

Recommendation Report for Planning Permission

REF NO: AL/49/20/PL

LOCATION: Byfields & Nightingale Cottage
 Nyton Road
 Westergate
 PO20 3US

PROPOSAL: Demolition of 2 No existing dwellings & erection of 7 No. dwellings (1 being the replacement of Nightingale Cottage) with associated parking, bin store, alterations to the existing access & extension of the existing footway. This application part affects the setting of a Grade II Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application is in two parts. Firstly the demolition of Byfields and redevelopment of the site with a pair of semi-detached dwellings and 4 link-detached dwellings. Two of these (1 & 2) are side on to the road and forward of the position of Byfields. The other 4 (3-6) are front on to the road and set back from Byfields. Plots 1 & 2 will be two storeys with 2 bedrooms each (8.5m ridge). The others will have 3 bedrooms each and will make use of the roof space with a front velux and rear dormer & velux (8.5m ridge). It is proposed to use render, tile hanging & brickwork on the elevations but otherwise the elevations are fairly plain.

The access is to be widened to 6m (8m bellmouth) with new kerbs, the removal of part of the front wall and a new section of footway heading east to link with the existing footway. A section of the front wall will increase in height to 1.6m to screen one of the new rear gardens. A communal bin/cycle store is behind part of the front wall.

Two of the dwellings have carports plus a 2nd tandem space, two will have a garage and 2nd garage space and two will have allocated parking spaces. A further 1 allocated space and 1 visitor space are proposed. All houses will have a shed in the garden for cycle storage. It is unclear what is proposed for the existing garden land to the west of Byfields as this shown blank. Similarly the strip of land within the red edge that links Byfields with Nightingale Cottage is not subject to any proposals.

Secondly, it is proposed to demolish Nightingale Cottage and most of the outbuildings (leaving only the north & west flint walls of the old barn as a boundary feature) and replace with a new two storey, 5 bedroom house (7.81m ridge) with an

attached single storey double garage. The dwelling will have a balcony on the south elevation facing open land. The house is indicated to have tile hanging at first floor and render at ground with a tiled roof. There are no changes to this access.

SITE AREA

0.28 hectares.

RESIDENTIAL DEVELOPMENT 25 dwellings per hectare.

DENSITY (NET)

TOPOGRAPHY

Predominantly flat.

TREES

Byfields - there are notable trees to the east section of the front boundary and on the east side of the site. These are designated as TG44, T45 & T46. The category B ref T46 is to be removed and category B tree group ref TG44 is to be partially removed. The category B ref T45 will have its Root Protection Area (RPA) encroached upon using a mix of no-dig and pile & beam construction. This tree is to be located in the rear garden of plot 1.

Nightingale Cottage - there is a notable tree (T55) in a group of three Acer (Sycamores) just west of the remains of the barn. This is to be retained but will be encroached upon using manual excavation.

Six category C trees are to be removed/partially removed. Replacements are to be on a 2:1 basis.

BOUNDARY TREATMENT

Byfields - a 1.8m wall/fence along the rear boundary; a 1.6m brick wall along the front; 1.8m fence to Mill View; and a part 1.8m fence/part high hedge to the boundary with Nyton Barns.

Nightingale Cottage - Part flank wall/part flint wall of former building/part low flint wall to the road; part open, part 1m, post & rail fencing, part wall to Nyton Lodge; and part low barbed wire fence/part hedging to rear boundaries.

SITE CHARACTERISTICS

Byfields comprises a detached 1.5 storey dwelling with gardens to front, rear and both sides. The dwelling has part light red brick, part timber boarding and a tiled roof. Large gravelled parking area to part front. Few domestic sheds in rear garden. Byfields has a separate annexe which whilst never approved formally is immune from enforcement action due to the passage of time. The access is shared with Mill View on the west side. A 3.4m wide verge is at the front of the site between the wall and the road. This is to be retained.

Nightingale Cottage is a two storey dwelling, currently unoccupied with a single storey extension on the south side. Attached to it and fronting the road are the remains of a flint faced barn building (no roof). There are other outbuildings in the site to be demolished. The dwelling has part cream painted walls, part flint walls and a pitched tiled roof.

The site area includes a narrow strip of land behind Mill View

CHARACTER OF LOCALITY

which connects the two sites. This has several trees within it but the plans do not propose any changes to this area.

The sites form part of a ribbon of medium sized dwellings set in spacious plots situated along the south side of Nyton Road. To the north of Nyton Road in this location, the land is agricultural. A short distance to the east, both sides of the road have dwellings on them. To the south, there is a large area of wooded land which borders with an open area of grassed land. The area has a semi-rural character. The following is an assessment of neighbouring properties:

Byfields - the dwelling to the east (The Old Stores) has a west facing principal elevation and has front windows overlooking the site, albeit part screened by boundary tree/hedge planting. The dwelling to the west, Mill View (formerly Nyton Barns) has no first floor flank windows whilst those at ground floor windows are screened by the existing large hedge.

Nightingale Cottage - Nyton Lodge lies to the west and is a two-storey grade II listed building which fronts onto Nyton Road. It has a secondary first floor flank window on the east elevation and there are gardens at ground level which could be viewed by the new dwelling.

RELEVANT SITE HISTORY		
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AL/15/13/	Renewal of unimplemented planning permission AL/26/10 for demolition of existing home and outbuildings and erection of 5 bedroom house with attached garage.	ApproveConditionally 02-04-13
AL/26/10/	Renewal of unimplemented planning permission AL/95/07/ for demolition of existing house & outbuildings & erection of 1 no. 5 bedroomed house with attached garage.	ApproveConditionally 20-04-10
AL/95/07/	Demolition of existing house & outbuildings & erection of 1no. 5 bedroomed house with attached garage.	ApproveConditionally 12-11-07

Pre-application advice was given in January 2016 concerning a scheme to demolish Byfields and develop the site with 4 semi-detached houses and 3 terraced houses. This scheme did not include Nightingale Cottage. At this time, it was advised the application would likely be refused on the grounds of inadequate private amenity space and overdevelopment of the site but there were no in principle objections and that a smaller scheme may be capable of attracting officer support. The advice stated that whilst an element of 2 storeys would be acceptable, the overriding scale of the new dwellings at

Byfields should be 1.5 storeys.

It is acknowledged this pre-application advice gave no in principle objections and suggested that a smaller amount of dwellings could be considered. This advice was issued around 4 and a half years ago and predates the Local Plan, the Aldingbourne Neighbourhood Plan, the current NPPF, the National Design Guide and the Council's emerging Design Guide. It is noted the scheme reduces the pre-application scheme by only 1 dwelling and does not follow the advice on house storeys.

Separately, permissions were granted in 2010 and 2013 for the replacement of Nightingale Cottage. It is noted that the footprint of the replacement dwelling is very similar to that approved in 2013 and the previous approval was for 5 bedrooms and had a double garage.

REPRESENTATIONS

Aldingbourne Parish Council object:

- Outside the Built Up Area Boundary;
- Proposed design not in character with surroundings;
- Harm to ANDP biodiversity corridors and to bats within the Singleton and Cocking Tunnels Special Area of Conservation 12km buffer zone;
- Removal of flint walls contrary to ANDP Policy EH11;
- Poor highway safety situation; and
- Not sustainable development therefore NPPF presumption does not apply.

Two letters of objection raising the following matters:

- (1) Overdevelopment;
- (2) Not in character with surroundings;
- (3) Only one other instance of side on dwellings here (Rush Cottage);
- (4) Increased noise disturbance;
- (5) Materials at Nightingale are inappropriate & flint should be used/reused as condition on AL/15/13/;
- (6) Harm to heritage as Nightingale Cottage/Nyton Lodge were once part of the same property;
- (7) No reference in the submission to heritage policies;
- (8) Loss of view;
- (9) Loss of light ((The Old Stores);
- (10) Loss of Light (Nightingale Cottage);
- (11) Harm to privacy of windows/garden (The Old Stores);
- (12) Harm to highway safety from intensification of the access;
- (13) Traffic management measures are required to slow down vehicles on Nyton Road;
- (14) A new pedestrian footway is essential at Nightingale Cottage;
- (15) Sites should not be constructed at same time to ensure habitat is retained for bats;
- (16) Harm to bats, Stag Beetles, Water Voles & reptiles;
- (17) No provision for renewable energy or rainwater harvesting;
- (18) What is the point of the strip of land between the two sites; and
- (19) Loss of affordable rented dwellings (Byfields x 2 & Nightingale).

COMMENTS ON REPRESENTATIONS RECEIVED:

PARISH COUNCIL -

- Nightingale Cottage lies outside but this part of the site concerns the replacement of a dwelling in the countryside therefore there can be no objection on grounds of principle. Part of Byfields is outside but it

will not comprise any development;

- Design, character, biodiversity, flint walls and highway safety are considered in the conclusions; and
- The application of the NPPF presumption in favour of sustainable development is considered at the end of the conclusions section of this report.

LOCAL RESIDENTS -

- (1) & (2) These issues are considered within the conclusions section of this report;
- (3) Noted, Nightingale Cottage is side on to the road and the Old Stores has the appearance of being side on;
- (4) Increased activity at the site will increase noise disturbance however this will be residential in nature and the Council's policies on noise do not seek to control or restrict noise from residential uses;
- (5) A similar condition could be applied as before;
- (6) Heritage will be considered within the conclusions section of this report;
- (7) The applicant was advised of this and they have submitted a heritage Statement;
- (8) There is no right in planning to a view;
- (9) - (11) These issues are considered within the conclusions section of this report;
- (12) & (13) Highway issues are considered within the conclusions section of this report;
- (14) WSCC Highways do not support this and it is not considered possible to provide this on the applicant's land without removal of the flint wall which other objectors are keen to see retention of;
- (15) A phasing condition could be applied but it would not be reasonable to delay the second part of the proposal to allow time for new planting to mature particularly as permissions only last for 3 years;
- (16) Biodiversity is considered within the conclusions section of this report;
- (17) Conditions could be imposed to seek details of such;
- (18) This is unclear. It is assumed that the land will be retained as part of the garden to Nightingale Cottage; and
- (19) Whilst the three dwellings may have previously been rented, they were not built to be affordable rented dwellings and so their loss does not harm the Council's affordable housing provision.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

No response from the Council's Tree Officer.

SOUTHERN WATER - no objection subject to an informative.

WSCC HIGHWAYS - request more information. Comment that:

- Visibility appeared sufficient east of the access but somewhat restricted to the west, due to the presence of vegetation;
- The western visibility splay appears to cross third party land and as such, this splay cannot be secured in perpetuity; and
- The parking provision is not appropriate as garages are undersized not capable of consideration.

WSCC MINERALS SAFEGUARDING - no objection. The site is located in close proximity to an identified Sharp Sand and Gravel safeguarding Area (MSA), however, the majority of the site is outside the MSA. The development is located in the curtilage of a development, and would meet consultation exemption criteria as detailed in the Minerals and Waste Safeguarding Guidance.

SOUTH DOWNS NATIONAL PARK - no objection but request more consideration of landscape

character & impacts; use of native landscaping; and provision of adequate green infrastructure that contributes to local wildlife, creates wildlife corridors & joins up with surrounding vegetation. Request conditions to control & minimise external lighting.

ADC DRAINAGE ENGINEERS - no objection subject to conditions to ensure the development is adequately drained and does not increase flood risk elsewhere. The site is in the Lidsey Treatment Catchment Area, therefore surface water drainage design should be carefully considered and infiltration must be fully investigated.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions to secure a construction environmental management plan, secure electric vehicle charging and also to control hours of working.

ADC CONSERVATION OFFICER - objection with the following summarised comments:

- Nightingale Cottage is on 1875-90 maps and should be considered a non-designated heritage asset.
- The loss of the building is unfortunate and problematic as it would lead to the loss of a pleasant building which is visible on the street-scene
- It is not clear why building and flint walled area (attractive former building) cannot form part of a new development;
- It is not clear how the local, traditional buildings (including the listed building) have informed the design of the new house;
- The loss of the existing building and its proposed replacement is therefore considered to be harmful.
- Insufficient detail to the design of other dwellings such that they may appear as a standard design;
- The development is not capable of support from a heritage perspective due to the lack of detail and the loss of the existing and attractive cottage and flint walling;
- Impact can be described as causing less than substantial harm. It is necessary to consider public benefits the development may achieve. Regard should be had to para 197 of the NPPF and to the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

COUNCILS ECOLOGIST - no objection subject to conditions re precautionary approach to demolition of Nightingale Cottage buildings, bat mitigation re Byfields, protection/retention/enhancement of hedgerows, control of lighting and securing of construction site overnight to protect small mammals. Also requested additional information to demonstrate Biodiversity Net Gain.

COUNCIL ARCHAEOLOGIST - no objection. Unlikely that works would impinge on archaeological deposits to the extent that refusal or the requirement of mitigation measures would be justified.

COMMENTS ON CONSULTATION RESPONSES:

Noted unless discussed below:

WSCC HIGHWAYS - comments regarding visibility were put to the applicant on 11/08/20 but no response provided. Parking provision has been changed with two garages enlarged, two changed to car ports and one visitor space changed to a resident allocated space.

COUNCILS ECOLOGIST - The request for details of biodiversity net gain was put to the applicant on 24/07/20 but no response provided.

POLICY CONTEXT

Designations applicable to site:

- Nightingale Cottage lies outside of the Built Up Area Boundary;
- Most of Byfields is within the Built Up Area Boundary (all except the part west of the dwelling);
- Adjacent to a Grade II Listed Building (Nyton Lodge);
- Area of Special Advert Control;
- Public Sewer on part of the site;
- Class B Road;
- Byfields is part CIL zone 2 / part zone 3;
- Nightingale Cottage is CIL zone 3;
- Current & future Flood Zone 1 (note that Nyton Road is part Flood Zone 2);
- Lidsey Treatment Catchment Area;
- Multi-Period Archaeological Notification Area;
- Within 12km of Singleton and Cocking Tunnels Special Area of Conservation; and
- WSCC Mineral Consultation Area (Sharp Sand & Gravel).

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
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
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM6	HER DM6 Sites of Archaeological Interest
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality

WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Joint Minerals Local Plan 2018:

Aldingbourne Neighbourhood Plan 2016 POLICY EH1

Aldingbourne Neighbourhood Plan 2016 POLICY EH2

Aldingbourne Neighbourhood Plan 2016 POLICY EH5

Aldingbourne Neighbourhood Plan 2016 POLICY EH6

Aldingbourne Neighbourhood Plan 2016 POLICY H1

Aldingbourne Neighbourhood Plan 2016 POLICY H2

Aldingbourne Neighbourhood Plan 2016 POLICY H3

Aldingbourne Neighbourhood Plan 2016 POLICY H6

Aldingbourne Neighbourhood Plan 2016 POLICY H8

Aldingbourne Neighbourhood Plan 2016 POLICY H9

Aldingbourne Neighbourhood Plan 2016 POLICY EH11

Aldingbourne Neighbourhood Plan 2016 POLICY GA1

Aldingbourne Neighbourhood Plan 2016 POLICY GA2

Aldingbourne Neighbourhood Plan 2016 POLICY GA3

Joint West Sussex M9 Safeguarding Minerals
Resist development outside

Support adjacent to biodiversity corridors only if demonstrate no harm.

Green infrastructure and Ecosystem services
Development in Flood risk areas will not be supported unless...

Surface Water Management
Protection of trees and hedgerows

New housing or altering dwellings

Quality of Design
Range of house types

Housing Mix
Housing density

Within built up area boundary

Windfall sites
Dwellings must have adequate private or shared amenity.

Outdoor space
Items to consider e.g. - bin stores

Attention to detail
Flint walls

Promoting Sustainable movement

Footpath and cycle network

Parking and new development

SUPPLEMENTARY POLICY GUIDANCE:

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

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.

Policies of the Aldingbourne Neighbourhood Development Plan (ANDP) are considered in this report. Aldingbourne Parish Council are working on a new Plan which has been submitted for Regulation 14 consultation. In accordance with para 48 of the NPPF, it is necessary to have regard to it as a material planning consideration.

The emerging ANDP replaces one policy (H1), adds two new policies (EH1 2019 & EH2 2019) and amends a fourth (LC7). In the context of this report, it is relevant to note that policy H1 (housing design) is to be replaced with a housing allocations policy concerning two large sites in the area and EH2 2019 sets policy for the Singleton and Cocking Tunnels SAC (albeit only for the development of greenfield sites - so not relevant to 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 conflicts with relevant Development Plan policies in that the development will be harmful to the character of the streetscene, result in harm to notable trees, result in an overdevelopment of the Byfields site, be harmful to the amenities of existing & future occupiers, be harmful to the setting of the Grade II listed Nyton Lodge and is accompanied by inadequate information concerning highway safety, biodiversity & drainage.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

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

Most of the Byfields site is in the Built Up Area Boundary (BUAB) in the Arun Local Plan (ALP) with the exception being the side garden beyond the western flank wall of the house. Nightingale Cottage is

entirely in the countryside. Policy C SP1 states residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. It is noted none of these relate to the proposal.

It is material that there is an existing dwelling at Nightingale Cottage and the replacement will not result in a material increase in residential activity or built form. It is also material in respect of the land on the west side of Byfields that the application does not propose development in this area. The application as a whole is in conflict with policy C SP1. The other key applicable policies in the ALP cover such matters as heritage, design/character, access/parking, residential amenity, space standards, drainage, biodiversity and trees.

In respect of the Aldingbourne Neighbourhood Development Plan (ANDP), all of the site is shown as being part of the BUAB. Although, the Reg 14 ANDP has a BUAB that better resembles that in the ALP and only includes Byfields, the fact remains that in the ANDP, no part of the site is classed as countryside and that there is no material increase in development on the Nightingale Cottage site.

HERITAGE:

Nightingale Cottage is shown on 1875-90 historical maps and the adjacent ruined barn appears on the subsequent 1897-98 map. Both lie adjacent to a Grade II Listed Building (Nyton Lodge). Whilst neither are statutorily or locally listed, they have historic significance and should be considered as Non Designated Heritage Assets (NDHA). The National Planning Practice Guidance advises that such assets can be identified during the application process.

The adjacent Grade II Listed Building has been faced with flints and brick dressings and quoins, all of which are painted. There is a tiled roof and casement windows with two modern bays on the ground floor. It plays an imposing role on the street-scene and is of historic significance. The Cottage and adjacent barn remains are attractive, sit at the front of the site and are clearly visible to the road and are viewed from the road alongside mature trees and the neighbouring Nyton Lodge.

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

It is necessary to consider the NPPF which sets out steps when considering impact on heritage assets. Para 189 requires applicants describe the significance of the heritage assets affected, including any contribution made by their setting. Para 190 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is any harm and if so, whether this is 'less than substantial harm' or 'substantial harm'.

It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (paras 193-196). According to Planning Practice Guidance, benefits should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. They do not always have to be visible or accessible to the public to be genuine public benefits. Public benefits may include sustaining or enhancing the significance of a heritage asset and the contribution of its setting, reducing or removing

risks to a heritage asset and securing the optimum viable use of a heritage asset in support of its long term conservation.

Para 197 requires that in weighing applications that directly or indirectly affect NDHA, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The applicant provided a Heritage Assessment and this states that Nyton Lodge retains much of its original architectural interest but that the proposals to Nightingale Cottage will not affect this interest. It states the development is not considered to interfere with the historic interest of Nyton Lodge. In respect of setting, the assessment states that Nightingale Cottage is not considered to make a positive contribution towards the setting on Nyton Lodge. The assessment does not consider the impact on non-designated heritage assets.

The Conservation Officer objects to the loss of Nightingale Cottage and adjoining flint wall (barn remains). This would lead to the loss of a pleasant building which is visible on the street-scene. The existing building and/or flint walled area could form part of new development. The Conservation Officer does not consider the house design has been informed by local traditional buildings and advises the proposal results in less than substantial harm and hence, public benefits must be considered.

The proposal results in a new modern family home but there will be no net gain in the number of dwellings at the site and any associated benefits of a dwelling to the local economy will be extremely limited. The benefits are not at a level to outweigh harm to the Listed Building. In respect of para 197, the proposal results in total loss of the NDHA's which has historic value and contributes to the setting of the adjacent Listed Building.

It is considered that the proposal is in conflict with the relevant Local Plan policies, with the guidance in the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

FLINT WALL POLICY:

ANDP policy EH11 seeks to protect existing flint walls in the Aldingbourne Parish. It states: "Development proposals which would seek to remove, or replace the flint walls listed in Schedule F will not be supported. New development proposals in the areas specified in EH11.1 will be required to provide flint walls and/or incorporate flint details into boundary treatments where it is appropriate." Schedule F lists the flint walls of the former barn at Nightingale Cottage.

The proposals at Nightingale Cottage are not clear in respect of the flint wall as plans appear to show that only a 2.5m long section of wall to the former building in the site not visible from the road will be demolished. However, the Design & Access Statement refers to a new boundary wall being provided.

Regardless of the policy or its potential for designation as part of a non-designated heritage asset, the flint wall has no statutory protection from demolition. ANDP policy EH11 is a part of the development plan and it is necessary to give the policy weight albeit subject to paragraph 11(d) of the NPPF.

On an appeal (APP/C3810/W/18/3213581) at Forge House on Nyton Road around 500m east of the site. the Inspector gave low weight to the flint wall protection policy on the basis that elements to be removed would be reused to provide a new flint wall in the site area and any harm would be mitigated.

The application proposes a front boundary wall and a condition could be imposed to ensure the new flint is made from flint removed through demolition. This would mitigate any harm from the loss of the flint and, it is not considered the proposal should be in conflict with ANDP policy EH11.

ACCESS & PARKING:

ALP policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes 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 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."

The site is just west of the settlements of Eastergate & Westergate with Byfields around 130m from the nearest bus stops, 360m from a petrol station with shop, 600m from a secondary school, 1000m from a surgery and 1200m from a primary school. The site is accessible by means of transport other than a vehicle. As a result of the development a new footway will be provided to extend the existing on the southern side of Nyton Road.

The highway authority assessed the application and have a concern regarding how visibility to the west is to be secured as this appears to cross third party land. The applicant has not responded to this query and it is not possible to say that the proposal is acceptable from a highway safety point of view. The proposal is currently in conflict with ALP policy T SP1.

The Parking Standards Supplementary Planning Document (SPD) sets out a need for 13 spaces for the Byfields development and 3 for Nightingale Cottage. Nightingale Cottage includes a double garage of the required dimensions to provide for 1 space (2 x 0.5 as per the SPD) and there is sufficient space in the curtilage for a further 2 cars. The Byfields layout was amended in response to parking concerns and includes a total of 13 spaces so meeting the required provision. A condition would need to be imposed to prevent garages and car ports being converted into living accommodation. Plans include provision for cycle parking either within individual or shared stores or within a garage.

The proposal conflicts with ALP policy T SP1 but accords with T DM1, with ANDP policies GA1 & GA3 and the Parking Standards SPD.

MINERALS SAFEGUARDING:

The site is in a Sharp Sand and Gravel Mineral Safeguarding Area as defined by the West Sussex Joint Minerals Local Plan (2018). Policy M9 (b) states proposals for non-mineral development within the Minerals Safeguarded Areas will not be permitted unless: (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, or (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

The applicant has not provided a Mineral Resource Assessment but WSCC Minerals & Waste stated they have no objection as the site is previously developed and the majority of the site is outside of the safeguarding area. Therefore, it is not considered that there is any conflict with policy M9.

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 relevant. Policy H1 (proposed to be deleted by the emerging ANDP) requires housing to be of a high quality design that reflects the local character and reinforces local distinctiveness. Policy H3 states the density of development should be appropriate to its location by virtue of size, siting and relationship to existing properties. Policy H9 requires 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 justify a refusal reason.

Para 127 of the NPPF states: "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." 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. In addition, the Council has an emerging Design Guide which completed its initial consultation period, has been modified in response to the comments and will be subject to a further 4 week consultation period in accordance with regulations 12 & 35 of the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Firstly, there is no objection to the principle of a dwelling of the proportions and scale at Nightingale Cottage. There is objection to the impact of the demolition on heritage assets. The new house design has not been informed by local traditional buildings and materials. Despite the proposed demolition of structures containing flint, there is no proposal to reuse these in the dwelling. The proposal to use hanging tiles at first floor and render at ground does not appear to be based on the existing dwelling, the neighbouring Nyton Lodge, Byfields or Mill View but rather on The Old Stores further east.

The redevelopment of Byfields is problematic for several reasons. The site has an urban/rural edge character and the amount & density of development does not reflect this. Whilst the boundary wall and verge will be retained generous spacing between Byfields to Old Stores/Mill View will be compromised as will frontage trees that contribute to the streetscene. The design is fairly standard with little detailing and does not appear to be based on the immediate character of the streetscene including neighbouring buildings of strong character.

Byfields and Mill View are 1.5 storeys in height whilst the dwellings are 2 and 2.5 storeys (and there is no height difference regardless of the number of storeys). It is accepted that dormers are to the rear elevations of plots 3-6 however the presence of front velux's give a 2.5 storey impression on part of the site where there is currently a 1.5 storey dwelling.

Two of the dwellings are to be side on the road with only a first floor flank window to add interest. Although the Old Stores next door has a flank wall onto the road and with a similar building line, its elevation is much more interesting with several windows, detailing and only a low boundary treatment. The presence of a roof level window in The Old Stores is not considered to set a precedent for 2.5 storey development on the Byfields site as it is clearly only an attic window. The only other nearby dwelling side on to the road is Nightingale Cottage and whilst this elevation is less interesting than the Old Stores, it has historic significance and cannot be compared.

The amount of hardstanding in the layout is excessive with the width of the space between the front edge of plot 6 and the parking space opposite at 5.7m and the distance between the back of the adjacent parking space and the edge of plot 6's garage at 14.6m.

The proposal overdevelops the site with respect to the size of some gardens, relationships to existing & future occupiers and the harm to the notable trees. These issues are explored elsewhere in this report. The plans are unclear as to what is proposed on the part of the site west of the Byfields dwelling. It is accepted this area lies outside the Built Up Area Boundary and this may be the reason why nothing is proposed on it. If the scheme were to have been expanded into this area, then there may have been scope to increase gardens and move development further away from notable trees.

The proposal results in overdevelopment of this rural/urban edge site with dwellings that fail to respect the character of the streetscene or existing built form. The proposal conflicts with ALP policies D DM1 & D SP1, the emerging Arun Design Guide and the NPPF. It is not considered relevant to argue conflict with ANDP policy H1 due to the current proposal to delete this policy.

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".

The Council has an emerging Design Guide which can be attributed relatively low weight but gives an indication as to what might be acceptable separation distances between habitable rooms. These are:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other;
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping;

The dwellings at Byfields are not in complete compliance with these standards as the gardens are not 12m in length and whilst side to front relationships are not discussed in these standards, it is a concern that plot 6 will overlook plot 2's garden at a distance of only 5.5m.

The new dwellings at Byfields are due east of the flank wall of Mill View which has no garden on this side. Plot 3 will be close to the boundary with the Old Stores however, there is a good separation distance to the dwelling itself and any light loss will only affect part of The Old Stores Garden which may already be affected by the boundary planting.

The occupier of the Old Stores is concerned by overlooking. Although plot 3 has no east facing flank windows, the rear windows of plots 1 & 2 will be only around 16.6m from the affected principal elevation of the Old Stores and regardless of the weight to be applied to the Design Guide, this is well below the required distance. Although boundary trees provide screening, the benefit of this is likely to be less during winter and the proposals will diminish some of the existing trees on the east side of the site. As such, it is considered that the proposal will be harmful to the privacy of The old Stores dwelling.

The replacement dwelling at Nightingale Cottage will occupy a similar footprint albeit extended to the rear and is to the side of both the neighbouring dwellings therefore not being applicable to the above separation distances. It has east facing first floor stair and en-suite windows which could be obscure glazed to prevent overlooking of Mill View's garden. The same is true of the west facing secondary window to bedroom 5. The rear balcony would need some changes to ensure that no views are possible from this over Nyton Lodge's garden but this could be agreed through condition.

There is concern from Nyton Lodge that the dwelling will take light from their garden. It will extend further to the rear than the existing and this element will be two storeys however it lies to the east of Nyton Lodge and will not obscure light during the main parts of the day. The replacement dwelling is to the west of Mill View's garden but there is good separation distance between the dwellings and the light loss will affect a small part of the garden near Mill View's garage which is not considered harmful.

The intensification of the access will increase noise and disturbance in the vicinity of the neighbouring property, Mill View which could result in harm. However, there is existing landscaping in place along this boundary and Mill View's main windows and garden space on to other sides of the dwelling.

The relationship of plots 1 & 2 to the Old Stores conflicts with aforementioned development plan policies and policy guidance. In addition, plot 2 would be subject to overlooking of its garden by plot 6.

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	2 Bed, 3 Person, 2 Storey	70	70
2	2 Bed, 3 Person, 2 Storey	70	70
3	3 Bed, 5 Person, 3 Storey	102.6	99
4	3 Bed, 5 Person, 3 Storey	99.2	99
5	3 Bed, 5 Person, 3 Storey	99.2	99
6	3 Bed, 5 Person, 3 Storey	102.6	99
7	5 Bed, 8 Person, 2 Storey	189	128

All dwellings comply with guidance on internal floor areas. There are no policies in the ALP relating to garden sizes. 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.

None of the 6 Byfields plots provide a 2m deep front garden however, plots 1- 3 are only just short. Plots 4 & 5 are only 0.5m short whilst plot 6's front garden is only 1m to its front window. Plot 1 & 2's rear gardens are 9.35m deep, plot 3 is 9.37m, plot 4 is 9.72m, plot 5 is 9.89m and plot 6 is 10m. There are concerns with plots 1 & 2 as this shortfall affects the distance to the Old Stores as discussed above. With regard to plots 3-6, the garden depth is not so important as there are no dwellings to the rear and all of their gardens are wide spaces such that there is plenty of private amenity space. It should be noted that a 9.6m high tree is to be retained in plot 1's garden and this will cover over half of the garden and cause shading to the rest thus further diminishing the usability of the space. This tree will affect, albeit to a lesser extent, the value of plot 2's garden.

It is not considered that the scheme provides for sufficient amenity space to plots 1 & 2 but the remaining plots are acceptable. There is no conflict in respect of the replacement dwelling which has sufficient space all around and particular to its rear.

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 proposals must be designed to incorporate biodiversity and enhance ecological networks to contribute to the Government's target to halt the decline in biodiversity by aiming for a net gain for nature. EH2 states development immediately adjacent to the Biodiversity Corridors will only be supported where it can be clearly demonstrated that proposals will not give rise to any significant harm to the integrity or function of the Biodiversity Corridors. The wooded land to the rear and ditch on the opposite side of Nyton Road are designated as biodiversity corridors.

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 an Ecological Appraisal Report. This was assessed by the Councils ecologist who did not object subject to conditions to secure various protection, mitigation and enhancement measures. The ecologist states the site hedgerows are used by bats and should be

retained & enhanced. The scheme proposes to remove a small section of hedgerow at the back of the current drive but as this is in the site area and not adjoining the biodiversity corridor, its loss is acceptable. The most important hedges on site boundaries are retained.

In respect of biodiversity net gain, the ecologist states although some enhancements are recommended in the report, further information is required demonstrating what will be included in the scheme. The Ecologist goes on to list the enhancements that should be included. The applicant was made aware of this request but has not provided the requested details. As such, there is currently conflict with ALP policy ENV DM5 and ANDP policy EH6

The scheme is judged, on balance to not provide details of biodiversity gain but due to the support of the ecologist, is otherwise in accordance with the NPPF para 175, with ALP policy ENV DM5 and ANDP policy EH2.

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 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.

Para 170 (b) of the NPPF states 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 category B trees on the east side of the Byfields site and works will take place in the RPA of another category B tree in this location and west of Nightingale Cottage. One of the retained category B trees will site within plot 1's small garden and it is considered that this will likely result in future pressure from the homeowner to prune or fell.

The Councils Tree Officer has not responded and in the absence of comments, it is difficult to justify a refusal on tree grounds. It is clear that higher value trees on site are either being felled or intruded upon such that the value of these to the character of the streetscene will be diminished. It is accepted that relevant British Standards (BS5837:2012) allow for the use of no-dig solutions to manage development in RPAs but this is encouraged by the British Standard and that it should only be used where there is overriding justification and other layout alternatives have been fully explored. A lesser amount of development could better preserve the category B trees on the east side of Byfields and that this lends support to a refusal on grounds of overdevelopment.

The applicant has not supplied a Tree Retention and Protection Plan for Nightingale Cottage making it more difficult to assess the impact on the trees on that part of the application.

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

- (a) The supporting documents do not state that the tree removal is on the grounds of good arboricultural practice;
- (b) The supporting documents do not state that the proposed tree removal is necessary to enhance the survival and growth prospects of other trees; and
- (c) it is accepted that the proposal will contribute an amount of new dwellings to the Council's current housing land supply shortfall, however these benefits are not considered to be significant enough to outweigh the potential for present & future harm to trees of amenity value in the streetscene.

Given there are no comments from the Tree Officer, it is not considered a refusal on tree grounds can be sustained on appeal. There is conflict with ALP policy ENV DM4 & ANDP policy EH6 and that the harm to amenity trees lends weight to the argument that the proposal is an overdevelopment of the site.

DRAINAGE:

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 site falls in the Lidsey Wastewater Treatment Catchment Area. ALP policy W DM1 states that although minor developments are unlikely to raise significant flood risk, due to the cumulative impact all development within this area must also be accompanied by a Drainage Impact Assessment that must take account of both the individual and cumulative impact upon foul water disposal; flood storage capacity and surface water drainage or flood flows within the Lidsey Wastewater Treatment Works Catchment Area.

The Council's drainage engineers raise no objection to the principle of the development in respect of surface water drainage but that as the site lies in the Lidsey Treatment Catchment Area, surface water drainage design should be carefully considered and infiltration must be fully investigated.

The applicant was asked to provide a drainage impact assessment at the outset but none has been provided. Therefore, there is conflict with policy W DM1.

CONCLUSION & PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT:

Policy SD SP1 "Sustainable Development" states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Para 8 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.

Para 11 (d) of the NPPF sets out the application of the 'presumption' for sustainable development which is triggered where the Council's policies most important for determining the application are out-of-date. The Council can currently demonstrate a Housing Land Supply (HLS) of 2.9 years and as

such there is a significant shortfall and hence, its policies most important for determining this application are considered to be out of date. Para 11(d) states that planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

It is clear that the proposal result in harm to the character of the streetscene, to notable trees on the site, to the amenities of existing & future occupiers, to the setting of the Grade II listed Nyton Lodge. In addition, the application is accompanied by inadequate information concerning highway safety, biodiversity & drainage and this makes it difficult to advise no harm in respect of these matters.

It is considered that the application will result in the following benefits:

- The site location is environmentally sustainable in that it possible to walk, cycle or take a bus to access nearby shops, schools and services such that it is not necessary to travel by car;
- The proposal could help support the local community by providing dwellings to meet future needs;
- The proposal would result in increased Council Tax receipts, new homes bonus payments from the Government, the creation/maintenance of construction job; and additional spending by new residents on local goods & services; and
- The proposal will make a contribution to the Council's current housing land supply shortfall.

It should be noted that whilst the proposal is for 7 new dwellings, both Nightingale Cottage and Byfields are existing and Byfields has existing annexe accommodation. The net gain in dwellings is either 5 or 4 if the annexe is taken into account. On this basis the benefits identified are on the lower end of the scale and that they are not of significant weight to outweigh the harm identified. The presumption in favour of sustainable development is not engaged.

It is therefore recommended that the application be refused 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 The scheme at Byfields represents an overdevelopment of the site, results in harm to trees of amenity value in the streetscene and will be harmful to the appearance and character of the Nyton Road streetscene generally in conflict with policies D DM1, D SP1 & ENV DM4 of the Arun Local Plan, policy EH6 of the Aldingbourne Neighbourhood Development Plan, the emerging Arun Design Guide and the NPPF.
- 2 The redevelopment of Byfields results in unacceptable harm to the amenities of existing and future occupiers as a result of the size of gardens to plots 1 & 2, the relationship of plots 1 & 2 to the Old Stores and the relationship of plot 3 to plot 2's rear garden. The proposal conflicts with Arun Local Plan policies D DM1 and QE SP1, with the emerging Arun Design Guide and the NPPF.
- 3 The demolition of buildings at Nightingale Cottage results in the loss of a non-designated heritage asset in the setting of a Grade II listed Building and this together with the design of its replacement will be harmful to the setting of the Listed Building in conflict with policies HER SP1, HER DM1 & HER DM2 of the Arun Local Plan and the NPPF.
- 4 Insufficient information has been provided to demonstrate that the intensified use of the access for Byfields & Mill View achieves the required visibility to the west and therefore the Byfields proposal is in conflict with policy T SP1 of the Arun Local Plan and the NPPF.
- 5 Insufficient information has been provided to demonstrate that the application will achieve a biodiversity net gain and the application as a whole conflicts with policy ENV DM5 of the Arun Local Plan, policy EH6 of the Aldingbourne Neighbourhood Development Plan and the NPPF.
- 6 Insufficient information has been provided to enable the Local Planning Authority to assess the impact of the proposal on the foul water disposal; flood storage capacity and surface water drainage or flood flows within the Lidsey Wastewater Treatment Works Catchment Area and as such, the proposal as a whole is in conflict with policy W DM1 of the Arun Local Plan and the NPPF.
- 7 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 reasons for the refusal, approval has not been possible.
- 8 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>.
- 9 INFORMATIVE: If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.