

Design and Access Statement relating to an application for the renewal of a planning permission (Ref AWDM/1229/23) dated 31 October 2023 for the erection of a two-bedroom chalet bungalow with attached garage to the rear garden of 88 Salvington Hill Worthing with access onto Firsdow Road.

Plans

1. The plans accompanying the application for renewal are:

S575.01 Rev P; S575.02 Rev A; S575.03 Rev E; S23-017-CO1

Relevant Planning History

2. The site has an extensive planning history which establishes the principle of residential development by decisions issued both by the Planning Inspectorate and the Council.

3. Of most relevance are the following:

a). Planning Permission for the erection of a two-bedroom chalet bungalow and provision of a new vehicular access (ref AWDM/0256/20) was refused by the Council on 6 July 2020. An appeal against that decision was lodged with the Planning Inspectorate, and the appeal (W/4001471) was allowed on 21 January 2021 (hereinafter referred to as “the 2021 appeal decision”).

b). At the Council’s request the application referred to in a) above was resubmitted for consideration and this was granted planning permission (AWDM/1087/20) on 30/09/20.

c). On the 22 June 2021 an application (ref AWDM/1243/21) was submitted which sought approval of the reserved details pursuant to conditions 3,4 and 5(i) attached to the 2021 appeal decision. The application was refused by the Council on 27 April 2022, and an appeal was lodged with the Planning Inspectorate against this decision.

d). On 14 March 2023 a further application (ref AWDM/0396/23) was submitted for the approval of the reserved details pursuant to conditions 3, 4 and 5(i) of the 2021 appeal decision

e) On 12 April 2023 the application (ref AWDM/0396/23) referred to in (d) above was approved (hereinafter referred to as the 2023 approval).

f). On 31 July 2023 the appeal (the 2023 appeal decision) lodged in respect of the refused application ref AWDM/1243/21 was allowed and conditions 3, 4 and 5(i) attached to the 2021 appeal decision were approved in accordance with the drawings 575/03B and 575/01L and the statement dated 22 June 2021.

g). An application was submitted on 13 September 2023 to renew the 2021 appeal decision, and this was granted planning permission (AWDM/1229/23) by the Council on the 31 October 2023 ("the 2023 planning permission").

4. In respect of the approval of the reserved details pursuant to conditions 3,4 and 5(i) attached to the 2021 appeal decision these remain the same as those approved under the 2023 approval and the 2023 appeal in that:

a. Condition 3 - (a) the finished floor level of the dwelling in relation to the ground level of the back edge of the pavement are detailed on drawing No S575/03 (E); (b) the details requested in the remainder of the condition have already been provided and shown on drawing No S575/01P (c) surplus inert soil will either be donated locally for reuse or collected by a firm such as Rabbit Grab Services or Euro Green for recycling and reuse at their centres.

b. Condition 4 –the details shown on drawing No S575.01P (formerly Rev L) have been approved by the Planning Inspector in the 2023 appeal decision or details that have the benefit of the infiltration testing in accordance with BRE 365 and a report prepared by Hodel Limited which were submitted in respect of the 2023 approval.

c. Condition 5(i) – As approved in both the 2023 appeal decision and the 2023 approval it is intended to plant predominantly native hedging along the western, southern and part eastern boundaries of the site. This would comprise hawthorn and escallonia and five other species from the following: blackthorn; field maple; dogwood; crab apple; guilder rose; dog rose; cotoneaster and hazel. This type of hedging provides a diverse habitat that encourages wildlife that can be sustained from the fruits, seeds and berries from the hedge and creates a natural corridor for the movement of wildlife. It is the current intention to plant trees along part of the western boundary, but this does not form part of the application and is solely for information purposes as condition 5(i) only

requires details of shrubs and plants that are to be planted. (Plan S575/03E).

Planning Policy

5. On 28 March 2023 the Council adopted the Worthing Borough Local Plan 2020-2036 (the 2023 WBLP). The 2023 planning permission, the 2023 approval and the 2023 appeal decision were all assessed against the policies within the 2023 WBLP. In fact the Planning Officer produced a lengthy and comprehensive report in respect of the AWD/1229/23 application including assessment of the proposal in respect of the National Planning Policy Framework ; National Planning Practice Guidance; Space Standards SPD; Guide for Residential Development SPD; 2013 CIL and the relevant local policies within the 2023 WBLP namely: SP1 (Presumption in Favour of Sustainable Development); SP2 (Climate Change); SP3 (Healthy Communities); DM1 (Housing Mix); DM2 (Density); DM5 (Quality of the Built Environment); DM16 (Sustainable Design); DM17 (Energy); DM18 (Biodiversity); DM19 (Green Infrastructure); DM20 (Flood risk and sustainable drainage); DM21 (Water Quality and Sustainable Water Use) and DM22 (Pollution).

6. In June of this year the Council adopted the Green Infrastructure and Biodiversity Supplementary Planning Document (SPG) together with the Urban Greening Technical Advice Note (UG TAN) and the Biodiversity Net Gain Technical Advice Note (BNG TAN). Although a material consideration, these documents emphasise that they do not introduce any new planning policy, new standards or new quantitative requirements. Nor do they alter or override statutory or development plan obligations but are intended to provide advice and guidance and support for the adopted policies in the 2023 WBLP.

7. The SPG and BNG TAN mention the national requirement regarding *“the introduction of mandatory biodiversity net gain through the Environment Act 2021 represents a significant change in the planning framework. The statutory requirement, set out in Schedule 7A of the Town and Country Planning Act 1990, requires most development to deliver a minimum biodiversity net gain of at least 10 per cent, calculated using the statutory biodiversity metric and secured for a minimum period of 30 years”*.

8. The Planning Officer assessed the 2023 planning permission against Policy DM18 (Biodiversity) and stated:

“Although the applicant has not provided a biodiversity report it is indicated that along the western and southern boundaries, the intention remains to plant predominantly a native hedgerow comprising hawthorn and escallonia and five other species from the following: blackthorn; field maple; dogwood; crab apple; guilder rose; dog rose; cotoneaster and hazel. To make a positive contribution to biodiversity, it is intended to plant some trees along parts of the western boundary only, as highway safety is a priority in terms of planting along the southern boundary as any encroachment on a clear visibility splay would raise objections from the highway authority.

The number and species of trees have been chosen to ensure that there is a reasonable balance between further adding to the biodiversity and green infrastructure of the site and being able to implement the development scheme to produce a light, open and attractive living environment for future occupiers of the dwelling in compliance with policies.

The loss of the cypress trees which don't tend to be biodiversity rich and replacement with native species would be an improvement and would provide biodiversity net gain, although a calculation has not been provided in accordance with policy. In view of proposed planting and previous permission on the site it would not be expedient to refuse the application on this basis”

9. In the 2023 appeal decision the Planning Inspector specifically refers to the 2023 WBLP and concluded at paragraphs 24 and 25 of his decision:

“24. The details submitted with the application sets out the species which would be planted along the southern and western boundaries. The planting would retain the green character of the existing boundary, provide a suitable habitat for wildlife and sit comfortably within the residential context.

25. Consequently, the information would satisfy the requirement for details to be submitted and agreed for condition No 5. It would ensure that the proposal would sit comfortably within the character and appearance of the area and would make a positive contribution to biodiversity”

10. In early 2024, the biodiversity net gain referred to in the Council's SPG and TANs became a mandatory requirement for all new planning

applications other than the prescribed exceptions set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 (the 2024 Regulations) and development exempted under the Environment Act 2021. Following public consultation, the 2024 Regulations have been amended by The Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026 wherein Part 3 states that, after regulation 7 of the 2024 regulations, the following should be inserted:

“Development no larger than 0.2 hectares

7A.— (1) The biodiversity gain planning condition does not apply in relation to planning permission (2) for development which meets the first and second conditions.

(2) The first condition is that the development does not impact an onsite priority habitat.

(3) The second condition is that the development is carried out on a site which has an area no larger than 0.2 hectares.

(4) The exemption in paragraph (1) does not apply in relation to planning permission where the application for planning permission was made before 6th August 2026.”

11. In respect of the published list of priority habitats under section 41 of the Natural Environment and Rural Communities Act 2006(4), it is confirmed that there is no on-site priority habitat as defined for the purposes of the Biodiversity Net Gain legislation. The site comprises an established domestic residential garden including an amenity lawn, ornamental planting and mature trees along the southern and part of the northern boundaries of the site. None of these habitats are considered to constitute priority habitat and this is borne out by there being no reference to such in any of the previous planning officer's reports/appeal decisions.

12. In the light of the fact that the development does not impact on-site priority habitat; the site comprises 0.03 ha and that this application has been submitted after 6 August 2026 (S 7A (4)) the applicant submits that the development falls within the exemption (referred to above at paragraph 10) and, so, is not obliged to meet the statutory biodiversity net gain requirements. Moreover, as this part of the scheme was assessed in 2023, both by the Planning Inspector and the Planning Officer, against policies that have not changed since the 2023 WBLP

was adopted and do not conflict with the guidance in the more recently adopted SPG and TANs, it is concluded that the scheme continues to meet the Councils adopted policies and guidance regarding Biodiversity and Green Infrastructure.

Proposed use

13. The proposal remains for the erection of a detached chalet-style property within an area of existing residential garden shown edged red on the Block/Site on plan (drawing S575/01 Rev P). It would still have a gross internal area of 99.5 sq. m, be arranged over two floors and have an attached garage of 15.6 sq. m. As in the 2023 planning permission, there would be a central entrance hallway/stairwell serving all habitable rooms on both floors. Each room will have windows over the front, side and rear gardens with ample natural light and ventilation.

Scale

14. The proposed plot is bounded to the west by the large two-storey parent dwelling, to the north by the rear garden of a large chalet bungalow and, to the east, by a modest bungalow within an estate of similar sized properties. The proposed chalet-style property would appear materially subservient in scale to the parent property and that property to the north and have a ridge height lower than, and be compatible with, the bungalow to the east - the compatible height of the property has been facilitated by the reduction of the site level near to that of the public highway.

Landscaping & Appearance

15. The proposal involves the removal of a row of existing (non-preserved) Leyland Cypress trees adjacent to the pavement of Firsdawn Road. The remaining trees adjacent to the northern boundary are unaffected by the proposal and, subject to being able to properly implement any planning permission, every attempt will be made to retain any trees/landscaping along the eastern boundary.

16. As already referred to in para 4 c above, along the western and southern boundaries, the intention remains to plant predominantly a native hedgerow comprising hawthorn and escallonia and five other species from the following: blackthorn; field maple; dogwood; crab apple; guilder rose; dog rose; cotoneaster and hazel. Although this scheme has been approved twice in the context of the relevant policies in the 2023 WBLP and was determined by the Inspector in 2023 appeal decision to

make a positive contribution to biodiversity, it is intended to plant some trees along parts of the western boundary only, as highway safety is a priority in terms of planting along the southern boundary as any encroachment on a clear visibility splay would raise objections from the highway authority.

17. The number and species of trees will be chosen to ensure that there is a reasonable balance between further adding to the biodiversity and green infrastructure of the site and being able to implement the development scheme to produce a light, open and attractive living environment for future occupiers of the dwelling.

18. The building design encompasses elements of face brickwork, tile hanging and dormers all of which are common to the High Salvington area. The overall result is a modest home which fits in well with the chalet-style properties on the south side of Firsdow Road.

Context

19. The proposal will provide a modest family dwelling in an established urban environment. The property would sit comfortably within its own plot and will have a garden area to the side and rear totalling 164 sq. m. This compares favourably with all the adjacent properties in Firsdow Close and 23 Firsdow Road (127 sq.m) and 21 Firsdow Road (88 sq.m) and many others. The site stands in a highly sustainable location and very close to local bus routes, a 'village store/micro pub/café' and traffic routes (A24 and A27). Consequently, this proposal in a well-established and sustainable location contributes to the Council's identified housing requirements without necessitating the use of a greenfield site.

Vehicular Access, Parking and Accessibility

20. The access via Firsdow Road and provision of car parking remain the same and, previously, have raised no objection from West Sussex County Council Highway's Authority. Access into the dwelling will continue to be via level entry thresholds and the internal stairs will be suitable for use by the ambulant disabled. Access throughout the ground floor will be wheelchair friendly. The dwelling will be served by a vehicular/pedestrian access from Firsdow Road with clear visibility splays and the reducing of the site levels will ensure that there will be no requirement for excessive ramps to serve the property.

Sustainability Checklist

In the light of the planning history of the site; the recently adopted Local Plan and the Council's Sustainability Checklist it is confirmed that:

21. As stated in paragraph 4 above a scheme for the disposal of surface water has been approved in the 2023 approval, the 2023 appeal and the 2023 planning permission and no change is proposed.

22. The proposal will incorporate water efficient fixtures measures to limit water consumption rate of no more than 110 litres/per person/per day by way of low use WCs, showers and taps.

23. The scheme will incorporate measures to achieve a high standard of energy efficiency and minimise carbon emissions and will comply with the requirements of the Building Regulations Document L and will seek to achieve an A/B rating but a minimum a "C" rating Energy Performance Certificate where practicable.

24. In complying with the Building Regulations, opportunities will be maximised for passive design measures and incorporate appropriate renewable and/or low carbon energy technologies where practicable having regard to the scale and design of the dwelling.

25. Minimise waste by prioritising on site re-use of demolition materials and surplus inert soil will either be donated locally for reuse or collected by a firm such as Rabbit Grab Services or Euro Green for recycling and reuse at their centres

26. The proposal includes a bat box and designated bin store

Material Considerations

27. The applicant respectfully requests that, the Council attach weight to all the submissions made above, but significant weight to the following:

- a) There is an extant planning permission relating to the site and this renewal application is the same as that approved in the 2023 planning permission. There is a history that demonstrates previous planning permissions confirming the proposal's acceptability in terms of siting; character and appearance; acceptable proposed and neighbouring residents' living conditions and access and car parking.
- b) There are approvals relating to finished floor levels; earth works; surface water drainage and means of disposal and species of shrubs and plants.

- c) In particular, approved surface water drainage can be provided by details shown on drawing S23-017_C01 (and associated soakaway details) and drawing S575/01 Rev P and are said to constitute a sustainable drainage system that will avoid the risk of flooding on the site and elsewhere (Policy DM20 of WBLP).
- d) Landscaping proposals have been considered in the context of policies DM18 and DM19 of the 2023 WBLP and found to be acceptable both by the Council in approving the 2023 planning permission and by the Planning Inspector in allowing the 2023 appeal.
- e) The applicant claims an exemption in meeting the statutory biodiversity net gain regulations for the reasons set out in paragraphs 10-12 above. Overall, the proposal would meet relevant national and local policies (DM18 and DM19) and more recently adopted SPG and TANs regarding Biodiversity and Green Infrastructure.

28. As the application represents a national and local policy compliant proposal to renew an extant scheme (the 2023 planning permission), the Council is respectfully requested to approve the current application.

Date 20 August 2026