

REPORT UPDATE

Application No: AL/66/21/PL

Reason for the Update / Changes

Reason for Update:

Consultation response from Environmental Agency received on 25/08/2021:

- The only comment we would make is to advise the Applicant that as the site is located in Source Protection Zone 1, the Applicant is likely to need to apply for a permit from us for the proposed non-mains drainage system in accordance with the Environmental Permitting (England and Wales) Regulations 2016.

Please note that the need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of a permit.

Further comments from Drainage Engineers received on 07/09/21:

In this case, where we believe that a compliant system could be demonstrated if the requisite information is collected and /or presented as required, I am willing to approve the variation to a 'prior to occupation' condition for surface water drainage.

There is clear guidance on our website and within BRE365 on how this should be undertaken and presented.

As per the previous message (24/8/2021), there may be other issues that need to be resolved, and these may be best suited to a 'prior to commencement' condition. I note that the Source Protection Zone is zone 2 and not zone 1.

There are changes to conditions:

Condition to surface drainage varied to a 'prior occupation' (no pre commencement).

Conditions MAT1 'Materials' has been removed due to provision of sufficient information by the applicant.

Condition FAB1 'Details of enclosure' has been removed due to provision of sufficient information by the applicant.

Condition EV 'Charging points' has been varied due to provision of sufficient information by the applicant and consequently approved by EH Officer.

There are no changes to recommendation.

Further Update:

It was resolved that the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions as detailed and a further 4 week period to allow for more information to be submitted on the trees on the site and which conditions will apply to these.

Additional supporting evidence has been submitted on the trees on the side and assessed by ACD Tree Officer and he was satisfied that the applicant has demonstrated the viability of the scheme, and specifically in relation to potential impact on the most significant tree overlapping the site (T1 - oak). He recommended the making of a Tree Preservation Order to preserve its place in the landscape and better control its future management.

He removed his objection (report dated 13th August) and recommend the scheme for APPROVAL, subject to the suggested conditions being applied.

Conditions 9 and 10 has been varied as suggested by ADC Tree Officer.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO:	AL/66/21/PL
LOCATION:	Land Rear (South) of Sundown Littleheath Road Aldingbourne BN18 0SR
PROPOSAL:	1 No. 4 bedroom detached dwelling with a detached 3 bay garage (2 open bays and 1 enclosed), associated foul field drain, storm soakaway, new front boundary treatment, roof mounted PV & Ground Source Heat pump System (resubmission following AL/62/19/PL). This site is in CIL Zone 3 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	2 storey 4 bed detached dwelling with a detached 3 bay garage (2 open bays and 1 enclosed), associated foul field drain, storm soakaway, new front boundary treatment, roof mounted PV & ground source heat pump. The dwelling has a T shape and be built over two floors and characterised by a 7.9m high half hipped roofs. The ridge of the 7.35m deep southern projection would be lowered by 1.65m and have a 2.9m deep single storey addition with hipped roof. The building would be 17.5m wide (4m wider than the previous proposal), and would be set back from the front boundary by approximately 10m. Two flat roofed dormers are

on the southern projection (one each side) and four roof-lights are in the northern roof plane of the main building and three to the southern. A triple garage with half hipped roof would be situated on the southern shared boundary. It would be 4.8m high, 6.5m wide and 10m deep.

The property would be constructed from brick with timber boarding at the first floor level. Solar panels would be to the southern roof plane of the main building and to the southern roof plane of garage.

SITE AREA	1778.00 square metres
RESIDENTIAL DEVELOPMENT DENSITY	5.6 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	The site has been cleared and some semi-mature trees, have been cut down. The boundary oak tree at the southern boundary would be affected by the development.
BOUNDARY TREATMENT	New timber panel fence and a new timber panel fence dividing the site from Sundown.
SITE CHARACTERISTICS	The site is garden land to the property to the north.
CHARACTER OF LOCALITY	Semi-rural location to the north of the A27. Residential plots scattered on east side of Littleheath Road and some on part of the west side. Open agricultural land to the west, north and east. The overriding character of the area is of large detached dwellings in spacious plots.
	The dwelling to the south is a semi-detached house set in a much smaller square shaped plot but around 20m from the boundary with Littleheath. To the east lies 21 Dukes Road, a detached dwelling sited closer to the shared boundary followed by a row of two storey semi-detached properties of almost identical appearance on the south-west side of the road with an agricultural land on the other side.

RELEVANT SITE HISTORY

AL/62/19/PL	1 No. new dwelling. This application is a Departure from the Development Plan.	Refused 29-11-19 Appeal: Allowed+Conditions 10-12-20
AL/117/17/CLE	Application for a Lawful Development Certificate for an existing use - 1No. dwelling.	Refused 17-01-18

AL/62/19/PL was refused for the following reason:-

"The site lies in a rural area outside of the built up area and the proposal, which comprises an

undesirable intensification of residential development, would be prejudicial to the rural character of the area in which it is intended that permission for development unrelated to an essential rural activity will not normally be granted. The development would be unsustainable by reason of its location. "

The refusal was challenged at appeal which was allowed by the Inspectorate.

REPRESENTATIONS

Aldingbourne Parish Council: Object.

- Departure from Aldingbourne Neighbourhood Development Plan and outside Built Up Area Boundary (BUAB) contravening policy EH1.
- Supports comments of Environmental Health Officer and support conditions from Drainage Engineers.
- The area is also in a dark skies area and policy EH10 needs to be considered.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments of Aldingbourne Parish Council noted and will be discussed in the Conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Tree Officer: Objection.

- Tree Survey lists seven trees for consideration whilst twenty-one are shown on Addendum plans that will or could be affected by this development.
- Tree Protection Plan fails to adequately illustrate relationship between tree root protection areas and development proposals.
- Does not appear to be an overriding justification for the siting of a dwelling within the RPA of Oak (T1).
- Installation of subterranean utility apparatus using conventional methods of construction carries high risk of damage to what appears to be the most valuable tree on site.

ACD Green Space Officer: No objection subject to submission of details. Further information required demonstrating what will be included in the scheme and what level of net gain will be created.

CDC Environment Officer: No objection subject to conditions.

SOUTHERN WATER: Would not support the proposals for septic tank or private treatment plant in presence of a public foul sewerage network in the close vicinity of the site. The Environment Agency should be consulted by the applicant regarding use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

DRAINAGE ENGINEERS: The applicant has revised the surface water drainage design following the refusal of AL/31/21/DOC. As the testing has been undertaken at an inappropriate time of year standard condition PCENG2 is requested. The EA will need to be consulted regarding the use of infiltration, as the site is in a Groundwater Protection Zone.

SOUTH DOWNS NATIONAL PARK: Neither object or support development which would likely result in minor impacts on the setting of National Park. Consideration should be given to the visual impact of the development on the landscape character of the National Park. The National Park is an internationally designated Dark Night Skies Reserve; a sensitive approach to lightning is required.

ADC ENVIRONMENTAL HEALTH: No objection in principle, subject to suggested conditions.

NATURAL ENGLAND: The lack of comment does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. LPAs are advised to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

WSSC: Does not consider proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

The Environmental Agency has been consulted, however no response has been received.

POLICY CONTEXT

Designation applicable to site:

Outside Built-Up Area (Countryside C SP1);
Area of Special Control (Adverts);
HRA Buffers (SD10);
WSSC Mineral Consultation Area;
Barnham Special Consultation Area;
Source Protection Zone 2.

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
ECCDM1	ECC DM1 Renewable Energy
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
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
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
WDM1	WM DM1 Waste Management

[Aldingbourne Neighbourhood Plan 2019-31 Policy EH1](#) Built up area boundary

Aldingbourne Neighbourhood Plan 2019-31 Policy Green infrastructure and eco systems.

EH2

Aldingbourne Neighbourhood Plan 2019-31 Policy Surface water management

EH5

Aldingbourne Neighbourhood Plan 2019-31 Policy Protection of trees and hedgerows

EH6

Aldingbourne Neighbourhood Plan 2019-31 Policy Renewable and low carbon energy

EH7

Aldingbourne Neighbourhood Plan 2019-31 Policy 'Unlit Village' status

EH10

Aldingbourne Neighbourhood Plan 2019-31 Policy Promoting sustainable movement

GA1

Aldingbourne Neighbourhood Plan 2019-31 Policy Parking and new developments

GA3

Aldingbourne Neighbourhood Plan 2019-31 Policy Housing Density

H3

Aldingbourne Neighbourhood Plan 2019-31 Policy Attention to detail

H9

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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 relevant policies of the Aldingbourne Neighbourhood Development Plan (2021) are referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

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 not considered to comply with relevant development plan policies in that it results in a dwelling in countryside, however the principle of development has been established following appeal APP/C3810/W/19/3241407.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

KEY ISSUES

The key issues are principle, natural environment, design and visual amenity, residential amenity, highways/traffic and space standards.

PRINCIPLE

The site is outside of the built up area boundary for which Local Plan Policy C SP1 states development is generally unacceptable unless it falls into a certain category or is otherwise in accordance with a Local Plan policy which refers to a specific use or type of development and it would lead to the provision of a new dwelling in the countryside.

The Aldingbourne Neighbourhood Development Plan policy EH1 "Built Up Area Boundary" is relevant. It states that Proposals for development of land located to the west of Westergate Street and outside of the BUAB will not be supported. Policy H6 (residential windfall sites) only applies to sites in the built up area boundary. Policy GA1 states proposals that increase travel demand are to be in places accessible to public and community transport.

Paragraph 79 of NPPF states that policies and decisions should avoid the development of isolated homes in the countryside unless one or more of circumstances set in the paragraph apply.

The principle of development is contrary to policies in the Development Plan, however, the principle of development was established following appeal APP/C3810/W/19/3241407. The Inspector stated in appeal decision APP/C3810/W/19/3241407: 'There are no services within the collection of dwellings around the appeal site, but there are some local facilities at a service station at Fontwell. While these have the appearance of being aimed at passing traffic on the A27, they could support some day to day needs of nearby residents. The services would be a fairly lengthy walk from the appeal site on an unlit road with no footway, but it would be possible to access them by bicycle, crossing the A27 safely via an underpass.'

The Inspector noted the proposal would increase travel demand (the site is not accessible to public and community transport) and the conflicts with the development plan, considered as a whole. In his conclusion considering housing land supply, the benefits, together with the presumption in favour of sustainable development outlined in the Framework, and echoed in policy SD SP1, indicate permission should be granted.

The NPPF is an important material consideration in determining planning applications. It sets out a presumption in favour of approving sustainable development.

Para 11d) states where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Policies in the framework do not provide a clear reason for refusing the development and the adverse impacts of approving the development does not significantly and demonstrably outweigh the benefits.

Further para 14 of the NPPF confirms that, in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided specific criteria apply.

Whilst the all of the criteria apply, there is permission for a single dwelling already therefore there is no additional gain in housing numbers and the benefits have been clearly expressed at a previous appeal.

Policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will work to secure development that contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

This application is not unacceptable in principle and development of this site can be considered acceptable. The proposal is for a larger dwelling than that allowed at appeal. Therefore the development should be assessed as to whether any adverse impacts of granting permission would significantly and demonstrably outweigh benefits when assessed against the NPPF as a whole.

NATURAL ENVIRONMENT

Arun Local Plan policy ENV SP1 states that Arun District Council encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites.

The ANDP policy EH6.2 highlights that part of the Plan area falls in the 12km buffer to the Singleton and Cocking Tunnels SAC created policy SD10 of the South Downs Local Plan. Protection of the habitats, many of which are located within the biodiversity corridors is important for feeding and roosting sites.

Paragraph 174 of NPPF (2021) requires planning policies and decisions to contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible. This paragraph calls for the establishment of coherent ecological networks that are more resilient to current and future pressures.

The site is in the Habitats Regulations Assessment Buffer, in a distance of up to 1.5km from Slindon where barbastelle bats use woodland as a maternity roost and they can forage 10-15 km from roosting sites. The Habitats Regulations require additional consideration during the planning stage to ensure that the development does not affect the reasons for designation. Planning documents should detail fully the

potential impacts and how these will be avoided or reduced.

A Shadow Habitats Regulations Assessment (SHRA) has been submitted and assessed by CDC's Environment Officer. This document should be read in conjunction with the Phase I Ecological Report (Ecosupport Ltd, 2020), and has been produced to provide further assessment of the presence of potential significant impacts upon nearby Barbastelle (*Barbastella barbastellus*) maternity roosts in Slindon Park woods to the east. These maternity woods, and the site itself, fall in the 12km buffer of Singleton and Cocking Tunnels Special Area of Conservation. The SHRA concludes there will be no likely significant adverse effects upon Singleton and Cocking Tunnels SAC or Barbastelles associated with the site/functionally linked habitats. ADC as Competent Authority are not required to progress the application to the Appropriate Assessment stage of the HRA process.

It is proposed to mitigate adverse impacts through the approval of an external lighting strategy and prohibition of other external lighting. This can be controlled by condition.

CDC's Environment Officer does not object to the development subject to conditions. Therefore it is considered that the development complies with requirements of ALP policies ENV SP1 and ENV DM1.

CHARACTER AND APPEARANCE OF THE AREA / VISUAL IMPACT

Policy D DM1 of the Arun Local Plan requires the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Policy D SP1 "Design" states: "All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development."

Policy H3 of the Aldingbourne Neighbourhood Development Plan affirms the density of development shall be appropriate to its location by virtue of size, sitting and relationship to existing properties. Policy EH10 'Unlit Village' status declares that development proposals which detract from the unlit environments of the Parish will not be supported.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was adopted 25th January 2021. Part G.O1 deals with Neighbourhood, Centres and Local Facilities stresses the accessibility of facilities and services is fundamental to the proper functioning of a neighbourhood.

NPPF (2021) para 126 observes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

NPPF paragraph 130 states "Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

The Inspector (APP/C3810/W/19/3241407) with respect to AL/62/19/PL for a smaller dwelling and two bay detached garage observed: "Although the proposal would be larger than some other nearby houses, the appeal site is also large and so the low density character of spacious, informally arranged dwellings, and the area's woodland appearance, would not be harmed, even if the roadside boundary were reduced."

The current proposal would be substantially larger (L-shape was replaced with a T-shape) and be approximately 4m wider and higher with 3 a bay detached garage (instead of a 2 bay) situated on the south boundary. The current proposal has a greater visual impact in context with existing bungalows; Sundown to the north and Oaklands to the south. As the Inspector noted, the site is rather spacious, however narrowing towards the road where the dwelling is proposed.

The dwelling and garage would have an impact on the character of this location, however due to a substantial separation distance from neighbouring dwellings it would be acceptable. The impact can be mitigated, re-introducing boundary screening comprising trees and hedgerow. The proposal would be in general conformity with ALP policies D SP1 and D DM1 and the ANDP policy EH1 and the provision of the Framework. The requirement of the ANDP policy EH10 can be secured by a condition.

NEIGHBOURHOOD AMENITY

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. 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".

Regard should be had to para 130 (f) of the NPPF (2021) which states developments should provide a high standard of residential amenity for existing and future users.

The dwelling, due to substantial separation distance between proposed and neighbouring dwellings, and given the fact that no habitable windows are proposed at the first floor level of the south and north elevation would have a minimal impact to users and occupiers of nearby properties considered to result in adverse harm upon the neighbouring amenity by way of overshadowing, overbearing or overlooking and as such accords with D DM1 and QE SP1 of the Arun Local Plan.

HIGHWAY ISSUES:

Local Plan policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes. Policy GA3 of the Aldingbourne Neighbourhood Development Plan requires a provision of adequate parking in accordance with the standards adopted at the time.

Arun District Council's Parking Standards Supplementary Planning Document (January 2020) outlines the approach to parking at new developments.

Access gates open inwards and are set back 5m from the back edge of the carriageway, allowing cars to pull off the carriageway and wait whilst the gates are in operation. The 3 bay garage has space to park in front of it which would satisfy the requirement of Arun Parking Standards.

The Local Highway Authority do not consider the proposal has an unacceptable impact on highway safety or result in 'severe' cumulative impact on the operation of the highway network, therefore it is not contrary to the NPPF para 111, and there are no transport grounds to resist the proposal subject to suggested condition. As such the development would comply with policy TP1 and policy GA3 of the Aldingbourne Neighbourhood Development Plan.

WATER SUPPLY AND QUALITY

The site falls in the Lidsey Wastewater Treatment Works Catchment Area. Policy W DM1 (ALP) states 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.

The ANDP policy EH5.4 stresses where applicable, surface water management measures will be required for development proposals to ensure that the risk of flooding both on site and downstream is not increased. No development should be commenced until full details of the proposed surface water drainage scheme have been submitted and approved in writing by the LPA.

Arun District Council's Drainage Engineers requested a condition be imposed to ensure the development can be adequately drained and does not increase flood risk elsewhere. Conditions requiring a Surface Water Drainage scheme prior to commencement of development (notwithstanding site survey and investigation) meets the tests outlined in paragraph 57 of the 2021 NPPF.

The site falls within Flood Zone 1 and is at low risk of flooding and as mentioned above within the Lidsey Wastewater Treatment Works Catchment Area. The applicant failed to provide a Drainage Impact Assessment, contrary to requirement policy W DM1, however it will be secured via condition.

The use of a Package Treatment system is proposed. As stated in their comments Southern Water would not support the proposals for a private treatment plant in the presence of public foul sewerage network in the close vicinity of the site and foul sewerage shall be disposed of in accordance with Part H1 of Building Regulations hierarchy.

COMPLIANCE WITH SPACE STANDARDS

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 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 building is suitable for residential use. The proposal relates to gross internal floor spaces of approx. 242 sqm for the 4 bed units, which substantially exceeds the minimum gross internal floor areas requirement for a two storey dwelling (124 sqm for 4 bed, 8persons).

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This replaces policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. The Arun Design Guide stresses the design of new homes should provide clear delineation of public and private

spaces; incorporating a 'public front' and private 'back' to the rear of the site, providing private gardens. Regard should be had to para 130(f) of the NPPF(2021) which requires development has a high standard of amenity for existing and future users. The proposal provides a large garden exceeding requirements of Arun Design Guide and complying with policies D DM1 and D DM2 of the Arun Local Plan and guidance in the NPPF (para. 130)

PROTECTION OF TREES

Policy ENV DM4 of the Local Plan emphasises that development will be permitted where it can be demonstrated that trees protected by the Tree Preservation Order (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:

c. The benefits of the proposed development in a particular location outweigh the loss of trees.

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

The ADC Tree Officer objected stating the Tree Protection Plan fails to adequately illustrate the relationship between tree root protection area and development proposals and considers there is no overriding justification for the siting of a dwelling within the Root Protection Area (RPA) of Oak (T1).

The dwelling would be larger than allowed at appeal and as a result would be in the RPA of Oak (T1). A meeting of the applicant's Arboriculturist and ADC Tree Officer has been arranged followed by the necessary arboricultural report and plans which can override undue detriment to on and off-site trees.

Conditions will be imposed to ensure development would not result in a loss of trees and would comply with policy ENV DM4 of the Arun Local Plan, policy ES6 of the Aldington Neighbourhood Development Plan and relevant NPPF's paragraphs.

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)."

Policy EH6 of the ANDP emphasises development proposal must be designed to incorporate biodiversity within and around developments and enhance ecological networks.

Para 180 of the NPPF (2021) 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 proposal is for a new building in garden land. The Phase I Ecological Report (Ecosupport Ltd, 2020) and Shadow Habitats Regulations Assessment has been submitted. ADC's Greenspace Officer did not have a landscape objection subject to submission of landscape details. The potential impact of the proposal could be blended into the environment; landscape provision to the dwelling and improvement with native species infill plus further boundary screening is required and information on Biodiversity Net Gain will need to be provided.

The opportunity to increase biodiversity and mitigation measures will be secured via condition.

SUMMARY

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. This states 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. This report finds no significant adverse impacts associated with the proposal and there are significant benefits to take account of. Therefore the presumption in favour of sustainable development is engaged.

The proposal considers the development of 1 dwelling in countryside. The principle is contrary to policies in the development plan, however the principle of development on this site has been established following appeal decision APP/C3810/W/19/3241407. The proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the

date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Dwg No 17-1197-PL401, Rev A, Proposed Side Plan/Location & Block Plan;
Dwg No 17-1197-PL402, Rev A, Plans and Elevations;
Dwg No 17-1197-PL403, Rev A, Detached Garage, Plans, Elevations and Section;
Supporting Design & Access Statement (DAS) submitted on 3rd June 2021.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 The dwelling shall not be occupied until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policy T DM1 of the Arun Local Plan.

- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with approved plans. The facilities shall thereafter be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings have been implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 7 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled "Proposed Site Plan" and numbered "17-1197 - PL401".

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan.

- 8 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

- 9 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) or Site Manager - at this meeting all protective fencing will be inspected to verify it is 'Fit for Purpose' as required under British Standard 5837:2012 and has been erected and positioned exactly as shown on the Tree Protection Plan (Appendix 2), ref. B/0301/21 v3.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 10 All activity at the site is to be carried out in strict accordance with: - Arboricultural Report, ref. B/0301/21, January 2021 and Addendum to Arboricultural Report, ref. B/0301/21 (addendum), May 2021, from Beechdown Arboriculture Ltd.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

- 11 Details of the proposed landscape provision should be submitted for approval. The opportunity to increase the biodiversity of the site and potential screen the proposals should also be considered. Any trees and shrubs specified should be at a size which allows instant impact, but which will establish and mature as the site develops. Landscape details will be required to be submitted in plan form detailing species choice, quantities, planting densities and size at time of planting. The details so approved shall be implemented prior to the occupation of the approved dwelling.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 12 Prior to its installation, full details of any external lighting together with their mechanisms and timings of operation shall be submitted to and approved in writing by the Local Planning Authority. The use of timed black out blinds and/or low transmission glazing is required for all roof lights due to the biodiversity sensitivities of the site and not disturb or harm wildlife, given the priority woodland habitat. The lighting shall be installed in strict accordance with the approved details and shall thereafter be maintained and operated in accordance with those details. No other external lighting shall be installed on the site.

Reason: To control the residential amenities of the local environment in accordance with Arun

Local Plan policies QE SP1, QE DM2, D DM1 and ENV DM5.

- 13 The solar PV panels and ground source heat pump described in the application and indicated on the drawings hereby permitted shall be provided and operational prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

- 14 **INFORMATIVE:** Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm event plus 40% on stored volumes/rainfall intensity (allowance for climate change) between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year storm event plus 40% on stored volumes/rainfall intensity. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

- 15 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 16 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 17 **INFORMATIVE:** The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted.

Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

- 18 **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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.