

Recommendation Report for Planning Permission

REF NO: AB/148/17/PL

LOCATION: Wooded Land South West of Dalloway Road
Arundel

PROPOSAL: To provide 4 No. detached houses on existing semi natural woodland site. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to the provision of 4no. 3 bedroom, 2 storey dwellings which would have timber clad elevations. Access would be gained from Priory Lane. Each dwelling would have 2 car parking spaces. The proposal would involve felling of some trees.
SITE AREA	6,100 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	65 dwellings hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Timber and wire fencing to boundaries to existing dwellings
SITE CHARACTERISTICS	The site is a wooded area with a public footpath running east to west through the southern part of the site. The site is bordered to the north and east by single storey residential dwellings. Priory Lane runs along the western boundary. The southern boundary is agricultural.
CHARACTER OF LOCALITY	The character of the area is predominantly rural.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

Objection

The Committee objected to the application on the grounds that it would situated outside the settlement boundary for Arundel where the proposed development would result in the unacceptable loss of ancient woodland that is of significant amenity value to the edge of this part of the settlement and produce a form

of development that would be concentrated adjacent to the boundary with existing properties where the intended large buildings and gardens of limited depth would appear cramped and incongruous in this sensitive wooded location.

81 Objections including Ward Member -

Site is a Special Site of Scientific interest (SSSI) and is habitat to lots of wildlife including rare endangered species.

Part of Tortington Common/Binsted Woods /Stewards Copse interconnecting Ancient Woodland.

This is an amenity area enjoyed daily

At least 15 mature Oak trees would be lost.

It probably also has a covenant on it prohibiting it from any buildings or to be built and to be kept an amenity area

2 storey dwellings would be at odds with the single storey bungalows in Birch Close

Removal of trees would increase surface water run off.

Up to date environmental surveys of Stewards Copse show considerable plant life and 13 species of bats.

It does not feature as an area for development in the neighbourhood plan for Arundel.

Access to the site is onto Priory Lane which is unsuitable. No other development has access to it and delivery vans and refuse collection vehicles may not have adequate access to the site.

Construction would cause considerable damage and nuisance to a wider area than the proposed site, particularly in view of its limited accessibility.

Footpath 342 runs through this site and is subject to a Definitive Map Modification Order Application to upgrade the footpath to a bridleway which requires a min width of 3m.

Our recent personal application for a 3ft tall post and rail fence in Birch Close opposite the proposed site for the new houses was turned down on the grounds that-

"The proposal would result in the introduction of an unacceptable appearance and sense of enclosure which would therefore be out of keeping with the character and appearance of the locality and give rise to unacceptable detriment to visual amenity in conflict with policy GEN7 of the Arun District Local Plan, 2003 and policies D DM1, D DM4 and D SP1 in the Emerging Arun Local Plan 2011-2031 (Publication Version, October 2014)."

Arundel requires sustainable affordable housing in a suitable area not 4 more overly expensive homes accessible to an affluent niche clientele and destroying ancient woodland and a delicate ecosystem at the same time.

Arundel is situated on a flood plain and many areas are seriously susceptible to flooding and saturation. The development may have a significant effect on bio-diversity which would call the application of the ecological mitigation hierarchy as set out in NPPF and NPPG. Avoidance, Mitigation or Compensation would be very difficult if not impossible for the plans as submitted.

Woodland Trust - Objection .Ancient woodland is irreplaceable; once lost it cannot be recreated. Any development resulting in damage or loss to ancient woodland is unacceptable and must be avoided at all costs. The construction of four houses in this small area of ancient woodland would totally devastate the wood and the wildlife that uses it. This application clearly contravenes both national and local policy designed to protect irreplaceable ancient woodland. In simple terms these houses do not have to be located in ancient woodland and therefore should not be sited here

One Support -

There have been comments regarding the large loss of trees on site, as is evident from the plans, this is clearly not the case, the dwellings have been designed and located in order to minimise loss of trees. In fact the dwellings occupy a very small proportion of the site, leaving plenty of habitat for flora and fauna

with mitigation measures provided in the application.

There have been comments as to the footpath, this is sited in accordance with WSCC signage and will be improved according to the planning information, to provide access for all, the development will not compromise access through the site to other areas of woodland.

There have been objections as to access from Priory Lane, given the very light traffic use of the lane and the lack of objections from Highways Department, I understand the objections, however development has to be somewhere. The plans for this site are sympathetic and totally in keeping with their natural surroundings.

COMMENTS ON REPRESENTATIONS RECEIVED:

The site does not lie within Stewards Copse and is not defined as a Site of Local Importance for Nature Conservation or a Site of Special Scientific Interest. Presence of Covenants is a private legal matter. It is agreed that the proposal would adversely affect the character and appearance of a wooded area and does not contain adequate mitigation with regard to wildlife or trees. The application has been objected to by County Highways.

CONSULTATIONS

WSCC Strategic Planning

Arboriculturist

Engineering Services Manager

Engineers (Drainage)

Natural England

Ecology Advisor

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Ecology Officer - Ancient Woodland

Due to the presence of ancient woodland to the site following Natural England's guidelines a 15m buffer must be put in place where no development or works can take place to ensure the ancient woodland is not negatively affected by the works. Fencing should be used to ensure this area remains undisturbed.

Bats - As detailed within the preliminary ecological appraisal (May 2017) we require that further bat activity surveys are required to determine the use of the site by bats and the level of foraging and commuting taking place on the site. We also require that a tree climbing assessment is undertaken to determine whether bats will be roosting within them.

Both these surveys and any subsequent mitigation strategies which are required will need to be submitted to us prior to determination.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Dormice - The hedgerows, scattered trees and scrub provide habitat for dormice onsite. Due to this and the records of dormice within the local area we require that further dormice surveys are undertaken for the site during the active period April to October. If dormice are found to be present onsite mitigation will be required and a mitigation strategy should be produced and also submitted with the planning

application prior to determination.

Reptiles - There is good quality habitat for reptiles onsite. Surveys should be undertaken by a suitably qualified ecologist and submitted with the planning application prior to determination. If reptiles are found then a mitigation strategy will also need to be produced and submitted prior to determination

Badgers- Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced.

Nesting Birds - Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

Tree Officer - Objection. This woodland compartment represents an important buffer between existing development and agricultural land/woodland. It has been designated Ancient & Semi-Natural woodland status. I have assessed it as being of high quality with good diversity of native tree species, mixed age-class and good overall structure throughout. It is undoubtedly an important wildlife habitat.

- It makes a significant contribution to, and has a long-standing relationship with the local landscape.
- Among the list of trees proposed for removal are several good quality specimens of significant stature, which contribute significantly to the value and character of this woodland.
- In respect of trees marked for retention, these will inevitably come under pressure to be pruned as they would overhang gardens, buildings and driveways. The majority grow on the southern aspect of proposed dwellings; bearing shade and discarding debris onto the same during periods of inclement weather which is likely to generate some concern thereby adding further pressure.
- While no Arboricultural Method Statement (AMS) or 'Site Set Up' plan has been submitted, it is likely that further damage/disruption to the woodland ecology would occur (in addition to the proposed tree removals) during; the establishment of site access, ongoing construction, storage of materials, installation of utility apparatus and any surface water drainage work.

Recommend the making of a Tree Preservation Order to cover the entire woodland compartment.

County Rights of Way Officer - It is noted this section of FP342 is part of a recent Definitive Map Modification Order application for reclassification as a public bridleway. There is an obvious benefit for cyclists and horse riders to have this length of FP342 upgraded to bridleway.

The Local Plan Policy Gen 3 seeks to improve quiet, informal recreation by creating safe routes for cyclists;

A new Local Plan has not yet been adopted; however this proposal would meet the 'Our Kind of Place' Vision and drafted ambitions for sustainable and connected access. If minded to grant planning consent, is requested the applicant is required to dedicate the section of FP342 between Dalloway Road and Priory Lane as public bridleway under the Highways Act 1980 section 25 and to provide a 3.0m width, free of stiles and gates, and surfaced to a specification agreed in advance with the WSCC PROW service.

Natural England - Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected site.

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a

development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

Natural England advises that the proposals as presented have the potential to adversely affect woodland classified on the ancient Woodland Inventory

County Highways - Objection. Further Information Required including swept path tracking where necessary and demonstration that safe and suitable access can be achieved into the site. The applicant should therefore provide a plan demonstrating the maximum achievable visibility splays at the site access point.

These splays shall be contained wholly within land under control of the applicant or that considered public highway.

Drainage Engineer - No Objection subject to the imposition of appropriate conditions

COMMENTS ON CONSULTATION RESPONSES:

Given the comments of the Ecology Officer in relation to Reptiles, Dormice and Bats further mitigation strategies are required to be submitted prior to determination and this is included as a reason for refusal. The comments of the Tree Officer and County Highways are included as reasons for refusal.

POLICY CONTEXT

Designation applicable to site:-

Outside Built Up Area Boundary
Ancient Woodland
Public Right of Way

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN15	Cycling and Walking
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1	Aspects of Form and Design Quality
D SP1	Design
C SP1	Countryside
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
ENV SP1	Natural Environment
ENV DM4	Protection of Trees

ENV DM5 Development and Biodiversity

QE SP1 Quality of the Environment

[Arundel Neighbourhood Plan 2014 POLICY1:](#)

The Presumption in Favour of Sustainable Development

Arundel Neighbourhood Plan 2014 POLICY 3:

Housing Supply

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017. The Main Modifications to the Arun Local Plan (2011-2031) were out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing

- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Policies 1 and 3 of Arundel Neighbourhood Plan are considered relevant to determination of this application.

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 is considered to conflict with relevant Development Plan policies in that it would not constitute sustainable development and would have a materially adverse effect on the visual amenities of the locality and the established character of the surrounding area and based on the submitted information could potentially adversely affect protected species.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is outside the built up area of Arundel in a location that is not allocated for housing in the Local Plan 2003. The site is similarly not identified in the emerging Arun District Local Plan. The policies of most relevance are saved policies GEN2 and GEN3 of the Arun District Local Plan (ADLP) and policies 1 & 3 of the Arundel Neighbourhood Plan. Policy GEN2 states that outside of the built up area boundary (BUAB), development will not be permitted unless it is consistent with other ADLP policies.

Emerging Development Plans

This includes the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified March 2017 ('the modified eALP'); and the main modifications published in January 2018.

The eALP was submitted for examination in January 2015. However, following a material increase in the Objectively Assessed Need (OAN) for housing, the eALP examination was suspended to allow ADC to review potential additional locations for housing development. The proposed Modifications were approved by Full Council and consultation took place on the new document ("Arun Local Plan 2011-2031 Publication Version showing Modifications") between 10 April and 30 May 2017.

The hearing sessions into the examination of the Arun District Local Plan ended on Thursday 28 September 2017 and the Inspector has since written to the Council to set out his 'Interim Views following the Hearings'. The Council responded to this document on 22/11/17.

Policy H SP1 "Housing Allocation" of the modified eALP sets out the overall provision of 20,000 new

homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional allocations for small sites being made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans.

Policy SD SP2 "Built up Area Boundary" states that outside the BUAB, apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies. In addition, Policy C SP1 "Countryside" states that residential development in the countryside outside of the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. As the proposed site does not form part of a proposed allocation and is not in accordance with another policy within the eALP, the exception would not apply and the proposal would be contrary to eALP policies SD SP2 and C SP1.

The proposed development is not located in a strategic, site specific or broad allocation in the eALP, so the application will need to be considered alongside other plan policies.

ADLP Policy GEN3 "Protection of the Countryside" states that except for various categories of development (of which none apply to the application proposal), development within the countryside will not be permitted. As this site lies outside the nearest BUAB, it is categorised as being within the countryside and the scheme would therefore conflict with ADLP Policies GEN2 and GEN3. The principle of a residential development in the location proposed is considered to conflict with policy GEN3 of the Arun District Local Plan.

However, the Local Planning Authority are unable to demonstrate a 5 year supply of housing land as required by paragraph 49 of the NPPF. There has been an almost doubling of the objectively assessed need (OAN) for the Arun District to 919 dwellings per annum (dpa) and the current reported housing land supply figure for Arun District is only around 2.07 years (as at 31/03/17).

The Arundel Neighbourhood Plan is more than 2 years old. The Publication Version of the Local Plan (excluding the spatial portrait, employment and enterprise, housing allocations, transport, monitoring and implementation sections) is dated 14 February 2014. This version of the eALP was tested at Examination and subsequently revised into the modified version. Both of these documents predate the version of the eALP which was tested at Examination and subsequently revised into the modified version. Therefore only limited weight can be given to the conflict with the Arundel Neighbourhood Plan to protect the countryside, as the context within which the Arundel NP was prepared has significantly changed.

The NPPG has provided clear guidance on the issue of the weight that can be given to both the adopted local plan and emerging or made Neighbourhood Plans where the Council cannot demonstrate the 5 year supply of deliverable housing sites. Therefore the adopted development plan policies relating to housing supply are out of date and the emerging Local Plan policies carry limited weight at this time.

As a result of out of date development plan policies and the absence of a 5 year housing land supply, paragraph 14 of the NPPF is engaged and this states that:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. It is considered that the relevant development plan policies (GEN2, GEN3, 1 & 2) are out-of-date because of:

- (a) the state of the Councils Housing Land Supply (HLS) at 2.07 years;
- (b) the fact that the Written Ministerial Statement (WMS) on Neighbourhood Planning (12 December 2016) does not apply;

(c) Paragraph 49 of the NPPF which states that "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites";

For decision-taking this means:

- approving development proposals that accord with the development plan without delay and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: (i) 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 or (ii) specific policies in this Framework indicate development should be restricted"

Therefore it is necessary to apply the tilted balance argument (granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole). Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites"

As set out above, the policies for the protection of the countryside within the development plan are out of date and can be afforded limited weight and this means that the presumption in favour of sustainable development set out in paragraph 14 of the National Planning Policy Framework (NPPF) applies. The following considers the proposals against the presumption in favour of sustainable development. It should be noted that paragraph 7 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

NPPF TEST ON SUSTAINABILITY

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. The assessment in respect of these three roles of sustainability as identified in the NPPF is set out below.

Environmental Role -

Paragraph 7 of the NPPF advises that the environmental role includes contributing to protecting and enhancing our natural, built and historic environment and, as part of this, helping to improve biodiversity. For the reasons set out below in this report the proposal is considered to have an adverse impact on biodiversity and an ancient woodland habitat and would not therefore meet with this role.

This role would also not be met as the proposal would have an adverse impact on the visual amenities and character of the area as well as an unneighbourly impact on the occupiers of neighbouring properties. In addition it has not been established that safe and suitable highway access can be achieved and that protected species have been suitably identified and mitigation measures put in place.

The site is located outside of the built up area boundary but within close proximity to other dwellings in Dalloway Road. However these are not accessed from Priory Lane. The nearest bus stop is located approximately 60m to the east of the site, with The Swan public house located 90m to the North, (but this most direct route along Priory Lane would be accessed via an unlit rural road with no footpaths).. The

nearest local convenience shop is located approximately 70m away. These are considered to be acceptable walking or cycling distances. The proposed site therefore benefits from adequate access to local facilities and public transport and as such would accord with Paragraph 55 of the NPPF.

Social Role -

Social Sustainable Development: The NPPF makes it clear that sustainable development involves seeking positive improvements in peoples quality of life and this includes widening the choice of high quality homes. It also emphasises the need to boost significantly the supply of land for housing. The scheme would deliver 4 units. Provided they would be constructed to a high standard and provide a good level of amenity both for existing neighbours, future occupiers and the general public they would provide social benefits. The shops at Arundel and education facilities are within walking distance. Therefore this is considered to be in the schemes favour.

Economic Role -

It is considered that the proposed development will result in a small amount of Council Tax and Business Rate receipts as well as provide a small number of jobs during construction. Therefore, the proposed development would provide a small benefit to the local economy which is in favour of the proposed development.

It is deemed that the proposal constitutes unsustainable development in conflict with the NPPF since it does not meet the environmental role.

CHARACTER AND APPEARANCE

The proposal is contrary to policy GEN3 of the Arun District Local Plan by virtue of its location outside of the built area boundary and it is also considered that the proposed development gives rise to unacceptably adverse harm to character and appearance of the area. The provision of 2 storey dwellings in this location would add to the prominence of development in this semi-rural locality which is characterised by development in Birch Close which is single storey in nature and which is well screened by existing woodland. The dwellings would have balconies and a significant length of glazing at first floor level on their front elevations facing into the woodland which would increase their visual presence in the woodland. Whilst they are designed to be low profile with timber clad elevations they would still be visually intrusive given their height and the number of trees which would be required to be removed to facilitate their positioning.

LOSS OF WOODLAND AND IMPACT ON BIODIVERSITY

This woodland compartment represents an important buffer between existing development and agricultural land/woodland. It has been designated Ancient & Semi-Natural woodland status. It is of high quality with good diversity of native tree species, mixed age-class and good overall structure throughout. It is undoubtedly an important wildlife habitat.

It makes a significant contribution to, and has a long-standing relationship with the local landscape. Among the list of trees proposed for removal are several good quality specimens of significant stature, which contribute significantly to the value and character of this woodland. The trees marked for retention will inevitably come under pressure to be pruned as they would overhang gardens, buildings and driveways. The majority grow on the southern aspect of proposed dwellings; bearing shade and discarding debris onto the same during periods of inclement weather which is likely to generate some concern thereby adding further pressure.

It is likely that further damage/disruption to the woodland ecology would occur (in addition to the proposed tree removals) during the establishment of site access, ongoing construction, storage of

materials, installation of utility apparatus and any surface water drainage work.

This development proposal would irrevocably spoil the character of the woodland and wider area and lead to a progressive deterioration of the remaining habitat.

Inadequate information has been submitted regarding protected species surveys and mitigation and it is difficult to see how a satisfactory level of mitigation/compensation for the loss of such habitat could be achieved.

RESIDENTIAL AMENITY

The dwellings would be positioned behind existing single storey dwellings in Birch Close. The closest dwelling would be Plot 3 which would be 7m from the rear boundary. The proposed dwelling would have a rear elevation height of 5.4m. This distance and height is considered inadequate for a 2 storey dwelling and would result in materially adverse overbearing on nos 1 and 2 Birch Close to the rear. The proposal would also result in adverse overlooking from the rear bedroom window, although this could be conditioned to be obscure glazed. The generally accepted 10m garden length which provides a modest sized garden to accommodate a sitting area, clothes drying area, sheds and an area to play has not been met. The proposed dwellings would also reduce a wooded area utilised for recreation by local residents.

The gross internal floor areas of the dwellings exceed the nationally prescribed gross internal space standards for 3 bedroom, 6 person dwellings .

HIGHWAY CONSIDERATIONS

The level of information submitted with the application is not adequate to determine whether safe and suitable access is achievable. The applicant has not provided a plan demonstrating the maximum achievable visibility splays at the site access point. The maximum achievable splays should be supported by way of a seven day automated speed survey to demonstrate the splays provided are adequate for the 85th percentile wet weather road speeds.

Priory Lane is narrow in nature and the applicant has not demonstrated if it would be achievable for a fire tender to access the site using the proposed access arrangements via swept path tracking. The site layout provided does not provide the opportunity for a fire tender to turn on site.

Waste collection vehicles should be able to get to within 25 m of the storage point. The layout of the site may therefore require a refuse vehicle to enter the site; a turn on site for a refuse vehicle may then be required. Neither of these matters has been satisfactorily demonstrated with the plans provided. I would as the applicant consider the above matters and provide additional details including swept path tracking where necessary.

These details when provided may result in further unacceptable visual encroachment into the wooded area and additional loss of habitat and trees..

CONCLUSIONS

Although the Local Planning Authority are unable to demonstrate a 5 year supply of housing land as required by paragraph 49 of the NPPF paragraph 7 of the NPPF requires environmental gains should be sought.

it is not considered that this proposal would accord with the NPPF since it would detract from the established woodland character of the locality and would result in a loss of trees important in the landscape which provide a valued habitat and would not meet the environmental sustainability role.

The application is therefore recommended for refusal for the following reasons

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.

RECOMMENDATION

REFUSE

- 1 Given the height of the proposed dwellings they would result in an obtrusive form of development which would be detrimental to the semi-rural character and amenities of the surrounding area, and the residential amenity of the dwellings in Birch Close contrary to policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework (NPPF).
- 2 The proposal contains insufficient information in respect of the presence of bats, dormice and reptiles and the mitigation/compensation for the loss of such habitats contrary to policy GEN29 of Arun District Local Plan and paragraph 118 of the NPPF.
- 3 It has not been satisfactorily demonstrated that safe and suitable access can be provided or that the site can accommodate adequate facilities to enable vehicles to turn on the site and so enter and leave the highway in forward gear in the interests of road safety, in conflict with policy GEN7 of the Arun District Local Plan.
- 4 The layout and siting of the proposed development would result in loss of trees within an ancient woodland which is of high quality and important in the local landscape in conflict with policies GEN7 and GEN28 of the Arun District Local Plan and paragraph 118 of the NPPF.