys with additional accommodation in roof spaces. They have a mix of roof forms & roof heights with front and side gables. Materials include red/brown bricks, light or dark grey weatherboarding, off-white smooth render, white uPVC and slate tile roofing. There are no precise details of these materials and a condition would be required to secure these.

The dwellings have 3 parking spaces each and 1 visitor space is shown. It is stated each house will have an electric car charge point but a condition would be required to secure the details of these. Sheds are indicated in rear gardens for cycle storage but no elevations are shown so this would require a specific condition. A communal bin store is shown on and an elevation has been supplied.

A landscaping scheme (with accompanying specification) details the planting of 14 new trees, new hedgerows, planted beds, wildflower and grassed areas along with wildlife enhancement features. The plans show new 1.8m timber fencing between plots and a 0.9m post and rail fence to the rear of the gardens to ensure maintenance access to the stream bank and so wildlife can traverse the site. There is a small communal amenity area (55m²) within the layout and the verges either side of the access will be left natural/planted with wildflowers.

SITE AREA

0.266 hectares.

RESIDENTIAL DEVELOPMENT 23 dwellings per hectare.
DENSITY

TOPOGRAPHY	Predominantly flat but the site is higher than Sefter Cottage to the southwest.
TREES	None on site but significant off-site trees including overhanging the stream.
BOUNDARY TREATMENT	1m high timber fencing to the north western boundary with the dwellings. Hedging and part timber fencing to the western boundary. Open to the stream on the south east boundary. Currently hoardings to Sefter Road.
SITE CHARACTERISTICS	A former builders yard on the boundary of the Pagham Built-up Area. There is a stream running along the south eastern boundary
CHARACTER OF LOCALITY	Semi-rural location. To the southwest, west and northwest the site adjoins the curtilages of existing two storey houses (4 in total) which back onto the site. These are all fairly traditional in design befitting the rural location and have brick, flint & white painted brick elevations and slate roofs. To the east is Sefter Road with open farmland beyond. To the south, the site adjoins a strategic housing site allocated in the Arun Local Plan for which there is outline permission for up to 300 homes, an 80 bed care home, up to 4000sq.m of Class D1 uses (including primary school) and associated infrastructure.

RELEVANT SITE HISTORY

P/79/21/RES	Approval of reserved matters following P/30/19/OUT for 300 No. new homes, internal roads, footpaths & cycleways, car parking & landscaping (resubmission of P/132/20/RES). This application affects the setting of a listed building & falls within Strategic Site H SP2, CIL Zone 1 (Zero Rated).	
P/116/19/OUT	Outline application with all matters reserved, except for access, for the erection of 4 No. semi-detached 3-bedroom houses & 2 No. detached 4-bedroom houses with associated access, parking & gardens. This application is a Departure from the Development Plan.	App Cond with S106 01-10-20

This application follows an outline permission granted in October 2020 (P/116/19/OUT). P/79/21/RES is a reserved matters application for the 300 dwellings on the adjacent strategic site.

REPRESENTATIONS

Pagham Parish Council - object:

- Seeks to increase size of the houses to 4-bed properties, this will increase the need for parking spaces and the number of cars. Parking is insufficient at 2 spaces per house and 3 visitor spaces.
- The access is not safe.
- Design of properties is not appropriate for the rural location. They are not in keeping with other properties in the area. The use of white upvc windows and white weatherboarding is not consistent with the rural feel.
- The layout is not sympathetic to the rural location and does not accord with the principles in ADC's design code at Q.01 Rural Development.
- The positioning of parking does not meet design standard at Q.01 which asks that driveways are sited and designed so as not to dominate the front garden. There is limited landscaping proposed.
- Plots 1 & 2 have very limited outdoor space for 4 bedroom houses.
- There is limited communal open space provided. The area at the front of the estate, which would inevitably attract children as a play space, is too near the access to Sefter Road.

Three letters of objection on grounds of building on a floodplain, site is liable to subsidence, increased traffic on already busy roads, insufficient rear garden space and limited communal space, no details of foul sewage provision, overlooking of Sefter Cottage due to higher land levels, parking provision will dominate front gardens, will devalue neighbouring property and that the design, height, density and material choices do not reflect the rural context.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council and objectors comments are noted and are discussed in the conclusions. Access arrangements and principle of development on this site (including with reference to flooding and traffic increase) were approved by P/116/19/OUT and cannot be reconsidered. The impact of development on house values is not capable of being treated as a material planning consideration. The details of sewage provision will be subject to the discharge of condition 12 on P/116/19/OUT.

The request that parking not dominate front gardens is noted but it must be recognised that outline permission has been granted for 6 dwellings and the size and shape of the site makes it difficult to hide parking spaces from view. It is material that the houses will not front onto Sefter Road and so this will not be so noticeable in the public realm.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - make no comments.

WSCC HIGHWAYS - raised concerns with the parking provision which was under the requirements, requested that the applicant consider the need for a turn on site.

ADC DRAINAGE ENGINEERS - no objection with the following comments:

- no surface water drainage information has been supplied as part of this reserved matters application but it is welcome that the 3m easement to the stream has been clearly shown;
- the applicant is reminded that there are three pre-commencement conditions (9, 10 and 11) relating to surface water drainage on application P/116/19/OUT and that condition 9 requires the provision of winter groundwater monitoring and winter infiltration testing to support the drainage design;

- the applicant is encouraged to contact this department before undertaking these works to agree the level of monitoring and testing required (including test depths).

ADC ENVIRONMENTAL HEALTH - make no comments.

No responses from ADC Tree Officer, ADC Landscape Officer or the Councils Ecologist.

COMMENTS ON CONSULTATION RESPONSES:

WSCC HIGHWAYS - the applicant revised the layout to increase parking and a turning head is shown on the layout plans.

Otherwise comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Area Boundary;
Strategic Gap between settlements (Bognor Regis and Chichester);
Pagham Harbour Zone B;
2km of Pagham Harbour SSSI;
2km of Bognor Reef SSSI;
Sefter Farm Waste Consultation Area;
CIL Zone 5;
Flood Zone 1; and
Part Future Flood Zone 3.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HWBSP1	HWB SP1 Health and Wellbeing
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution

QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP3	SD SP3 Gaps Between Settlements
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TELS1	TEL SP1 Strategic delivery of telecomms infrastructure
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

[Joint Minerals Local Plan 2018:](#)

Joint West Sussex M9 Safeguarding Minerals

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021
PDS	Pagham Parish Council's Village Design Statement by PaghamPC

POLICY COMMENTARY

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

Where applicable, Neighbourhood Development Plan's, once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. There is no current Pagham Neighbourhood Plan to consider as the emerging Plan was withdrawn in September 2020.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal conflicts with the relevant development plan policies in that by reference to the closeness of the houses to each other, their internal size, their heights, proposed materials and the external garden depths, it will not achieve a high standard of design quality, will adversely affect the character/appearance of this semi-rural location and represents an overdevelopment of the site.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan other than as discussed below.

CONCLUSIONS

PRINCIPLE:

The principle of development has been established by P/116/19/OUT which granted permission for 6 dwellings with access from Sefter Road. This permission established the principle of development with reference to flood risk, impact on wildlife, loss of agricultural land, countryside location, contamination, safeguarding of minerals/waste sites and impact on the Pagham Harbour Special Protection Area.

COMPLIANCE WITH THE OUTLINE:

Condition 20 imposed by the outline required the reserved matters be accompanied by an annotated site plan showing the siting, scale and nature of the proposed biodiversity enhancement measures and that these be in accordance with the Ecology Impact Appraisal and the Biodiversity Enhancement Statement submitted with the outline.

The submission omitted this detail (and omitted details of new landscaping) but the applicant has now provided a drawing "Outline Landscape plan including biodiversity enhancements" together with a Landscape Specification document.

The reserved matters proposal for 6 x 4 bed houses is not in complete accordance with P/116/19/OUT which granted permission for 4 x 3 bed houses and 2 x 4 bed houses and a note will be added to the decision notice to this effect.

LAYOUT, APPEARANCE AND SCALE:

ALP policy D DM1 requires the Council seek to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping and design features. The policy requires the scale of development keep in the general confines of the overall character of a locality and that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness.

Policy D SP1 "Design" requires development to make efficient use of land and reflect local character

whilst LAN DM1 requires development respects the characteristics & natural features of the relevant landscape character areas and aim to reinforce or repair the character of those areas.

Para 130 of the NPPF states "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." Para 124 states decisions should support development that makes efficient use of land but the desirability of maintaining an area's prevailing character and setting should be considered.

The National Design Guide (NDG) has weight as a material consideration in the determination of this application. This states achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing. The applicant does not acknowledge this in their submission.

The Arun Design Guide is a material consideration and section Q refers to rural development. This states new development should respect and enhance the distinctive rural character, use simple & unobtrusive design (comprising a rectangular floor plan and pitched or half-hipped roof - but exceptions will be made for quality design solutions) and reflect the height and footprint of buildings in the area. It states whilst front driveways are acceptable, these should be landscaped and not dominate front gardens with hard surfacing kept to a minimum.

The layout broadly accords with illustrative drawings presented with the outline in that the dwellings are in a line extending back from the road, backing onto the stream and with parking and hard surfaced areas to their fronts. This results in significant hardstanding to fronts of the dwellings but the location of this to the frontage is appropriate in principle given the size/shape of the site. The site is constrained by the need to provide an easement to the stream and to provide wildflower meadows on the site frontage in accordance with ecological recommendations made at outline stage. The parking spaces are landscaped with small trees, planted beds and grassed areas.

There is concern with the size of the dwellings and their proximity to each other (albeit not in respect of the presence of semi-detached dwellings as these were specified by the outline). The resulting form of development is very urban in form and resembles a fairly solid rectangular mass of buildings.

Internal Space Standards are considered elsewhere but it is clear that the minimum requirements for the 4 bed houses are in a range of 112-121m² whilst the proposals are in a range of 142-152m². Whilst greater than minimum floor areas are to be encouraged, this represents a significant increase. The heights of the dwellings (which facilitates the additional accommodation in the roof space) is not in character with the surrounding form of development.

None of the four nearby houses have obvious 2nd floor roof accommodation. Whilst Sefter Cottage and Sefter School House have tall roof forms, the adjoining 1 & 2 Sefter School House have a much shallower roof (in which their first floor is located). Rookery Cottage to the southwest has its first floor windows set into its roof.

Significant urbanising residential development is proposed on adjoining land to the south east. The reserved matters for this site shows a large open area adjacent to the shared boundary with houses at least 100m away minimising the impact on the urban extension on the rural character of the area. House types closest to the site (types WE, AR, GO & SR) are two storeys with no roof accommodation.

The submitted Design & Access Statement (DAS) the houses have been designed with a traditional architectural style to integrate them into the surrounding context and this is clear from the rectilinear forms and use of pitched roofs which are appropriate although some half hipping of roofs would help to

reduce bulk & mass. However, the chosen materials do not reflect those found in the local area with no instances of weatherboarding or render amongst the immediate surrounding houses.

It is acknowledged that there is an outline permission for 6 houses consisting of 4 x semi-detached and 2 x detached) and there is no objection to the quantum of development (albeit the outline was for 4 x 3 beds & 2 x 4 beds whereas the reserved matters scheme proposes all 4 beds). The scheme as presented will urbanise this semi-rural location, resulting in harm to local character in conflict with the policies and policy guidance above.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. In addition, policy HWB SP1 seeks to ensure that new development is designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. This is even more important in the current climate with nationally imposed lockdowns sometimes confining people to their homes and immediate surroundings.

The Councils supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out requirements for on-site public open space (POS) and play provision but there is no requirement for a site of this size to provide on-site Public Open Space (POS) or Play facilities. General greening and streetscene amenity space is however to be encouraged and it is noted that the scheme includes a small 55m² area of communal space which is set well back from the main road. This is positive and there is no conflict with the stated policies.

LANDSCAPING & TREES:

ALP policy D DM1 states development is expected to incorporate existing and new tree planting as an integral part of proposals. Policy LAN DM1 requires development respects the characteristics & natural features of the relevant landscape character areas and aim to reinforce or repair the character of those areas. Policy D SP1 requires development proposals reflect the characteristics of the site and local area in their landscaping.

ALP policy ENV DM4 requires that TPO protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity are not damaged or felled unless the developments meets the following criteria:

- a. tree loss is in the interests of good arboricultural practice;
- b. tree loss would enhance the survival & growth prospects of other protected trees;
- c. the benefits outweigh the loss of trees or woodland, especially ancient woodland.

There are no trees in the site area and it is clear those adjoining the site will not be affected by the proposed new buildings or hardstanding with the majority of these on the other side of the stream.

The landscaping scheme proposes planting 14 new trees, new hedgerows, planted beds, wildflower and grassed areas along with wildlife enhancement features. These proposals will soften and green the development particularly the large expanses of hardstanding to the fronts of the houses. The Landscape Officer has not responded to the consultation request and, without expert opinion, it would not be sustainable to object to landscaping proposals. There is no conflict with the requirements of the relevant policies.

OTHER MATTERS:

(A) Housing Mix

ALP policy H DM1 provides for a mix of housing to meet local needs and requires that all housing development provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy does not prescribe a specific housing mix that must be met by individual applications, with the policy stating that each must be considered on its own merits. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA). The SHMA identifies a broad mix of market housing by size for the District however no market housing proposed.

The development comprises 6 x 4 bed dwellings. As this excludes 1, 2 or 3 bed dwellings, it is in conflict with the SHMA guidance however this is not intended as one rule to cover all sites and the mix is acceptable having regard to the small scale of the development and the character of the area (being predominantly family sized dwellings). The proposal for all 4 beds is not in accordance with the development description set by the outline.

(B) Residential Amenity

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The Council's Design Guide sets out guidance on interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other; and
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

There are no standards given for either side to side or front to back.

The layout has been checked and dwellings are the required distances from existing residential properties and each other. There is at least 25m from the front of plot 6 and the rear of Seftor School House. The concerns of Seftor Cottage are noted and it is acknowledged that the site is higher than the level of this property. Proposed rear windows of plot 6 are 37m from Seftor Cottage's rear garden and some 48m from their nearest windows.

The principle of development, number of dwellings and access arrangements have been agreed and as such there is to be expected some disturbance to nearby residential occupiers from the occupiers and movements of the new residential dwellings. The access and parking area is adjacent on two sides to existing parking areas for adjacent properties thus limiting harm to nearby residential properties.

All relationships between proposed/existing and between proposed dwellings are acceptable and ensure a high standard of amenity for existing and future users. The scheme accords with ALP policies D DM1, QE SP1 and with the Design Guide.

(C) Internal & External Space Standards

As per ALP policy D DM2, it is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if buildings will be suitable for residential use.

The site plan sets out the general internal floor areas for each dwelling. These have been checked and

found to be accurate. The following is an assessment of the requirements versus the actual space:

- plot 1*: 150.56m² vs 112m² requirement;
- plots 2/3: 144.8m² vs 121m² requirement;
- plots 4/5: 144m² vs 121m² requirement; and
- plot 6*: 152.84m² vs 112m² requirement.

* plots 1 and 6 show a room in the roof on the submitted elevations but no floorplan has been provided for this 2nd floor accommodation. Their requirements have been calculated on the basis of the 3 storey, 4 bed requirement.

The Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth; and
- Private Front Garden: min. 2m depth.

All plots have suitable front garden spaces with there being space between front doors and the plot's parking spaces. Half the rear gardens are insufficiently deep. The easement to the stream is to have a 3 foot high post and rail fence and the plans suggest that the area beyond this will be communal not private (with the dividing fences between plots stopping at this line). However, drawings show the garden depths as extending beyond this line. If the easement area is excluded then the average garden depths (measured through the centre of each garden) are as follows:

Plot 1 - 3.5/4m;
Plot 2 - 6m;
Plot 3 - 9.5m;
Plot 4 - 14.7m;
Plot 5 - 21.8m;
Plot 6 - 29.5m;

Rear gardens for plots 1 - 3 would be unacceptably short and would not ensure a decent standard of amenity for future occupiers. It is acknowledged there are no/will be no dwellings directly to the rear so no need to ensure a particular garden length to ensure a 21m facing distance. However, the space provided will not ensure a decent standard of future amenity particularly given the likely number of occupants in the houses. It is noted the fence along the easement line will be less than 0.5m beyond the patio area of plot 6. The 55m² communal space in the shared part of the layout is positive but this does not make up for under provision of private space. This is all indicative of over development (not in respect of the number of dwellings but the size of the dwellings and their associated garden and parking requirements).

(D) Parking and Turning

ALP policy T SP1 states that proposals will be supported where they explain how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter.

The site is accessed from Sefter Road as per the outline. The access is initially 6m wide narrowing to 4.8m inside the site but then widening back to 6m. A turning head has been provided in the part before the houses and this will allow large vehicles to enter and exit in a forward gear.

The parking requirement according to the Arun Parking SPD is 3 per dwelling (18) and 1 visitor space so

a total of 19. The proposal was initially short by 4 spaces but the applicant has amended the layout to show 3 spaces for each dwelling. These are all within curtilage except for the 3rd spaces for plots 2-4 which are located opposite. A single visitor space is provided adjacent to the communal bin store.

The SPD sets out a requirement for cycle storage and this requires that 3+ bed houses have 2 spaces. The application states cycle storage will be in sheds in the rear gardens and subject to the separate agreement of the shed details this would be acceptable.

The proposal accords with ALP policies T SP1 & T DM1 and the Arun Parking Standards SPD.

(E) Waste Management

ALP policy WM DM1 states that new residential development, will be permitted provided that it is designed to ensure that kerbside collection is possible for municipal waste vehicles. The access arrangements approved at outline demonstrated tracking for a range of vehicles including a refuse vehicle and WSCC raised no concerns at that stage.

The application states bins will be stored in a communal store near the entrance and whilst in practice residents may prefer to have their bins in their curtilage (which would be possible) the communal area would be a helpful place for bins to be temporarily stored on collection day as it is close to the Sefter Road frontage and to the turning head.. As such, the proposal complies with policy WM DM1.

(F) Biodiversity Net Gain

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitat. Paragraph 180 of the NPPF is relevant and states that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, permission should be refused, also that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

The proposal does not result in the loss of any trees and ensures an easement to the stream thus protecting it/its immediate environs as wildlife habitat. The site was formerly predominantly bare/hard ground so loss of biodiversity relates solely to the introduction of human presence close to the stream and the hedge on the south west boundary (which was determined at outline stage to be species poor)

The proposal to plant 14 new trees, new hedgerows, provide planted beds, wildflower and grassed areas along with 4 no. bird boxes (2 types), 2 bird bricks, a log pile, 2 hedgehog homes and 6 x bat bricks will result in biodiversity net gain and this aspect of the proposal can be confirmed as acceptable even though the Councils ecologist has not provided any advice. The proposal complies with ALP policy ENV DM5 and the NPPF.

(G) Climate Change

ALP policy ECC SP2 requires residential and commercial development be energy efficient and should incorporate decentralised, renewable and low carbon energy supply systems.

The application doesn't include any details of sustainability/renewable energy measures other than a reference to each home being provided with an electric car charge point (however there are no details of this). There were no conditions on the outline requiring the submission of details concerning energy

efficiency or electric car charge points and as such, suitable conditions would need to be imposed on the reserved matters in order to ensure compliance with the policies.

SUMMARY:

The scheme does not comply with relevant development plan policies due to it not reflecting the character of this semi-rural area and resulting in a cramped form of development with insufficiently deep rear gardens and a general lack of space between the dwellings. The Council's housing land supply shortfall (currently only 3.3 years) is noted. This assessment concludes the adverse impacts of granting this planning permission significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole and relevant Local Plan policies. It is therefore recommended that the application be refused for the following reason.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

It is not possible to secure CIL for this development as infrastructure contributions have already been secured through the S.106 Agreement attached to the outline planning permission.

RECOMMENDATION

REFUSE

- 1 By reference to the closeness of houses to each other, their internal size, their heights, proposed materials and the external garden depths, the proposal does not achieve a high standard of design quality, will adversely affect the character/appearance of this semi-rural location and represents an overdevelopment of the site in conflict with Arun Local Plan policies D DM1, LAN DM1 & D SP1, the Arun Design Guide SPD and the NPPF.

- 2 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 advising the applicant of these. 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 for the refusal, approval has not been possible.
- 3 INFORMATIVE: The reserved matters proposal for 6 x 4 bedroom houses is not in complete accordance with the outline planning permission ref P/116/19/OUT which granted permission for 4 No. semi-detached 3-bedroom houses & 2 No. detached 4-bedroom houses. It is recommended that you satisfy yourself with legal advice in respect of whether a reserved matters can be sought for a different development.