

Recommendation Report for Outline Consent

REF NO:	AB/122/25/OUT
LOCATION:	Land at London Road and Land West of and adjoining Anne Howard Gardens Arundel
PROPOSAL:	Outline application with all matters reserved except access for the erection of up to 6 No dwellings with associated access, parking and landscaping. This application may affect the setting of listed buildings, may affect the character and appearance of the Arundel Conservation Area and is a Departure from the Development Plan.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	This application seeks outline planning permission with all matters reserved except access for the construction of up to 6 No. dwellings with associated access, parking and landscaping.
SITE AREA	0.26 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Up to 23 dwellings per hectare for the overall site. The indicative site layout envisions the following approximate densities for each individual plot: Plot 1 - 44dph. Plot 2 - 48dph. Plot 3 - 39dph. Plot 4 - 83dph. Plot 5 - 100dph. Plot 6 - 38dph.
TOPOGRAPHY	Anne Howard Gardens begins with a significant bend and drop in topography, levelling out to a predominantly straight and level road serving the frontages of the existing dwellings to the northeast of the road. The northeast side of the road features a significant incline in topography, with the other side of the road, the proposal side, having a significant decline in topography towards to southwest. The submitted Sections A1-A3 indicate a decline of approx. 6-7m from the front of the existing dwellings to the southwestern edge of the site at Section A3. Sections A4-A6 show a limited decline in topography from the northwest to the southeast of the site.
TREES	Significant mature tree planting to the northwest, and southwest boundaries. Single group of trees to the southeast boundary.

Within the site and adjacent to its perimeter are 3 No. Individual Category U trees, 12 No. individual Category C trees, 3 No. groups of Category C trees, and 1 No. group of Category B trees. Species include Ash, Sycamore, English Elm, Cherry, and Birch.

Of note, is that the indicative proposals would remove 2 No. Category U trees, T2 and T7, one with indications of Ash Dieback disease, and the other dead. It includes the removal of G3, a Category C1 group of trees to the southeast border of the site, which includes four flowering cherries and two birch. They are small ornamental trees of moderate quality but identified to be of low value currently due to their size and an inessential feature of the landscape.

BOUNDARY TREATMENT

Dense, mature planting to the western boundaries of the site. Mix of tall boundary wall with hedging, picket access gate, low wooden fencing to the southeast site boundary. Residential dwellings with open front gardens to the northeast.

SITE CHARACTERISTICS

Anne Howard Gardens comprises an access road with a linear row of mid-20th century semi-detached two-storey properties to the east, set within large grounds, stepped back around 17m, and constructed of stock brickwork and clay tiles. To the southwest of the access road is a large green area, separated into six plots, which are understood to be used as additional residential garden spaces/allotments for the residents of the properties to the east. To the end of the road is a playing field. The Gardens are bounded by woodland to the north and west, which separates and encloses the properties from the A284 further to the southwest.

CHARACTER OF LOCALITY

The wider locality is characterised by a mix of residential properties of varying architectural styles and age. There are a number of Listed Buildings with impressive historic, architectural designs, but more modern residential developments are not absent. To the southeast is St Philip's Catholic Primary School and further south is Arundel Roman Catholic Cemetery. The site is within the Arundel Conservation Area. The area has a mix of uses, and a variety of architectural designs and with many having historic significance.

REPRESENTATIONS

Arundel Town Council - No objection.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:**WSCC Highways (LHA) (10/10/25):**

- The applicant should consider improving the accessibility credentials by proposing improvement to pedestrian infrastructure on desire line - for example, tactile paving at existing dropped kerb crossing Mount Pleasant.
- There are a range of amenities and sustainable/active transport options within suitable walking/cycling distance of the site.
- Visibility from Anne Howard Gardens to London Road complies with Manual for Streets guidance and whilst the national speed limit (60mph) begins just north of the junction, mapping indicates adequate visibility for expected vehicle speeds.
- The access road lacks sufficient width for two-way vehicle movement, but vehicle speeds and volumes are anticipated to be low.
- The applicant should propose a transition from the footway/kerb to the carriageway (within public highway requiring a minor works licence) and confirm if the road is intended for adoption.
- The increase in anticipated vehicle movements from the development are not anticipated to result in an operational capacity concern on the road network.
- A sufficient quantity parking is proposed and cycle parking should be provided and secured.
- The LHA has no major safety or capacity concerns but requests the applicant to consider tactile paving improvements, to confirm if Anne Howard Gardens will be adopted, and to explore improvements to the footway-to-shared-surface transition.

WSCC Highways (14/11/25):

- The applicant has agreed to tactile paving at Mount Pleasant/London Road, confirmed Anne Howard Gardens will remain private, and agreed to kerb transition at the junction.
- Applicant must design and deliver the tactile crossing and kerb transition, and provide a plan so works can be conditioned and delivered via minor works licence.

Archaeological Advisor:

- The rampart north-west of the site, now predominantly occupied by the Castle and the medieval town, may date to the late Iron Age and formed part of a defended enclosure, so archaeological deposits could be present.
- The site may, therefore, lie in the extreme west corner of a significant defended enclosure.
- There is no known reason to object, but trial trenching should be carried out before development to identify and protect any significant remains. This should be secured by a standard condition (e.g., ARC1), which requires an approved archaeological work programme prior to commencement.

Ecologist - More information required (03/10/25):

- The BNG report and Statutory Metric shows a loss of 100% in habitat and hedgerow units. Provision of offsite BNG units is required.
- There are no post development BNG habitats identified in any plans or in the metric.
- Urban developed sealed surfaces and private gardens should be included.
- There is no condition assessment for the habitats present.
- The layout suggests a buffer will be created to the woodland adjacent to the site. This should be secured.
- The Preliminary Ecological Appraisal (PEA) has assessed the proposals for impacts to protected species. One juvenile slow worm was recorded on site. To avoid harm a reptile mitigation strategy is recommended.

- The PEA makes recommendations for ecological enhancements in section 5.3. In line with best practice the integrated bird boxes should be installed at a ratio of 1:1 and the integrated bat boxes 1:2.
- Various conditions suggested.

Ecologist - No objection (12/11/25):

- The BNG report and Statutory Metric shows a loss of 70.32% in habitat units and a loss of 100% in Hedgerow units. Provision of offsite BNG units is required.
- There is still no post development habitat plan.
- Various conditions suggested.

Conservation Officer:

- The application is not considered to cause harm to the significance of the Arundel Conservation Area. It would result in no harm to the setting of nearby designated heritage assets, and therefore would not affect their significance.

Conservation Area Advisory Panel - No objection:

- The site is so concealed from public places and roads that any residential development on the site will have a neutral impact on the character or appearance of the conservation area.
- Even so, given the designated historic asset context, the Panel would expect a high quality of design, materials, detailing and finishes when the detailed scheme is eventually submitted.

South Downs National Park:

- Identifying the need for Local Planning Authority Officers to consider the proposals potential impacts on the setting of the South Downs National Park.
- No comment to make regarding the principle of development.
- Identifying the proximity of the site to the boundary of the National Park and its potential for significant impacts.
- Development within the setting of the Park should positively contribute to landscape, ecosystem services and biodiversity net gain. New planting should all be native and locally characteristic.
- Consideration should be given to the National Park's designation as an International Dark Sky Reserve and that dark skies and tranquillity are both special qualities that need to be protected.
- Encourage any new development to have a sensitive approach to lighting which conforms to the Institute of Lighting Professionals for lighting in environmental zones guidance and tries to achieve zero upwards light spill.
- Recommend that the use of timed black out blinds and/or low transmission glazing should be secured via condition.

Drainage Engineers - Objection:

- The proposal identifies infiltration as the proposed method of surface water disposal. No other sustainable disposal location has been identified.
- Objection regarding National SuDS Standard 1 (Runoff Destination) due to insufficient evidence having been submitted to demonstrate that infiltration is viable.
- We have no indication of the expected groundwater level in the absence of winter groundwater monitoring.
- Infiltration testing was at a single point and single depth only.
- There is a significant slope on site and without alterations to the levels, the slope on the site will exceed 3% to 5%. The impact of using infiltration on the site should be assessed by a competent geotechnical engineer or engineering geologist as it is possible that infiltrating water may cause seepages out of the slope at a lower level, which could cause flooding or instability.
- If infiltration is later found not to be viable, either due to high groundwater or due to the sloping site, it is unclear how the applicant may drain surface water from the site.
- Objection regarding National SuDS Standard 3 (Extreme Rainfall and Flooding) due to the uncertainty

regarding the disposal location and in the absence of greenfield runoff calculations.

- No objection subject to conditions concerning National SuDS Standards 2, 4, 5, 6, and 7 given that the proposal is an outline application with all matters reserved except access.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. During the application's lifetime, the applicant provided additional/amended information to address comments from WSCC Highways and the Council's Ecologist.

POLICY CONTEXT

Designation applicable to site:

Outside Built-up Area Boundary.

Arundel Conservation Area.

2km Buffer for Site of Special Scientific Interest (Arundel Park).

CIL Zone 3.

Adjacent to South Downs National Park.

Nearby to Grade II Listed Buildings.

DEVELOPMENT PLAN POLICIES

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

SDSP1	SD SP1 Sustainable Development
CSP1	C SP1 Countryside
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVSP1	ENV SP1 Natural Environment
ENVDM5	ENV DM5 Development and biodiversity
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HSP1	HSP1 Housing allocation the housing requirement
LANDM1	LAN DM1 Protection of landscape character
LANDM2	LAN DM2 The Setting of Arundel
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WSP1	W SP1 Water
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

[Arundel Neighbourhood Plan 2018-2031 AR1](#)

Arundel Built Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal broadly complies with relevant Development Plan policies in that the site access is acceptable and there is sufficient evidence to conclude that site would be capable of accommodating the proposed quantum of development subject to revision and further consideration of the relevant reserved matters.

The proposal conflicts with relevant Development Plan policies in that insufficient evidence has been submitted to confirm that the proposal could be adequately drained without increasing flood risk on site or elsewhere.

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

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

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG) and the following is a summary of the key points based on the current submission:

- The BNG proposals shows a loss of 70.32% in habitat units and a loss of 100% in Hedgerow units on

site.

- Off-site credits required.

CONCLUSIONS

PRINCIPLE

The site lies outside the Built-Up Area Boundary (BUAB) as defined by Arun Local Plan (ALP) policy SD SP2 and Arundel Neighbourhood Development Plan (ANDP) policy AR1. It is considered countryside under ALP Policy C SP1, which restricts development to specific countryside uses and does not include new residential development.

Residential development on site is contrary to ALP policies SD SP2 and C SP1, and conflicts with the Development Plan. These policies carry reduced weight as Arun cannot demonstrate a five-year housing land supply, with 3.23 years available at present.

As the Council cannot demonstrate a deliverable 5-year supply of housing, Paragraph 11d) of the NPPF is triggered, which states that permission should be granted where the relevant policies are out-of-date, unless policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed (i), or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination' (ii).

It is material that the site is adjacent to the BUAB and is sustainably located. Electric vehicle charging points, energy efficiency measures, and superfast broadband could be secured by condition, and these will help to reduce travel and other emissions.

The proposal is for up to six dwellings, which would make a positive contribution to the current HLS shortfall and help to meet local housing needs, albeit to a limited extent. The development would result in the creation (or retention) of jobs and wages during the construction phase whilst making a small contribution to the overall long-term prosperity of residents and businesses in Arun in perpetuity.

The proposal meets the economic, social, and environmental aspects of sustainable development and the presumption in favour of sustainable development is engaged. Subject to compliance with relevant development plan policies and conclusions regarding the planning balance, the principle of development on this site is acceptable.

LANDSCAPE, CHARACTER, AND DENSITY

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the particular characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. Policy LAN DM2 requires proposals to be of a high design standard that reflects the quality of the landscape and the setting of Arundel and to ensure they do not adversely affect the views of the town of Arundel, its Castle, Cathedral, and its special setting.

Anne Howard Gardens comprises an access road with a linear row of mid-20th century semi-detached two-storey properties to the east, set within large grounds, stepped back around 17m, and constructed of stock brickwork and clay tiles. The designs of their principal elevations are relatively uniform and utilitarian.

The site is best described as a local service centre for the purposes of categorising it when applying the recommended development densities outlined within Section G.02 of the ADG. Section G.02 recommends a density of 30-40dph for terraced dwellings, and 20-30dph for detached and semi-detached dwellings within these areas. The ADG states density should be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character. The illustrative layout plan shows a mix of detached, semi-detached, and terraced housing. The proposed plot densities are generally higher than the recommendations of the ADG, but in particular, the density of plots 4 and 5 are vastly higher than the densities of residential properties within the area, the ADG recommendations, and other plots within the proposal. Had a lower quantum of development been proposed, the plots would likely align more closely with the density recommendations of the ADG and the area generally. Notwithstanding, it is material that permission is applied for up to 6 dwellings and so the Local Planning Authority (LPA) would be able to seek a lower number of dwellings at the reserved matters stage should this be required, following any revisions to the scheme ahead of its submission, and following assessment against the detailed design policies.

The application is outline and does not seek the approval of layout, external appearance, scale, or landscaping. The illustrative layout and submitted technical advice do suggest, however, that the proposal will retain the existing mature boundary planting with the exception of some limited removals. This, combined with the short access road and surrounding built form, would limit the visibility of the development from outside of the site with the exception of from the School Playing Field to the southeast.

The site is within the defined 'Countryside' but it is immediately adjacent to the settlement boundary and to the other side of an established residential road. It would read as a natural extension of built development within the context.

The South Downs National Park Authority have identified that they have no comment to make on the principle of development at this site. They outline the need to assess the direct/indirect impacts on the South Downs National Park (SDNP) but provide no views on the potential impacts the development may have, other than that being immediately adjacent to the SDNP boundary, it has the potential to have significant impacts.

In respects of the site, it is a well-concealed site with minimal visual presence within the wider public realm due to the substantial tree planting to its boundaries (largely indicated for retention) and the presence of established residential built form to the northeast. No design details are provided at this stage of the development, and so limited views can be made in respects of how the development will integrate with the visual amenities of the wider area. However, as residential development, it would generally conform to the established character of the area, and as discussed above, the site could potentially accommodate up to 6 No. dwellings subject to appropriate revisions.

For the reasons outlined above, and from the details provided and based on what can be assessed at this stage, the proposal would not likely prejudice the setting of the SDNP. For the same reasons and considering the Conservation Officer's comments in respects of notable heritage assets within the area that contribute to Arundel's setting, the proposal would not harm the setting of Arundel either.

It is foreseeable that the site would be capable of accommodating up to six dwellings, but in the indicative format shown, it is likely that plots 4 and 5 would be considered overly dense and an overdevelopment. As the proposal is for up to six units, rather than six explicitly, and the layout, scale, and type of dwelling are not being approved under this application, this is not a reason to refuse the application. Subject to revision and a more detailed consideration of a finalised layout at the reserved matters stage, an agreeable quantum, layout, and design for up to 6 dwellings could be achieved. On this basis, there is no conflict with the ALP policies D SP1, D DM1, LAND DM1, or LAN DM2.

HIGHWAYS, TRANSPORT AND PARKING

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

Para 115 of the NPPF states: "In assessing... specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 116 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."

The application proposes to make use of an existing vehicular access from London Road, and the indicative layout includes a new turning head to allow for the effective turning, and off-street parking provisions for the existing dwellings to the northeast of the access road, as they are currently dependant on on-street parking. WSCC Highways have not identified any objections to the principle of the development, nor raised capacity or safety concerns. They have, however, suggested improvements to existing pedestrian routes at the access and at Mount Pleasant/London Road. The applicant has agreed to these matters and instructed the preparation of a plan to account for the offsite works. Whilst both of these improvements have been suggested by WSCC Highways and are understood to be agreeable to the applicant, they could not both be secured by condition under this application or at the reserved matters stage. The improvements at the Anne Howard Gardens access fall within the site boundary and as a matter to be assessed at this outline stage. They could, therefore, be secured as an approved document (if produced) or to be included at the reserved matters stage by way of condition had this application approved. However, the improvements at Mount Pleasant/London Road are offsite and could only be secured by way of legal agreement or Grampian condition. The improvements at Mount Pleasant/London Road would not materially alter the acceptability of the scheme overall, and as such, would not meet the tests of a Grampian condition, and in the absence of a legal agreement to secure them, they could, therefore, not have been secured. If the applicant is inclined to provide the improvements at Mount Pleasant/London Road, they could form part of a bespoke legal agreement or be included within the red edge and in plan format under a further submission/appeal, or they could be undertaken in consultation with WSCC Highways as a non-planning matter.

The indicative layout has shown 2 No. parking spaces per dwelling and identified them as two-storey dwellings. The number of bedrooms is unconfirmed, but it is assumed they are 2-3-bedroom units. In which case, 2 No. spaces per unit would be satisfactory in accordance with the Arun Parking Standards SPD. The spaces would need to be in accordance with the dimensions outlined in Section I of the ADG. 2 No. visitor parking bays are also shown which complies with the Arun Parking Standards SPD.

As the site plan provided is indicative only, compliance with the Arun Parking Standards SPD will instead be determined at the reserved matters stage.

The site is sustainably located and would likely have provided improvements to existing pedestrian routes (subject to the commissioned plans being secured). The proposal is, therefore, in accordance with ALP policy T DM1.

In respects of the access, the proposal seeks to re-use an existing access and would not materially alter the character or intensity of its use, nor would it result in any operational capacity concern for the nearby

road network. Additionally, no objections have been identified by WSCC Highways in respects of its safety, and therefore, the proposed access is in accordance with ALP policy T SP1.

HERITAGE ASSETS

The site is within the Arundel Conservation Area and within proximity to 3 No. Grade II Listed Buildings.

No. 7 London Road is a Grade II listed Tudorbethan cottage built around 1870 and is of architectural and historical interest.

Nos. 9-11 London Road is a former pair of Tudorbethan cottages built around 1870 and attributed to J.A. Hansom. It was converted into a single dwelling by 1982 and remains as such. It is of architectural and historical significance but its wider setting is informed by several listed and non-designated heritage assets which form a cohesive group and enhances their significance.

St Philip's R.C. Primary School, built in 1898, is a Grade II Listed Building of architectural, and historical significance. It is best appreciated from London Road and forms part of a cohesive group of Victorian buildings. It is also enhanced by its group value, which includes Listed Buildings Nos. 7 and 9-11 London Road, the Roman Catholic Cemetery Lychgate and Cross, St Mary's Hall, and Arundel Cathedral.

The Arundel Conservation Area encompasses the historic core of the town, Arundel Castle, and the cathedral. It includes wealth of buildings, many listed and locally listed buildings, which represent architectural form and style through progressive periods, which form a cohesive and contained hillside town.

ALP policy HER SP1 states development likely to prejudice heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings.

Para 207 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 208 requires LPA's to identify and assess the particular significance of the heritage asset that is affected. The LPA must consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is necessary to counterbalance 'less than substantial harm' with the level of public benefits associated with the proposal (as set out in para 215).

The application has been supported by a Heritage Statement that accurately identifies heritage assets of relevance and comes the following conclusions, which have been corroborated by the ADC Conservation Officer. The site is situated in a discreet location and is largely hidden from view from the wider area. It sits between the modern A234 and a cul-de-sac that accesses three pairs of post-war semi-detached houses. The site makes no contribution to the significance of the conservation area. For the same reasons, the site also does not form part of the settings of the Listed Buildings identified.

Officers are in agreement with these findings, and no harm to the significance or setting of nearby heritage assets has been identified. On this basis, the proposal is in accordance with ALP policies HER SP1, HER DM1, and HER DM3, and the NPPF.

ARCHAEOLOGY

ALP policy HER DM6 states that where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires a desk based archaeological assessment be submitted.

No such assessment has accompanied the application and the site is not in an Archaeological Notification Area, however, the site is adjacent to the outer edge of an archaeological notification area concerning the multi-period archaeological features within Arundel Park. Full comments from the Archaeological Advisor are available on the Council's Website, but the Archaeologist has identified that the development may sit at the extreme western edge of a significant, historic, defended enclosure, where archaeological deposits may be present. They have noted there is no known archaeological reason to object to the development, but that the site should be evaluated through trial trenching before work begins, which can be secured by a standard condition to secure further field work. Such a condition would be reviewed and likely attached at the reserved matters stage.

The application generates no conflict with ALP policies HER SP1 or HER DM6.

RESIDENTIAL AMENITY, NOISE, AND THE QUALITY OF ENVIRONMENT

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The ADG sets out guidance on garden depths and interface distances between houses. ALP policy D DM2 requires internal spaces to be an appropriate size, having regard to the Nationally Described Space Standards.

The indicative layout identifies the two-storey dwellings to have a minimum footprint of 35sqm, meaning a 70sqm minimum over two storeys. While floor plans are yet to be provided, it is anticipated that sufficient internal amenity space would be provided to comply with the Nationally Described Space Standards in accordance with ALP policy D DM2.

The site is well separated from surrounding built form. The nearest residential properties are those to the northeast side of the access road which are a sufficient distance away to not be adversely impacted in terms of residential amenity, by new two-storey dwellings to the other side of the road as envisioned.

Section H.04 of the ADG provides guidance for minimum separation distances between dwellings. The indicative layout conforms to the front to front and back/front to side measurements at present. There is sufficient space between dwellings on this basis.

Section H.04 of the ADG also identifies that rear gardens should be a minimum of 10.5m in depth. The indicative layout has not achieved this for plots 4 and 5, nor plot 6, but it is noted that plot 6 benefits from a wrap-around amenity space. The rear amenity spaces of plots 4 and 5, as shown, would not be sufficient and detrimental to the amenity of its occupiers.

The indicative layout would not likely be concluded to provide sufficient amenity for residents. However, the indicative layout does not form part of this determination and the proposal is for up to six units. On this basis, there is no conflict with ALP policies D DM1 or QE SP1, and subject to revisions and a more detailed consideration of privacy and residential amenity issues at the reserved matters stage, an agreeable quantum, layout, and design for up to 6 dwellings could be achieved.

NOISE POLLUTION

Policy QE DM1 states that residential development likely to experience road or rail noise must (a) be supported by a noise exposure category assessment and designed to ensure that residents will not be adversely affected by noise; and (b) consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future.

The site is adjacent to a playing field associated with the nearby primary school, which may be subject to activity or infrequent events during daylight hours Monday-Friday. Such activity is likely to be of limited scale and not extensive in duration. The development will not likely experience any significant adverse

noise impacts from the playing field.

The A284 lies approx. 17m from the western border of the site and approx. 25m from the nearest elevation on the indicative layout (not accounting for topographical incline). There are very dense, mature tree planting and a significant topographical incline between the A284 and border of the site. While the site is in proximity to this road, given the intervening distance, planting, and incline, the dwellings are unlikely to experience any significant adverse noise impacts from this road.

The application has not been accompanied by a Noise Assessment, however, with consideration of the above, it is unlikely that noise impacts from the identified noise sources would adversely affect the proposal and it is, therefore, in accordance with ALP policies QE SP1 and QE DM1.

LIGHT POLLUTION

ALP policy QE DM2 sets out restrictions and conditions on new lighting proposals.

It is unclear whether the proposal would require any outdoor lighting, but this is understandable and acceptable given the outline nature of the application. A condition could be imposed at the reserved matters stage to either require the approval of lighting details. Such a condition could be worded to ensure lighting does not spread onto adjacent land and is sensitive to bats/other wildlife using the planted areas of the site. It could also be worded to include consideration of ILP Guidance and to ensure it would have no adverse impact on the South Downs International Dark Sky Reserve designation.

On this basis, there is no conflict with ALP policy QE DM2, and it would accord with the request from the National Park Authority.

DRAINAGE AND FLOODING

ALP policy W SP1 seeks to encourage water efficiency measures and enhance the quality of the water environment, including reducing the risk to homes from flooding.

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SuDS) as appropriate to the size of development.

NPPF Paragraph 181 states that, amongst other things, 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.'

NPPF Paragraph 187(e) states that, amongst other things, 'Planning policies and decisions should contribute to and enhance the natural and local environment by:... preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of... water pollution or land instability'.

The site is not affected by current or future flooding from rivers/sea and is in Flood Zone 1. It is not at risk of surface water flooding nor groundwater flooding. The submission includes a Flood Risk Assessment and Drainage Strategy (FRA) which determines that the development site is not at risk of any form of flooding.

The drainage strategy proposes infiltration as its method of draining surface water from the site and has not identified any available alternative methods/outfall locations. The ADC Drainage Engineers have objected to the application on the basis that it has not been adequately evidenced that infiltration is a viable method of draining surface water from the site.

No winter groundwater monitoring has been submitted to inform the drainage design. Groundwater levels vary considerably across the District, and the absence of evidence that confirms peak groundwater levels

across the site makes the viability of infiltration conjecture. A 1m freeboard of unsaturated ground between the base of any proposed infiltration feature and peak groundwater levels is an explicit requirement of the Nationally Described Space Standards, and without evidence confirming peak groundwater levels, it cannot be confirmed that infiltration will be viable. The site also experiences a significant topographical decline and depths to peak groundwater levels are likely to vary in different parts of the site.

Without alterations to the levels of the site, the slope on the site will exceed 3% to 5%, and it is, therefore, possible that infiltrating water could cause seepages out of the slope at a lower level and could cause flooding or instability. Therefore, the impact of using infiltration at the site needs to be assessed by a competent geotechnical engineer or engineering geologist to confirm if this methodology is appropriate and viable on site.

Only a 2-page excerpt of the ground investigation report was submitted in support of the application. The infiltration testing submitted was at a single depth. This will need to be supplemented by testing at depths appropriate for different infiltration features and their respective depths at the reserved matters stage.

Insufficient evidence has been provided to evidence that infiltration is viable. As such, there is insufficient evidence that the proposal could be viably drained without increasing flood risk elsewhere in conflict with ALP policies W SP1 and W DM3, and NPPF Paragraphs 181 and 187(e).

It has been considered whether the matters of undertaking further geological assessments, winter groundwater monitoring, and any further infiltration tests that may be required to confirm that infiltration is viable on site, could be left to condition or as a reserved matter, however, this is not the case. The grant of outline permission subject to such conditions or to be dealt with as a reserved matter, would potentially result in the outline permission being unimplementable as there remains significant uncertainty that the site could be sustainably drained while accounting for the slope and without increasing flood risk on site or elsewhere.

BIODIVERSITY AND ECOLOGY

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. ALP policy ENV SP1 states that the Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment and seeks to protect both designated and non-designated sites.

The site is located within the 2km buffer zone for the Arundel Park SSSI. Given the modest scale of development, that it resides within existing allotment gardens and immediately adjacent existing residential development, the proposals are unlikely to have any material impact on the SSSI.

The application is accompanied by a Preliminary Ecological Assessment (PEA), Biodiversity Net Gain (BNG) Report, and accompanying assessments.

- One juvenile Slow Worm was found on site.
- No evidence of bat roosts was found, nor is their potential for roosts.
- Bats may use mature trees surrounding the site for foraging/commuting.

The report recommends various mitigation and enhancement measures during the development process. They are as follows:

- Replacement planting.
- Sensitive lighting scheme.

- If site clearance works are scheduled to take place within the breeding season (March-July/August), the habitats on site should be checked in advance by an experienced ecologist, for the presence of active bird nests. Subsequent actions necessary if active nests are found.
- Mitigation strategy for reptiles prior to, and during, works prescribed.
- Various enhancement measures prescribed.

The BNG proposals shows a loss of 70.32% in habitat units and a loss of 100% in Hedgerow units on site. No post-development habitat plan has been provided, but as identified within the submitted PEA, landscaping and site layout is a reserved matter, and so it would be difficult to produce a post-development habitat plan at this stage and quantify any on-site BNG enhancements that may ultimately arise. It has been identified that the intention will be to improve upon the on-site biodiversity enhancements at that stage. It is prudent to make clear that off-site biodiversity gains through credits is a last resort and every effort to achieve a 10% on-site BNG should be made.

The Council's Ecologist has comprehensively assessed the proposals and states no objection subject to mitigation and enhancement measures being secured. Subject to further consideration and review of the evolved scheme at the reserved matters stage, and subsequently appropriate conditions, there is no conflict with ALP policies ENV SP1 or ENV DM5.

TREES

Policy ENV DM4 states TPO protected trees, those in ancient woodland, in a Conservation Area or trees that contribute to local amenity should not be damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland.

The site is not subject to TPO but is covered by the Arundel Conservation Area. The mature trees to the northern and western boundaries contribute heavily to the amenity of the landscape and the locality.

Trees of relevance to this site are predominantly off-site at the north and west site boundaries. The indicative proposals indicate that any forthcoming proposal would be capable of primarily retaining the majority of mature tree planting with an acceptable buffer to separate development from their root networks. Limited tree removals may be required as identified within the supporting information, but none of those identified would be a significant impediment to development and could be adequately compensated for with a supplementary planting condition at the reserved matters stage once landscaping has been considered and reviewed. As for the protection of trees during construction, a Tree Protection Plan has been submitted but until full details of the layout and landscaping have been considered, it would not be appropriate to secure these the plan, and in any case, it is likely that further information regarding the measures to be implemented would be required.

Subject to further consideration and review of the evolved scheme at the reserved matters stage, and subsequently appropriate conditions, there is no conflict with ALP policy ENV DM4.

CLIMATE CHANGE

ALP policy ECC SP2 requires all new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ALP policy ECC SP1 requires new development be designed to adapt to impacts arising from climate change.

A condition would need to be imposed at the reserved matters stage to ensure that the policy requirements are incorporated into the reserved matters application and the final build. This would ensure no conflict with the relevant policy.

SUMMARY

There is conflict with the ALP in terms of development in the countryside, however, Paragraph 11(d)(ii) is

triggered, and the tilted balance for the presumption in favour of sustainable development is in effect. The principle of residential development on this site is acceptable. However, the proposal does not sufficiently demonstrate that the site can be adequately drained through infiltration methods and does not identify any alternatives. Therefore, the proposal does not confirm that flood risk will not be increased on site or elsewhere by the proposed development in conflict with ALP policy W DM2 and W DM3, and NPPF Paragraphs 181 and 187(e).

Even though this is an outline application, as the only known sustainable method of draining the site available is via infiltration, drainage is a fundamental aspect in the assessment of the principle of the development and whether the site can be developed in the manner proposed. Therefore, for the reasons outlined above, the application should be refused.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application would have been CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

REFUSE

- 1 The proposal does not sufficiently demonstrate that the site can be adequately drained through infiltration methods, and does not identify any alternatives. Therefore, the proposal has not sufficiently evidenced that flood risk will not be increased on site or elsewhere in conflict with ALP policies W SP1 and W DM3, and NPPF Paragraphs 181 and 187(e).
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local

Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. It has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. The Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.