

Recommendation Report for Planning Permission

REF NO:	AL/27/20/PL
LOCATION:	Springfield Hook Lane Aldingbourne PO20 3TE
PROPOSAL:	Demolition of the existing dwelling & construction of 2 No. 2-bed, 3 No. 3-bed & 4 No. 4 bed houses including access, landscaping & associated works (resubmission following AL/51/19/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The existing dwelling "Springfield", will be demolished and replaced with a new chalet bungalow (with front/rear dormers) repositioned further to the north closer to "Tara". This will allow a new access to be created from Hook Lane in between the replacement dwelling and Little Acres. The replacement dwelling will have an integral garage and 2 additional curtilage parking spaces. The site will then be developed with 8 new two storey detached/semi-detached dwellings. All houses will have curtilage parking spaces (2 or 3 depending on the number of beds). In addition, 6 visitor spaces are shown within the layout. A preliminary drainage drawing (ref 602-01 Rev A) has been provided which suggests a gravity fed solution draining to the ditch on the northern boundary. The drawing shows an attenuation feature under the road surface then piped to the northern ditch. The engineering drawings also suggest that there will not need to be any changes to site levels.
SITE AREA	0.46 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	19.5 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	The large open part of the site has trees to all boundaries, some of which are offsite, some on the boundary and some within the site area. The largest number of trees are to the northern boundary and include at least 4 category B trees (the grading of some trees as category C in this area is disputed by the Councils Tree Officer). To the eastern boundary, there is a category A Oak tree (now the subject of TPO/AL/1/20) and also a large category B tree. In the southwestern corner lies a further category B tree. It is proposed to remove 4 category C trees, 2 category B trees, 5 category U trees and also two sections of category C hedges. The new road will also go

through the Root Protection Areas (RPAs) of several class C & B trees along the northern boundary and it is proposed to use a no-dig solution to manage this.

BOUNDARY TREATMENT

All 1m high post & rail except 1.8m high mixed close boarded fence/wall to rear/(southern) side of "Tara" and a low 1m high close boarded fence to northern side of "Springfield".

SITE CHARACTERISTICS

The site consists of two distinct parts. First, the dwelling "Springfield" and its curtilage. Springfield is a bungalow albeit with some velux windows in its rear roof plane. It has several outbuildings in the rear garden. It is accessed from Hook Lane with a drive on its northern side leading to a gate into the second area, a large grassed space to the rear of Springfield. This has a couple of small outbuildings but is otherwise empty.

CHARACTER OF LOCALITY

Semi-rural area, this property falls within a ribbon of housing development along the road of detached bungalows, chalet bungalows & two storey houses of varying architectural styles, designs and with a mixed building line. There is a horticultural nursery on the opposite side of Hook Lane with its access immediately opposite the site frontage.

The large open part of the site has existing new build dwellings to the north (part of a Barratt David Wilson Homes development) which have either front or side elevations facing the site, some of which have principal windows at ground/first floor. The eastern and southern boundaries are with vacant land presumably owned by other adjoining residential properties.

To the west, the site is overlooked by the rear of "Tara", a chalet bungalow with first floor rear facing bedroom & bathroom windows. In addition, there is a "Little Acres" to the south of Springfield which is a tall dormer bungalow with rear facing dormer windows including bedrooms. However, it has no flank windows that might otherwise be affected by the new access on its northern side.

RELEVANT SITE HISTORY

AL/51/19/PL	Demolition of the existing dwelling & erection of 3 No 2-bed, 3 No 3-bed & 4 No 4-bed dwellings, access, landscaping & associated works.	Refused 30-03-20
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Application AL/51/19/PL was refused in March 2020 for the following two reasons:

(1) The proposed scheme represents an overdevelopment of the site which will result in unacceptable harm/felling of trees of high amenity value and associated harm to biodiversity habitats in conflict with policies ENV DM4 & ENV DM5 of the Arun Local Plan & policy EH6 of the Aldingbourne Neighbourhood Development Plan.

(2) The proposed scheme fails to comply with the parking requirements of the new Arun Parking Standards Supplementary Planning Document (January 2020) and will therefore result in pressure for additional parking outside of the site potentially in places where it is not safe to do so. The proposal is therefore in conflict with this SPD and with policy T SP1 of the Arun Local Plan and policy GA3 of the Aldingbourne Neighbourhood Development Plan.

An appeal has been submitted but has not yet had a start date.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

Aldingbourne Parish Council state objection on the basis that:

- (a) Site lies outside the BUAB in the Aldingbourne Neighbourhood Development Plan (ANDP);
- (b) Site lies in area at risk of flooding;
- (c) No details of investment in road and 'service' provision infrastructure;
- (d) No adequate ecological survey;
- (e) No details of lighting to demonstrate compliance with Dark Skies policy;
- (f) Overdevelopment of the site with houses larger than previously proposed and more restricted parking;
- (g) Loss of trees and corresponding harm to site ecology;
- (h) Increased traffic on a quiet rural lane
- (i) Breach of ANDP H1 "Quality of Design" policy; and
- (j) No Tree Survey.

In addition, 9 letters of objection raising the following material planning concerns:

- (1) Not in accordance with the ANDP;
- (2) No tree survey;
- (3) Removal of trees;
- (4) Insufficient ecology surveys;
- (5) Harm to/loss of wildlife;
- (6) Highway safety;
- (7) Site is prone to surface water flooding;
- (8) Risk of flooding from the northern ditch;
- (9) Harm to local character & loss of this garden;
- (10) Overdevelopment;
- (11) Impact on oversubscribed schools and doctors; and
- (12) Loss of privacy to Ide Crescent.

There were also comments about the visual impact of increased traffic in Hook Lane and the change to views from Ide Crescent of the site. However, there is no right to a view in planning terms and therefore these are not material planning considerations.

COMMENTS ON REPRESENTATIONS RECEIVED:

In respect to the Parish Council response, items (a), (b), (f), (g), (h) & (i) will be considered in the report's conclusions section with the following is offered in respect of the other concerns:

- (c) This site is liable for the Community Infrastructure Levy (CIL) and so contributions to existing infrastructure can be bid for from the total of monies collected;
- (d) A reptile survey that had been provided on the previous application was not included with this submission. However, it was subsequently added to the file on 19 May 2020 and the Ecologist's comments are based on both this and the preliminary ecological appraisal report that was initially submitted;
- (e) Lighting details will be subject to a condition and assessed at that point by ADC Environmental Health and the Council's ecologist; and
- (j) Although tree survey plans etc had been provided with the previous application, the applicant initially omitted these with this resubmission. These were added to the file later on the 8th June 2020 and have been considered by the Council's Tree Officer.

In respect of the resident objections, items (1), (3), (5)-(10) & (12) will be considered in the report's conclusions section. Items (9), (10) (12) are covered by the response to the Parish Council above.

CONSULTATIONS

Arboriculturist
Engineers (Drainage)
Engineering Services Manager
Southern Water Planning
Natural England
Environmental Health
Parks and Landscapes
Archaeology Advisor
Ecology Advisor
WSCC Strategic Planning
Highways England

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - No objection but recommend that ADC secure a contribution to A27 improvement works.

NATURAL ENGLAND - Make no comments.

SOUTHERN WATER - No objection subject to a condition to secure a connection to the foul sewage system and an informative regarding the need for separate SW approval of the connection.

WSCC HIGHWAYS - No objection.

ADC TREE OFFICER - Objects on the grounds of the loss of important trees and also the potential for harm to retained trees due to intrusion into Root Protection Areas. Does not consider that the benefits of the development outweigh the harm. Considers that there are no detailed soft landscape proposals (tree planting) to ensure adequate mitigation for the loss of so much high canopy trees. Also notes that drainage and service runs are not clear and may impact on retained trees.

ADC DRAINAGE ENGINEERS - Raise no objection subject to conditions.

ADC ENVIRONMENTAL HEALTH - No objection subject to a Construction Environmental Management Plan condition.

ADC GREENSPACE OFFICER - No response. However, comments on the previous application stated no objection and no requirement for open space or play on the site but that details of landscaping will be required particularly to the northern boundary to provide mitigation planting.

COUNCILS ARCHAEOLOGIST - No objection subject to a standard condition.

COUNCILS ECOLOGIST - Notes the likely presence of bats, nesting birds and reptiles however raises no objection subject to conditions to secure various protection, mitigation and enhancement measures.

COMMENTS ON CONSULTATION RESPONSES:

All comments accepted unless noted below.

HIGHWAYS ENGLAND - It is not possible to secure such a contribution as this site is liable for CIL. Therefore Highways England will instead need to bid for a contribution from the CIL amount collected.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Special Control of Adverts;
Class C Road;
Lidsey Catchment Area;
Archaeological Notification Area;
Tree Preservation Order TPO/AL/1/20;
CIL Zone 2;
EA Flood Risk Zone 1;
Within 1.2km of Singleton & Cocking Tunnels SAC.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
HERDM6	HER DM6 Sites of Archaeological Interest
LANDM1	LAN DM1 Protection of landscape character

HWBSP1	HWB SP1 Health and Wellbeing
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Aldingbourne Neighbourhood Plan 2016 POLICY EH1

	Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH5	Development in Flood risk areas will not be supported unless...
	Surface Water Management
Aldingbourne Neighbourhood Plan 2016 POLICY EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2016 POLICY EH10	Unlit village status
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY H1	New housing or altering dwellings
	Quality of Design
Aldingbourne Neighbourhood Plan 2016 POLICY H2	Range of house types
	Housing Mix
Aldingbourne Neighbourhood Plan 2016 POLICY H3	Housing density
Aldingbourne Neighbourhood Plan 2016 POLICY H6	Within built up area boundary
	Windfall sites
Aldingbourne Neighbourhood Plan 2016 POLICY H8	Dwellings must have adequate private or shared amenity.
	Outdoor space
Aldingbourne Neighbourhood Plan 2016 POLICY H9	Items to consider e.g. - bin stores
	Attention to detail

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

The Neighbourhood Development Plan

Relevant policies of the Aldingbourne Neighbourhood Development Plan are considered in this report.

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 the proposed development will result in direct harm and future pressure on important landscape trees within the site.

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:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The development plan for the Arun District currently comprises the Arun Local Plan (ALP), the Aldingbourne Neighbourhood Development Plan (October 2016) and the West Sussex Waste and Minerals Plans.

The key applicable policies in the ALP cover such matters as design/character, access, parking, residential amenity, space standards, pollution, drainage, biodiversity and trees.

The site is shown as countryside in the Aldingbourne Neighbourhood Development Plan (ANDP) and policy EH1 "Built Up Area Boundary (BUAB)" is therefore relevant. This states that development will not be allowed on sites outside of the built-up area boundary except where it is in accordance with development plan policies in respect of the countryside.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, the conflict between the BUAB's in the ALP and ANDP must be resolved in favour of the ALP.

It should also be noted that policies in the ANDP that relate to the supply of housing (including policy EH1) have reduced weight because they relate to out of date housing needs as they were based on the policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the then emerging Arun Local Plan. On this basis, the principle of residential development in this location is accepted despite the conflict with the ANDP.

CHARACTER & DESIGN:

ALP policy D DM1 requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area.

In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character.

ANDP policies H1, H3 & H9 are both relevant. Policy H1 requires new housing to be of a high quality design that reflects the local character and reinforces local distinctiveness. Policy H3 states that the density of new development should be appropriate to its location by virtue of size, siting and relationship to existing properties. Policy H9 requires that certain 'add-on' items (e.g. gutters, satellite dishes, meter boxes) be included in the design of new houses. The proposal does not show such features however, it is not considered that non-compliance with this policy should be considered to be sufficiently harmful so as to warrant a refusal.

Para 127 of the NPPF states that "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)." In addition, paragraphs 122, 130 and 131 are all relevant.

Para 122 states that planning decisions should support development that makes efficient use of land but that the desirability of maintaining an area's prevailing character and setting should be taken into account. Para 130 states that planning permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Para 131 states that great weight should be given to innovation, high standards of design and sustainability measures so long as they fit in with the overall form and layout of their surroundings.

The National Design Guide (September 2019) forms part of the Government's collection of planning practice guidance. Paragraphs 20-21 of the Design Guide explain how good design should pay regard to place and context and that 'a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. Part 2 of the Guide sets out ten characteristics for good design, namely Context, Identity, Built form, Movement, Nature, Public spaces, Uses, Homes and buildings, Resources and Lifespan. In addition, the Council has an emerging Design Guide which, following statutory consultation, will be considered at the Planning Policy Sub Committee on 30/06/20.

Firstly, there is no objection to the replacement of the existing dwelling. This will have a slightly different front building line to the current situation but this will not harm the streetscene. Furthermore, the dwelling height is similar to the existing and as noted elsewhere, there is a mix of designs along Hook Street so this change will not be harmful to local character.

The remainder of the proposal is for 8 new dwellings on land to the rear of (and connected to) an existing house. The proposal thus represents "backland development". Such development is generally perceived negatively and considered to be out of character with the existing form of development. However, backland development is not in principle inappropriate and in this case there are mitigating circumstances which prevent there being any harm to the character and appearance of the area.

Firstly, the presence of the new housing development on land immediately to the north (also a backland development) establishes precedent for this form of development. Secondly the new houses are to be at least 38m back from the edge of Hook Lane and although there will be a large gap where the access sits, visibility of the site will be further limited by way of the existing houses fronting Hook Lane and by way of new landscaping within the site.

It is noted that the view into the site from the road will terminate with the flank elevation of plot 2 and this is not ideal in design terms. However, no objection was raised to the similar situation on the previous application and with the size of this site, it is not considered that the new houses within the site can be completely invisible from the highway. Whilst there will be visibility of the site from Hook Lane, it is not considered that this would be so harmful as to warrant a refusal on grounds of character particularly considering new housing development elsewhere on Hook Lane.

The proposed new houses within the site are considered to be appropriate in design and scale to the surrounding form of development. There is some concern regarding the stated materials (use of grey weatherboarding & blue slate) as these are not apparent elsewhere in the vicinity of the site but materials can be agreed at a later time through a planning condition. The site density at a total of 19.5 dwellings per hectare is not considered to be excessive such that the scheme should be considered overdevelopment particularly as there are communal amenity areas within the scheme.

The site has only one access point to be shared by cars and pedestrians but it is not possible to provide alternative pedestrian accesses as the site is landlocked on the eastern & southern sides and access to the north would have to cross a ditch and also might necessitate further tree felling plus attract further objection from the adjoining home owners.

The Parish Council comment that the houses are larger than previously proposed and that there is more restricted parking. It is accepted that the proposed houses are larger than the previous scheme but they are not significantly larger or indeed significantly larger than other dwellings in the area. Furthermore, this scheme proposes 1 less units but also 5 more parking spaces.

The proposal would result in a change to the character of Hook Lane in this location but it is not considered that this change would result in significant harm to the character of the area and, in terms of

density, character & design, the proposal would not conflict with the aforementioned development plan policies and policy guidance.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users. ALP policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

In addition, the Council has an emerging Design Guide which sets out guidance on interface distances between houses. These are: 21m for back to back, 16m for front to side and 14m for back/front to side.

Although it is noted that local residents in the adjacent development to the north are concerned about overlooking, the interface distance between fronts of dwellings is within a range of 34-36m whilst side to front is 29-31m. This is therefore in accordance with the guidance in the emerging Design Guide.

The relationships with the existing dwellings along Hook Lane are acceptable as the rear corner of plot 2 is 18m from the rear of Little Acres and is not a direct back-to-back arrangement. In addition, the flank of plot 2 will be 17.5m from the rear of the replacement dwelling (plot 1) and further from Tara's rear first floor elevation. There are no houses affected to the east or south.

The proposed access will introduce noise and disturbance which could be harmful to the amenities of the existing dwelling Little Acres, on the southern side. However, there will be a gap of 3m between the edge of the road & the windowless flank of Tara and it is considered that the 1.5-2m wide strip of land in this gap which is in the control of the applicant is sufficient to enable screen planting to be implemented to reduce noise disturbance and add visual screening. An acoustic boundary fence could also be required through a planning condition. The same type/level of mitigation could be provided to the flank of the replacement dwelling (plot 1).

It is not considered that the proposal would conflict with the aforementioned development plan policies and policy guidance.

SPACE STANDARDS:

ALP policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use. The following is a breakdown of the proposed homes:

Plot	Unit Type	Internal Space in m2	National Standard in m2
1	4 Bed, 7 Person, 2 Storey	146.19	115
2&3	2 Bed, 4 Person, 2 Storey	78.32	79
4&5	3 Bed, 6 Person, 2 Storey	101.82	102
6	4 Bed, 7 Person, 2 Storey	124.2	115
7	4 Bed, 7 Person, 2 Storey	123.16	115
8&9	4 Bed, 7 Person, 2 Storey	119.6	115

There are a couple of very minor shortfalls in the above assessment however this is likely due to the fact that the Council does not have the use of CAD or similar and relies on a scale ruler for measuring. In any case, as the differences are so minor it is not considered that an objection should be raised.

There are no policies in the ALP relating to garden sizes, however, the emerging Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth; and
- Private Front Garden: min. 2m depth.

The majority of the plots within the development comply with these requirements, the exceptions being plots 6 & 9 which are approximately half a metre short. However, the gardens in question are all wide enough to ensure that a decent standard of outdoor space is provided. It is also noted that the new houses do not have a direct back to back arrangement with any existing dwellings so the garden depth is not required to ensure a sufficient interface distance (i.e. $2 \times 10.5\text{m} = \text{the } 21\text{m back-to-back distance}$). Front gardens all exceed the 2m requirement. It is therefore considered that the scheme provides a decent standard of amenity for future occupiers and there is no conflict with any adopted development plan policy.

ACCESS & PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promote sustainable transport. In respect of highway safety, it states: "The Council will support transport and development which: explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, T SP1 states: "The Council will support transport and development which: Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network.

ANDP Policy GA1 seeks to promote sustainable (non-car) forms of transport. It requires new development to be located in places accessible to public and community transport. ANDP policy GA3 requires that parking be provided in accordance with the standards adopted at the time.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states that: "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 would be severe."

As set out elsewhere in this report, the Highway Authority have assessed the application and raise no objections. They have considered the likely trip generation to be low (and therefore the development would not have a severe impact on the highway). They also consider that the access configuration is safe and that larger vehicles can enter & exit the site in a forward gear. The site is located within the built-up area boundary and is within walking distance of a shop, pub, primary school & bus stops on the Lidsey Road (A29) to the east. These can be reached either via Hook Lane to the south or by a footpath

that runs along the northern boundary of the adjacent development site (which would be accessed by walking up Hook Lane to the north). The proposal therefore accords with policies T DM1 & T SP1 of the ALP, ANDP policy GA1 and with the guidance on highway safety within the NPPF.

The Council has recently adopted a Parking Standards Supplementary Planning Document (SPD) and this sets out a need for 23.8 (rounded up to 24) parking spaces to serve the development. The proposal includes 22.5 allocated spaces (with the 0.5 as a result of garages only being considered as half a space) and 6 visitor spaces so a total of 28.5. The garage is to the replacement dwelling (Plot 1). A condition could be imposed to prevent this from being converted into living accommodation as although there is a parking surplus, the visitor spaces are somewhat remote from plot 1.

The proposal is therefore in accordance with ALP policies T SP1 & T DM1, ANDP policies GA1 & GA3 and with the Parking Standards SPD.

TREES:

ALP policy ENV DM4 states that:

"Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity unless development:

- a. Would result in the removal of one or more trees in the interests of good arboricultural practice. This shall be demonstrated by the developer following the advice of a suitably qualified person which shall be guided by BS 5837 (2012). Details of any advice received having regard to BS 5837 (2012) shall be submitted, in writing, as part of a planning application; or
- b. Would enhance the survival and growth prospects of other protected trees;
- c. The benefits of the proposed development in a particular location outweigh the loss of trees or woodland, especially ancient woodland."

ANDP policy EH6 states that development that damages or results in the loss of trees of arboricultural and amenity value will be resisted, unless the need for, and benefits of, development in that location clearly outweigh the loss.

Paragraph 170 (b) of the NPPF states that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

The application proposes to remove two small hedgerows (one 8m long, one 9m long), 4 category C trees, 2 category B trees and 5 category U trees. The two category B trees are large trees in the SW and SE corners which have high amenity value in the context of the local landscape. Their removal appears to be required to ensure that the gardens of plots 2-5 & 9 are not constantly in shade.

The Council's Tree Officer is broadly in agreement with the category ratings for the on and off-site trees but considers that there is a tendency to undervalue a number of trees identified as Category C (low quality) that might qualify as Category B (moderate quality) and should therefore have greater influence over any site layout proposal.

In addition the new site road goes through the RPAs of several class C & B trees along the northern boundary and a large extent of no-dig mitigation is needed to prevent any impact. It is considered that the development would require careful arboricultural supervision and monitoring to ensure compliance

with and therefore, no harm to the retained trees.

The Council's Tree Officer accepts that the relevant British Standard (BS5837:2012) allows for the use of no-dig solutions to manage development in RPAs but considers that this not encouraged by the BS and that it should only be used where there is overriding justification and other layout alternatives (such as running the road along the southern boundary) have been explored. The Tree Officer's full comments are set out on the website (26/05/20) and there are also additional comments in red text on email from the agent (see response dated 16/06/20). The Tree Officer also confirmed on 25/06/20, in response to further comments from the agent, that no substantive additional information had been provided which would allow for the objection to be lifted.

The following is a response to ALP policy ENV DM4 & ANDP policy EH6:

- (a) the proposed tree removal is not considered to be on the grounds of good arboricultural practice;
- (b) the proposed tree removal (category B & some of the C trees) is not considered to enhance the survival and growth prospects of other trees - and certainly the removal of those within the site has no benefit to the TPO Oak on the eastern boundary; and
- (c) it is accepted that the proposal will contribute 8 new dwellings to the Council's current housing land supply shortfall, however these benefits are not considered to outweigh the potential for present & future harm to trees of high amenity value in the local landscape.

It is considered that the arguments made by the Tree Officer are persuasive and that the trees in question, although in the main not worthy of protection at this time (the TPO Oak excepted), do contribute to the local landscape and provide amenity value to existing residential occupiers particularly those on the development to the north).

It is considered that the identified level of harm to trees on and around the site is such that the proposal clearly represents an overdevelopment of the site area and the proposal is in conflict with ALP policy ENV DM4 and ANDP policy EH6.

BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

ANDP policy EH6 states that development proposals must be designed to incorporate biodiversity and enhance ecological networks in order to contribute to the Government's target to halt the decline in biodiversity by aiming for a net gain for nature.

Para 175 of the NPPF states: "If significant harm to biodiversity 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;"

The application is accompanied by a Preliminary Ecological Appraisal Report and also by a Reptile Survey Report. These documents have been assessed by the Council's ecologist who has advised no objection subject to planning conditions being imposed to secure various protection, mitigation and enhancement measures. The ecologist states that the site hedgerows are used by bats and should be retained. The scheme does propose to remove two small standalone hedges (H01 & H03). However, these are at the western end of the site close to existing houses and their loss is not considered to be so harmful to bat populations as to warrant a refusal. The most important hedge along the northern

boundary is to be retained.

The ecologist does not comment specifically on whether the proposed development would secure a net gain in biodiversity. It is noted that the majority of the site is simply grassland and that the ecologist's suggested mitigation/enhancement measures will comprise of: 2 trees for every one felled, gaps in hedgerows filled with native species, wildlife pond, wildflower meadow planting to amenity areas, Bat & bird boxes, grassed areas managed to benefit reptiles, log piles and gaps in fences to allow small mammals access. The submitted Preliminary Ecological Appraisal advises that "the proposed enhancements would result in biodiversity gains in accordance with national and local planning policy". Furthermore, the applicant has provided a ecological enhancement plan which indicates the location of rough grassland, the strengthening of landscaping, bird/bat boxes, hedgehog houses & fence holes and log piles.

This scheme is better than the previous application in terms of the number of trees to be removed and there is less future pressure on the northern boundary trees due to there not being any residential gardens backing onto the northern boundary. There remains some concern regarding intrusion into the RPA's of some of the high amenity trees along the northern boundary and the loss of category B trees elsewhere on the site but this does not present a significant concern for biodiversity.

Therefore, the scheme as it stands is judged, on balance to provide a biodiversity gain and is otherwise in accordance with the NPPF para 175, with ALP policy ENV DM5 and ANDP policy EH6.

FLOODING & DRAINAGE:

The site is not within any Environment Agency flood zones (for flooding from rivers or sea) and is also not shown on Council records to be at high risk of surface water flooding. However, it is shown to be susceptible to groundwater flooding (greater than 75% risk) although this is the same for all surrounding land and further afield in the local area (Aldingbourne, Westergate & Eastergate).

ALP policy W DM2 (Flood Risk) is relevant to development in areas at risk from flooding, identified on the latest Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment (SFRA). This site is included on the groundwater maps in the SFRA but not in the EA maps therefore is not covered by the policy.

Policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process."

ANDP policy EH5 states that new proposals must not give rise to additional risk of flooding, either to the development site and must make appropriate provision for accommodating the surface water and foul water arising from the development.

The Council's drainage engineers raise no objection to the principle of the development and are confident that the applicant will be able to determine a suitable surface water drainage strategy within the proposed layout. There is no agreement to the preliminary drainage layout as presented and the drainage scheme will therefore need to be agreed at a later time through the discharge of planning conditions. However, in the absence of any drainage objections, it has to be concluded that the proposal is in accordance with ALP policy W DM3 and with ANDP policy EH5.

SUMMARY:

The proposal is acceptable in all respects other than the level of harm to the local landscape in respect of the direct and indirect harm to trees of high amenity value. It is therefore recommended that the application be refused for the following reason.

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 The proposed scheme represents an overdevelopment of the site and results in unacceptable harm to existing trees of high amenity value in conflict with policy ENV DM4 of the Arun Local Plan, policy EH6 of the Aldingbourne Neighbourhood Development Plan and paragraph 170 of the National Planning Policy Framework.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.
- 3 **INFORMATIVE:** This application would be liable for CIL in accordance with the Councils CIL Charging Schedule available to view at: <https://www.arun.gov.uk/cil>.