

Recommendation Report for Planning Permission

REF NO: BE/69/21/PL

LOCATION: Land adj to Walnut Tree Cottage
Shripney Lane
Bersted
PO22 9NR

PROPOSAL: Erection of detached single storey, two bedroom dwelling and reinstatement of double garage to Walnut Tree Cottage from annexe/holiday let (Resubmission of BE/79/19/PL). This application may affect the character and appearance of the Shripney Conservation area. This application is within CIL Zone 3 and is CIL liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for the subdivision of the garden to Walnut Tree Cottage for the erection of a detached single storey, two bed dwelling provided with use of the existing garage and new private amenity space and reinstatement of double garage to Walnut Tree Cottage from annexe/holiday let (the front windows would be replaced with two garage gates). The property would be constructed from brick and flint with a slate roof, which would reflect the other properties in the conservation area.
SITE AREA	0.2ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	10 dwellings/ha
TOPOGRAPHY	Predominantly flat, slightly raising from the lane to the north.
TREES	None affected by the development.
BOUNDARY TREATMENT	Dwarf flint wall with brick piers approximately 1m-1.5m in height and a bridle gate to the front, approximately 2m high panel timber fence to the north-west.
SITE CHARACTERISTICS	The site is on the north-east side of Shripney Lane and contains Walnut Tree Cottage, two storey white rendered dwelling with a pitched slate roof of an attractive appearance(Locally Listed Building) set in landscaped curtilage, a detached converted double garage with a fence aligning its front elevation and separating the plot in order to create some private amenity space to the east and an oak framed detached garage within south-eastern corner.
CHARACTER OF LOCALITY	The site forms part of a low density residential development on the northeast side of Shripney Lane within the Shripney Conservation Area, predominantly of two storey detached properties of a traditional style of rural character. The Cottage is facing on to the lane. Although generally street fronted,

there is an informality of layout where space between buildings is important. There is a number of Statutory Listed Buildings to the west and another Locally Listed Building to the east. The area has a mature verdant character. To the south of the site sits a collection of paddocks which are screened to the highway by hedgerow.

RELEVANT SITE HISTORY

BE/79/19/PL Single-storey bungalow on land adjacent to Walnut Tree Refused
Cottage & reinstatement of double garage to Walnut Tree 16-09-19
Cottage from annexe/holiday let - This application may
affect the character and appearance of the Shripney
Conservation Area

Appeal: Dismissed
04-11-20

The previous application was refused for the following reasons:

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 proposed development would adversely affect the character and appearance of the Shripney Conservation Area by reason of its design.

An outline application under reference BE/50/88/PL for a new cottage and double garage on this land was previously refused by the Council under delegated powers and then dismissed on appeal in March 1989; re-submitted under reference BE/47/99, refused by the council under delegated powers and then dismissed again on appeal in April 2000.

REPRESENTATIONS

Bersted Parish Council: No objection.

4 letters of support:

- Mass housing should be avoided in this area and preservation of communities encouraged.
- This bungalow will be of high quality and fit in with the surrounding buildings.
- It would encourage high standards of home ownerships within our community.
- The changes that have been made will make it fit in much better and it will be ideal for older people.
- A building of the proposed design and materials will help to restore character to Shripney Lane and adjoining area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ARUN DISTRICT CONSERVATION AREA ADVISORY PANEL comments:

No objection, subject to appropriate and good quality materials, finishes and detailing the scheme should comply with the relevant paragraphs of the NPPF and policies contained in the ADLP relating to the protection of Conservation Areas.

- The appearance of the new garage doors to the former annexe could be improved if they were of painted timber vertical boarding rather than the horizontal panels shown on the drawings.
- Conditions should be attached to any planning permission requiring the submission of samples of the bricks and roof slate (should be natural), and also the erection in-situ of a sample panel of the proposed flintwork for approval by the Council. Precise details of the windows and doors should also be submitted and they should be of painted timber.

CONSERVATION OFFICER comments:

Walnut tree cottage has been identified by the LPA as a Building or Structure of Character and as such it is a non-designated heritage asset. It is also located within a conservation area. The cottage itself is an attractive two storey, four bay property and forms part of a group with neighbouring properties. There are two structures within the grounds of the building which are visible from the lane.

There also a number of listed buildings present, including Shripney House and the Pottery, which are both Grade II listed buildings and they are considered to be of aesthetic (fortuitous) significance.

As part of paragraph 194 of the NPPF 2021, local planning authorities should require an applicant to describe the significance of any heritage assets affected as part of their proposals, including any contribution made by their setting, in determining applications. It is noted that a heritage statement is included as part of the application and further assessment is contained within the Planning, Design and Access Statement which has been prepared by the planning agent.

Whilst the new building would be located in the same plot as the existing dwelling, It would be visible as a modest building that would blend into this part of the conservation area. The agent identifies that the property would be constructed using traditional building methods, and that this demonstrates the careful regard to be given to respecting the sensitivities of the character and appearance of the area. It was noted that attention is also to be given to secondary details such as the meter box, lighting, gutters and pipework.

It is suggested that details of the materials, joinery, provision of an onsite flint panel sample, along with details of elements such as the meter box, lighting, gutters and pipework be provided to the council by way of condition. Details of the proposed boundary treatment used to divide the site should also be provided, especially for that part of the site which would be visible from the road to the front.

The proposal does not cause harm to the significance of the heritage assets or their setting. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan.

ENGINEERS COMMENTS Regarding Surface Water Drainage:

Due to the scale, location and type of application we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

ENVIRONMENTAL HEALTH: No comment subject to condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary
Shripney Conservation Area

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
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
HERDM3	HER DM3 Conservation Areas
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
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

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES5	Building design
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy ES8	Renewable energy
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
SPD3	Parking Standards

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.

Bersted Parish Council has a "made" Neighbourhood Plan and relevant policies are ES1 Design of new development, ES2 Surface water management, ES5 Building design, ES6 Protection of trees, HDQ6 Outdoor Space, HDQ7 Attention to detail and HDQ8 Car parking.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant development plan policies in that whilst it would be an inappropriate development within the countryside, it would not affect adversely the residential amenities of nearby properties, would not have a materially adverse effect on the visual amenities of the historic environment of the Conservation Area or to materially affect the character or the setting of the Grade II Listed Buildings.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site lies outside of the built up area boundary for which Local Plan Policy C SP1 states that 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.

Paragraph 79 of NPPF states that planning 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 NPPF is an important material consideration in determining planning applications. It sets out a presumption in favour of approving sustainable development. Para 11 of the NPPF confirms the presumption in favour of sustainable development and advocates in section d) that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites) granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The Council can demonstrate a 3.3 year supply of housing land and therefore, which triggers the

presumption in favour of sustainable development under footnote 7 and paragraph 11(d) of the NPPF (2021).

Irrespective of the housing land supply position, it is necessary to consider whether the proposal would be sustainable development for which there is a presumption in favour.

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).

The site would have an access to few facilities along Shripney Road at the southern end of Shripney Road and a public house. Whilst services would be a fairly lengthy walk from the proposal site on an unlit road with no footway it would be possible to access them by bicycle. There is a bus service along Shripney Road, however the private car could be required for longer distances and the proposal would increase travel demand.

While there are some limitations to the location in terms of accessibility, and only limited benefits from the construction of one dwelling, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as whole. The proposal, therefore, benefits from the presumption in favour of the sustainable development outlined at Framework with some limitations to the location in terms of accessibility.

The principle of development is contrary to the policies in the development plan. The policies of the ALP that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. This application is not be determined as being unacceptable in principle and the development of this countryside site can be considered acceptable subject to the above assessment of whether the proposal represents sustainable development and whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

HERITAGE:

Policy HER SP1 of the Arun Local stresses that designated heritage assets will be given the highest level of protection. Policy HER DM2 plan requires that all Locally Listed Buildings must be largely intact and not adversely affected by later extensions or alternations and preferably, although not exclusively, they should make a positive contribution to their surroundings or the street scene. HER DM3 stresses that development which adversely affects the setting, character, appearance of or views in to and out of a Conservation Area will be refused.

It is necessary to consider guidance in the NPPF which sets out several steps when considering impact on heritage assets. Para 194 requires applicants to describe the significance of 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 (as set out in paras 199-202).

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that when considering whether to grant planning permission or permission in principle 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.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in the exercise of planning functions, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policy ES5 of the Bersted Neighbourhood Development Plan sets down that the design of new buildings should contribute positively to the historic character. Listed Buildings and their settings and Conservation Areas and their settings, will be conserved and enhanced to reinforce the quality and character of Bersted.

The proposal is for a new single storey dwelling in the grounds of Walnut Tree Cottage. Whilst the new building would be located in the same plot as the existing dwelling, the location still allows for there to be some separation between the properties and for the proposed development to be read as subservient to the existing, attractive cottage. It would be visible as a modest building that would blend into this part of the conservation area. The presence of existing screening (both a garage and landscaping) would also help to partially screen it.

The proposed building would be a simple, of a traditional design, would be constructed from brick and flint with a slate roof using traditional building methods which would reflect the other properties within the conservation area. Conservation Officer is of the opinion that the application does not cause harm to the significance of the heritage assets or their setting.

The development satisfies requirements of NPPF, Section 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and policy HER DM1 and HER DM3 of the Arun Local Plan.

CHARACTER OF THE AREA:

Policy D DM1 of the Arun Local Plan requires that 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.";

(13) Density - "The density of new housing will make 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. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(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.

Policies ES1 and ES5 of the Bersted Neighbourhood Development Plan require new development to be of a high quality and to reflect the character of the location.

The Arun Design Guide Supplementary Planning Document (SPD) adopted 25th January 2021 is a material consideration in the determination of applications. Part P.O1 deals with infill development and requires development to respond positively to the character; infill developments, whether in rural contexts

or urban environments, must aim to strike a balance between the benefits of more efficient and intense use of development land and preserving the character and local amenities of the site's context.

Para 130 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)."

The National Design Guide was published in 1 October 2019. Part C1 maintains that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

There are two structures within the grounds of the building which are visible from the lane. It is also noted that a fence separates the plot in order to create some private amenity space. The conservation area is rural in character with a variety of buildings of different ages, styles, types and materials. Although generally street fronted, there is an informality of layout where space between buildings is important. Vernacular materials are present in both the buildings and the boundary treatments. The scale and massing of the proposed property would assure its subservience to Walnut Tree Cottage which is two storeys in height and prominent to the street frontage. This would be achieved by a position of the new dwelling centrally within the depth of the plot and behind the existing double detached garage that sits to the east of the existing dwelling. With the proposed property being single storey, the effect will reduce any prominence of the new property and would retain a hierarchy within the street scene. The proposed has been designed to integrate with the existing dwellings and is complementary to the surrounding area with similar design features and materials used.

The proposal complies with Arun Local Plan policies D DM1, D SP1, policy ES5 of the Bersted Neighbourhood Development Plan, Arun Design Guide and with the guidance on character in the NPPF.

RESIDENTIAL 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. Regard should be had to para 130 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users. 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 proposed dwelling, due to a substantial separation distance between the host building and proposed dwelling and neighbouring dwellings to the east, and given the character of design of proposal, there 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.

CAR PARKING & HIGHWAY SAFETY:

Arun Local Plan policy T SP1 seeks to ensure that 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. In

respect of highway safety, it states that:

"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, it states that:

"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".

Policy HDQ8 of the Bersted Neighbourhood Development Plan stresses that proposals for new development will have adequate onsite parking to meet current and future needs at a minimum rate of two spaces per dwelling unless alternative and accessible car parking arrangements can be made which do not add to on-street congestion.

Para 110 of the NPPF 2021 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 111 that states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Parking Standards Supplementary Planning Document, (Jan 2020) requires that all new houses with a driveway and garage will be required to provide active EV charging points (in accordance with current ADC Vehicle Infrastructure Study (2017)). All other development will need to provide EV charging points in 20% of parking spaces from the date of adoption of this SPD. This approach reflects that taken by the WSCC GPND and responds to the Government's declaration of a 'Climate Emergency' and future regulations on decarbonising the transport sector.

The new dwelling would have a new access point from the public highway and within the site, space is available for the manoeuvring of vehicles serving the property and would have appropriate visibility onto the public highway to ensure that highway safety would not be compromised. The driveway would retain the existing area of hardstanding to provide for on-site parking which is wholly contained within the planning unit with use of the existing double detached garage.

It is considered the proposal would satisfy policy T SP1 of the Arun Local Plan, Arun Parking Standard and with the guidance on highways within the NPPF.

INTERNAL & EXTERNAL SPACE STANDARDS

Policy D DM2 enunciates: "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 2bed/4 persons dwelling is proposed with an internal space area of 150 sqm what would exceed minimal space standard required by the Nationally Described Space Standards.

Arun Local Plan policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to

part replace D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Para 130 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Bersted Neighbourhood Development Plan policy HDQ6 states that a private outdoor garden amenity space of appropriate quality must be provided for all new dwellings.

Arun Design Guide part H.04 advises on Residential Outdoor Amenity & External Space Standard:

- All development should provide residents with access to outdoor amenity space, whether private or communal. It advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable and states that rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

The dwelling would benefit from a spacious rear private garden. The proposal satisfies the relevant internal and external standards and complies with policies D DM1 and D DM2 of the Arun Local Plan, Arun Design Guide and with the 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 BNDP policy ES6 stresses that development that damages or results in the loss of ancient trees/trees of arboricultural and amenity value or loss of significant ground cover and habitat will be resisted.

The ADC Tree Officer has not been consulted. As a result of development 4 trees would be removed. An Arboricultural Method Statement and Tree Survey Arboricultural Impact Assessment & Tree Constraint Plan have been submitted by the applicant.

Conditions will be imposed to ensure that for any trees which are removed as part of development, at least equivalent number of similar species are planted on the proposed development site and the proposed development would not result in further loss of trees and would comply with policy ENV DM4 of the Arun Local Plan, policy ES6 of the Bersted Neighbourhood Development Plan and relevant NPPF's paragraphs.

BIODIVERSITY:

Policy ENV DM5 of the Local Plan requires development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall 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)."

The proposal is for a new building within a garden area. No ecological survey has been submitted to show a potential impact of the development on protected species with details of measures to be incorporated into the development scheme to avoid loss of the species and to demonstrate biodiversity net gain. The impact of the proposals could be lessened in this location and blended into the surrounding residential setting with further thought given to the landscape offer and greening to enhance this.

The proposal fails to provides details of biodiversity net gain in biodiversity and protect the habitats on site therefore not in accordance with the ALP policy ENV DM5. However this does not result in a reason for refusal as biodiversity net gain can be conditioned.

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.

This application considers the development of 1 dwelling within countryside. The principle of development is contrary to policies in the development plan but these policies have reduced weight as the Council are not able to demonstrate an adequate supply of housing land. The proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged.

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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 001 Rev A, Location Plan;
 Dwg No 103 Rev I, Proposed Site Plan;
 Dwg No 111 Rev B, Proposed Roof Plan;
 Dwg No 112, Proposed Garage;
 Dwg No 121 Rev D, Proposed North Elevation;
 Dwg No 122 Rev D, Proposed South Elevation;
 Dwg No 123 Rev D, Proposed East Elevation;
 Dwg No 124 Rev D, Proposed West Elevation;
 Dwg No 141 Rev D, Proposed Site Section.
 Dwg No 110 Rev I, Proposed Ground Floor Plan.

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 No development above damp proof course (DPC) level shall take place unless and until details of the materials: samples of bricks and natural slates, provision of an onsite flint panel sample, details of windows and doors of painted timber, joinery along with details of elements such as the meter box, lighting, gutters and pipework and details of the proposed boundary treatment used to divide the site have been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to exercise the necessary statutory control over works likely to affect the character of the Listed Building in accordance with the NPPF and policies HER DM1 and HER SP1.

- 4 Prior to the occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the Local Planning Authority for approval and thereafter 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.

- 5 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.

- 6 No part of the development shall be first occupied until the plans and details of covered and secure cycle parking spaces have been submitted to and approved by the Local Planning Authority. The facilities so approved shall 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..

- 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 "103 Rev I".

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

- 8 No 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 Prior to occupation of the dwelling details of Biodiversity Net Gain shall be submitted to and approved by the Local Planning Authority. The details so approved shall be implemented no later than 6 months following the occupation of the dwelling and permanently retained thereafter.

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

- 10 No part of the development shall be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems.
The approved scheme shall thereafter be implemented prior to occupation of the proposed dwelling use and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 11 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with policy QE DM4 of the Arun Local Plan.

- 12 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun District Local Plan.

- 13 Prior to the commencement of the development hereby permitted a scheme for the protection of all retained trees and boundary vegetation shall be submitted to and approved in writing by the Local Planning Authority. The approved tree protection scheme shall be fully implemented prior to the commencement of any other works on site and shall thereafter be maintained for the duration of the construction of the development.

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 and with policy ENV DM4 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to verify the fitness of tree protection scheme.

- 14 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) - at this meeting all protective fencing will be inspected to verify it is 'Fit for Purpose' as required under British Standard 5837:2012.

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 and with policy ENV DM4 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to verify the fitness of protective fencing and ground protection measures prior to commencement of the proposed works.

- 15 The applicant shall during the next planting season following the felling of the trees, the subject of this application, plant replacement trees of a species and maturity and in positions approved by the Local Planning Authority and under its supervision and in the event that any such trees die within five years following such planting shall replace them by similar trees in similar positions during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with policy D DM1 of the Arun Local Plan.

- 16 No external lighting shown on the submitted plans shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, fully assessed by a competent individual when operational to ensure no light creep / bleed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area / the environment and wildlife / local residents

from light pollution in accordance with policy QE DM2 of the Arun Local Plan.

- 17 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 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.