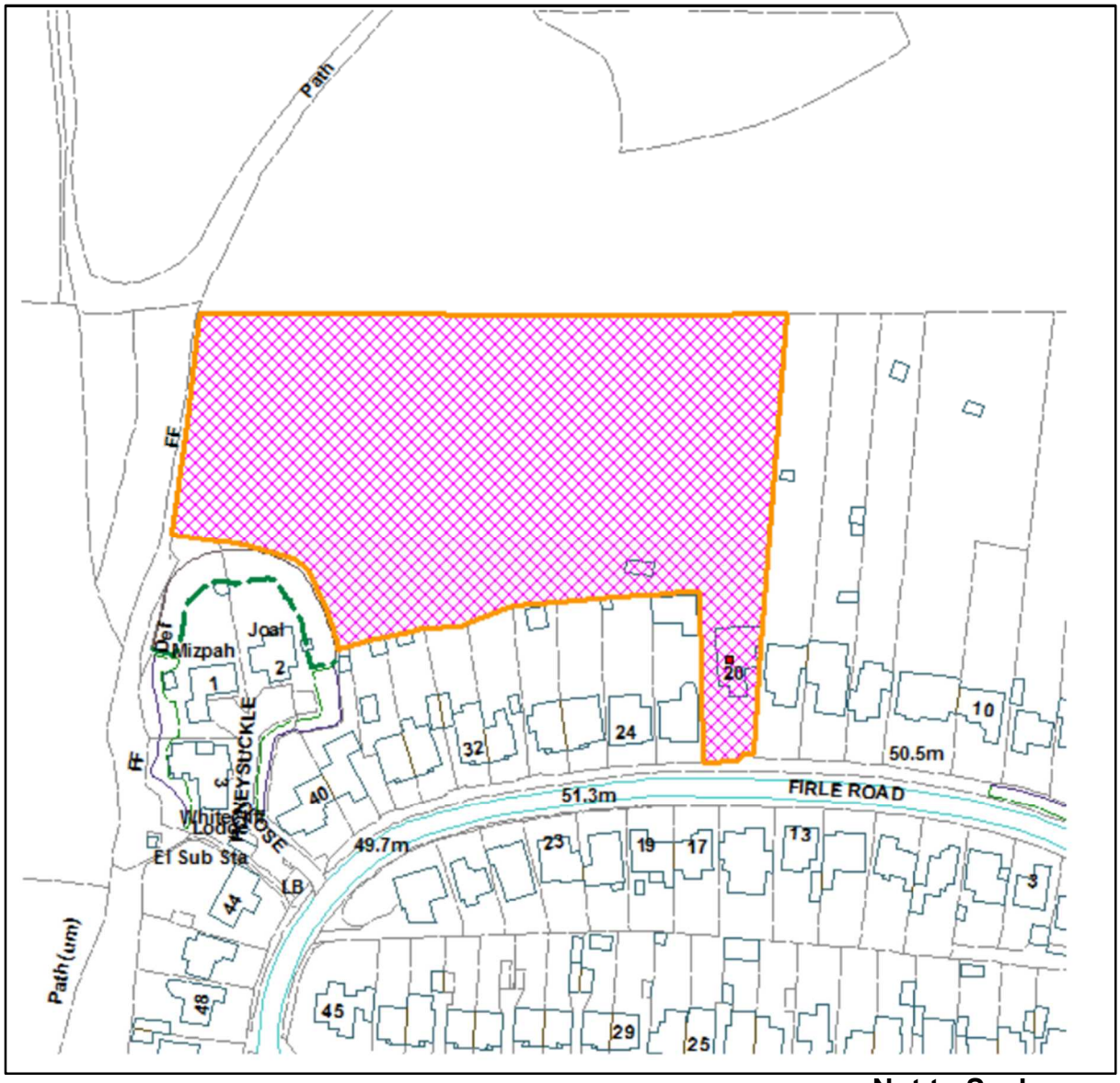
Application Number:	AWDM/1394/22	Recommendation - REFUSE
Site:	20 Firle Road, Lancing	
Proposal:	Demolition of a single dwelling-house, creation of new onsite access road and erection of 7 new houses.	
Applicant:	Mr Tom Middleton	Ward: Manor
Agent:	Mr Liam Russell, LRA Retinue Limited	
Case Officer:	Gary Peck	



Not to Scale

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Proposal

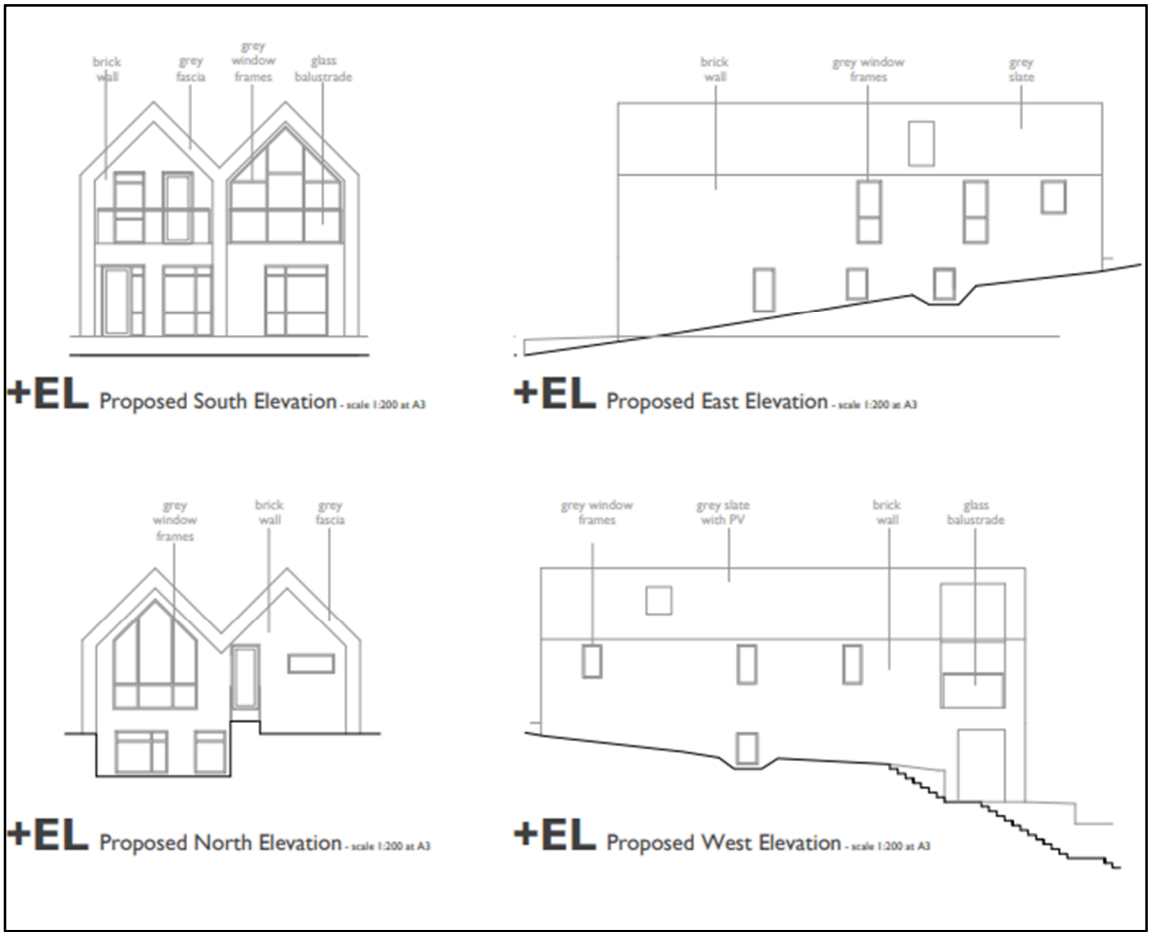
This application seeks full permission for the erection of 7 x 4 and 5 bed detached houses. The existing frontage dwelling, 20 Firle Road, will be demolished so that an access road serving the development from Firle Road can be constructed to serve the development. The dwellings would be between 206 and 320 square metres in size.

The layout, with indicative landscaping, is set out as the plan below:

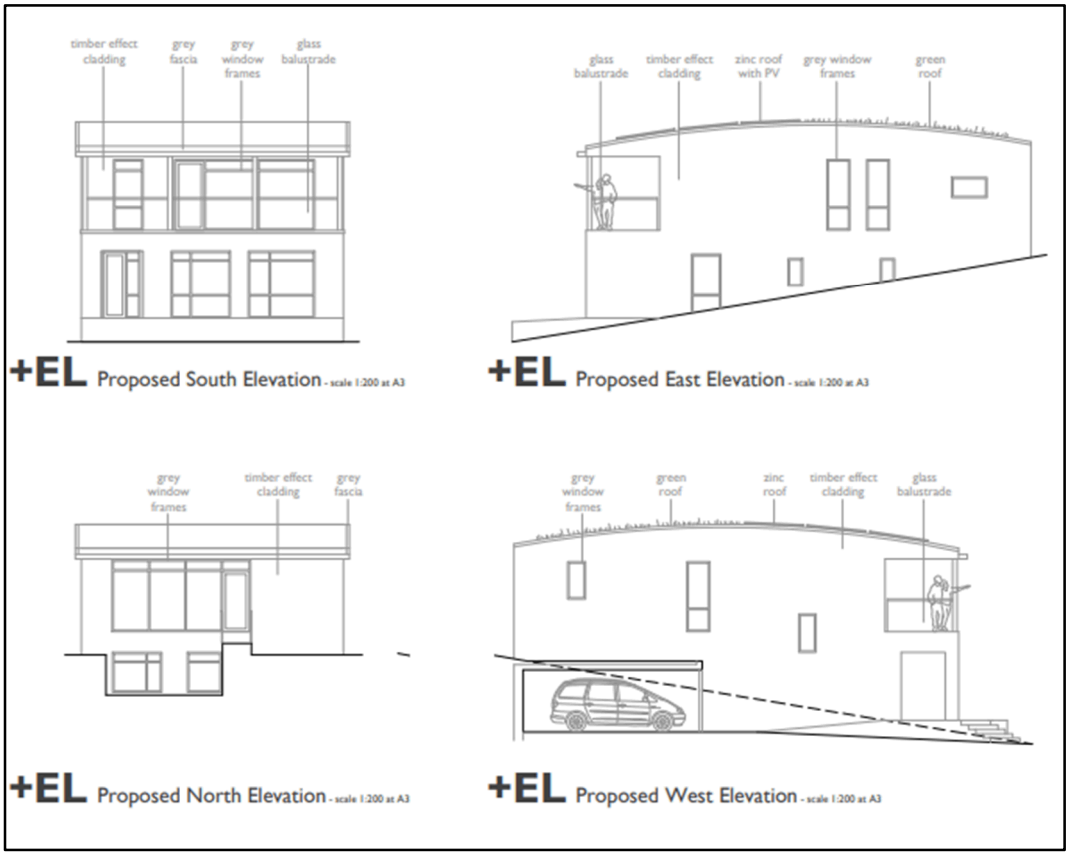


The proposed dwellings are described as of barn form or curved roof in design:

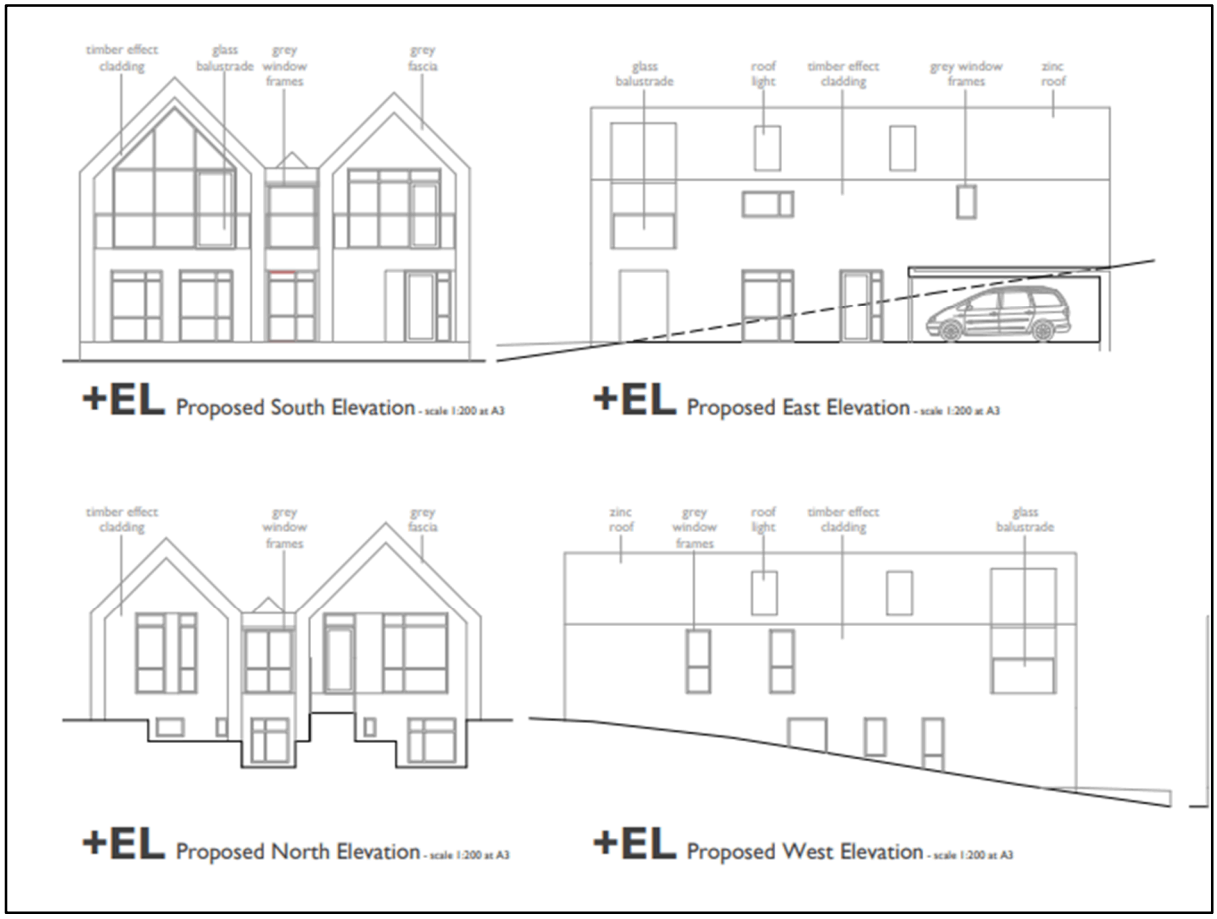
Plots 1,3 and 4:


brick wall
grey fascia
grey window frames
glass balustrade
+EL Proposed South Elevation - scale 1:200 at A3
brick wall
grey window frames
grey slate
+EL Proposed East Elevation - scale 1:200 at A3
grey window frames
brick wall
grey fascia
+EL Proposed North Elevation - scale 1:200 at A3
grey window frames
grey slate with PV
brick wall
glass balustrade
+EL Proposed West Elevation - scale 1:200 at A3

Plots 2 and 5:


timber effect cladding
grey fascia
grey window frames
glass balustrade
+EL Proposed South Elevation - scale 1:200 at A3
glass balustrade
timber effect cladding
zinc roof with PV
grey window frames
green roof
+EL Proposed East Elevation - scale 1:200 at A3
grey window frames
timber effect cladding
grey fascia
+EL Proposed North Elevation - scale 1:200 at A3
grey window frames
green roof
zinc roof
timber effect cladding
glass balustrade
+EL Proposed West Elevation - scale 1:200 at A3

Plots 6 and 7:



The application is also accompanied by a transport statement, ecological appraisal, arboricultural impact assessment, drainage study and protected species survey.

Site and Surroundings

The application site comprises 20 Firle Road and a large area of land to its north and west, previously used as a garden to serve number 20, which extends to the rear of the neighbouring properties 22-40 Firle Road as well as to the north east of properties in Honeysuckle Close. This land sits higher than Firle Road, consistent with the rising land to the north in this area. The northern boundary of the site is about 155 metres in length. From Firle Road to the northern boundary is about 120 metres, while the western boundary is about 60 metres, with the rear boundaries of Honeysuckle Close curving towards the south western corner of the site. The site sits about halfway along Firle Road and comprises rising ground leading to the Lancing Ring Nature Reserve which sits at the top of the hill and is within the South Downs National Park. The application site itself is within the built-up area as defined by the Adur Local Plan.

The existing property (to be demolished as part of the application) has recently been refurbished under permitted development rights and now contributes more positively to the street scene than was the case during the determination of the previous application in 2018 when it was unoccupied and had become somewhat rundown in appearance.

To the west of the existing house and garden is 22 Firle Road which sits closer to the road than the subject building. The boundary is denoted by a close boarded fence and there is also a large outbuilding in the rear garden of the property adjacent to the boundary of the application site. To the east is 18 Firle Road which sits on a similar alignment to the subject property. Across Firle Road to the south, residential properties are set at a lower level because of the slope of the hill. Firle Road is characterised by bungalows, although a large number of properties have extended into the roofspace, most commonly with flat roofed dormers.

Relevant Planning History

L/296/68: Residential development —refused

L/414/68: Residential development —refused and appeal dismissed

L/107/87/TP/1316: Outline Application for Residential Development (Detached Bungalows with Private Garages) —application refused and appeal dismissed

L/248/88/TP/301: Outline Application for Residential Development (In the form of Single Storey Dwellings with Private Garages) —application refused and appeal dismissed

L/91/96/TP/16411: Two-Bedroom Bungalow at Rear (Outline) (2 Alternative Sites) — application refused

AWDM/1942/17: Demolition of existing bungalow (No.20), construction of new access road, including alterations to part of the Firle Road footpath, and erection of 9no. detached two storey houses (2 x 2 bed, 5 x 3 bed and 2 x 4 bed), with 34 parking spaces and an ecology corridor surrounding the proposed development. (Play area and pedestrian access to the South Downs removed) - Application refused and appeal dismissed. The appeal decision is appended to the report.

Consultations

Lancing Parish Council

The committee resolved to recommend to object to this planning application on the grounds of overdevelopment.

South Downs National Park

Although the application site is located outside of the National Park, the Council has a statutory duty to consider the Purposes of the National Park when making its determination.

The statutory purposes and duty of the National Park are:

- Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

- Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

The National Park's comments on the development are as follows:

The site is located within the built up area boundary for Lancing and, as such, the SDNPA does not object in principle to a sensitively designed development. However, the northern and western boundaries directly abut the National Park boundary, along with the Lancing Ring LWS/LNR. Since the previous application and dismissed appeal for development of nine dwellings on the site, revisions to the National Planning Policy Framework now include a requirement for development within the setting of National Parks, AONBs and The Broads to be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The scheme as currently submitted places the dwellings relatively high up the sloping ground, away from the existing settlement edge. This placement along with the proposed designs appear to be led by a desire to maximise views from the new dwellings rather than to minimise adverse impacts. Whilst the Design and Access Statement refers to a "barn style" having been selected for some of the dwellings, the submitted designs do not convincingly relate to either the National Park or the settlement to the south. In addition, some of the proposed designs include large areas of glazing within gable ends without apparent consideration of the impacts of light spill on the South Downs International Dark Skies Reserve or upon nocturnal species.

The indicative landscape plan shows a degree of proposed/retained planting to the boundaries of the site. However, if a residential scheme is to be brought forward on the site we would recommend that it include from the outset details of how a meaningful transitional landscape and ecological buffer can be delivered between the development and the northern and western boundaries. Similarly, whilst the submitted documentation refers to the development delivering biodiversity net gain, there does not seem to be any details provided with regard to how this will be delivered and managed.

In summary, the SDNPA acknowledges that the site is within the built up area boundary but is not yet convinced that the proposal is sensitively located and designed in order to avoid or minimise adverse impacts on the SDNP, its landscape setting and its wildlife.

West Sussex County Council Highways

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals.

WSCC acting as the Local Highway's Authority (LHA) refers to your consultation in respect of the above planning application and would provide the following comments.

Site Context & History

The access for the proposals is located on Firle Road, an adopted 'D' class public maintained highway. The LHA would consider the context of the to be set within an urban setting and be low trafficked. Firle Road is subject to a 30-mph speed limit. No

current speed survey data is located within a reasonable distance of the access that would state otherwise.

In terms of design parameters, the LHA considers the parameters of Manual for Streets (MfS) as applicable in this context.

In terms of planning history, the LHA were previously consulted on highway matters for this location under AWDM/1942/17. This proposed the Construction of 9 dwellings with parking. The applicant proposed an advanced access point in the form of a 'Bell mouth' onto Firle Road. Though the LHA raised some points, these were satisfied and in highways terms the proposal was deemed acceptable. The LPA application was refused on other matters not relating to highways.

The applicant subsequently appealed this decision (Reference number AWAP/0030/18); however, the Inspector concurred with the LPA and upheld the refusal on planning grounds.

Therefore, the LHA acknowledges the principle of 9 dwellings in this location served by a new access has been previously agreed.

The transport aspects of this application are supported by way of a Transport Statement which includes a Stage 1 Road Safety Audit (RSA) and capacity testing for the Trip Rate Information Computer System (TRICS) database.

Access Details

The applicant has provided a detailed access plan (Drawing Number 11764/2100) within the TS. Concern was previously raised that the applicant's earlier TS submitted in support of the 2018 application did not correctly show Firle Road's width at 4.8 metres. The latest drawing does now take this into account and shows Firle Road as being 4.8 metres in width.

On this plan the applicant has demonstrated that the kerb radii will be 6 metres. We are aware of local concern with the workability of the access. We have therefore undertaken some internal consultations with our Highway Agreements team, who are responsible for overseeing the technical works of the proposal. They have advised that the principal of the access and its design is suitable for the requirements of the proposals. It was also advised any increase in kerb radii may encourage higher speeds along Firle Road.

The applicant has also provided details of the footway in the vicinity of the access, with the adjustments tying into the existing 1.8 metre fronting the site and widening to 2 metres on the eastern side of the proposed highway into the site. The footway crossing point has been demonstrated as having tactile paving, with details to be secured at the Technical Approval stage of the Section 278.

The access will also see the relocation of a lighting column. The LHA advises the applicant contacts the operator of the lighting column to discuss relocation works.

The LHA notes that the drawing, Proposed Site Plan (Drawing Number 1869-PA-006), states the access and internal roads will be a 1 in 10 gradient. However, the Transport

Statement Proposed Access, paragraph 6.5, states that the access for the first 5 metres will be 1 in 18 then raises to 1 in 10 for 84.5 metres and final flattening out to 1 in 98 for the final 45 metres. Internal consultation with our agreements team has raised that this should be no more than 1 in 20 for the first 10 – 20 metres approaching the junction. Details of which can be secured via a suitably worded condition.

An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the site. Therefore, there is no evidence to suggest that the new or existing accesses would operate unsafely.

Vehicle Visibility

The applicant has provided vehicle visibility splays on the Access Plan (Drawing Number 11764/2100) within the transport statement. These are in conjunction with MfS and WSCC guidance on Safe Stopping Distances (SSD) for the posted road speeds.

Vehicle Swept Path Tracking

The applicant has provided swept path tracking for both refuse and fire tenders. This demonstrates that vehicles can enter the site from the desired eastbound direction with little to no need to use the full width of the road. However, when leaving the site in the desired Eastbound direction vehicles of this size would require the use of the full highway width. Whilst on street parking in this location is present, the LHA notes that opposite the junction are drop kerbs, which under highway legislation (The Highway Code, 243) would offer some level of junction protection against parking and this partnered with the very low movements of vehicles of this natured anticipated for the site, the LHA would not deem this a highways safety or capacity concern.

Stage 1 Road Safety Audit (RSA1)

The applicant has provided an up-to-date industry recognised RSA1 in accordance with GG119 parameters. This Auditor has not raised any concerns with the access strategy as outlined within the TS.

Capacity

Traffic flow information has been provided with the current application within the TS, this has been provided by the applicant on what vehicular activity currently exists at the site. This information considers the proposed residential use. The traffic flow generation is based upon the use of TRICS. TRICS is a database containing surveys of other completed and occupied developments. The database can be refined to use comparably located site uses to forecast potential traffic generation. TRICS is an accepted means of determining traffic generation. Using this data, it is evident that the proposed usage would generate fewer vehicle trips compared with the previously commented on scheme from 2018. As such, there is no expectation for this proposal to give rise to any increase or material change in the character of traffic in the vicinity of the site.

Vehicle Parking

Under WSCC Car Parking Guidance (adopted September 2020), the LHA would expect that 25 parking spaces (21 allocated, 4 visitor) would be required for a development of this size and location.

For the LHA and MfS to consider parking spaces towards the provision of a site they must first meet minimum requirements of:

Single bay parking space or carport - 2.4 x 4.8 metres,
Single garage space - 3 x 6 metres (Internally),
Single parallel parking space - 2 metres (obstruction free i.e. fence) or 2.4 metres x 6,
A Hardstand space abutting an exit deemed an emergency escape or garage – 2.4 x 6 metres.

Following the above guidance, the LHA supplies the following comments. The applicant proposes a parking provision of 23 spaces for the new dwelling(s). These are in the arrangement of: 21 allocated parking space(s), 2 visitor parking space(s),

The dimensions of the space(s) are, Bay Parking Spaces – Measures 2.4 x 4.8 metres, For the LHA to consider bay parking spaces towards the parking provision of the site they must first measure 2.4 x 4.8 metres (as per MfS guidance). The applicant has proved such. As a result, the LHA would consider the parking spaces to supply a provision of 21 spaces.

Visitor Parking Space (Parallel) –Measures 2 x 6 metres,

For the LHA to consider the parking spaces towards the parking provision of the site they must first measure 2 x 6 metres (as per MfS guidance). The applicant has proved such. As a result, the LHA would consider the visitor parking spaces to supply a provision of 2 spaces.

From inspection of these findings the LHA supply the following comments.

The above demonstrates that under WSCC and MfS Guidance the development will provide 23 parking spaces towards the provision of the site. This is 2 below the minimum recommendation made by the PDC. Experience has shown through other similar applications, that to substantiate that a shortfall of 2 visitor car parking spaces could result in an unacceptable highway safety issue would be difficult to uphold. Therefore, the LHA does not consider this a justification for refusal on highways grounds. The LPA may wish to consider the amenity implications caused by a small increase in the on-street parking demand for the unadopted road. To summarise the LHA raises no concerns over the Vehicle Parking.

Cycle Parking

The applicant has proposed cycle parking to be located in garages in only a portion of dwellings in accordance with MfS guidance for safe and lockable storage. The LHA wish to see a full provision accordance with MfS and WSCC guidance.

Electric Vehicle (EV) Parking

Given the recent changes to the Building Regulations Approved Document S (Infrastructure for the Charging of Electric Vehicles), it may be that the provision of EV charging is now covered under separate legislation to planning. Therefore, WSCC as Highway Authority have no comment to make upon the EV charging provision as a result of this planning application. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th, 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process.

Turning The applicant has demonstrated a private car can turn on site. The proposed hardstand areas located fronting the properties are large enough to accommodate this provision. The proposed turning heads on plan titled Vehicle Tracking (Drawing Number 11764/2200 P4) have been demonstrated via swept path tracking as being large enough to accommodate the turning requirements of refuse and fire tenders.

Conclusion

Mindful of the previous history and the information within the TS, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

The LHA advises the LPA that if they are mindful to permit the above application than to attach the following conditions and informative:

Conditions

Visibility Splays

The use of the access shall not commence until visibility splays of 2.4 x 43 metres have been provided at the proposed site vehicular access onto Firle Road in accordance with plans and details submitted to the Local Planning Authority. The splays shall be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of carriageway safety.

Access

No part of the development shall first be occupied until such time as the vehicular access has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of carriageway safety.

Parking

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall always thereafter be kept for their designated purpose.

Reason: To provide car-parking space for the use

Cycle Parking No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Turning

No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall always thereafter be kept for their designated use.

Reason: In the interests of carriageway safety

Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period.

The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- The anticipated number, frequency and types of vehicles used during construction,
- The method of access and routing of vehicles during construction,
- The parking of vehicles by site operatives and visitors,
- The loading and unloading of plant, materials and waste,
- The storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding,
- The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- Details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

Informative

Section 278 Agreement of the 1980 Highways Act - Works within the Highway The Local Highways Authority (LHA) advises the applicant to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant should note that it is an offence to undertake any works within the highway prior to the agreement being in place. Street lighting and Telecommunications poles The Local Highways Authority (LHA) advises

the applicant to contact the operator of the street lighting/telecommunications pole to organise the relocation works.

West Sussex Fire and Rescue

This proposal has been considered by means of desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC mapping and Fire and Rescue Service information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments:

1) Prior to the commencement of the development details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS9999 2017) for further information please contact the Fire and Rescue Service

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented

*Reason: In the interests of amenity and in accordance with policy AG3 of the Adur Local Plan1996 or policy P29 and P30 of the Adur Local Plan 2014 and in accordance with The Fire & Rescue Service Act 2004***.**

Sussex Wildlife Trust

The Sussex Wildlife Trust has been made aware of the following application.

Having viewed the information on line we wish to submit the following comments in relation to biodiversity.

The aerial photography of the development site clearly demonstrates how the habitats within the development boundary are functionally connected to the habitats that are within the adjacent Lancing Ring Local Nature Reserve (LNR) and Lancing Ring Local Wildlife Site (LWS)

The Adur Local Plan (2017) includes a Biodiversity Policy (31) which states:

Local Designations: Proposals for development in, or likely to have an adverse effect (directly or indirectly) on a Local Nature Reserve, Local Wildlife Sites (including ancient woodlands or wildlife corridors) or Regionally Important Geological/Geomorphological Site will not be permitted unless it can be demonstrated that reasons for the proposal outweigh the need to safeguard the nature conservation value of the site/feature.

Further to this the National Planning Policy Framework states in 174 d, states;

Planning policies and decisions should contribute to and enhance the natural and local environment by d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

We ask Adur DC if they have confidence that these requirements have been addressed by the information submitted by the applicant.

We note that the applicant has submitted a Preliminary Ecological Appraisal (PEA), which was carried out across land north of 20 Firle Road, Lancing in the Adur District of West Sussex on the 24th February 2022. The PEA highlights that desktop records show that the site previously contain habitats of principle importance including Lowland Calcareous grassland (PEA 3.3). The PEA goes on to say the area that was previously recorded as lowland calcareous grassland is now dominate by scrub as stated in section 3.7:

3.7 At the time of the survey, the northern boundary was dominated by dense scrub and scattered trees which extended into the site by approximately 15m, covering the area formerly identified as lowland calcareous grassland. Areas of remaining grassland throughout the more central areas appeared to be more characteristic of neutral semi improved grassland, with grassland species more characteristic of regular management and although forbs were abundant in places, overall, the sward supported a limited forb diversity.

Although the report seems to suggest that the lowland calcareous grassland has been taken over by scrub, there remains some grassland within the central area. We acknowledge that the phase one survey has indicated that these are of limited in forb diversity but we highlight that this survey was undertaken in February 2022, outside the optimal surveying period for grassland of May to August.

The applicant has submitted ecological surveys with this application to look at certain Protected Species. This indicates in broad terms that there are good populations of slow worms and badgers using the sites to connect to wider habitats. We are unclear if the applicant has used the ecological information carried out to inform the layout of the houses within the development?

The application has made reference to the delivery of Biodiversity Net Gain, which sits in line with the National Planning Policy Framework requirements (174d). SWT see no firm commitments in the application as to where exactly this will be delivered and how it will be maintained into the future. Whilst we recognise that the legislation regarding % of mandatory BNG is not in place, we do not see information presented to show what, where and how much is being committed to. We would ask Adur DC consider whether the information presented would make it viable for them to clearly identify the Biodiversity Net Gain being delivered as part of this application, in addition to mitigation requirements.

Environmental Health

I recommend the following be attached as conditions to any permission granted. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

Reason: To safeguard the amenities of the occupiers of neighbouring properties.

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:-

the anticipated number, frequency and types of vehicles used during construction - HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's.
the method of access and routing of vehicles during construction, the parking of vehicles by site operatives and visitors,
the loading and unloading of plant, materials and waste, the storage of plant and materials used in construction of the development,
the erection and maintenance of security hoarding,
a commitment to no burning on site,
the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
details of public engagement both prior to and during construction works methods to control dust from the site

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction.

Southern Water

No objection. We request that should this planning application receive planning approval, the following informative is attached to the consent:

Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Ecology

Note: Since the consideration of the previous application, West Sussex County Council no longer provide ecological consultation responses. The comments below are those of an independent consultant who was requested by the Council to provide comments on the application

20 Firle Road, Lancing, West Sussex

Proposed demolition of a single dwelling-house, creation of new onsite access road and erection of 7 new houses.

Review of submission documents:

- *Land North of 20 Firle Road, Lancing, West Sussex: Preliminary Ecological Appraisal. Rev 1* (CT Ecology, August 2022).
- *Land North of 20 Firle Road, Lancing, West Sussex: Protected Species Survey Report* (CT Ecology, July 2022).
- *No 20 Firle Rd + Land to the North, Lancing: Proposed Site Plan. Rev A* (LRA-R Retinue, August 2022).
- *No 20 Firle Rd + Land to the North, Lancing: Indicative Proposed Landscape Plan* (LRA-R Retinue, August 2022).
- *Land at 20 Firle Road, Lancing, BN15 0NY: Arboricultural Impact Assessment & Method Statement in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'* (Allpress, March 2022).

Ecological submission documents associated with a previous application for the site (AWDM/1942/17) were also considered in this review:

- *Land at 20 Firle Road, North Lancing, West Sussex: Preliminary Ecological Appraisal. Internal and External Bat Inspection* (The Ecology Partnership, August 2016).
- *Land at 20 Firle Road, North Lancing, West Sussex: Reptile Survey 2017* (The Ecology Partnership, September 2017).
- *Land at 20 Firle Road, North Lancing, West Sussex: Badger Monitoring 2017* (The Ecology Partnership, September 2017).

· *Land at 20 Firle Road, North Lancing, West Sussex: Bat Activity Survey 2017* (The Ecology Partnership, October 2017).

Designated areas

The application site is located adjacent to Lancing Ring Local Nature Reserve (LNR) and Lancing Ring Local Wildlife Site (LWS). The woodland, scrub and grassland habitats within the site provide supportive habitat to notable habitats within the LNR/LWS which include areas of deciduous woodland and lowland calcareous grassland listed on the Priority Habitat Inventory. Planning policy relevant to this designated area includes Policy 31 of the Adur Local Plan 2017 which protects both LNRs and LWSs from development that is likely to have an adverse effect both directly and indirectly.

We would expect to see a full assessment of the impacts of the development on these designated areas made. Notwithstanding the limited assessment of the effects of the proposals on the LNR/LWS there are apparent contradictions within the assessment. Section 5.6 of the Preliminary Ecological Appraisal (CT Ecology, 2022) states that: *'The current proposals will serve to retain the boundary features, providing a buffer between the development and the adjacent designated sites which will serve to alleviate any negative impacts such as increased light spill and noise occurring as a result of the proposals*.' However, both the Proposed Site Plan (LRA-R Retinue, 2022) and Indicative Proposed Landscape Plan (LRA-R Retinue, 2022) show the private rear gardens of the new houses extending to the site boundary (and boundary of the LNR/LWS). Subsequently there is no certainty of the long-term '*retention of boundary features'* or maintenance of a '*buffer between the development and adjacent designated sites'* which presents various risks of impacts to the LWS including loss of supportive habitat, fly tipping of garden waste and garden creep among others. The proposed development subsequently has the potential to cause direct and indirect effects on the LNR/LWS during the construction and operational phases.

- The design of the development should be altered to allow an appropriate stand-off zone from the edge of the LWS/LNR within which no construction of hardstanding or built development (including residential gardens) should take place. This is in order to protect the LWS/LNR and maintain supportive habitat in accordance with Policy 31 of the Adur Local Plan 2017. Further information should also be provided prior to determination on measures to protect the LWS during the construction and operation of the proposed development.

Habitats

The application site is currently dominated by dense scrub, trees and grassland, areas of which are identified on the Deciduous Woodland (north-western extent of site) and Lowland Calcareous Grassland (associated with northern fringe of the site) Priority Habitat Inventories. The Preliminary Ecological Appraisal (CT Ecology, 2022) identifies that '*these priority habitats are no longer considered to be supported at the site due to a mixture of on-going management and scrub encroachment*.'

Deciduous woodland

Section 3.2 (note there are two Section 3.2s in this report) of the Preliminary Ecological Appraisal (CT Ecology, 2022) states: '*looking at aerial imagery, the site appears to*

have supported areas of open grassland since at least 2001 however tree cover appears to have reduced since 2016'. This assessment is further supported by comparing the habitat survey maps prepared for the previous planning application in 2017 (The Ecology Partnership, 2016), to the habitats recorded for the 2022 planning application. A review of the Preliminary Ecological Appraisal (CT Ecology, 2022) and Arboricultural Impact Assessment (Allpress, 2022) indicates that Deciduous Woodland is no-longer present on the site.

Lowland Calcareous Grassland

Section 3.7 of the Preliminary Ecological Appraisal (CT Ecology, 2022) states: '*At the time of the survey, the northern boundary was dominated by dense scrub and scattered trees which extended into the site by approximately 15m, covering the area formerly identified as lowland calcareous grassland. Areas of remaining grassland throughout the more central areas appeared to be more characteristic of neutral semi-improved grassland, with grassland species more characteristic of regular management and although forbs were abundant in places, overall, the sward supported a limited forb diversity.'* The Phase 1 habitat survey was carried out in February 2022, which is a sub-optimal time for carrying out botanical surveys however, the results of this survey largely correlate with the results of the grassland identification of the site carried out in August 2016 for the previous application (The Ecology Partnership, 2016). In view of this, on the basis of CT Ecology's observations it is considered that Lowland Calcareous Grassland is no-longer present on the site.

Notwithstanding this, it should be noted that a review of the Habitat Survey Map (Appendix B) and Photograph 6 (Appendix A) in the Preliminary Ecological Appraisal (CT Ecology, 2022) for the current application, the Preliminary Ecological Appraisal (The Ecology Partnership, 2016) carried out in 2016 for the previous application and aerial imagery of the site indicates that the site has been subject to on-going habitat removal over the past few years. Within Schedule 14 of the Environment Act, which sets out the biodiversity gain condition for development, measures are included that allow planning authorities to recognise any habitat degradation since 30th January 2020 and to take the earlier habitat state as the baseline for the purposes of biodiversity net gain. In order to ascertain the habitats present and their condition on 30th January 2020, aerial imagery or data sets from that time could be used. 30th January 2020 is the relevant date as it was the day the Bill entered Parliament.

In order to quantify the biodiversity loss/gain as a result of the proposed development, a Biodiversity Impact Assessment calculation (Defra Metric 3.1) should be provided. This calculation should be carried out to demonstrate biodiversity net gain in accordance with Paragraph 174 of the NPPF. In view of the on-going habitat works within the site, the date of the baseline habitat condition assessment for the site should be taken as at least 30th January 2020.

Protected and notable species

Bats

Roosting bats

The *Protected Species Survey Report* (CT Ecology, 2022) has used the Cowan Scale (Cowan, 2006) to assess the level of bat roost potential in trees rather than the

standard *Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016).* Justification for this deviation should be provided.

Foraging and commuting bats

The *Preliminary Ecological Appraisal* (CT Ecology, 2022) identifies that the site was considered to provide high potential for foraging bats (*Section 3.38*) and subsequently further surveys in this regarded are recommended. However as identified in the *Protected Species Survey Report* (CT Ecology, 2022), only two activity transects have been carried out in May and June 2022. However, as identified in Table 8.3 of the *Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016),* sites with high suitability habitat for bats should be subject to the following surveys to achieve a reasonable survey effort:

1. Transect surveys – Up to two survey visits per month (April to October) in appropriate weather conditions for bats. At least one of the surveys should comprise dusk and pre-dawn (or dusk to dawn) within one 24-hour period.

2. Automated/static bat detector surveys – Three locations per transect, data to be collected on five consecutive nights per month (April to October) in appropriate weather conditions for bats.

The 2021 NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected species, which are a material planning consideration. This will enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated, and are acceptable.

Further information should be provided as to why such minimal bat activity survey effort was employed to allow consideration as to whether sufficient information is available to support determination of the application.

Reptiles

The reptile surveys carried out in both 2022 (CT Ecology, 2022) and 2017 (The Ecology Partnership, 2017) identified the present of a good population of Slow-worm and a low population of Common Lizard within the site. In 2017 an adult Adder was also recorded within the site.

It is recommended that measures to protect all three species of reptiles identified within the site is detailed within a *Detailed Reptile Mitigation Strategy*. This strategy should include identification of the proposed reptile receptor site and the habitat enhancement works proposed to the reptile receptor site to ensure its carrying capacity is sufficient to support the reptiles translocated from the site.

Badgers

The Badger surveys carried out in 2022 (CT Ecology, 2022) and 2017 (The Ecology Partnership, 2017) identified the presence of active outlying Badger setts within the site. In view of the overgrown nature of the site it is possible that some Badger setts

have been overlooked. It is subsequently recommended that the Badger survey is updated prior to development commencing and the measures to protect Badgers through the course of construction detailed within a *Detailed Badger Mitigation Strategy*.

Birds

Although the site is highly unlikely to support a significant assemblage of birds, there is potential for nesting birds to be present within the March-September bird breeding season. Measures to protect nesting birds through the course of construction should be detailed within an *Ecological Protection and Mitigation Plan*.

Advice:

- Prior to determination of the application the following information should be provided:
  The design of the development should be altered to allow an appropriate stand-off zone from the edge of the LWS/LNR within which no construction of hardstanding or built development (including residential gardens) should take place. Further information should also be provided prior to determination on measures to protect the LWS during the construction and operation of the proposed development.
  A *Biodiversity Impact Assessment* calculation to demonstrate that the proposed development will achieve a net gain for biodiversity. In view of the on-going habitat works within the site, the date of the baseline habitat condition assessment for the site should be taken as at least 30th January 2020.
  Further information should be provided as to why such minimal bat activity survey effort was employed to allow consideration as to whether sufficient information is available to support determination of the application. If sufficient justification cannot be given, an appropriate suite of bat activity surveys of the site (including both activity transect and automated static detector surveys) should be undertaken to determine the status of bat foraging and commuting activity within the site. It is recommended that the bat survey static detector results are run through the free to use online Ecobat tool to provide a species by species activity level context. The results of the surveys should be used to provide impact assessment and detailed mitigation, compensation and enhancement measures.

  This information should be made available prior to determination of the planning application.

- Prior to construction commencing at the site, the following documents should be provided:
  i A *Detailed Reptile Mitigation Strategy* to demonstrate how reptiles associated with the site will be protected during the construction and operational phases of the development.
  ii A *Detailed Badger Mitigation Strategy* (including updated Badger survey) to demonstrate how Badgers associated with the site will be protected throughout the development.
  iii An *Ecological Protection and Mitigation Plan* to demonstrate how sensitive on-site and off-site habitats and species, including the off-site LNR/LWS, on-site scrub, trees and grassland, bats, Badgers, reptiles and nesting birds, will be

protected throughout development and how spread of invasive species will be controlled. The *Ecological Protection and Mitigation Plan* should also include details of establishment and long-term maintenance of new habitats and ecological features (including provision of bat and bird boxes, reptile hibernacula, insect boxes and Hedgehog holes) proposed as part of the development.
iv A *Wildlife Friendly Lighting Scheme* following standard guidelines should be provided which identifies the environmentally sensitive zones within the site and demonstrates how light spillage into these zones will be avoided by the proposed lighting scheme.

Provision of this information could be subject of conditions of planning consent.

Summary

In summary, review of the proposals and ecological submissions in support of the application has identified two areas in relation to the off-site LNR/LWS and foraging/commuting bats where baseline information and assessment is currently considered deficient to demonstrate compliance with Policy 31 of the Adur Local Plan 2017, the 2021 NPPF and nature conservation legislation. In addition, no information is provided to demonstrate a biodiversity net gain in accordance with the NPPF. We recommend that where appropriate the further information identified above is provided prior to determination of the application to fully assess the ecological impacts of the proposed development.

Notwithstanding this, the remainder of the submitted information which has been subject to review is sufficient to demonstrate compliance with nature conservation policy and legislation. We would however recommend that, where appropriate, the further information identified above is provided prior to construction commencing on site to allow full assessment of the likely ecological effects of the proposed development. This could be secured via condition(s) of any planning consent granted.

Technical Services

I have reviewed the drainage report by GTA Civils Ltd dated April 2022 in regard to surface water and have the following comments:-

In principle I am happy with the proposals.

I would like to see more drainage construction details prior to approval, in particular the separation of the paving areas (dam).

Also during construction how the surface water run off from the will be managed to prevent offsite flooding to surrounding areas and the highway.

Planning Policy

<u>General Points:</u>

The proposal is for 7 new dwellings (of 4 beds each). The site lies within the Built Up Area Boundary and therefore the principle of development is accepted (Policy 2 of the Adur Local Plan - ALP) subject to compliance with other policies.

The Design and Access statement (page 6) states that the site 'is designated for housing in the Local Plan'. Please note that this is *not* the case. (See also page 8 and 16 where this error is repeated).

The site is at the far northern end of the built up area and immediately adjacent to the South Downs National Park, specifically Lancing Ring Local Nature Reserve and Local Wildlife Site. Given this location biodiversity and landscape matters are a particular issue.

Biodiversity Matters.

Policy 31: Biodiversity of the Adur Local Plan states that all development should ensure the protection, conservation and where possible, enhancement of biodiversity. The policy also states that development likely to have an adverse impact (directly or indirectly) on a LNR or LWS will not be permitted unless it is demonstrated the reasons for the development outweigh the need to safeguard the nature conservation value.

The National Planning Policy Framework in paragraph 174 states:

"Planning policies and decisions should contribute to and enhance the natural and local environment by d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;"

Impact on designated sites

The site is adjacent to Lancing Ring Local Nature Reserve (LNR) and Lancing Ring Local Wildlife Site (LWS); and to the South Downs National Park. Whilst this site does not have a statutory or non- statutory designation, it is identified in National Habitat Network Mapping as a Fragmentation Action Zone. This is land that:

"...connects existing patches of
primary and associated habitats which are currently highly fragmented and where fragmentation
could be reduced by habitat creation. Action in this zone to address the most fragmented areas of
habitat can be targeted here."

The Preliminary Ecological Appraisal at paragraph 3.11 states that there is an area of recently cleared bare ground present in the north-west corner of the site. This is shown on Figure 1: Land North of 20 Firle Road Habitat Survey Map. The aerial photograph at Figure 3.1 of the Design and Access Statement shows the area prior to the clearance of this area. This demonstrates how the habitats within the development boundary are functionally connected to the habitats at the adjacent designated sites.

Biodiversity net gain

The Preliminary Ecological Appraisal in paragraph 5.11 states:

"A series of enhancement measures are recommended as part of the proposals in order to achieve a net gain in biodiversity, in accordance with current planning policy."

A number of measures are recommended in the appraisal, such as bird boxes, bat boxes, lighting and landscaping.

The Design and Access Statement at paragraph 4.3.03 refers to biodiversity net gain. However the applicant has not submitted a Biodiversity Metric or equivalent information. Nor is there any firm commitment to delivering. Without detailed information setting out how biodiversity net gain will be delivered and managed, it is

not possible to conclude that the requirements of the NPPF, or Policy 15 of the Adur Local Plan have been met.

Given the recent clearance of part of the site, an earlier base date for assessing the pre-development biodiversity value may be more appropriate. Schedule 14(6) of the Environment Act makes such provision where as a result of activities carried out after 30 January 2020, the biodiversity value of the onsite habitat is lower on the relevant date than it would otherwise have been. However it is noted that this schedule has not yet been subject to a Commencement Order.

Landscape

The National Planning Policy Framework at paragraph 130 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)"

The proposed scheme includes new and retained planting which would reduce the visual impact of the development from the South Downs National Park. However it is not clear from the proposal what measures are proposed to ensure that these features are retained. The trees within the site are not protected by Tree Preservation Orders.

In landscape terms it may be beneficial to secure a buffer zone between the end of the residential gardens and boundary with the countryside to ensure the gardens are not extended and there is no consequential impact on the character of the adjacent countryside.

Other Matters:

Policy 15 of the Adur Local Plan relates to the quality of the built environment, and sets out a range of factors to be taken into consideration. These include character, layout and design. The design of the proposed dwellings differs in character from the surrounding residential properties in terms of design and materials and does not appear to be in character with the surrounding landscape. The proposed layout would bring residential development much closer to the boundary of the built up area (and therefore that of the National Park and LWS/ LNR).

I am also aware that there are concerns that the development may have an adverse impact on the amenity of neighbouring residents.

The same policy refers to light pollution; in order to avoid light spill the design of the development (or additional measures) would need to ensure there is no adverse impact (in terms of character or impact on biodiversity) on the downland area.

Policy 15 also seeks that development respects the natural features of the site (including land form, trees and biodiversity) and contributes positively to biodiversity - see comments above.

Section 2.2.04 of the Design and Access Statement refers to sustainability but does not address Policy 18 which requires that all new development meet a water efficiency standard of 110 l per person per day; unless this is addressed in other supporting documentation it is not clear how this proposal meets this requirement.

Policy 21 of the Adur Local Plan refers to affordable housing - however as the proposal is for less than 11 dwellings there is no requirement for affordable homes (as defined by national guidance and Adur Local Plan).

Representations

189 representations objecting to the development have been received. A small number of objectors have written in more than once to make comments. The grounds of objection are on the following basis:

- Development on the site has previously been refused on appeal
- Conflict with Adur Local Plan policies
- Adverse impact during the construction phase
- The proposed design does not reflect or enhance the character of the area
- Loss of privacy
- The existing property has recently been refurbished and it will be a waste to demolish it
- The refurbishment of the existing property caused problems during the works
- Accidents have already occurred from vehicles using the slope
- Lack of infrastructure including infrequent bus service and steep hill to the train station
- Inaccuracies in the application form
- Site prominence has been misrepresented in the application form
- Tree removal has already taken place
- Consultation with residents has been inadequate from the applicant
- The proposal fails to ensure the conservation and enhancement of biodiversity
- No smaller or affordable dwellings
- Risk of increased flooding
- Firle Road is too marrow to accommodate a development of this scale
- Proximity and adverse impact upon the National Park
- Many other previous applications have been refused and dismissed on appeal
- No need for the dwellings given the extent of housebuilding elsewhere
- Proximity of the access road to neighbouring residents
- To overcome restrictive covenants, the houses have had to be placed nearer to the National Park

68 representations in support of the application have been received. The grounds of support are on the following grounds:

- The development represents a perfect design and layout
- Will improve the site
- Provide housing in a constrained location
- Higher numbers of houses are squeezed onto smaller sites elsewhere
- Other residential developments in Lancing extend further to the north
- In keeping with local properties
- Adequate spacing between the proposed properties

- Improvement on previous scheme
- Trees and vegetation are retained
- Reduced number of units from previously refused application and improved design
- More houses would be applied for if this application was refused
- Sustainable measures are included in the application
- Application has been submitted by a local family instead of a national housebuilder

Officer note: The majority of the representations of support do not contain an address and some have requested to remain anonymous. The vast majority of the representations of objection do contain addresses and are from residents in close proximity to the application site.

Friends of Lancing Ring

To provide a context for our comments and objection we should say that The Friends of Lancing Ring (FOLR) have been working to protect what is now the Local Nature Reserve and its environs for over 30 years and the management of the Reserve involves a coalition of Adur / Worthing Council (who own the land on behalf of the people of Lancing), The FOLR and the SDNPA. The proposed development site directly shares a hedgerow boundary with the Nature Reserve to the north and west.

Our main concerns are as follows:

1. Protection of the Reserve and SDNP: We have serious concerns that this development marks a creeping urbanisation towards the Reserve which falls within the South Downs National Park (SDNP) and this could set a president for further developments in this area, bringing other dwellings closer, where at the moment there are long gardens forming a natural barrier. Creeping urbanisation such this can have implications for the tranquility of the Reserve and its wildlife from noise, light pollution from house and garden lighting and other nuisances.

2. Affect On Wildlife: Nature does not exist in isolation and any development, no matter how large or small, will cause changes that can have adverse effects on the wildlife that uses the Reserve, its borders and the adjoining land. Our work for the past 30 years has been to attract and protect the biodiversity of the site and we are concerned that these changes to the landscape and the increased influence of people and housing will directly impact the wildlife. Ecological surveys for previous planning applications for this site have highlighted bats, reptiles and others mammals that are likely to use both the application site and the Reserve and demonstrate the interconnectedness of the two. Also, although the ground and building work themselves are not long term, the disturbance to wildlife during the work cannot be underestimated.

Impact on the Reserve:
Besides the impact on the wildlife that uses the Reserve, we are also concerned about the wider implications. The Nature Reserve forms part of the SDNP and is in an elevated position. We are concerned as to whether these houses will be visible. If so, this would be a considerable detriment to both the Reserve and the general ethos and character of the South Downs. The hedgerow barriers to the north and west of the

application site form the boundary and these are also seasonal which means there is an increased possibility of the houses being more visible when they are not in full leaf.

All Nature Reserves are about an atmosphere of peace, tranquility, escape and gentle enjoyment of the natural environment for people and wildlife alike. These are precious sites and need protection to ensure that this continues. Development of any kind (be it large or small) that encroaches on these sites immediately start to alter that atmosphere despite any mitigation attempts. With 7 large 4 bedroom properties, the inevitable noise from people using the properties and gardens, lighting from housing and especially in gardens, the spread and contamination of garden plant escapees and non-native plants into the Reserve (think Berberis, Buddleia and many others) are all a potential problem and a disturbance to the quiet enjoyment of the site by those who use it and, particularly, for the wildlife that depend upon it as a sanctuary. This kind of creeping urbanisation and the precedent it sets should be resisted to protect these important factors and, considering the sensitivity of the site, we would urge you to reject this application.

Tim Loughton MP

- The case for the application is weaker than for the application previously dismissed at appeal
- Overbearing impact looking from the National Park and North Lancing
- Design does not reflect the character of the area
- Steep slope to the site is an accident waiting to happen
- Adverse impact upon wildlife and ecology
- Instability around chalk deposits
- High end luxury house will not have any impact upon housing waiting lists and it is questionable whether the development is actually needed

Relevant Planning Policies and Guidance

Adur Local Plan 2017 - Policies 1 (The Presumption in Favour of Sustainable Development), 2 (Spatial Strategy), 3 (Housing Provision), 15 (Quality of the Built Environment and Public Realm), 18 (Sustainable Design, 20 (Housing Mix and Quality), 22 (Density), 30 (Green Infrastructure) 31 (Biodiversity), 36 (Flood Risk and Sustainable Drainage) National Planning Policy Framework (CLG 2012) Planning Practice Guidance (CLG 2014)

Sustainable Energy SPD (August 2019)

WSCC Guidance on Parking at New Developments (Sept 2020).

National Planning Policy Framework (July 2021)

Technical Housing Standards – nationally described space standard (DCLG 2015)

Circular 11/95 ‘The Use of Conditions in Planning Permissions’ (DoE 1995)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

In addition, section 11A(2) of the National Parks and Access to the Countryside Act 1949 and section 85 of the Countryside and Rights of Way Act 2000 require that 'in exercising or performing any functions in relation to, or so as to affect, land' in National Parks and Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes.

The Environment Act 1995 revised the original 1949 legislation and set out two statutory purposes for national parks in England and Wales:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks. This duty is particularly important to the delivery of the statutory purposes of protected areas. The duty applies to all local planning authorities, not just national park authorities.

The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas. There are a number of other duties placed on planning authorities regarding biodiversity enhancement and the countryside including:

- Under section 40 of The Natural Environment and Rural Communities Act (NERC) 2006 local planning authorities (LPAs) must have regard to the purpose of conserving biodiversity, including restoring and enhancing species, populations and habitats, as well as protecting them.
- Under the Wildlife and Countryside Act 1981, LPAs should take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest (SSSI).

Planning Assessment

The previous appeal decision is a material consideration in the determination of the application and therefore the main issue with regard to that decision is whether the amended scheme has previously overcome the concerns of the Inspector so that a different decision would be reached. As the appeal was determined just over 3 years ago, consideration also needs to be given as to whether there have been any other material changes in circumstances.

The previous appeal decision is appended to this report and it is noted that the Inspector previously identified 2 key issues in the determination of the appeal - i) the effect of the proposed development on the character and appearance of the area and ii) the effect on the living conditions of the occupiers of neighbouring properties. As can be seen from the representations received to this application a number of those comments make wider points, which was also the case during the determination of the previous application. The Inspector only made passing reference to those wider concerns in his previous appeal decision commenting '*I have…also been mindful that there were no objections to the development from the Council's advisers on highway matters, drainage, ecology or archaeology subject in each case to the imposition of planning conditions.'*

Taking the wider concerns first, a number of residents have continued to raise objections in respect of highways matters, but fundamentally, this application is little different from the previous application in that a new access would be provided from Firle Road by demolishing the existing dwelling, number 20, and again the County Council as Highways Authority has not raised any objections to such an arrangement. The thrust of central government guidance, as set out in the National Planning Policy Framework (NPPF), in relation to highways matters has not altered since the previous appeal decision in that it remains the case that planning applications should only be refused on highways grounds when the impact is anticipated to be 'severe'. In the absence of any objection from the Council's technical consultee, and noting that 2 fewer dwellings are proposed under this application than the appeal proposal, it is not considered that an objection on highways grounds could be substantiated.

As was the case with the previous application, the Drainage Officer raises no objection subject to a condition. Similarly, at the time of the previous application the County Council Archaeological Officer raised no objection to the proposal and it is not considered that there has been a change in circumstance subsequently to come to a different conclusion on this occasion.

However, in respect of ecology, your officers were made aware that between the previous application and this, some clearance works had been carried out at the site and accordingly it was felt necessary to engage the services of an independent ecological consultant to assess the scheme on the Council's behalf (the County Council no longer provide a consultee response on ecological matters). Furthermore, the passing of the Environment Act and the forthcoming implications for biodiversity net gain in development proposals also meant that the ecology aspects of the application needed to be reconsidered.

The Ecology Consultants response is reproduced in full in the consultations section above and it is noted that the consultants conclude that a review of the proposals has identified *'two areas in relation to the off-site LNR/LWS and foraging/commuting bats where baseline information and assessment is currently considered deficient to demonstrate compliance with Policy 31 of the Adur Local Plan 2017, the 2021 NPPF and nature conservation legislation. In addition, no information is provided to demonstrate a biodiversity net gain in accordance with the NPPF'.*

The consultants recommend that the required information is provided prior to determination of the application so that the ecological impacts of the proposed

development can be fully assessed. The applicant has been made aware of the comments and it is anticipated that further information will be provided prior to the meeting. At present, though, having regard to the conflict with policy 31 of the Adur Local Plan identified by the consultants it is considered that should no further information be received prior to the meeting, the application could be refused on such a basis.

Moving onto the substantive issues identified by the Inspector in the previous appeal decision, the second point he considered was the impact upon the living conditions of neighbouring properties. With regard to this issue, he concluded *'the distance between the front elevations of the proposed dwellings and the rear elevations of Nos. 22 – 40 exceeds 40 m at their closest point. With this extent of separation, they would not be overbearing nor cause an unacceptable loss of outlook for the occupiers of Nos. 22 – 40 Firle Road.'* He further considered that with intervening screening, even if this were reduced by future occupiers of the new dwellings to maintain a view of the sea, there would still be likely to be sufficient retained so that '*the proposed development would not result in an unacceptable loss of privacy for the occupiers of the dwellings to the south.'*

The current application proposes a single line of 7 dwellings to the northern portion of the application site, whereas the previous application proposed 5 dwellings to the north and 4 further to the south (either side of the access road therefore rather than just to the north) and accordingly the proposed dwellings were closer to the neighbouring dwellings in the appeal proposal than they are under the current proposal. The Council's normal overlooking distance is 21 metres and while a higher standard can be applied when there is sloping ground towards one of the affected receptors, as this is the case in this instance, the rear gardens of the properties in Firle Road are longer than the overlooking standard on their own and with the siting of the dwellings further to the north, the distance between the existing and proposed dwellings exceeds 60 metres. It is not considered, therefore, that an objection on the grounds of loss of privacy could be substantiated in light of the Inspector's previous comments.

Notwithstanding the ecology issue outlined above, therefore, it is considered that the main issue remains that which the Inspector dismissed the previous appeal - the effect of the proposed development on the character and appearance of the area.

The Inspector made a number of comments previously regarding the impact of the previous development on the character of the area, including:

the proposed dwellings would be starkly different to, and not in character with, the development on Firle Road and elsewhere in the vicinity of the site in terms of form, design and appearance (para 7).

I am not persuaded either that the proposed development would successfully relate to the character of the South Downs, the boundary of which abuts the northern and western boundaries of the site…Whilst no physical boundaries are proposed for the frontages of the proposed dwellings these areas would still have a significant degree of formality with the proposed paths and parking areas. At ground floor level the gaps between the proposed dwellings would be substantially filled by the single-storey elements, bicycle stores and walled courtyards. I am not persuaded therefore that the South Downs would 'tumble' or that the landscape would 'flow' between the buildings.

(para 8).

The proposed development would involve a substantial amount of remodelling of the existing land form to provide level platforms for the dwellings and an acceptable gradient for the access road…the excavation and deposition of approximately 2,900 m3 is a significant degree of earthworks and remodelling that would not respect and enhance the character of the site nor respect its natural features. (para 9).

Due to their form, design and appearance the proposed dwellings would not respect and enhance the prevailing character of the area. They would not make a positive contribution to the sense of place, local character and distinctiveness of the area, nor respect the natural features of the site. (para 13).

Given the character of the application site, your officers consider that without a very substantial change in both the character and quantum of development, it would be extremely difficult to overcome the Inspector's previous comments which are of weight in the determination of the application.

The quantum of development has been reduced from 9 dwellings to 7 dwellings and while clearly any reduction in the number of dwellings has the potential to reduce the impact of the development, your officers do not feel this is the case in this instance, indeed arguably the re-siting of the dwellings has only exacerbated the concerns previously raised by the Inspector. This is primarily because there is now a single line of 7 dwellings on the northern part of the site (that is closest to the Nature Reserve and National Park). It is accepted that the applicant has made some effort in trying to avoid the relative repetition of the previous scheme by producing 3 different house types in a less regimented arrangement than was previously the case but nonetheless it seems very difficult to reach the conclusion that a row of 7 dwellings, even with separation between them (albeit given the size of the dwellings it is not that great) would successfully relate to the character of the South Downs as identified by the Inspector previously.

While the dwellings may appear well designed in another more appropriate context it is also similarly difficult to see how they reflect the character of the surrounding area given it is a matter of fact that many of the nearest dwellings in North Lancing are of a much smaller footprint than the proposed dwellings.

It is understandable that the dwellings need to be cut into the slope, because of the nature of the site and to reduce their impact upon the National Park but this would still require a degree of earthworks which, together with the access road, would not appear to overcome the Inspector's concerns about the nature of development failing to reflect the character of the area.

It is noted that the National Park did not object to the previous application dismissed at appeal but have now raised concerns in respect of this proposal and it appears quite clear that the greater extent of development closer to the National Park boundary could cause even greater concern than was previously the case. It can hardly be said that the revised development minimises its impact upon the National Park and accordingly your officers cannot consider it can be supported given its adverse impact upon the character of the area, therefore.

Given that 3 years have elapsed since the appeal decision, your officers have again considered the necessity of housing supply given the constraints of the District in providing new housing. A number of the representations of support make the point that new housing is required as well that the site is allocated for housing. It is important to clarify that the application site is not an 'allocated' site, but rather it sits within the built-up area as defined by the Local Plan where the principle of development is acceptable subject to compliance with the other policies of the Plan. The Local Plan had been adopted at the time of the previous application, and while there have been some revisions to the NPPF since the determination of the previous appeal, its general thrust remains the same. Certainly, there is no reason to suppose that the Inspector's previous judgement that *the harm to the character of the area …would outweigh the proposed development's contribution to the environmental objective of sustainable development.* For the reasons set out above, this conclusion remains applicable to the current application and your Officers must conclude, therefore, that the application cannot be supported and therefore it is recommended for refusal.

Recommendation

To **REFUSE** the application for the following reasons:

1. The proposed development by virtue of its scale, siting, design and remodelling of the land would fail to relate to the character of the adjacent National Park and adversely affect its setting. The proposal therefore conflicts with paragraph 130 of the National Planning Policy Framework, advice within the Planning Practice Guidance and policy 15 of the Adur Local Plan 2017.

2. The proposed dwellings by virtue of their form, design and appearance would fail to reflect the prevailing character of the area and would have an overbearing impact upon the local environment. The proposal therefore conflicts with policy 15 of the Adur Local Plan 2017 and guidance contained within the National Planning Policy Framework.

The Planning Inspectorate

Appeal Decision

Site visit made on 28 August 2019

by Martin Small, BA (Hons), BPl, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2019

Appeal Ref: APP/Y3805/W/18/3217578
20 Firle Road, Lancing, BN15 0NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Anthony Bell (representing the executors of the will of the grandfather of the late Mr Derek Bell) against the decision of Adur District Council.
- The application Ref: AWDM/1942/17 dated 15 December 2017, was refused by notice dated 12 July 2018.
- The development proposed is residential development comprising the demolition of the existing chalet bungalow, new access road, 9 houses of 2 x 2-bed houses, 5 x 3-bedroom houses and 2 x 4-bedroom houses, 27 off street private parking spaces, 7 visitor car parking spaces (34 parking spaces in total), play area and an ecology corridor surrounding the development with a pedestrian access to the South Downs.

Decision

1. The appeal is dismissed.

Procedural matter

2. The description in the banner heading is taken from the application form. During the course of the determination of the planning application for the proposed development the proposed pedestrian access to the South Downs was removed from the proposals in response to the comments of the South Downs National Park Authority. In addition, the 'play area' had been intended as a natural copse rather than a formal play area. To reflect the removal of the pedestrian access from the proposals and to avoid confusion over the term 'play area', the description of development was amended by the deletion of the references to the access and play area. This revised description was the basis on which the Council determined the application and on which I have determined this appeal.

Background and main issues

3. The site is located within the Built-Up Area Boundary identified for Lancing in the Adur Local Plan 2017 (ALP) and it is identified in the Council's Strategic Housing Land Availability Assessment (SHLAA) as being suitable in principle for residential development. However, the SHLAA recognises the sensitivity of the site and it is still necessary to assess development proposals against other relevant policies of the development plan.

4. The main issues in this appeal are therefore; i) the effect of the proposed development on the character and appearance of the area and ii) the effect on the living conditions of the occupiers of neighbouring properties.

Reasons

Character and appearance

5. The appeal site is in North Lancing, which mainly comprises bungalows in a regular pattern of development. Many of these bungalows have flat or pitched roof dormers but their original pitched roof forms are still predominant and contribute significantly to their form and character.

6. The proposed dwellings would be 2-storeys high, some with projecting single-storey elements, on level platforms created by cutting into the rising ground on the north side and building up the land on the south side. The principal accommodation would be at first floor level with large picture windows to the south to take advantage of the extensive views. The dwellings would have a box-like form and appearance with shallow mono-pitched sedum roofs.

7. Notwithstanding that the proposed dwelling No. 2 would be of comparable height to Nos. 20 and 22 Firle Road, the proposed dwellings would be starkly different to, and not in character with, the development on Firle Road and elsewhere in the vicinity of the site in terms of form, design and appearance.

8. I am not persuaded either that the proposed development would successfully relate to the character of the South Downs, the boundary of which abuts the northern and western boundaries of the site. Although I acknowledge that the South Downs National Park Authority raised no objection to the proposed development, this was subject to a detailed scheme of landscape measures being agreed. Whilst no physical boundaries are proposed for the frontages of the proposed dwellings these areas would still have a significant degree of formality with the proposed paths and parking areas. At ground floor level the gaps between the proposed dwellings would be substantially filled by the single-storey elements, bicycle stores and walled courtyards. I am not persuaded therefore that the South Downs would 'tumble' or that the landscape would 'flow' between the buildings.

9. The proposed development would involve a substantial amount of remodelling of the existing land form to provide level platforms for the dwellings and an acceptable gradient for the access road. I accept that the site has already been subject to a degree of levelling and understand that the volumes of cut and fill are approximately equal and that it is not proposed to remove any excavation material from the site. Nevertheless, the excavation and deposition of approximately 2,900 m^3 is a significant degree of earthworks and remodelling that would not respect and enhance the character of the site nor respect its natural features.

10. I acknowledge that the northern and western boundaries of the site have dense vegetation and consequently views into the site from the publicly accessible land to the north and from the public right of way to the west (PROW 2953) are restricted. However, my site visit was undertaken when the vegetation was in full leaf and it is possible that the site would be more visible during other seasons.

11. From the south, there are glimpses of the site between the properties on the north side of Firle Road. There are longer distance views towards the site from Lynchmere Avenue and the A27 to the south and from Titch Hill to the west. There may be potential other long distance views from the south but these

would be at such a distance from the site that any visual impact from the proposed development would not be significant.

12. Policy 15 of the ALP requires, in summary, development to be of a high architectural quality and to respect and enhance the character of a site and the prevailing character of the area. Paragraph 127 c) of the National Planning Policy Framework (the Framework) requires planning decisions to ensure that developments are sympathetic to local character, whilst not preventing or discouraging appropriate innovation or change.

13. Due to their form, design and appearance the proposed dwellings would not respect and enhance the prevailing character of the area. They would not make a positive contribution to the sense of place, local character and distinctiveness of the area, nor respect the natural features of the site. The development would not represent appropriate innovation or change as allowed for by the Framework.

14. The appellant refers to support for the proposals from the Council's Design and Conservation Architect, but I have not been provided with a copy of any comments from this Officer and there is no reference to any such comments within the Planning Officer's Report. I am aware that the proposed development was recommended for approval by the Council's officers. However, the members of the Planning Committee were entitled to come to a different conclusion on the acceptability of the development in respect of character and appearance, and I agree with that conclusion.

15. I note the appellant's concerns over the manner in which the members of the Committee came to their decision, as recorded in the transcript of the meeting provided by the appellant which I have read, but this is a matter outside the scope of this appeal. I also note the appellant's contention that the reasons for refusal stated on the Council's Decision Notice were not the reasons debated during the Committee meeting. However, I have determined this appeal on the basis of the formal reason for refusal before me and my observations during my site visit.

16. That said, I conclude that the proposed development would conflict with Policy 15 of the ALP in respect of character and appearance and paragraph 127 c) of the Framework.

Living conditions

17. In addition to protecting character and appearance, Policy 15 of the ALP requires development not to have an unacceptable impact on adjacent properties, including unacceptable loss of outlook or privacy. Although not a matter specifically identified in the Council's reason for refusal or Statement of Case, concerns have been expressed by third parties about overlooking and consequent loss of privacy. This matter is relevant to this issue and Policy 15.

18. The proposed dwellings would be in an elevated position relative to the existing dwellings to the south and the large windows in the south elevations could potentially afford views of the rear elevations and gardens of Nos. 22 – 40 Firle Road. However, it is common ground between the main parties that the distance between the front elevations of the proposed dwellings and the rear elevations of Nos. 22 – 40 exceeds 40 m at their closest point. With this

extent of separation, they would not be overbearing nor cause an unacceptable loss of outlook for the occupiers of Nos. 22 – 40 Firle Road.

19. The proposals include the establishment of an 'ecology corridor' which would reinforce the existing vegetation to the southern boundary of the site. I accept that it is likely that future occupiers of the proposed dwellings would wish the height of the vegetation in this corridor not to constrain their views towards the sea. However, it is also likely that those occupiers would be concerned about their own privacy and would thus wish to maintain some form of screen between their properties and those to the south. Accordingly, the proposed development would not result in an unacceptable loss of privacy for the occupiers of the dwellings to the south.

20. I therefore conclude that there would be no conflict with Policy 15 of the ALP in respect of the living conditions of the occupiers of neighbouring dwellings.

Other matters

21. I acknowledge the Government's objective of significantly boosting the supply of housing as set out in the Framework and that the Framework recognises the contribution of small and medium sites to housing supply and encourages the making of efficient use of land. I also accept that the provision of additional housing would help achieve the social and economic objectives for sustainable development as set out in the Framework. The proposed ecology corridor and the proximity of the site to a public transport service and some local facilities and services would contribute to the achievement of the environmental objective of sustainable development.

22. However, the appellant does not specifically contend or provide any evidence that the Council cannot demonstrate an adequate supply of deliverable housing land. Accordingly, the Framework's approach to housing supply is not sufficient a material consideration to outweigh the conflict with the development plan that I have identified. Furthermore, the harm to the character of the area that I have identified would outweigh the proposed development's contribution to the environmental objective of sustainable development.

23. I am aware that the proposed development has given rise to a very substantial number of objections from local residents and organisations, which I have carefully considered. I have, however, also been mindful that there were no objections to the development from the Council's advisers on highway matters, drainage, ecology or archaeology subject in each case to the imposition of planning conditions. Furthermore, the only matters cited in the Council's reason for refusal were those I have considered and concluded upon above.

24. I also acknowledge the support for the proposed development from two members of the public.

Conclusion

25. For the reasons given above, and having had regard to the other matters raised, I conclude that the appeal should be dismissed.

Martin Small

INSPECTOR