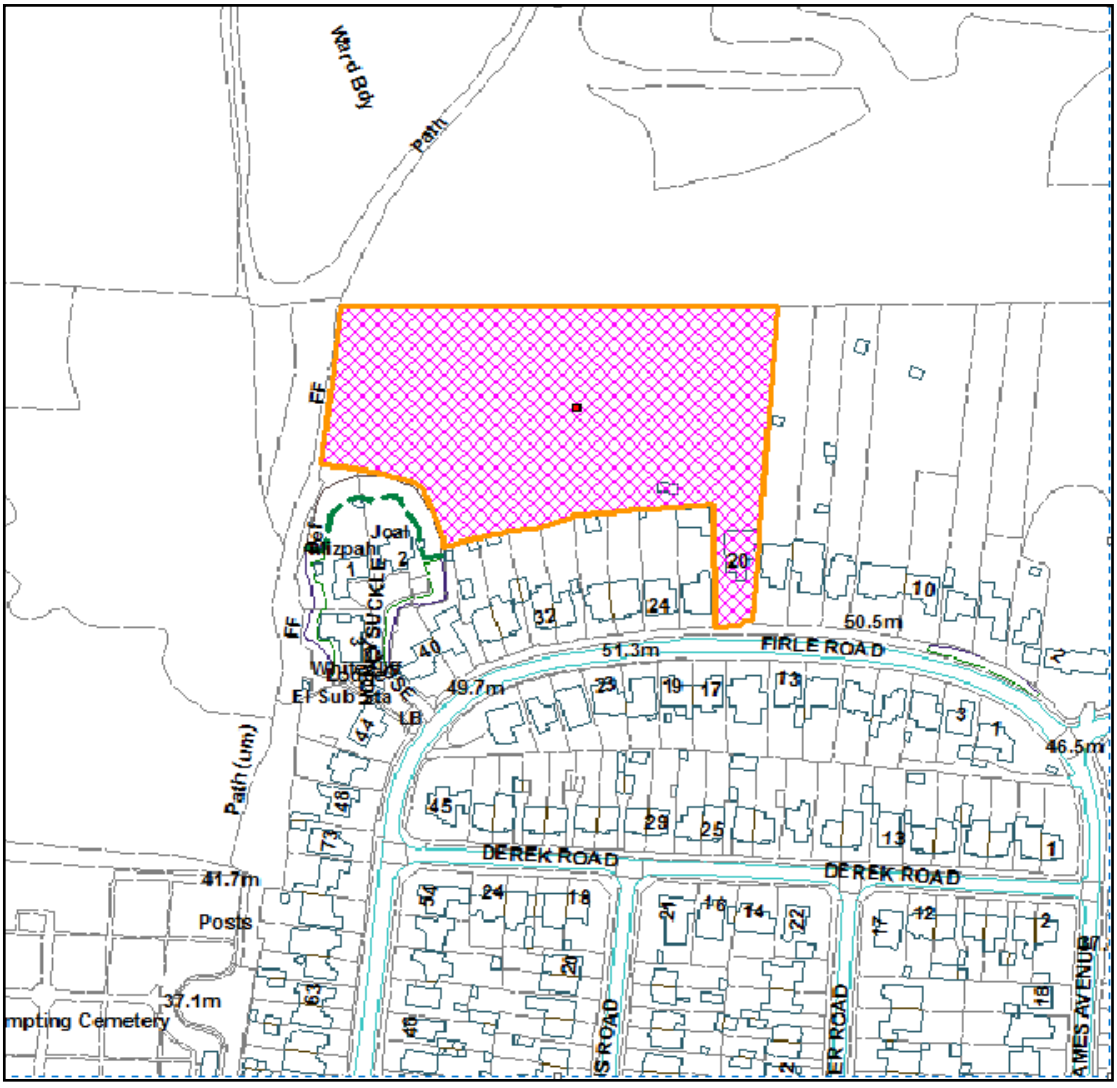
Application Number:	**AWDM/1473/23**	**Recommendation - REFUSE**
Site:	**Land To The North Of 20 To 40 Firle Road, Lancing**	
Proposal:	**Demolition of a single dwelling-house, creation of new onsite access road and erection of 3 detached bungalows**	
Applicant:	Mr and Mrs Tom Middleton	Ward: Manor
Agent:	Mr James Breckell	
Case Officer:	Gary Peck	



Not to Scale

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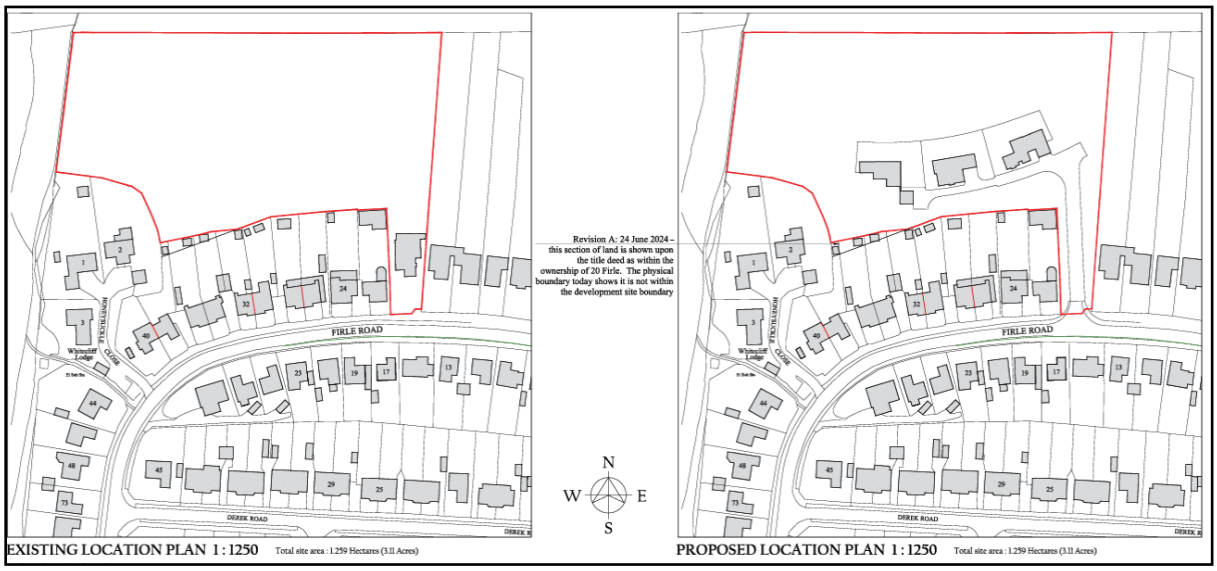
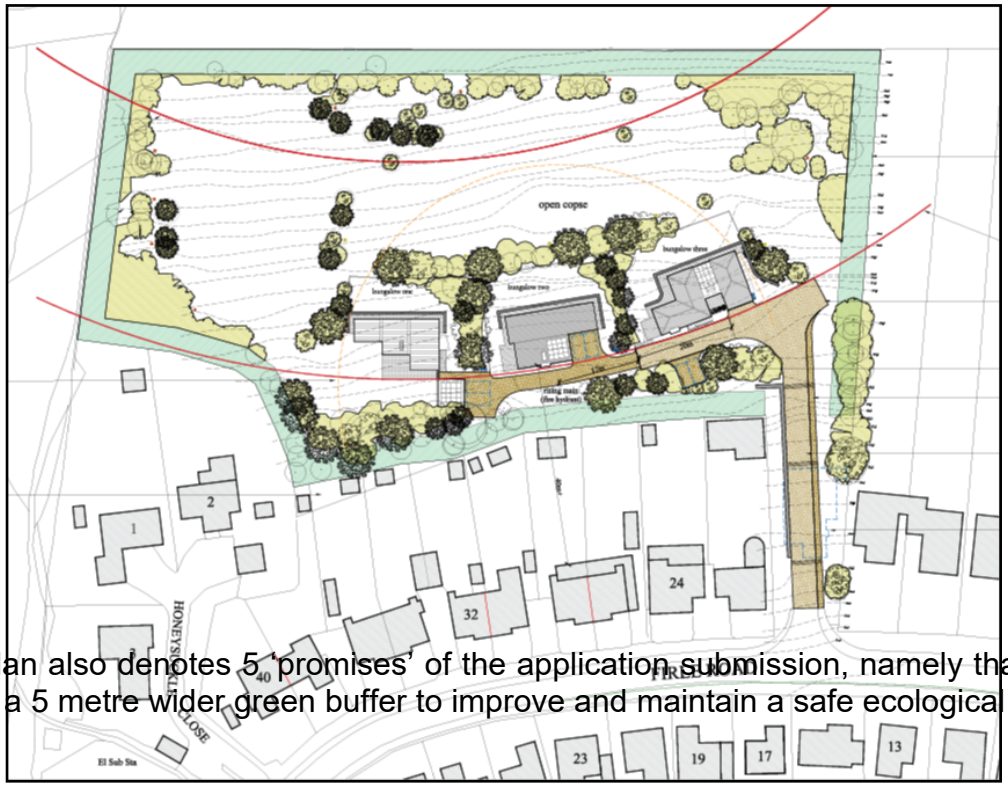
Proposal

This application seeks full permission for the erection of 3 bungalows on the land to the north of 20-40 Firle Road. The site would be accessed from Firle Road and would require the existing frontage dwelling (number 20) to be demolished so that an access road can be constructed to serve the development. The existing and proposed location plans are shown below:



These plans have recently been amended to redraw the application site around the outbuildings at the end of the gardens of numbers 32 to 34 Firle Road (shown by the arrow on the right hand plan). It is understood that this area of land is within the title deed of number 20 Firle Road but the physical boundary changed some decades ago.

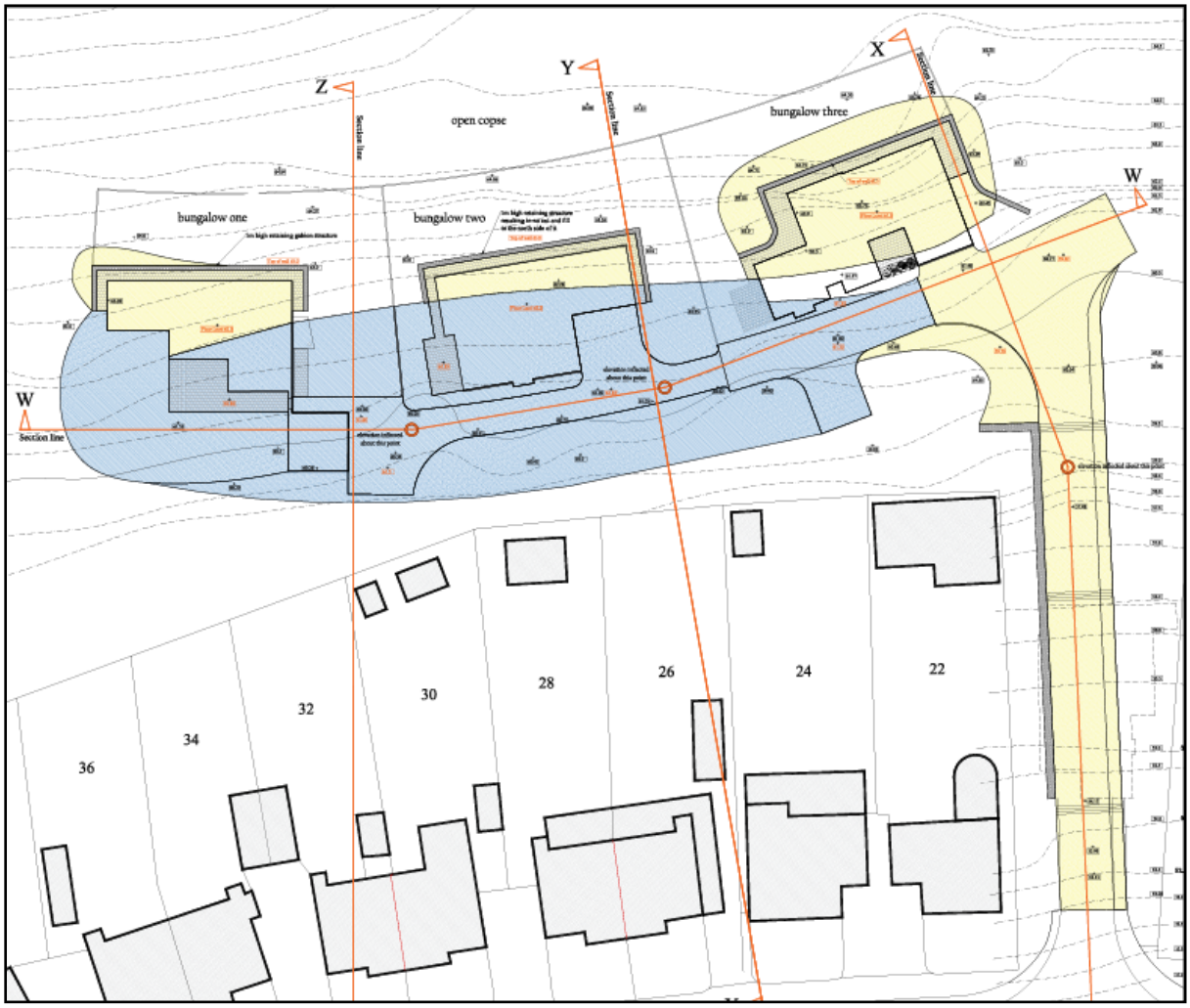
The submitted Block Plan shows the layout of the proposed development in greater detail:



This plan also denotes 5 'promises' of the application submission, namely that there will be a 5 metre wider green buffer to improve and maintain a safe ecological habitat

(the area shown in green on the plan), each bungalow will be less than 125 square metres internally, the proposed bungalows will have a shallow roof pitch so that the roof cannot be subsequently converted, no earth will leave the site and it is stated cut will equal fill and each bungalow will have 16 square metres of solar panels so as to outperform building regulations.

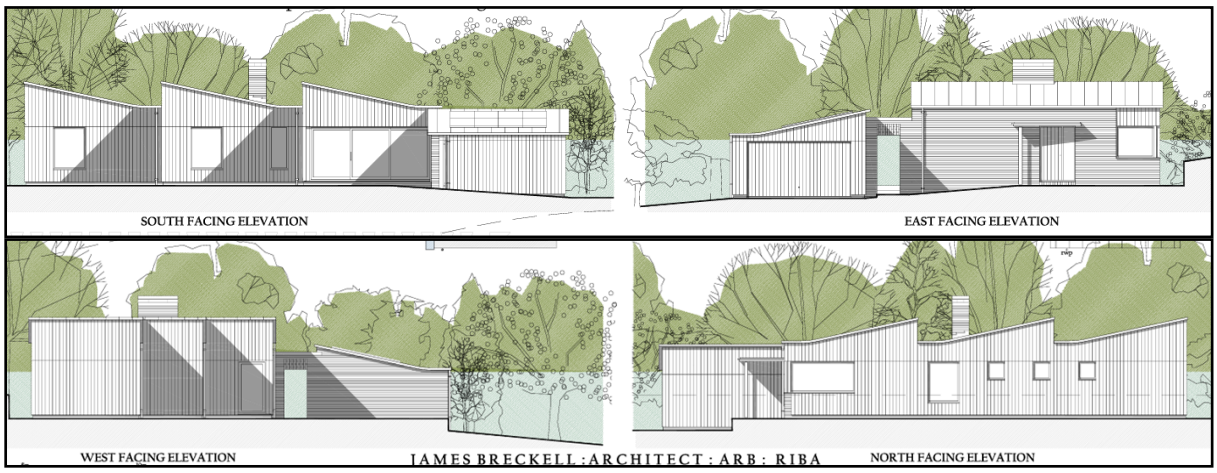
In terms of the cut and fill referred to above, the plan below show in yellow the areas to be cut, and blue the areas to be filled:



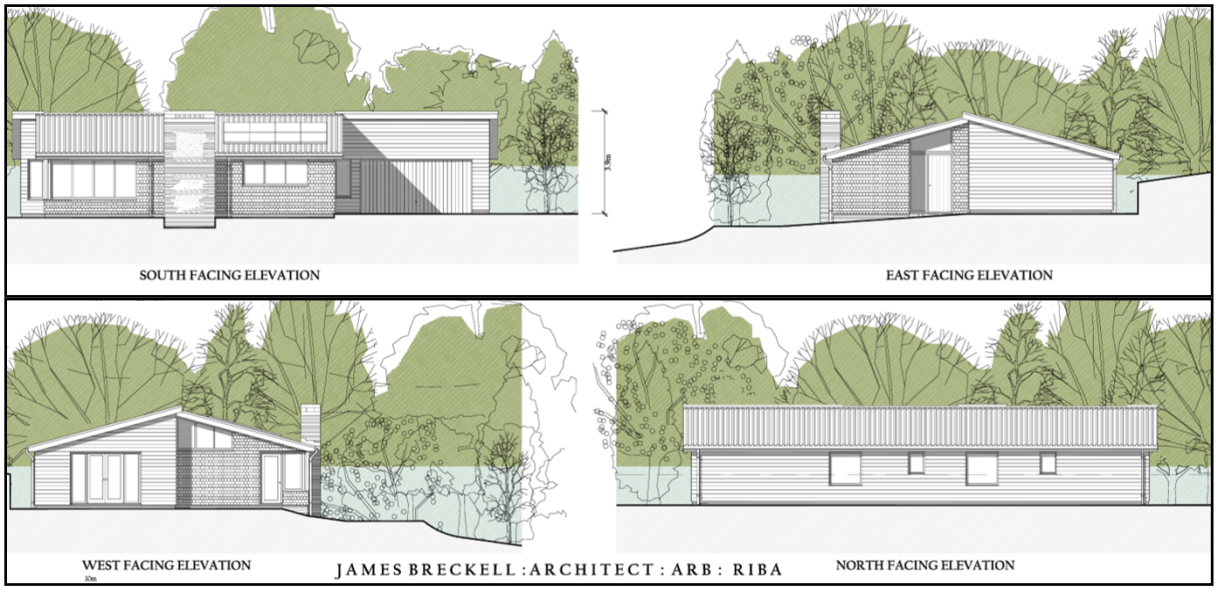
The plan states that the area of cut is approximately 1072 square metres and the area of fill is approximately 1032 square metres, hence the assertion made by the applicant's agent that no earth will leave the site.

The elevations of the proposed bungalows are shown below (bungalow 1 being the westernmost and bungalow 3 the easternmost):

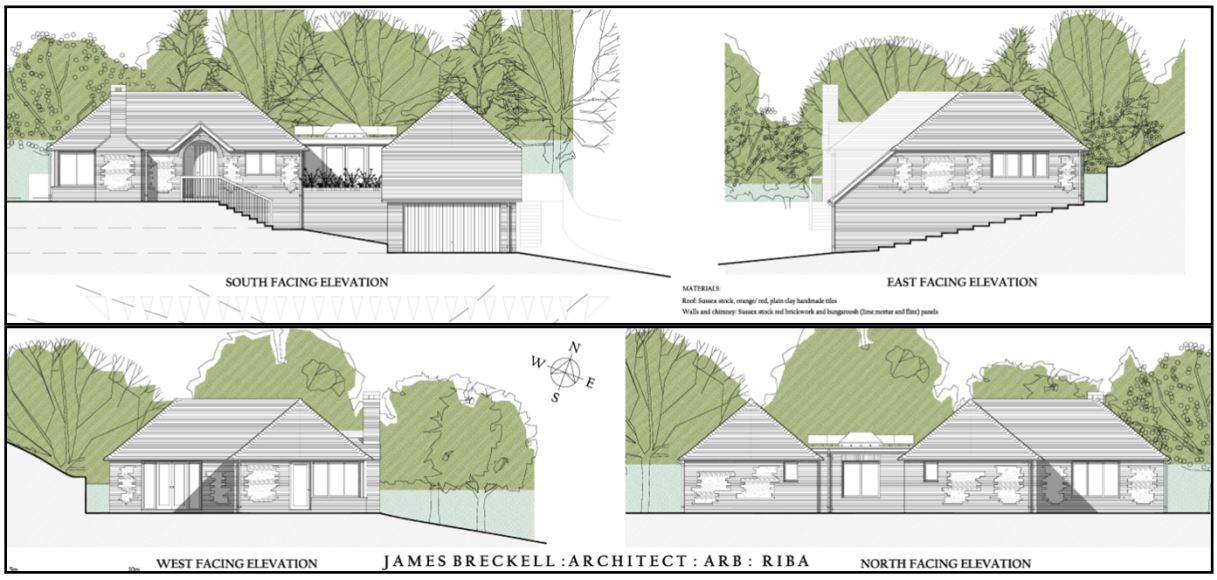
Bungalow 1:



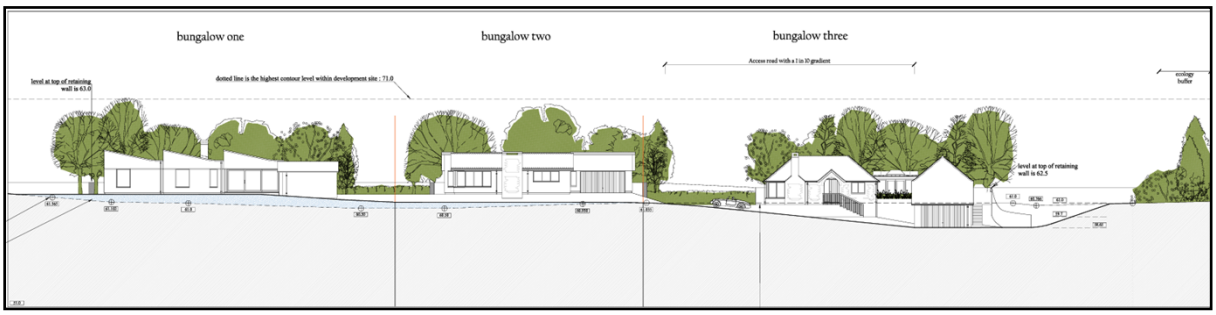
Bungalow 2:

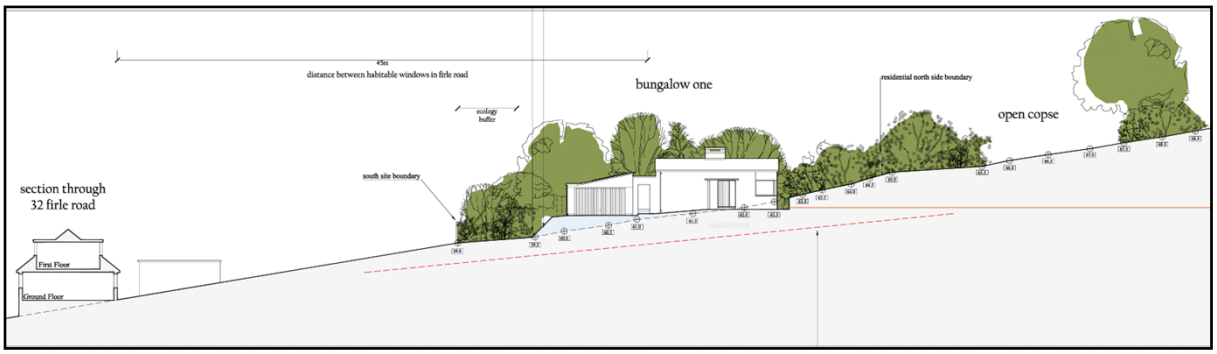


Bungalow 3:



Section drawings have also been submitted:





The application is accompanied by a number of supporting documents:

Design and Access Statement (DAS)

The applicant's agent states within the DAS:

The above planning history has informed the strategy of this development and we have started by asking; what can we learn from the 2017 design that was recommended for approval, refused by committee, and dismissed at appeal. Is there anything pertinent to glean from the 2022 withdrawn application that may help to shape these design proposals?

This planning application is a resubmission of the withdrawn application of 2022 although we lean towards the design of the 2017 scheme because far more positivity was attached to that scheme which was recommended for approval. During the design development we have:
a. Sought to identify the positive points of the 2017 design and maintain these points.
b. Learn from the planning inspectors appeal decision ref: APP/Y3805/W/3217578. c. Significantly reduce the volume of housing and internal floor area.
d. Carry out a 'back to the drawing board' full redesign of each house.

These points have led to the 5 'promises' [as referred to above] *that have become the theme of this application.*

The agent notes that a some of the text will be 'cut and paste' from a previous Design and Access Statement and accordingly a number of the photographs within the DAS no longer reflect the current situation with number 20 Firle Road having been substantially remodelled subsequently and the site generally becoming more overgrown than is shown.

The DAS then refers to the previous appeal decision and the agent asserts that the crux of the matter in the dismissed appeal relates to the form, design and appearance

of the dwellings. (Officers' consideration of the previous appeal decision forms part of the planning assessment below).

In respect of vehicular access, parking and bicycle storage, it is stated:

Access to the site via a drive or road, and the gradient of the road is paramount to the success of the design. Whilst the road could be steeper in highways terms, a 10% gradient (1 in 10) is a comfortable incline.

Each bungalow has 4 parking spaces. This allows for ample visitor parking. Along the side of the road is a 1.2-metre-wide grass verge. This is to be formed in grass-crete. This is a form of paving which enables a robust surface of concrete to support vehicle traffic where grass can grow through the surface of the concrete.

The turning head for emergency and refuse vehicles has been calculated upon the size and dimensions of Adur District Councils largest refuse/ recycling collection vehicle.

The access road at the junction of Firle Road is the same as the 2017 design. The design of the road was supported by the LHA and was not used as a reason to dismiss the appeal.

The agent further states that the current proposal represents a 65% reduction in built form from the previous proposal.

In respect of appearance, it is stated:

The 3 bungalows have been designed to both be inconsequential to the character of the SDNP and of a similar, but not slavishly so, appearance of north Lancing. Because of the comparatively ground hugging, low lying composition and being surrounded by mature and new planting, each house has a distinctly individual character.

It is further stated the gaps between the bungalows are over 12 and 15 metres respectively.

Visual Assessment of Stability of Former Chalk Cutting Slopes (2018 report relating to the previous application for 9 houses, resubmitted for this application). The agent considers that the site has not changed since the submission of the previous application to which the report relates and that this application is for a lesser quantum of development.

Geology Assessment (2022 report relating to the previous application for 7 houses, resubmitted for this application)

Indicative Landscaping Plan

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.

The application site 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 been refurbished under permitted development rights since the determination of the 2017 application which was subsequently dismissed at appeal. The dwelling 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 quite open as the side of the main house faces directly onto the boundary and there is also a large outbuilding in the rear garden of the property adjacent to the boundary of the application site where a boundary fence appears in disrepair. To the east is 18 Firle Road which sits on a similar alignment to the subject property.

Numbers 24 to 40 Firle Road are to the south of the application site, with their rear gardens rising towards the application site. To the south west of the site is a chalk cliff below which at a considerably lower level are properties in Honeysuckle Close.

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.

AWDM/1394/22: Demolition of a single dwelling-house, creation of new onsite access road and erection of 7 new houses. Application withdrawn prior to determination (a report had been drafted recommending refusal of the application).

Consultations

Planning Policy

The Joint Planning Policy Manager comments that,

General Points

It is noted that the Design And Access Statement accompanying this application states that the SHLAA (Strategic Housing Land Availability Assessment) has 'promoted' this site for residential development for many years. To clarify, the SHLAA has assessed the site (as submitted by promoters - reference ADC/123/13).

Given that the site lies within the Built Up Area Boundary the principle of development is acceptable, although within the SHLAA it has been concluded as 'rejected-monitor' given that a planning application for 9 dwellings was refused on design grounds in 2018 and dismissed at appeal in 2019. The SHLAA concludes that a development with fewer dwellings could be more appropriate on this site.

There have been several planning applications associated with this site. As referred to above, a planning application (AWDM/1942/17) for the redevelopment of this site for 9 dwellings was refused and dismissed at appeal in October 2019. Further to this, AWDM/1394/22 for 7 dwellings was recommended for refusal, however, it was withdrawn in January 2023 prior to a committee decision.

The proposal is for 3 new dwellings (of 3 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 2017- ALP) subject to compliance with other policies.

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"

Biodiversity net gain

The application is accompanied by a Biodiversity Net Gain Assessment (October 2023) prepared by CT Ecology. This includes a Biodiversity Metric score.

The report concludes:

'The total net % change for the proposed development area when applying the Biodiversity Metric 4.0 is +10.09% (habitat units) which indicates a net gain in biodiversity as a result of the Scheme due to the enhancement of areas of scrub and new tree planting as well as the incorporation of biodiverse planting associated with the post development landscaping.

In addition, a series of targeted enhancement measures in relation to protected species will be integrated into the proposals which will serve to improve the overall biodiversity value of the site post development. Although these cannot be factored into the Biodiversity Metric, these features will also add to the overall biodiversity value to the site.'

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

Given that the scheme will result in a Biodiversity Net Gain result of +10.09%, it is considered that this will meet the requirements of the NPPF and Policy 15 of the Adur Local Plan.

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 application is supported by an Ecology Report prepared by CT Ecology (September 2023). This provides an update against the Preliminary Ecological Appraisal that was submitted for AWDM/1394/22. The report concludes:

'Based on the results of the update assessment, on-site habitats remain broadly the same as those detailed within the previous PEA report (CT Ecology 2022a) however

vegetation is recolonising the previously bare ground in the western site extent, with floristically diverse areas of grassland becoming established. This area is outside the current development footprint. The site continued to support scrub and scattered trees with areas of grassland and ruderal vegetation. Habitats within the survey site continue to be of value at a local level. The habitats supported are widespread throughout the landscape however the mature boundaries contribute to the wider network of scrub and trees, providing wildlife corridors for mobile species to move through the landscape. Areas of scrub, trees and grassland throughout the site also provide potential to support breeding birds and hedgehog with reptiles, foraging bats and foxes confirmed as being present within the site. The current proposals have been significantly reduced in extent since the previous application, with the development footprint now confined to approximately 0.3ha within the south-eastern and central site extents with the remaining boundary vegetation being retained and enhanced as part of the proposals.

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. Habitat enhancement measures will include additional tree and hedgerow planting and creation of wildflower grassland areas.'

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 block plan (document reference 465/03) shows that the three bungalows will be positioned to the south of the site which when compared to the previous application (AWDM/1394/22); thus this will help to reduce the impact on the South Downs National Park.

The proposed scheme includes new and retained planting which would reduce the visual impact of the development from the South Downs National Park. The application is supported by a Arboricultural Impact Assessment (October 2023).

The accompanied Design and Access Statement makes reference to a 5m wide 'green buffer' around the perimeter of the site. This buffer is shown on the proposed block plan (document reference 465/03). This would need to be secured as a planning condition. A management plan may also be advisable.

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 proposed site plan (document reference 465/04) indicates that the design of the proposed bungalows will be less than 125 sqm internally so that they are deliberately modest and of comparable scale to the existing housing stock.

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.

The Design and Access Statement refers to energy efficiency and the provision of solar panels 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).'

Environmental Health

'There are no EH objections in principle. Please can you add a CMP condition, hours of demolition and construction condition and the demolition notice informative to any permission granted.

As the bedrooms are inner rooms, they will need to have fire escape windows in place.'

South Downs National Park Authority comments that,

'Thank you for your correspondence received 31 October 2023, consulting us as a neighbouring authority on the above noted development proposals. 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:

- *Purpose1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.*
- *Purpose2: 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 within the setting of the South Downs National Park. Para 176 of the National Planning Policy Framework (2023) includes 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.

Given the location within the built-up boundary we have, in response to a previous application for seven dwellings on the site (AWDM/1394/22), stated that we did not object in principle to a sensitively designed development on this land but were not convinced that the proposal put forward at that time was sensitively located and designed in order to avoid or minimise adverse impacts on the SDNP, its landscape setting and its wildlife.

The current proposal reduces the number of dwellings to three (net gain of two) and sites these towards the lower (southern) end of the site. The dwellings would also be smaller in scale than those previously sought. The remainder of the land, which includes the more visually sensitive higher ground to the north, and the ecologically sensitive boundaries with the National Park and LNR to the north and west, is identified as "open copse" providing on-site BNG along with buffers to the edges of the site.

Given the wildlife sensitivities both identified on the site itself and in terms of the site's relationship with Lancing Ring LNR, it will be very important to secure the long term management of the land outside of the residential curtilages. This could be via a condition requiring a site-wide detailed ecological mitigation and management plan ensuring that appropriate habitats are provided and maintained into the future. Options for chalk grassland restoration in particular should be investigated.

The proximity to the South Downs International Dark Night Skies Reserve and concerns regarding impacts of lighting on protected nocturnal species would also justify the requirement for a lighting strategy to be submitted and approved.

The SDNPA has received a large number of representations from concerned local residents which include references to potential inaccuracies in the wildlife surveys. We would support any conclusions of your ecological advisers with regard to the details submitted.'

West Sussex County Council Highways

Summary and Context

This application seeks the demolition of a single dwelling and erection of three detached dwellings, with creation of a new vehicular access road. The site is located on Firle Road, an unclassified road subject to a speed restriction of 30 mph. The site has relevant history – AWDM/1942/17 sought 9 dwellings at this site. Following a site visit, WSCC raised no objections to the proposals. The LPA refused the application on grounds unrelated to highways and a subsequent appeal was dismissed.

Application AWDM/1394/22 was similar to the previous application, but was reduced in scale and sought 7 dwellings. WSCC raised no objections to the proposals. This application was withdrawn by the applicant.

The principle of residential development and the proposed access arrangement have therefore been accepted previously by the LHA. In addition, both the LPA and planning inspector did not flag highway safety as a reason for refusal/dismissal previously. WSCC in its role as Local HighwayAuthority (LHA) has inspected the submitted plans

and application documents, including the Transport Statement prepared by GTA Civils & Transport, and can provide the following comments:

Access and Visibility

The applicant proposes a new bellmouth access FireRoad to serve the development. The proposed access works, including the provision of tactile paving and tying of the footway will be subject to a Section 278 Agreement. The relevant consents will need to be obtained from WSCC prior to any works taking place. An informative note is included at the bottom of this document with more details.

The LHA acknowledge written representations voicing concern of the proposed access and egress arrangement. The plans demonstrate a steepness gradient of 1 in 10 – The LHA would consider this gradient acceptable on condition that the steepness does not exceed 1 in 10. Anti-skid surfacing for the first 15m of the proposed access road has been demonstrated to address the raised issues of vehicles potentially slipping.

Access and egress for both a refuse vehicle and fire appliance have been demonstrated via swept path tracking, to the satisfaction of the LHA.

Visibility splays of 2.4m x 43m have been demonstrated in both directions for the proposed access point, in accordance with Manual for Streets (MfS) parameters for a 30 mph speed restriction.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the nearby road network has been operating unsafely, or that the proposals would exacerbate an existing safety concern.

Road Safety Audit

A Stage 1 Road Safety Audit (RSA) has been undertaken in accordance with GG119, and has been included within the submitted Transport Statement. No issues were identified with the proposed access arrangement.

Capacity

The Transport Statement includes trip generation data ascertained from the TRICS Database. The data suggests that the proposed development would generate one additional two-way vehicle trips in both morning and evening peak hours, which is not anticipated to give rise to a capacity concern.

Parking and Turning

Each dwelling will be provided with two parking bays and a double-bay garage, totalling nine car parking spaces for the site (garage bays are considered 0.5 parking space under WSCC Parking Standards. The WSCC Car Parking Demand Calculator indicates that a development of this size and location would require seven car parking spaces therefore, the proposed parking provision would be considered sufficient.

However, it is noted that the proposed garages do not meet the minimum internal

specifications for double-bay garages of 6m x 6m as outlined in Manual for Streets (MfS). For the garages to be considered for parking provision, the LHA would request that the garages are enlarged to MfS specifications. This can be secured by condition.

On-site turning appears achievable for Plots 2 and 3. I note that Plot 1 would lack turning space if both car parking spaces were occupied. A car may have to reverse some distance through the site before a turn could be made with the current arrangement. Could this aspect of the site layout be improved? Vehicle parking and turning can be secured by condition.

Regarding cycle parking, the Transport Statement states that each dwelling will be provided with garden sheds, which can be utilised for the secure storage of cycles in accordance with WSCC Parking Standards.

Sustainability

The site is situated within walking/cycle distance of local services and amenities in Lancing. Cycling is a viable option in the area. Local bus services can be caught from Manor Road, located approximately 550m south of the site. Lancing Railway Station is within cycle distance of the site.

Conclusion

Taking into consideration all the above points, on balance 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.

Following the receipt of the above comments, the Council engaged the comments of an independent Highways Engineer:

BP Civils (consultant for the Council)

Highway safety:

It is normal to ensure that there is a less steep section of road at a junction to reduce the risk of a vehicle rolling either forwards or backwards whilst it is waiting to turn. In my experience, WSCC would usually require this to be, as an absolute minimum, 5m long and no steeper than 1:20. Whilst I do not consider that the proposed 1 in 10 gradient is particularly problematic given the low traffic volume, I do believe that a "platform should be provided at the junction with the main road.

I note that WSCC has stated that the 1:10 gradient is acceptable with the following caveat "Anti-skid surfacing for the first 15m of the proposed access road has been demonstrated to address the raised issues of vehicles potentially slipping". The type of permeable paving has not been specified but anti skid surfacing is not compatible with permeable paving (as proposed in the drainage strategy). Anti Skid surfacing (high friction surfacing) cannot be applied to permeable paving and as far as I am aware, permeable paving is not available with an enhanced skid resistance.

Pedestrians are also a safety concern with the currently proposed arrangement as they would be expected to cross the new bellmouth on a 1:10 crossfall, I do not consider this to be safe during icy conditions due to the increased risk of slipping.

I note that the road safety audit that is included within the Transport Statement is based on a drawing that indicates the anti skid treatment, I would therefore suggest that the road safety audit should be revisited as it is based on a design feature that cannot be delivered.

I note that West Sussex Fire and Rescue has lifted their initial concerns based on the provision of the anti skid surface. I would suggest that they are asked to revisit this on the basis that it cannot be delivered. With regard to fire tender access, whilst WSFR has not commented on it, I would advise that Building Regulations Approved Document B requires the provision turning facilities where dead end access routes are longer than 20m (B5 13.1). I would question if suitable, building regulation compliant, emergency access facilities are afforded to Bungalow 1.

Road Drainage:

The proposal is to install permeable paving on the 1 in 10 gradient. The type of paving has not been specified but I would make the comment that most permeable block paving manufacturers do not recommend installations exceeding 1:20 due to the potential for run off to bypass the joints. I note from the drainage report that the permeable paving sub base includes baffles to hold back run off but I would question their spacing. The sub base is specified to be 550mm deep. I would suggest that the baffles would need to be at no more than 5m spacing for them to be effective and that the formation of sub-base should also be terraced.

I am surprised to see that the geotechnical testing recorded gravel soils to a depth of 1.5m. This may well be the case, but I would expect the soil classification to be chalk. Whilst it is perhaps an item for your drainage team to consider, it would be normal for soakaways in chalk soils to be located at least 10m from structures due to the risk of the formation of solution features. I would note that a report prepared by Southern Testing relating to stability of former chalk pit cutting slopes has been submitted further suggesting that soils are more likely to be chalk than gravel.

Cut and Fill:

The information that has been provided in this regard is very simplistic and it does not appear to take into account arisings from proposed services, proposed drainage or proposed foundations. There does not appear to be any allowance for bulking or compaction factors, assuming that the arisings are suitable to be recompacted (given that its likely to be a chalk soil that could be exposed to weathering) and I would question what will happen with the excess topsoil that will be stripped from the site.

Refuse provision:

The refuse team has advised that bins should be placed near to the public highway for collection as they do not consider it possible to access the site with a refuse vehicle. I would question if it is appropriate to expect the residents to take their full bins down a 1:10 slope to be emptied and then take them back up the slope. I would also

question if the distance that they are expected to move them complies with the distances specified in building regulations.

Visual impact:

The visual impact of the access could be reduced by forming the junction with Firle Road as a simple crossover rather than a bellmouth, particularly as the refuse team has confirmed that they do not expect to access the development with a refuse vehicle.

In light of the above comments a further response was sought from West Sussex County Council Highways

West Sussex County Council Highways (2nd comment)

Officers have now had the opportunity to review both the attached email of further information submitted by the applicant and the below comments from Liam Foord, (Operations Director at BP Civils), which I understand Adur Worthing Council have commissioned to give a view on the proposals.

As previously stated WSCC as Highway Authority are responding to the highway safety, accessibility and capacity perspectives of the proposals and providing a view as to whether the proposals are considered to be acceptable in planning terms. The Highway Authority are not assessing the proposals from a buildability perspective and therefore cannot comment whether it is feasible to build the proposals as the applicant has set out. In light of that, WSCC as Highway Authority have no further comments on the further information submitted by the applicant.

With regards to the comments made by the independent review that Adur Worthing have sought WSCC have the following comments:

Highway Safety

- Officers have reviewed the gradient and spoken with engineering colleagues in our Implementation Team (the team who work on S38 & 278 agreements for highway works) and we are of the view that a gradient of 1 in 10 for a private access, whilst being at the upper end of acceptability for steepness, is still acceptable. The need for a platform as you approach the main road is generally for junction arrangements. Whilst this access is designed as a bell mouth it is a lightly trafficked private access rather than a junction catering for significant movements. Given the low traffic movements from this site (3 properties) and that all the other properties on this road have a similar gradient to their accesses, the 1 in 10 access gradient is deemed acceptable.
- The gradient for pedestrians (1:10) is more than the 1:12 quoted in the guidance, Inclusive Mobility. This states as a general rule a maximum footway gradient should be no more than 1 in 12. However, in the context of the NPPF and that planning applications should only be refused on transport grounds where there is a severe impact, a pedestrian gradient slightly above the guidance level is not considered to warrant a reason to refuse planning permission.
- The Independent Review states that anti-skid surfacing is not compatible with permeable paving. It is my understanding that permeable paving is proposed

for the majority of the site but anti-skid is proposed in the first 15m of the access. The Independent Review is correct that you cannot get permeable anti-skid paving but my understanding is that this isn't being proposed by the applicant. They are proposing permeable paving and anti-skid surfacing, rather than permeable anti-skid surfacing. Generally, anti-skid paving is only used on high risk sites on higher speed parts of the network where there are known issues with sharp braking. This is to provide a higher level of carriageway resistance to reduce braking distances and the possibility of skidding. It is not generally proposed on private access routes. Note no other driveways have anti-skid paving. WSCC as Highway Authority therefore would not insist on anti-skid surfacing.

Road Drainage

- This isn't a matter for the Highway Authority to comment upon and it would be for Adur Worthing drainage engineers to comment upon the proposed drainage arrangements. Obviously water should not be discharged from the property onto the adopted highway and the drainage engineers must ensure that appropriate drainage is proposed as part of this application.

Cut & Fill/Refuse Provision/Visual Impact

- All these matters are for others to comment upon. Given the scope of what the Highway Authority are commenting upon, no further comments are made in relation to these areas.

WSCC as Highway Authority remain of the view that there are no valid highway grounds to refuse this planning application based on a gradient of 1 in 10. The access is a lightly trafficked private access servicing 3 properties and there are numerous other similar access points (admittedly serving single properties) along the whole of Firle Road. The proposals are not considered to present any road safety issues or severe residual impacts that would warrant a reason to refuse planning permission. The Highway Authority are of the view that it is not a requirement to provide anti-skid surfacing and could consider the implementation of a vehicle crossover, rather than the currently proposed bellmouth access, and that this would equally be acceptable from a highway perspective.

Sussex Wildlife Trust

The Sussex Wildlife Trust (SWT) has been made aware of the above application. Having viewed the information online we wish to submit an objection and comments in relation to biodiversity.

Our desktop data of the site clearly shows 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 development site's connection to the wider landscape is acknowledged in the conclusion of the submitted updated ecological walkover document, supporting the application.

Given the proximity of the LNR and LWS, which are designated for their biodiversity

value, we draw your attention to the Adur Local Plan (2017) 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.

We ask Adur District Council and decision makers to consider if this application complies with Adur District Council Local Plan Policy for biodiversity.

Adur District Council will be aware that as part of the Environment Act 2021 Local Nature Recovery Strategies are being produced by the Responsible Authorities (West Sussex County Council). These strategies are coming into place to provide guidance on nature's recovery. The Local Nature Recovery statutory guidance coming from Government highlights in paragraphs 22 & 231 that Local Wildlife Sites should be included in those strategies.

Further to this the National Planning Policy Framework (NPPF) 2023 in 180d, 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;

SWT notes that the applicant has submitted information indicating that a 10.9% Biodiversity Net Gain (BNG) will be achieved. However, I am unable to find clarity on the survey information supporting the conclusion, for example the survey information inputted to the Metric and associated conditions for those habitats.

SWT asked Adur District Council and its decision makers to ensure they have confidence in the information submitted in relation to BNG and hence its aspirations and its successful delivery.

SWT recognises that at this point although a minimum of 10% BNG is not mandatory, we are on the cusp of it becoming so (Jan 2024) and currently the NPPF 2023 states in section 186: *When determining planning applications, local planning authorities should apply the following principles: d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

SWT is concerned that the application has failed to provide information or assurance regarding the long term management of the proposed BNG. Without this in place, those commitments of a 10.9% BNG delivery are vulnerable. There is nothing in place to protect the northern part of the site from further encroachment with future applications which could lead to the loss of this area. It also seems from the information submitted that wildflower lawns within the curtilage of the private dwellings are also included in the 10.9% BNG figure, we are unclear what measures the

applicant would be put in place to ensure the certainty of this habitat creation and management within the setting of a private garden. This lack of detail has impacts on the certainty of BNG delivery supporting this application and potential impacts on wider ecological connectivity and function.

SWT suggests that ahead of a determination Adur District Council considers if this application complies with the Adur Local Plan policy for Biodiversity. Further to this ensure they consider further information on the management and the conditions needed to secure the long-term delivery of the proposed BNG.

Friends of Lancing Ring

Object on the following grounds:

- several applications to develop this site have been refused both at a local level and on appeal and our objections and concerns remain the same as those stated in the past.
- Development marks a creeping urbanisation towards the Reserve which falls within the South Downs National Park (SDNP).
- Precedent to reduce existing natural barrier.
- implications for the tranquillity of the Reserve and its wildlife from noise, disturbance and light pollution from house and garden lighting and other nuisances.
- Adverse impact upon wildlife.

Lancing Parish Council resolved not to comment due to lack of information.

Southern Water

No objection

Drainage (comments from Council's drainage consultant)

'The applicant is applying for the demolition of a single dwelling-house, creation of new onsite access road and the erection of 3 detached bungalows.

Following a review of the submitted information, we would recommend the approval of the application with the following condition:

Condition 1: Prior to the commencement of the development, the drainage report shall be updated to reflect the following requirements:
• Increase in the safety factor.
• Update the winter CV number to 1.
• Allow no base infiltration for the soakaways.
• Complete infiltration testing at the location of each proposed soakaway.

Reason To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.'

West Sussex Fire and Rescue (1st comment)

Having viewed the objection information provided by Mr Candy and Mr Gooch, I am now slightly concerned about the gradient of access route to these new build properties, and want to be sure a fire appliance could reach these properties safely in all-weather conditions and not put the fire appliance and other existing properties at risk, especially in wet and icy conditions, particularly if sections of the access road could have a gradient as steep as 1 in 8.

It has clearly been stated in previous reports from Local Highways Authority that a maximum of 1 in 10 gradient would need to be achieved, preferably closer to 1 in 20 would be a much safer slope to negotiate when attending a fire situation; 1 in 8 would not meet the maximum slope gradient, and would certainly put people, properties and the attending fire crews at greater risk in certain weather conditions.

West Sussex Fire & Rescue Service would like some clarification that a maximum of 1 in 10 slope will be achieved along the access route, preferably less, to ensure we can gain safe access and egress to the new build properties. We also need evidence that the access to the site off Firle Road has suitable access width to allow a fire appliance to turn into the access point.

(2nd comment)

Having received further information for Planning application AWDM/1473/23 regarding the gradient of the access road to the intended 3 new build properties, clarification has been provided identifying that a 1 in 10 gradient will be maintained to the access route. This complies with the Local Highways Authority requirements who stated they would consider this gradient acceptable on condition that the steepness does not exceed 1 in 10. Anti-skid surfacing for the first 15m of the proposed access road has been demonstrated to address the raised issues of vehicles potentially slipping.

This therefore answers the questions asked by our previous consultation and clarifies a maximum gradient of 1 in 10 will be achieved for the access route to this site, and satisfies the concerns raised with the Planning Authority by representations and correspondence sent to West Sussex Fire & Rescue Service.

3rd comment

Having viewed the recent details for planning application No. AWDM/1473/23 for the demolition of a single dwelling-house, creation of new onsite access road and erection of 3 detached bungalows, there does not appear to be a suitable turning facility to provide for a fire appliance attending a fire in bungalow number one. The plan submitted shows the 20m point into the site, a further 17m to the fire hydrant and then a further 20m to property number one. When attending a fire incident, a fire appliance will drive straight to the property on fire and get as close as possible, not just stop at the 20m point, this is not realistic and not a reason not to provide a turning facility.

As property number one is further than 20m to either a turning point or an exit point form the development a turning facility will be required in accordance with Approved Document B (AD-B) Volume 1: B5 section 13, which states Dead-end access routes

longer than 20m require turning facilities and should comply with the guidance given in Table 13.1. A fire appliance should not be required to reverse more than 20m to make their exit.

Also there has been no further details regarding the gradient of the access road joining Firle Road, this could cause issues for the Fire Service attending the site in excessive wet and icy conditions, which could put the fire crew attending and the properties opposite the junction at risk. West Sussex Fire & Rescue Service need evidence the gradient of the road will not exceed the Highways requirement of a maximum of 1: 10 and the first 5m minimum to be no steeper than 1: 20.

Officer note: The above consultation response was received just as this report was being finalised. The applicant's agent responded with an amended site plan which he considers overcomes the objection. A further update will be provided at the meeting.

Waste Services

Having looked at the plans and that of the existing access road, It is not going to be feasible for one of our refuse/recycling vehicles and or garden waste vehicles to access this set of 3 bungalows for the emptying of one bin each total of 3 per week or 6 per week depending on if having a garden waste subscription.

Therefore we will require, under section 46 of the EPA 1990, ask the residents to place their bins for collection, on collection day at the bottom of the access road adjacent to 22 or 18 Firle Road. It might be prudent to, at this stage, consider putting in a hard standing area to accommodate on a weekly basis a maximum of 6 bins at the base of the access road for the residents to take their bins to. This way there is not a chance of them being left blocking the access road or looking untidy when being put out for collection.

Ecology (1st comment)

To review the submitted Biodiversity report the Council has employed a Consultant Ecologist (Council consultant) who comments that,

Designated areas

The application site is located adjacent to Lancing Ring Local Nature Reserve (LNR) and Lancing Ring Local Wildlife Site (LWS) (we would expect the presence of these features to be referenced in the submitted ecological documents as they are a key feature in the immediate vicinity of the site). 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 Policies DM18 (NB this should read Policy 31) of the Adur Local Plan 2023 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. We welcome [at a minimum] the '5m wide boundary buffer' around the site boundaries shown on the proposals and included as one of the '5

promises of Firle Road' (James Breckell Architect, 2023), however landscape proposals are required for both: (i) the boundary buffer; and (ii) the land between the boundary buffer and the proposed bungalows. Further to this we need confirmation that both of these areas will lie outside of the residential curtilages and who will be responsible for the long-term management of these areas. Subsequently there is no certainty of the long-term retention and management of these areas of the site 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.

- Landscape proposals are required for the boundary buffer and land between the boundary buffer and the proposed bungalows, together with management details and confirmation that they will lie outside of residential curtilage. This is in order to protect the LWS/LNR and maintain supportive habitat in accordance with Policies DM18 and DM19 (NB should read policy 31) of the Adur Local Plan 2023. 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 within the 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.' The Updated Ecological Walkover Assessment (CT Ecology, 2023) identifies that 'the main habitats remained broadly the same as those identified during the 2022 assessment'.

In accordance with the request as part of the 2022 planning application (AWDM/1394/22) a BNG assessment has been undertaken, using at least 30th January 2020 as the date for the baseline habitat condition assessment due to on-going habitat works. However in order to review this BNG assessment the following is required:
- A plan showing baseline habitats and condition scores for the site.
- A plan showing proposed/retained habitats for the site and associated condition scores. The proposals need to be based on landscape proposals submitted with the planning application to reassure these landscape proposals will be delivered.
- Completed habitat condition assessment forms for both the baseline and proposed habitats, including:
o Full justification for how habitat type and condition scores have been reached for the baseline habitats - it should be noted that there is a Preliminary Ecological Appraisal associated with the 2017 planning application (AWDM/1942/17) that the applicant may want to draw on to assist with this (The Ecology Partnership, 2016); and
o Full justification for how habitat type and condition scores have been reached for proposed habitats. For example, if a habitat is proposed for enhancement which condition scores will be enhanced to achieve this condition and how. In addition, confidence is needed that these areas won't be damaged/lost as a result of the construction works e.g. access/site compounds/storage have been taken into

consideration.- The inclusion of linear habitats within the Biodiversity Impact

Assessment calculator. To include:
o A plan showing linear habitats and condition scores for both the baseline and proposed habitats within the site.
o Completed habitat condition assessment forms for both the linear baseline and proposed habitats.

Protected and notable species

Bats
The Preliminary Ecological Appraisal (CT Ecology, 2022) identifies that the site was considered to provide high potential for foraging bats (Section 3.38) [the 2023 ecology reports do not reference the potential of the site for foraging bats, only giving the context based on the limited bat surveys carried out]. Two bat activity transect surveys were carried out in May and June 2022 (CT Ecology, 2022) and one bat activity transect survey was carried out in August 2023 (CT Ecology, 2023) and subsequently further surveys in this regard are recommended. As identified in Table 8.3 of the Bat Surveys for Professional Ecologists: Good Practice Guidelines (BCT, 2023), unless otherwise justified sites with moderate or high suitability habitat for bats should be subject to the following surveys to achieve a reasonable survey effort:

1. Night-time bat walkover surveys – One survey per season (Spring, summer and autumn) in appropriate weather conditions for bats.

2. Automated/static bat detector surveys – Detector locations used to be the same for each survey to provide a representative sample of all habitats in the survey area that could be impacted by the development proposals. Data to be collected on five consecutive nights per month (April to October) in appropriate weather conditions for bats.

The 2023 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 has been provided 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 presence 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, albeit the setts were recorded as in-active in 2023. 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:

▪ *Landscape proposals are required for the boundary buffer and land between the boundary buffer and the proposed bungalows, together with details of ownership and management, to allow assessment of both the protection of the off-site LWS and the Biodiversity Impact Assessment calculation.*

▪ *Further information should be provided prior to determination on measures to protect the LWS during the construction and operation of the proposed development.*

▪ *Further information on the Biodiversity Impact Assessment calculation is required to assess this document.*

▪ *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. 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:

▪ *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.

▪ *A Detailed Badger Mitigation Strategy (including updated Badger survey) to demonstrate how Badgers associated with the site will be protected throughout the development.*

▪ *An Ecological Protection and Mitigation Plan to demonstrate how sensitive on-site and offsite 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.*

▪ *A Landscape and Ecological Management Plan (LEMP) detailing measures for the implementation, establishment and management of habitats, together with monitoring to ensure the predicated BNG is achieved.*

▪ *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 three areas relating to the off-site LNR/LWS, the biodiversity impact assessment calculation and foraging/commuting bats where baseline information and assessment is currently considered deficient to demonstrate compliance with Policies DM18 and DM19 (NB should read Policy 31) of the Adur Local Plan 2023, the 2023 NPPF and nature conservation legislation. 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 stated above, further information identified above is provided via conditions of planning consent prior to construction commencing on site to allow full assessment of the likely ecological effects of the proposed development and confirm delivery mechanisms for the proposed habitat creation works and mitigation for protected species. This could be secured via condition(s) of any planning consent granted.

Ecology (2nd comment, further to updated information submitted in March)

CT Ecology's consultation response (March 2024) provides justification for the limited bat activity survey effort undertaken stating that the development is 'confined to the central rear garden area. The highest value habitat for bats was identified during the

bat surveys as the tree lines and scrub along the northern site margins'. However, a review of the Phase 1 Habitat surveys undertaken between 2016 and 2023 indicates a mosaic of scrub and grassland habitats across the site with little change in habitats between the 'central rear garden' and the wider site. As such it is not considered that reasonable survey effort has been made.

The 2023 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 has been provided to support determination of the application.

Summary conclusion remains as before.

Applicant's ecology consultant response (July)

The responses to these points are provided below which serve to augment the previous responses provided in relation to the scheme. Each point has been responded to in order as follows:

1) Landscape proposals It is understood that the client will commission a detailed landscaping plan upon the granting of planning permission. This will enable the Biodiversity Net Gain (BNG) assessment that has been produced for the site to then be updated in line with the detailed landscaping plans which will be informed by the assumptions made to produce the draft BNG (habitat types, condition and size). The BNG can then be re-run using the current statutory metric.

2) Boundary buffer ownership/management/protection of the LWS I spoke with Clair Bird on this point prior to the last set of responses however it seems as though she has just asked the same question. Details confirming ownership and management (as requested by Clair Bird) have been detailed on the associated plan re-produced by James as part of the last round of responses. I confirmed when I spoke to Clair that measures to protect the LWS during construction/operation can be detailed in a CEMP/LEMP conditioned as part of any associated planning consent which is standard practice. Construction measures will include (but not be limited to); dust screens, sensitive lighting, planting prior to construction to augment the buffer areas. Operational measures will include (but not be limited to); fencing of gardens to restrict access into retained buffers, management of buffer areas to maintain habitats and replace features as required; a sensitive lighting scheme in relation to the three new dwellings and associated access road.

3) Bat surveys The surveys undertaken at the site were carried out throughout the optimal bat active season and are proportionate to the scale of impact of the scheme. The 2016 guidelines were used to inform the assessments and the level of survey effort was ascertained based on the ecologist's experience and professional judgement when considered in the context of the size of the scheme and scale of

impact. Additional survey effort; in the form of static monitoring/automated surveys and bat activity transects (now referred to as night time bat walkover assessments under current 2023 guidelines) is disproportionate to the scheme and will result in significant additional costs. Additional survey effort will not serve to alter the proposed mitigation which comprises a sensitive lighting strategy and retention of buffer areas around the site margins to maintain existing bat foraging and commuting routes.

4) Biodiversity Net Gain The BNG metric was completed in accordance with current guidelines in place at the time of completion. It is a draft BNG in the absence of a detailed landscaping plan and this will be updated in accordance with the current statutory biodiversity metric by way of a condition as part of any associated planning consent. There is scope for further enhancement in the retained buffer areas if required for the score, or if a 10% gain on-site is not achievable in line with the current metric, off-site options can be explored to include potentially enhancing the adjacent LWS (if viable following appropriate consultation) or if that is not an agreeable option then the purchasing of off-site credits can be explored in accordance with the BNG guidance. A detailed landscaping plan used to inform the BNG metric will be produced by way of a condition as part of any associated planning consent.

Council ecology consultant 3rd comment (in response to further information submitted by the applicant)

Many thanks for providing your response, however there is still outstanding information. Rather than repeat all of the advice previously given, I have provided a summary below in response to the points raised:

Landscape Proposals (and associated impacts on the off-site LWS/LNR)

The majority of the site beyond the proposed dwellings is described as 'Open Copse' or '5m wide boundary buffer'. Confirmation has been provided that both of these areas will lie outside the residential curtilages and be managed by the applicant. However, there is little certainty of the long-term retention and management of these areas of the site which presents various risks of impacts to the LWS. As previously requested, landscape proposals are required for the boundary buffer and land between the boundary buffer and the proposed bungalows, together with management details. This is in order to protect the LWS/LNR and maintain supportive habitat in accordance with Policies DM18 and DM19 of the Adur Local Plan 2023. Further information should also be provided prior to determination on measures to protect the LWS during the construction and operation of the proposed development.

Biodiversity Net Gain

<u>Baseline habitats</u>

When a planning application is submitted for development, there are now minimum national requirements related to biodiversity net gain which the applicant must provide. One of which is the pre-development biodiversity value.

Currently we do not agree with the baseline units given in the BNG metric provided and as such is not acceptable as the following information is missing:

- A plan showing baseline habitats and condition scores for the site.

- Completed habitat condition assessment forms for the baseline habitats, including full justification for how habitat type and condition scores have been reached for the baseline habitats; and
- The inclusion of linear habitats within the Biodiversity Impact Assessment calculator. To include:
    - A plan showing linear habitats and condition scores for the baseline habitats within the site.
    - Completed habitat condition assessment forms for the linear baseline habitats.

Further guidance in this regard was provided in our previous response.

Proposed habitats

Although the minimum information required at the planning stage is the pre-development biodiversity value. In view of the works that have already been carried out on this site to date, the presence of the adjacent LSW/LNR and the highly limited information provided on the 'Open Copse' or '5m wide boundary buffer' we have very limited confidence that a 10% net gain in biodiversity can be achieved within the site and therefore expect the elements previously requested to be addressed fully at this stage of the application.

Bats

We do not agree with the approach taken however subject to confirmation of the landscape proposal and management of the 'Open Copse' and '5m wide boundary buffer' (as detailed above), we accept that it will be possible to maintain habitat corridors for foraging bats within and around the site.

In view of the above the following is required:

- Prior to determination of the application the following information should be provided:
    - Landscape proposals are required for the boundary buffer and land between the boundary buffer and the proposed bungalows, together with details of ownership and management, to allow assessment of both the protection of the off-site LWS and the *Biodiversity Impact Assessment* calculation.
    - Further information should be provided prior to determination on measures to protect the LWS during the construction and operation of the proposed development. The measures could be outline at this stage, with further detail to be provided in an Ecological Protection and Mitigation Plan provided under condition of planning consent (see below).
    - Further information on the *Biodiversity Impact Assessment* calculation is required to assess this document.

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:

- 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.
- A *Detailed Badger Mitigation Strategy* (including updated Badger survey) to demonstrate how Badgers associated with the site will be protected throughout the development.
- 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.
- A *Landscape and Ecological Management Plan* (LEMP) detailing measures for the implementation, establishment and management of habitats, together with monitoring to ensure the predicated BNG is achieved.
- 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 the information immediately above could be subject of conditions of planning consent.

CPRE Sussex

In respect of the above application, as for all previous submissions, we most strongly object to its approval.

Ecology

Firstly, a key area of concern is the damage this will do to the biodiversity of the site and its vital pathway links for nature to the protected Lancing Ring Nature Reserve in the neighbouring South Downs National Park and the National Park itself. Prior to the establishment of the SDNPA's boundary C. 2009/10 by DEFRA, this site had the highest ecology protection of being classed as an Area of Outstanding Natural Beauty (AONB). Whilst it is now in Adur's Local Plan as sitting within the Built Up Area Boundary, this in no way changes the natural habitat characteristics of this green site.

So far the ecology assessments which have been submitted in no way provide full evidence of the current habitat values of the site and the claim that the planting proposals will create a Biodiversity Net Gain of 10.09% simply are not credible. There is no evidence provided to show the metric calculations that this will be achieved. Sussex Wildlife Trust and a local resident who is a qualified ecologist have strongly challenged these ecology submissions as has the Authority's own ecology consultant. CPRE supports those challenges.

The latest evidence from the applicant's consulting ecologist has still not responded with the evidence to prove the 10.09% Biodiversity Net Gain which is claimed to be

the outcome. In fact the suggestion is that this aspect can be conditioned to follow any approval. For this site with such a sensitive biodiversity habitat, this is a key matter for which full evidence should be placed before the planning committee and not kicked down the road to be fudged after any decision whether to approve or otherwise. Failure to provide this evidence does not comply with The Adur Local Plan Policy 31 to protect biodiversity and particularly that for the Lancing Ring Nature Reserve and the National Park.

The SDNPA has not given its approval for this scheme and has considerable concerns about habitat management of the development. They are relying on the LPA's assessments for the ecology and should it be approved, have asked for a condition that the applicant submits a full management plan to demonstrate how this aspect will be managed for the lifetime of any approved development.

Should the development be permitted, there will be no way that with the significant disruption of the site for construction and then the occupation of three large properties with the ensuing human activity will the proposed buffer between the housing and the SDNPA and site greening up proposals create an improvement in the natural habitat characteristics of the site. The most recent response from the applicant's ecologist (posted 8/7/24) continues to say this can be covered by planning condition post approval. An assessment cannot be finalised until a post approval landscaping scheme has been submitted by the applicant. For the original BNG assessment, why was this not stated by the ecologist? That originally claimed a 10.09% BNG despite the absence of this full landscaping scheme.

So, how was that figure of 10.09% arrived at? This surely indicates the disingenuous submission of that initial assessment which was challenged by other expert organisations including the LPA's own ecology consultant.

Much damage to natural habitats by insensitive clearance has taken place over those 8 years. The Government now has a statute in law with the passing of Environmental Bill 2022 to halt the decline of species in England by 2030. This development, if approved, with its shortfall in biodiversity evidence will in no way support that statutory requirement. With the inadequate evidence for its ecology management under the authority's Local Plan 2017 policy 31, this is also not complied with. On this basis alone we feel this application should be refused.

SDNPA is also concerned about increased light pollution and its impacts on the National Park and particularly on the Lancing Ring Nature Reserve.

Inevitably, urban light pollution will be pushed more into the National Park and the nature reserve with the three large properties and their future household activity. The nature reserve is already indicated as experiencing urban light creep into its southernmost area and this development will erode even more of that dark sky requirement to the detriment of bats, insects and other wildlife in the Nature Reserve and the National Park. This is yet a further reason that this application should be refused as it does not comply with Policy 15 in terms of light pollution.

Overdevelopment

Whilst the applicant claims that the proposed 3 single storey dwellings are appropriate in scale, it should be noted that the combined footprint of the three proposed bungalow

type houses span across the width of 9 of the nearest properties which front onto Firle Road south of the development. These dwellings once again are substantially larger than the existing local properties. Previous applications and appeal decisions have been refused because of failure to comply with Local Plan Policy 15 in terms of massing and character. Once again our view is that this application also fails to comply with that policy and this is a further reason for its refusal.

Unsafe Access Road Scheme

It is noted that WSCC Highways maintain their position to approve the access road and its connection to Firle Road. They continue to accept that a 1 in 10 gradient is acceptable, despite their enforcement of a 1 in 20 gradient for safety reasons on the previous refused application. This inconsistency should be further challenged we feel in the light of the fact that for the proposed road finishes, non-slip materials are planned. The material type proposed by the applicant is identified by the planning authority's civil engineering consultant, that this material type is not available with anti-slip qualities. This, we feel, is unacceptable when historically there have been problems with vehicles careering off the existing driveway of No 20 and causing considerable damage to the property opposite at No15. Below is the pictorial evidence of a severe accident where this occurred.

Furthermore, there are still outstanding concerns from expert evidence submitted by a resident that with the site/area typography characteristics, the gradient of the access road in reality will be as steep as 1 in 8. In terms CPRE Sussex of sustainability for safety this gradient is unacceptable both for 1 in 10 and 1 in 8 gradients. Despite the WSCC Highways approval, this we feel is another reason for refusal of this application.

Unsustainable/unsafe household waste management

Adur Waste Collection Services have refused to collect waste bins for the site by using the proposed access road and its planned turnaround facility. They have asked for a waste bin stand located at the bottom and on one side of the access road near the entrance to the site. They also have concerns with disruption to traffic flows when waste bins for the three properties are left out for collection in this narrow access road. This solution in real terms gives the future tenants of these three properties an extremely unsustainable distance to move their waste bins to that standing. In the case of property No1, probably up to 90 metres, almost 300 feet.

Apart from that, as a matter of safety, building regulation guidance requires that no steeper than a 1 in 12 gradient should exist to enable a resident to transfer and later collect the waste bins. This is indicated in the Council's civil engineer's report. Also, the waste bin collection location should be no more than 25m from where bins are kept on a household property. These distances far exceed building regulations guidance and are not sustainable.

A 1 in 10 or 1 in 8 gradient does not comply with this guidance and particularly in wet/icy conditions is a safety hazard for residents who will live within these properties. This requirement is impractical in terms of safety and future residents' amenity, caused by an access road which, if not usable by the council waste services, is not fit for purpose.

Conclusion

Whilst not a material planning consideration, there surely must be a question of financial viability of the scheme. With the costs for demolition of the high quality, renovated property at No. 20, substantial earthworks for site levelling/access road construction and the development of 3 significant dwellings and landscaping of the site. Is the future intention to further develop the site with more housing at a later date?

That is obviously a matter of concern for the applicant, but in any event, with all the concerns to do with impacts on ecology/light pollution for the site/National Park/Lancing Ring Nature Reserve, the proposed overdevelopment plus an unsustainable and unsafe road scheme, we submit our request that this application should be refused.

Representations

192 representations of objection received (around 20 residents have commented more than once as additional information has been received during the submission of the application)

Objections received from residents in Firle Road (49), Lynchmere Avenue (22), Manor Road (13), Norbury Drive (5), Mill Road (4), Fircroft Avenue (4), Honeysuckle Close (4), Ring Road (3), Lewis Road (3), Mount Way (3), Freshbrook Road (3), Queens Road (2), Tower Road (2), The Street (2), Derek Road (2), St James Avenue (2), Elm Grove (2), Griffiths Avenue, Seventh Avenue, Chester Avenue, Eighth Avenue, Greenoaks, Browning Road, Grinstead Avenue, Wembley Avenue, Fairview Road, Ingleside Crescent, Irene Avenue, Rossiter Road, Boxgrove Close and other addresses in Lancing, Sompting, Angmering, Worthing, Goring, Southwick, Shoreham, Lewes, Burgess Hill, Hove, Steyning and Ferring.

Objections have been received from Tim Loughton MP, Cllr Carol Albury and Cllr Carson Albury.

The objections are raised on the following grounds:

- Previous applications have been refused
- The proposal represents greenfield development
- SHLAA states that the site is sensitive for development
- The proposal fails to comply with the design policies of the Adur Local Plan
- Inadequate access
- Highway safety
- Narrow nature of Firle Road/access road
- Impact of construction traffic
- Gradient of access road cannot be achieved
- Lack of cross section showing the gradient of the road
- No demand for the housing proposed
- The proposal does not include housing that is affordable
- Adverse impact upon the National Park/nature reserve
- Adverse impact upon wildlife
- Adverse impact upon biodiversity
- No assessment of the effect of the development upon the cliff
- The degree of earthworks required will cause an adverse visual impact
- Will lead to further development of the site

- Loss of view towards National Park
- Could be located further to the north away from the nearest properties
- Adverse impact of the road upon neighbouring dwellings
- Loss of privacy through overlooking
- Loss of refurbished dwelling
- The site is located distantly from local services
- There are covenants on the land
- Inaccuracies in the Design and Access statement
- Ecology reports are misleading and based on out of date information
- Width of Firle Road has been stated inaccurately
- Insufficient information demonstrating that the new ground levels can be achieved
- Nothing has changed on the site since its previous designation as an AONB
- Land should be safeguarded against future applications
- Chalk cliff is crumbling, concern regarding safety of properties in Honeysuckle Close
- How many more times do residents need to go through this
- Planning process has been brought into disrepute
- Significant amount of chalk will need to be removed
- Proposed garages do not meet WSCC standards
- The necessary sections have not been provided to demonstrate the proposed gradient, cut and fill, embankment and required drainage provision can be achieved
- Results of previous archaeological survey should be noted
- Criticism of application by consultees

29 representations of support received

Support received from residents in Fairview Road (2), North Road, Wembley Avenue, Brighton Road, Monks Close, Fetherston Road, Derek Road, Erringham Road, First Avenue, Manor Road, Lisher Road, Ring Road, Hillrise Avenue, Abbotts View, The Moorings, Boxgrove Close, Freshfields Close, Griffiths Avenue, Leconfield Road, The Drive and other addresses in Shoreham, Sompting and Worthing,

The support letters have been received on the following grounds:

- Acceptable level of development
- A family developing the site is preferable to a large developer
- Improvement upon previous applications
- A high number of trees are being retained
- Great use of redundant space
- Road access is safe
- A number of similar developments have been allowed in Lancing
- Building line of other roads to the west is already higher
- Site is within built-up area
- Visual impact already affected by existing properties

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, Planning Practice Guidance.

Sustainable Energy SPD (August 2019)

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

National Planning Policy Framework (December 2023)

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

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

Principle of development

The application site was formerly within the Area of Outstanding Natural Beauty but upon the designation of the South Downs National Park its boundary was drawn immediately to the north of the site and it subsequently incorporated into the built-up area as defined by the Adur Local Plan. Ordinarily, where a dwelling is within but close to the edge of the built-up area its entire curtilage would be included within the built-up area boundary and in this respect the site is unusual as it has such a large curtilage.

Although it has been suggested that the site has been 'promoted' for housing by the Council, this is not the case as the site has not been specifically allocated for development. Nonetheless, the location of the site within the built-up area boundary means it is subject to the provisions of policy 2 of the Local Plan which states:

Development within the Built Up Area Boundaries of Lancing, Sompting, Shoreham-by-Sea, Southwick and Fishersgate will be permitted subject to compliance with other policies in the development plan.

As the Local Plan had already been adopted at the time of the previous applications in 2017 and 2022, the assessment of the proposed development remains as previously and while there have been some revisions to the National Planning Policy Framework since the determination of those applications, its general thrust remains the same.

The principle of development is therefore acceptable but it remains that the development must comply with the other policies of the Local Plan.

Previous decisions

Previous decisions are a material consideration in the determination of any future applications and in this respect, the appeal decision with respect to the 2017 application must be taken into account in the determination of this application. (The subsequent 2022 application, while recommended for refusal, was withdrawn before any decision was made).

The appeal decision is appended to this report. In coming to his decision, the Inspector concluded that:

'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'

Members will be aware that the National Planning Policy Framework sets down a

presumption in favour of sustainable development. Where housing is concerned, and particularly where there is a lack of housing supply, this can mean that the balance in a planning decision can be weighted towards the provision of new housing (albeit the appeal decision was dated before the current requirement to consider the tilted balance towards housing). However, the Inspector's conclusion above appears to re-affirm the necessity to comply with the policies of the Local Plan, irrespective of any perceived need for housing, concluding that the proposal would cause demonstrable harm. Moreover, the appeal decision in question related to an application that would have made a greater contribution to the stock of housing in the District (net increase of 8) rather than the net increase of 2 that is proposed under this application.

It is therefore considered appropriate to assume in the determination of this application, that the issues previously identified by the Inspector remain relevant.

The Inspector previously identified 2 key issues in the determination of the previous 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.

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).

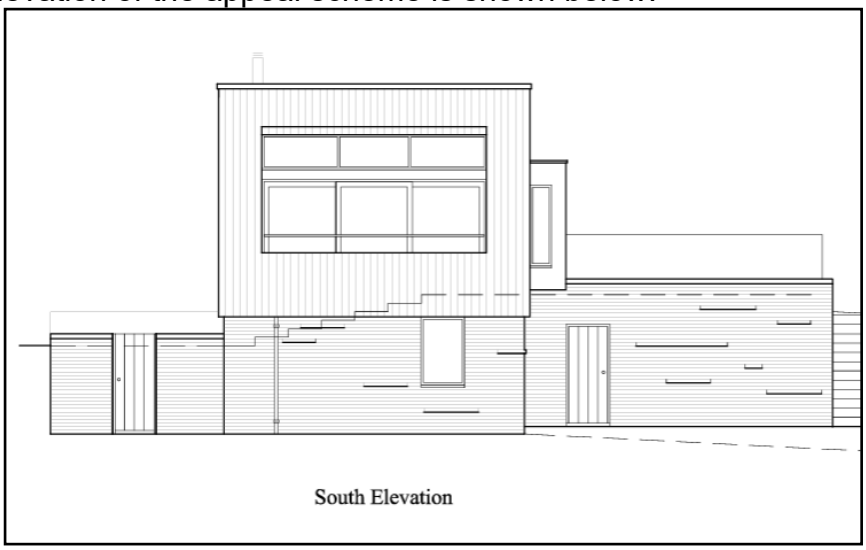
It is a matter of fact that the level of development has substantially reduced in number

from 9 dwellings under the appeal proposal to the 3 now proposed. The layout of the development considered by the Inspector is shown below with, for comparison, the current layout.





Paragraph 7 of the previous appeal decision stated that the then proposed dwellings would not be in keeping with the existing character of dwellings in Firle Road. A typical sample of elevation of the appeal scheme is shown below:



The Inspector identified the character of North Lancing as bungalows in a regular pattern of development with their pitched roof forms contributing significantly to their form and character.

The current application proposes 3 bungalows, with perhaps bungalow 3 being most representative of the character of North Lancing but nonetheless each of the proposed bungalows does have a pitched roof. The pitched roof forms proposed are shallower

than the prevailing character of the area presumably as one of the 'promises' of the application is that the pitches are shallow enough to prevent expansion into the roofspace whereas a significant number of existing dwellings in Lancing have been able to extend into their roofs. Taking paragraph 7 in isolation, your Officers do not feel the previous comment that the proposed development is 'starkly different…in form, design and appearance' applies in this instance and therefore it must be acknowledged that the architect has made some effort to overcome the concern previously cited by the Inspector. That being said, it is evident that perhaps due to the need to keep the bungalows as low as possible their layout appears to be almost twice as wide as the majority of nearby dwellings.

It is noted that the architect considers paragraph 13 of the previous appeal decision to be crux of the issue in considering whether the Inspector's concerns have been overcome. It could be said that the first part of the Inspector's comments, namely '*Due to their form, design and appearance the proposed dwellings would not respect and enhance the prevailing character of the area.'* has been addressed in a similar fashion to comments made in paragraph 7. However, the Inspector also concluded at the end of that paragraph that the previous development would not *'respect the natural features of the site'.* Given the steeply sloping nature of the site, it is not considered that a redesign of the form and appearance of the dwellings in itself necessarily overcomes this concern.

In the preceding paragraphs of his decision, the Inspector raised concerns that:
- the development would not relate successfully to the character of the South Downs,
- the proposed dwellings would have a significant degree of formality with paths and parking areas
- the gaps between dwelling would be filled by single storey elements so that the Downs/landscape would not flow between buildings
- the development would involve a substantial amount of remodelling of the land to provide level platforms and the required gradient for the road which would not respect the site nor respect its natural features

Dealing with the above concerns in turn, the development has moved further to the south than was previously proposed and as such could be considered to have a lesser impact upon the National Park. The comments of the National Park Authority appear to indicate that the effect of the development is dependent on the ongoing management of habitat/biodiversity and that any comments from the Council's specialist advisors would be of primary importance. The response from the Council's ecology consultant will be considered in more detail below.

The second issue is more of concern. The Inspector stated that the new dwellings would have a degree of formality with paths and parking areas. While such formality is clearly reduced by the reduction in the number of dwellings proposed, a degree of such formality must still exist with any residential development on the site and as the bungalows clearly have to be accessed by a road and provide parking spaces and pathways, your Officers consider that this is an important consideration in the determination of the application.

In terms of the downs/landscape flowing between the dwellings, the architect considers that gaps between the dwellings of at least 12 metres overcomes this concern. The layout plan suggests that landscaping between the dwellings could also

be retained and therefore to an extent it is considered that in siting terms this issue has been addressed, albeit it but the necessity to provide the buildings as bungalows means a consequent effect of the ground floor footprint of the properties which means they are larger than existing buildings to the south.. By comparison, the previous scheme had rear gardens to the southernmost part of the site which will now be replaced by the dwellings themselves and the access road on that part of the site.

The last point raised by the Inspector is perhaps the most significant: *the development would involve a substantial amount of remodelling of the land to provide level platforms and the required gradient for the road which would not respect the site nor respect its natural features*

The architect has repeated the point that was made during the previous application that no excavation material would be removed from the site, but this was noted by the Inspector and did not appear to have overcome his concerns above. The architect has stated that the amount of excavation is subsequently reduced from the 2900 square metres suggested in the previous application, to just over 1000 square metres in this application. It is open to interpretation if the Inspector's concern related to the principle or amount of remodelling that would be needed but the fact that he referenced the required gradient for the road suggests that the remodelling is a concern. Because of the nature of the application site, it is a matter of fact that the site will need to be remodelled, and it is considered that this is central to the consideration of whether development can be acceptably accommodated on the site.

Concluding comments on Layout and Design

There are clearly benefits to the scheme in terms of the reduction in density, improved design of the bungalows and the reduction in the re-modelling to the rear of the site. However, the provision of 3 large bungalows (in terms of ground floor footprint) and the extent of re-modelling to form the access remains of significant concern given the sensitivity of the site close to the Local Wildlife site and National Park.

Highways Matters

The necessity to provide access to the site, via a 1 in 10 gradient leads to the next point for consideration. As can be seen in the comments section above, the County Council has provided comments on highway safety matters and the Council also engaged the services of an independent Highways Engineer to consider the application. The issue of highway safety, in particular, has been the subject of many of the objections raised with a number of residents challenging the conclusions of the Highways Authority.

The concerns of residents in respect of highway safety are of course appreciated but fundamentally this application is little different from those submitted previously in that a new access would be provided from Firle Road by demolishing the existing dwelling, number 20. The Highway Authority has not raised any objections to such an arrangement.

Where a technical consultee does not raise an objection to an application, it holds that the Council should not therefore pursue a refusal on such grounds. While the Council is entitled to disregard consultees advice in coming to a decision it can only realistically

be defended at appeal if there is sufficient alternative technical advice to justify a conclusion different from that of the consultee. 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'. It is not considered that an objection purely on highways safety grounds could be substantiated, therefore

Nonetheless, the Highways Authority also states that they *are not assessing the proposals from a buildability perspective and therefore cannot comment whether it is feasible to build the proposals as the applicant has set out.*

Given the concerns of the Inspector relating to the visual impact of the gradient outlined above, your officers are of the view that this concern could only be overcome if sufficient information could be provided to demonstrate that its effects could be adequately mitigated. The comment from the independent engineer that *The information that has been provided in this regard is very simplistic* is of concern to your officers and while the architect has stated that the bunding required at the bend in the access road would be equivalent to a modest bund currently in situ at Adur Recreation Ground, it is not considered that such a comparison could be used to justify the development. It is acknowledged in the submission of the application that the amounts of cut and fill required are approximate. This is not surprising given the nature of the application site, but your officers find it difficult to escape that conclusion that the works to provide the access to the site, alongside the access to the proposed dwellings themselves will adversely affect the visual character of the area.

Residents have raised concerns about the impact of additional traffic. It is evident that Firle Road is narrow with parking taking place on one side of the road but given the number of existing properties in the area, it seems hard to argue that a net increase of 2 dwellings would exacerbate this situation to a degree that the application could be resisted on these grounds, having regard to the guidance contained in the National Planning Policy Framework and also that the Inspector raised no such concerns for a more intensive development.

The Inspector did comment previously that *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.* Your officers do feel it necessary to point out that the public transport service in terms of the bus that passes the site is not even daily and the services of Lancing are via a steep hill over a mile away and therefore as such the proximity referred to by the Inspector would not appear to justify the development in itself. Equally, though, it is unusual to resist a development that is within a defined built-up area on sustainability terms alone.

Effect on the living conditions of the occupiers of neighbouring properties

Returning to the Inspector's previous decision, the second area he considered of relevance in determining the appeal related to the impact of the development upon the living conditions of neighbouring occupiers.

The Inspector previously concluded that as the distance between existing and proposed dwellings exceeded 40 metres there would not be an overbearing impact

nor cause an unacceptable loss of outlook for the occupiers of Nos. 22 – 40 Firle Road. He also considered it likely that some form of screen would be retained by future occupiers and therefore there would be no *unacceptable loss of privacy* for the occupiers of the dwellings to the south.

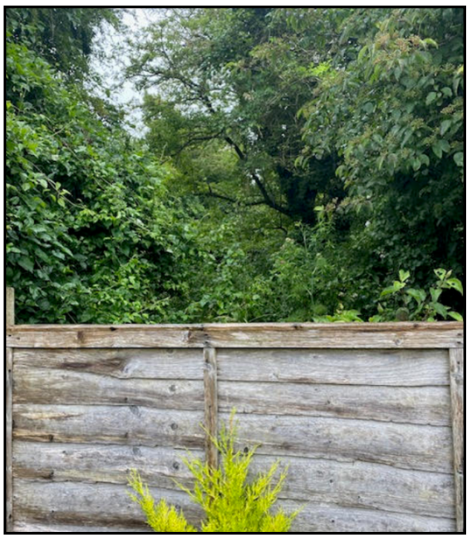
As the rear gardens of the properties are at least 20 metres from the southern boundary of the application site, the Council's overlooking standard of 22 metres would not be breached, even where a slightly greater distance is required on a steeply sloping site such as this. The distance between the existing and proposed properties at the nearest point remains about the same as previously proposed, although the general resiting of the development to the south means that there is a greater concentration of built development proposed at this distance, albeit at a lower level.

In terms of overlooking and consequent loss of privacy, therefore, it is not considered that a different conclusion to that previously reached could be made in respect of the current proposal.

It is noted that the Inspector also considered that the impact upon the outlook upon the neighbouring properties was also acceptable, but in light of the greater amount of development being sited to the southern side of the site, as well as the closer proximity of the access road serving the development being closer to neighbouring properties, your officers have assessed this matter again.

From visiting neighbouring properties, it is noted that the application site does provide a green outlook from the rear of those properties and also that much of the intervening screening is within the application site itself. Examples are shown below:





While a green buffer is proposed to the southern boundary, detailed landscaping proposals for both this area and the site as a whole have not been provided and it is considered difficult to assess the impact of the proposal in terms of outlook, therefore. Referring back to the Inspector's requirement that the development tumbles from the Downs in landscape terms, it is considered critical that a successful landscaping scheme can be implemented but your Officers are not convinced that sufficient evidence has been submitted to demonstrate this.

Ecology/Biodiversity

The importance of a successful landscaping scheme is not just confined to the impact of the development upon neighbouring residential properties, it is also a subject that is a recurring theme in the ecology responses outlined above. The applicant's ecology consultant states in her latest submission that,

It is understood that the client will commission a detailed landscaping plan upon the granting of planning permission and *The Biodiversity Net Gain metric was completed in accordance with current guidelines in place at the time of completion. It is a draft BNG in the absence of a detailed landscaping plan and this will be updated in accordance with the current statutory biodiversity metric by way of a condition as part of any associated planning consent.*

The mandatory agreement to provide 10% Biodiversity Net Gain (BNG) does not apply to this development as the submission of application pre-dates the implementation of the legislation. The Adur Local Plan does not set targets for BNG either but Policy 31 is relevant to the determination of the application. It states:

Policy 31 in respect of Biodiversity states:

All development should ensure the protection, conservation, and where possible, enhancement of biodiversity, including nationally and locally designated sites, Biodiversity Opportunity Areas (BOAs), marine habitats and other Biodiversity Action Plan (BAP) habitat areas, wildlife corridors, and protected and priority species. If significant harm cannot be avoided (by locating development on an alternative site with less harmful impacts), then such harm should be adequately mitigated. Where it cannot be adequately mitigated then such harm must be compensated for. Where it cannot be compensated for, then planning permission should be refused. ..

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.

The policy therefore requires any development to ensure the protection, conservation and where possible enhancement of biodiversity and furthermore requires that any impact upon the Local Wildlife Site is avoided.

It is possible that a landscaping condition can be imposed as a condition to an otherwise acceptable development, but your Officers are of the view that such an approach would not be appropriate in this instance. Notwithstanding the potential visual impact of the development upon the visual character of the area and neighbouring properties, the Council's ecology consultant has repeatedly requested the submission of additional information and even some months after the submission of the application, and following 2 responses from the applicant's agent and consultant, further information in respect of the landscape proposals for the boundary buffer and land between the boundary buffer and the proposed bungalows, the measures to protect the Local Wildlife Site during the construction and operation of the proposed development and regarding the Biodiversity Impact Assessment are still

required.

It is also noted that the report drafted for the 2022 application, which was withdrawn prior to determination by the Committee, but did appear on a published agenda prior to the withdrawal of the application stated: *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…it is considered that should no further information be received prior to the meeting, the application could be refused on such a basis.*

The nature of the site means that there is little, if any, margin for error regarding the development (and to that extent it is regrettable that it only recently emerged that the originally submitted site plan was incorrect in that it included areas of 3 neighbouring gardens and therefore an amended site plan has had to be resubmitted). The comments of the National Park Authority for example are essentially predicated on there being satisfactory information submitted with regard to the above points and your Officers do not feel that point has been reached in the application.

While there are other aspects of the proposal that it is felt could be controlled by condition, such as reptile, badge and ecological mitigation, the general lack of evidence submitted with the application itself further weighs against the acceptability of the proposal.

Other matters

Concern has been expressed regarding the impact of the development upon the chalk cliff that effectively surrounds Honeysuckle Close to the south western corner of the site. While this matter has not been the subject of an objection to the application before, it is noted that the application still relies on the survey submitted with the first application based on a walkover of the site in 2018. It is noted that the survey states: *However, further inspections should be considered if the proposed layout changes significantly from that currently being proposed.* While it is the case that the number of dwellings has reduced, the layout of the development has changed significantly and bungalow 1 appears as near to the south western corner of the site as the south westernmost dwelling of the 9 unit scheme. While it is perfectly possible that a full survey could demonstrate that there will be no adverse impact upon the chalk cliff, your Officers do not consider that such a determination could currently be made on the basis of information which is over 6 years old.

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

There has been conflicting evidence as to whether the Waste Services section will be able to access the site. In this event that they could not, collections would need to be agreed at another point or a private collection arranged. Similarly, a very recent consultation response from the Fire and Rescue Service, perhaps somewhat contrary to earlier comments, appears to suggest that there was inadequate access for a fire appliance to serve bungalow 1. While the applicant's agent quickly responded to this

comment with the submission of an amended site plan by amending the turning head to bungalow 1 (which is believed to have overcome the latterly expressed concern from the Fire and Rescue Service), the fact that an amended site plan was required after some months is a matter of concern to your officers.

Planning Balance

Under the terms of the National Planning Policy Framework, the planning balance applies where there is a presumption in favour of sustainable development. To refuse the application, therefore, there must be clear reasons for refusal which demonstrate that the adverse impacts of the proposal clearly outweigh the benefits. The provision of new housing, albeit at a lesser level than previously proposed, is a benefit of the application and must be taken into account in the determination of the application.

Against that, must be weighed the impacts of the proposal most particularly in landscape, ecology, biodiversity and visual terms. If the harm caused in respect of the application outweighs the benefits of the provision of new housing, then permission should be refused.

Conclusion

This is an almost unique site in the District comprising a large area of garden land that is located within the built-up area but on steeply sloping land, adjacent to the National Park. As a result, the various applications received relating to the site are difficult to assess and each application submitted has resulted in an unusually high number of representations received.

The applicant's agent has attempted to overcome the concerns previously raised most obviously by reducing the number of dwellings proposed significantly and redesigning the dwelling. Those efforts have been acknowledged and considered, at length, by your Officers during the determination of the application.

However, it is quite clear that there is no overriding reason to grant permission for the development unless it meets the policies of the Local Plan. Policy 2 of the Local Plan states that development within the built-up area will only be permitted if in compliance with other policies in the Plan.

Policy 15 of the Local Plan requires *Development should be of a high architectural quality and respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping.*

Development should: Enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping and layout of the development… Make a positive contribution to the sense of place, local character and distinctiveness of an area; and not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space; Respect the existing natural features of the site, including land form, trees and biodiversity and contribute positively to biodiversity;

For the reasons set out in the report, it is not considered the development meets the requirements of policy 15.

Policy 31 requires that:

All development should ensure the protection, conservation, and where possible, enhancement of biodiversity, including nationally and locally designated sites, Biodiversity Opportunity Areas (BOAs), marine habitats and other Biodiversity Action Plan (BAP) habitat areas, wildlife corridors, and protected and priority species. If significant harm cannot be avoided (by locating development on an alternative site with less harmful impacts), then such harm should be adequately mitigated. Where it cannot be adequately mitigated then such harm must be compensated for. Where it cannot be compensated for, then planning permission should be refused. ..

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.

It is similarly not considered that the application meets the requirements of the above policies.

It is therefore recommended that the application be refused.

Recommendation

REFUSE planning permission for the following reason(s):-

1. The proposed development by virtue of its scale, siting, and necessary remodelling of the land would fail to reflect the prevailing character of the area (including the adjacent National Park) and would have therefore have an adverse impact upon the character of the area. The proposal therefore conflicts with guidance contained within the National Planning Policy Framework, advice within the Planning Practice Guidance and policy 15 of the Adur Local Plan 2017.

2. It has not been demonstrated to the satisfaction of the Local Planning Authority, including via the lack of detailed landscaping proposals that the development ensures the protection, conservation, and where possible, enhancement of biodiversity and that any adverse effects of the development upon the Local Wildlife Site can be adequately mitigated. The proposal therefore fails to comply with policy 31 of the Adur Local Plan 2017.

25 July 2024

Local Government Act 1972
Background Papers:

As referred to in individual application reports

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