

Recommendation Report for Planning Permission

REF NO: LU/193/25/PL

LOCATION: Court Wick Park
Courtwick Lane
Littlehampton
BN17 7PD

PROPOSAL: Proposed residential development for 4 houses and associated landscaping. This application may affect the setting of a Listed Building and is in CIL Zone 2 (CIL liable as new dwellings).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approx. 0.48 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	8.3dph.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the development.
SITE CHARACTERISTICS	The site is behind and north of Strawberry Fields, an assisted living facility fronting Courtwick Lane. It is generally flat and laid to lawn with trees along the boundaries and elsewhere in the site. There is a railway line approx. 160m to the north of the site and more recently constructed housing estate developments to the west and south west of the site.
CHARACTER OF LOCALITY	The wider locality is predominantly residential in use and there is a recreational ground to the northwest. There is a Grade II listed, Courtwick Park, a 2-3 storey Georgian manse, adjacent to the west site boundary which includes a stable block adjacent to the northeast boundary.

RELEVANT SITE HISTORY

LU/157/23/PL	Residential development for 4 No. dwellings and associated landscape. This application affects the setting of a Listed Building and is in CIL Zone 2 and CIL Liable as new dwellings.	Refused 20-10-23
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REPRESENTATIONS

Littlehampton Town Council - No objection:
- Subject to the tree maintenance plan and biodiversity statements being considered satisfactory.

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No other representations.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer - Objection:

- Several trees on site are subject to Tree Preservation Order (TPO).
- Most of these trees form a key part of the local mature treescape and are highly visible from the Kingley Gate estate, nearby footpaths, and the recreation ground.
- The scheme shows multiple incursions into Root Protection Areas (RPAs).
- Arboricultural impacts are greatest at plots 3 and 4, particularly plot 4.
- Plots 1 and 2 have low arboricultural impact and appear deliverable without harm to high-value trees.
- An extensive use of 'no-dig' construction is proposed, but this carries high risk and should only be used where RPA incursion is unavoidable.
- The use of no-dig construction is difficult to justify for the facilitation of plot 4, which results in risk to two vulnerable mature/late-mature trees.
- Plots 3 and 4 include many sections of the RPAs of large, important trees, increasing the risk of long-term harm from garden use, landscaping, compaction, and permitted development.
- The tree removals are not considered harmful from an amenity perspective.
- Service routes have not been shown, creating potential for additional tree/hedgerow removal and RPA incursions.
- Utilities could potentially be routed away from RPAs using the proposed highway network, but statutory undertakers are not obliged to reinstate specialist construction methods (e.g. no-dig) when conducting repairs/maintenance, increasing the long-term risk to these trees.
- No approved surface or foul water drainage strategy is yet in place. Drainage must be resolved alongside the layout to avoid later flood mitigation measures/drainage apparatus being forced into locations that harm retained trees and landscaping.
- The on-site RPAs and future root growth are significant and clear constraints for the siting of SuDS features, soakaways, and underground services. Adequate buffers/easements around root networks are required to avoid future damage during maintenance of these features.
- RPA incursion requires clear overriding justification.
- The cumulative extent of RPA intrusion and no-dig construction is excessive and carries a high risk of accidental tree damage.
- A similar level of development could be achieved with less harm through a more sympathetic layout and the severance of plot. This would better align with Arun Local Plan policy ENV DM4.
- The central cluster of high-value trees should remain inviolate as an important ornamental woodland habitat, rather than being put at risk for one additional dwelling.

Drainage Engineers - Objection (12/12/25).

Drainage Engineers - Objection (05/03/26):

- Objections to National Standards for Sustainable Urban Drainage Systems (NSfS) Standards 1, 3, and 7.
- No objection subject to conditions to remaining NSfS standards.
- The Flood Risk Assessment must be updated to align with the below.

- The submission, refers to geotechnical investigation undertaken by Albury SI Ltd dated Feb 2025, however, the full details have not been supplied, including full winter groundwater monitoring results, trial hole logs, and material testing data/summaries.
- The flood risk report (2.5) advises that made ground is present on site at depths of 400-700mm but does not identify where. These plume areas must be identified on the layout plans and may preclude the use of infiltration features unless suitably mitigated.
- 2.5 also advises that a chalk strata is low risk of dissolution but does not confirm the minimum distances from structures required. I.e. are SuDS distances greater than 5m required?
- There is insufficient evidence of testing depths to conclude if Geocellular soakaways and shallower permeable pavements penetrate the suitable drainable strata.
- Three infiltration test pits have been undertaken in compliance with BRE365. The results indicate significant differences across the site and the designer has not suitably justified why the worst-case rates have not been used for all soakaway locations.
- The design has not qualified the safety factor (f) consequence of failure. The safety factor of 2 currently specified on the hydraulic calculations is not in accordance with CIRIA.
- The use of permeable pavements is highlighted on the drainage GA key but is not shown on the plan. The extent, specification and calculations must be provided.
- The application has been amended to include updated soakaway calculations for the 100yr return period but these cannot be accepted without the above comments being addressed.
- The geotechnical testing confirms infiltration to be viable on the site and the designer has proposed soakaways to discharge run-off to the ground, adhering to NSfS priority 2 (infiltration). However, in light of the numerous comments raised above in relation the soakaway design, the applicant must respond to each comment before this solution can be accepted.
- It is evident that a number of existing trees/root protection areas may be affected by new drainage apparatus, therefore, further assurances will be required to demonstrate coordination.
- The drainage design does not comply with the NSfS where it is for a 10yr return period. It must cater for the 100yr return period, plus climate change and urban creep factors.
- The design must demonstrate the 50% half drain down time lies within 24hrs for the 30yr event.
- The design must highlight the extents for the risk of surface water flooding where this may impact on the current location of dwellings. Whilst some mitigation is proposed, pre-development and post-completion exceedance routing must be evidenced to ensure the proposals are suitable for the lifetime of the development. This must include evidence of the risk of surface water flooding catchment where this may convey run-off on/off the site, and consider flood depths and drain down durations.
- Pre-development and post- development exceedance overland flow drawings are provided, denoting the plume risk areas. Whilst noting run-off would also drain to ground, there is no change in local catchment leaving the site and no proposed buildings shown to be at risk, therefore this information is acceptable.
- There is potential for conflict between the proposed trees and the site's drainage infrastructure. As landscaping is to be determined by this application, it is expected that these conflicts are resolved.
- While maintenance is briefly referenced in section 4.6, a maintenance schedule and/or summary must be provided in accordance with ADC requirements.
- The applicant is advised that further clarification on some of the above points was requested from the Drainage Engineers and was provided. This can be found on the Arun District Council website under this application reference, dated 20/03/26 and uploaded 23/03/26. Since this clarification does not constitute formal consultation comments, they are not included above, but may be of assistance for any future scheme at this site.

Ecologist - Further information required (10/10/25):

- The site lies within the Arun Valley SPA Impact Risk Zone 2, however, an appropriate assessment is not required due to scale, habitat, and nature of development.
- The proposal shows a loss of 1.33 Area Biodiversity Units (33.8%). Offsite BNG provision is required.
- The development proposes significant onsite BNG in the form of Woodland creation/enhancement (high

distinctiveness), Heathland, scrub, and individual trees (medium distinctiveness). These need to be secured via S106 agreement and managed through HMMP.

- The Preliminary Ecological Appraisal (PEA) reviewed protected species impacts and found bat roost potential in trees T14, T15, T26, T29 rated high/moderate. These are subject to partial retain/removal per the submitted Arboricultural Impact Assessment.
- Further bat surveys required before determination.
- No bat activity survey provided; commuting/foraging value cannot be assessed.
- The site has suitable terrestrial habitat. A pond approx. 10m away was assessed as poor suitability via HSI, but this does not confirm presence/absence. Further pond surveys or justification with mitigation measures are required before determination.
- The site is considered to still be of high potential to reptiles. A reptile mitigation strategy is required.
- Conditions suggested for once additional information has been provided.

Ecologist - No objection subject to conditions (09/12/25):

- Further ecological information was submitted. The ponds were dry during the survey; no further Great Crested Newt surveys required.
- The updated Arboricultural Impact Assessment confirms a licensed ecologist will oversee works to trees T14, T15, and T29 to protect potential bat roost features.
- No further comments.

West Sussex County Council Highways:

- A 6m wide bellmouth access onto Courtwick Lane is proposed. This is a private road and the applicant will need to obtain formal approval from the Courtwick Lane proprietor.
- The access to the publicly maintained highway is at the Courtwick Lane/Kingfisher Drive junction. There are no visibility concerns.
- The development would add 2-3 vehicle movements during AM/PM peaks. This is not a significant intensification.
- Each dwelling has three driveway parking spaces. Plots 1-3 include single garages, and Plot 4 has a double garage.
- The parking provisions are sufficient.
- The garages do not meet Manual for Streets dimensions (3m x 6m for single, 6m x 6m for double) and cannot count toward parking/cycle storage.
- On-site turning and refuse vehicle swept path tracking has been satisfactorily demonstrated.
- The site is in walking/cycle distance of local services and amenities and cycling is a viable option in the area. Regular bus services can be caught from Lyminster Road approx. 800m east of the site.
- Do not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.
- Conditions regarding parking spaces and cycle storage suggested.

South Downs National Park Authority - No comment.

Environmental Health - No objection with conditions:

- Conditions related to unexpected contamination, construction hours, lighting, and EV charging points, and a pre-commencement condition concerning noise impacts on residential premises from the proposed pumping station requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

Ecology - T26 is identified for retention but is a remnant monolith stump and requires no works.

WSSC Highways - The applicant increased the internal dimensions of the garages to provide additional car/cycle parking during the lifetime of the application.

POLICY CONTEXT

Designations applicable to site:

Within Built-up Area Boundary

TPO on site (TPO/LU/2/22)

Adjacent to, and within the grounds of, Grade II Listed Buildings

Potential Susceptibility to Groundwater Flooding

Low - High Risk of Surface Water Flooding in parts of the site both now and in the future (2040-2060)

Archaeological Notification Area

Arun Valley Impact Risk Zone

DEVELOPMENT PLAN POLICIES

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

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
QESP1	QE SP1 Quality of the Environment
ENVSP1	ENV SP1 Natural Environment
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
HERDM6	HER DM6 Sites of Archaeological Interest
ECCSP2	ECC SP2 Energy and climate change mitigation
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WSP1	W SP1 Water
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

Littlehampton Neighbourhood Plan 2014 Policy 22 Design of New Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

POLICY COMMENTARY

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

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 does comply with relevant Development Plan policies due to unacceptable harms to on-site biodiversity, trees, and insufficient surface water drainage management, and a failure to adequately demonstrate that proposed occupiers would be safe from flood risk for the lifetime of the development and the lack of a Sequential Test for flood risk.

Section 70(2) of the 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.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The site falls within the Built-Up Area Boundary (BUAB) where the principle of development, as per policy Arun Local Plan (ALP) policy SD SP2, is acceptable subject to consideration with other relevant Development Plan policies.

Policies 1 and 2 of the Littlehampton Neighbourhood Development Plan (LNDP) provide similar policy support for the principle of the development proposed. Policy 1 states, amongst other things, that permission should be granted where applications accord with the relevant policies in the LNDP, and Policy 2 seeks to focus development within the BUAB.

Given the above, the principle of the development of the site is therefore acceptable.

The NPPF is a material consideration in determining applications as is the Council's lack of a 5-year HLS (3.23 years). The NPPF sets out a presumption in favour of sustainable development (Para 11(d)) which

for decisions, means, 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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places, and providing affordable homes, individually or in combination.

In this instance, following the conclusions made in respect of flood risk in within this report, NPPF paragraph 11d(i) applies.

CHARACTER AND DESIGN

ALP policies D SP1 and D DM1 require development proposals to make efficient use of land while reflecting the characteristics of the site, and to have regard to character, appearance, density, and scale.

The Arun Design Guide (ADG) is a material consideration in the determination of applications. Section G.02 of the ADG suggests a density of 10 - 20 dwellings per hectare (dph) for detached/semi-detached houses in Suburban Centres. The proposal introduces 4 No. detached houses interspersed through the site with plot densities ranging from 12-30dph, and an overall site density of 8.2dph. While Plots 1-3 have slightly higher densities (Approx. 25-30dph), given their proximity and relationship to the protected trees on site, the smaller plots and higher densities are acceptable.

Views of the mature trees over and between the buildings ensure the proposals appropriately respond to the characteristics of the site and is appropriate. Further landscaping has been proposed to soften visual impacts of the development from outside of the site and to aid in addressing Statutory Biodiversity Net Gain (BNG) requirements. The additional landscaping aids in the development's integration with the character of the site and softens the introduction of houses onto the otherwise verdant and relatively undeveloped site. The hard surfacing proposed is not overly dominant and is complemented by soft landscaping along its edges.

The dwellings are commensurate with the size of their plots and benefit from sufficient spatial separations between units. The new units are of two storeys and feature 'grey' brickwork with red brick detailing, white timber double glazed sash windows, timber painted doors, and slate roof tiles. These details would have been confirmed and secured by way of condition. They also feature attached garages and stone entrance canopies. The designs balance the heritage context of the adjacent site with the larger, modern residential developments within the area and are acceptable.

The proposal includes the installation of a pumping station, but no elevational details have been provided. During the lifetime of the application, it was relocated to the southern side of the site, rather than being tucked to the rear/northwest of plots 1 and 2. It now occupies an area in which planting is indicated on the site plan (though not on the landscaping details), which could give rise to conflicts with landscaping. It is positioned directly south (to the front) of plots 1 and 2 adjacent the entrance to the site, meaning it is prominent for residents and visitors. For these reasons, this location is undesirable. The station could have been enclosed by fencing which would screen its utilitarian design, details of which could have been secured by condition to ensure it is screened appropriately, potentially with timber fencing left to silver. In any future submission, it is suggested that an alternative, suitable position be found for this station. Notwithstanding the above, subject to the pumping station having been suitably screened, it would not have been an overriding reason to refuse the development.

The proposals are in accordance with ALP policies D SP1 and D DM1.

HERITAGE

The development would affect the setting of Courtwick Park House and Courtwick Park Stables, which are Grade II listed buildings, with the former residing to the west of the site boundary and the latter to the east of the site boundary. The proposal is also adjacent to Courtwick Park Cottages, a non-designated heritage asset to the west of the site.

Courtwick Park House originated as a mid-18th-century farmhouse. It was extended and altered during the 19th-century, and in 1996, it was converted into a residential care home. The building derives its significance from its architectural and historical interest. The immediate setting of Courtwick Park is defined by its property boundary, with expansive lawns providing clear, holistic views of the building. From the north and east, these lawns allow views of key elevations, with the north garden allowing appreciation of the 18th-century north wing frontage, and the east garden highlighting the south wing's east elevation. The wider setting of the listed building has been eroded and altered by substantial new housing estates and the consequential loss of connection with what was the surrounding agricultural landscape.

Courtwick Park Stables are converted stables dating from the early 19th-century and designed in a Gothick architectural style. They were constructed as subsidiary buildings to the farmhouse which is of primary importance to the setting and historic context of the stables. Whilst intervisibility between the stables and the Courtwick Park House is limited by the intervention of mature trees, the trees appear to have existed between the buildings historically, and some degree of visual separation was therefore always apparent.

Courtwick Park Cottages are a pair of two-storey semi-detached houses dating to the early 19th-century. Their significance is mainly derived from their association with the farmhouse. Due to their location, and the intervening built form and woodland, the proposals will not impact their setting.

The development would replace historically open garden areas (the north and east lawns) which contribute to the listed building's setting and significance. These spaces enable holistic appreciation of its principal elevations and their loss would erode openness and diminish the building's architectural character. Infilling the east lawn would block views of the east elevation and alter outlooks from principal rooms from that of mature garden to modern housing. Such views and spatial openness form part of the asset's evidential and aesthetic value, so their removal constitutes harm. Although the proposal claims the north lawn is retained to preserve views of the north wing, Unit 4 would foreshorten this corridor, harming appreciation of the principal elevation.

The proposal will result in less than substantial harm to the significance of Courtwick Park House through the loss of historically open garden spaces, alteration of views, and introduction of suburban characteristics.

The development removes part of the northeast woodland that historically screened and separated the farmhouse and stables. Their loss would alter the wooded character, reduce screening, and change the spatial relationship, even if intervisibility remains limited. The proposed houses would affect the setting and significance of the stables by introducing modern housing into an area historically gardened and wooded. This would give rise to less than substantial harm.

Overall, the proposals would result in less than substantial harm to the setting of 2 No. Grade II Listed Buildings. Paragraph 215 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case, the public benefits of the proposal are the creation of 4

No. residential dwellings within a sustainable location during a period of acute housing need, alongside the temporary economic stimulus during the construction period. On balance, the public benefits are found to outweigh the harms of the proposals.

The proposal would result in harm to the setting and significance of 2 No. Grade II Listed Buildings in conflict with ALP policies HER SP1 and HER DM1, but the harms are outweighed by the public benefits of the proposal as outlined in NPPF Para 215. As such, these policy conflicts do not amount to a reason for refusal.

The site falls within a multi-period archaeological notification area. The area immediately to the south was archaeologically investigated in 2013-2014 prior to its development and was found to contain, amongst other things, a late Iron Age and Roman settlement, elements of which are very likely to extend into this site. This probability should be evaluated by trial trenching ahead of development in order that anything of interest might be identified, and so that appropriate measures might be put in place to secure their preservation, i.e. through full investigation, recording, and publication of the results. This process could have been secured via the imposition of a planning condition.

The proposal has provided a desk-based assessment of the archaeological significance of the site and concluded that there is a possibility of archaeological findings on site. No field evaluation has been submitted further to this point, which is in conflict with ALP policy HER DM6. However, given the limited scale of the development, the Local Planning Authority is satisfied that subject to suitably worded condition(s), a programme of archaeological works and written scheme of investigation into potential archaeological remains on site could have been secured prior to the commencement of development, taking care to avoid root networks of trees marked for retention and limiting investigations to the areas of the development that would require excavation. While the proposal now falls below the consultation threshold for the Council's Archaeological Advisor to be consulted, this approach is consistent with the consultation response received from the Council's Archaeology Advisor under the previous iteration of this scheme (application ref: LU/157/23/PL).

Subject to suitably worded condition(s), the proposal would address archaeological matters in an acceptable manner despite technical conflict with ALP policy HER DM6.

RESIDENTIAL AMENITY

The dwellings are within a well-planted site and separated from its site boundaries by distances that would ensure an acceptably low impact by way of overbearing, overshadowing, or overlooking. The only neighbouring residential property of concern is 'The Coach House' found to the northeast of the site. It is a Grade II Listed Building and serves as a residential dwelling positioned close to the south and west boundaries of its plot. The property benefits from open garden to its east, northeast, and north. The front of the dwelling faces east, looking out over its amenity space.

Plots 1 and 2 are to the south of The Coach House, and their rear elevations face north, toward the property. They benefit from 10.2-10.5m rear gardens and Plot 2 is partially offset to the west from The Coach House. The southern elevation of The Coach House, toward which the rear elevation of Plots 1 and 2 would look, features a single storey southern element and no first-floor openings. The building is also approx. 3m from the shared boundary.

The gardens of Plots 1 and 2, in addition to the separation of The Coach House from the shared boundary, result in a separation distance between Plot 1 and this neighbour of approx. 13.5m. Section H.04 of the Arun Design Guide (ADG) identifies a minimum back to side distance of 14m between habitable rooms and side gable of adjacent property. In this instance, the nearest component of The Coach House is approx. 13.5m from the rear of Plot 1, 0.5m short of the recommended minimum, but this component is a single storey hipped-roof element subordinate to the main building, rather than a

two-storey side gable as referenced within Section H.04. The lower height of this component and its more subordinate nature are such that the spatial relationship between Plot 1 and The Coach House is not unacceptably close. Furthermore, this southern single storey element of The Coach House is currently met by dense mature tree planting and its boundary treatment in close proximity, meaning any existing ground-floor openings likely have minimal outlook or light accessibility on the southern or western sides, and the proposed dwellings would, therefore, not likely result in any additional or unacceptable overbearing or overshadowing impacts on The Coach House.

By virtue of achieving the minimum depth of a 10.5m rear garden outlined in Section H.04, Plot 1 provides sufficient separation between its rear elevation and The Coach House to avoid unacceptable overlooking impacts on the garden of the property, and The Coach House as a whole, particularly with consideration that there are no first-floor openings to the southern elevation of The Coach House and that any ground-floor openings would be blocked by boundary treatment.

Plot 2 falls shy of the minimum 10.5m deep rear garden but is offset from The Coach House and would have no views of its primary amenity garden area. Plot 2 would not result in any unacceptable overlooking impacts on The Coach House.

The proposal includes the provision of a pumping station. Subject to an appropriate condition concerning noise impacts from this station, Environmental Health are satisfied that residential amenity would not be unduly prejudiced.

While there would be a new and notable impact on the residential amenity of the occupiers of The Coach House, it would not be unacceptably adverse. Subject to conditions, the proposal remains in accordance with ALP policies D DM1 and QE SP1.

INTERNAL AND EXTERNAL SPACE STANDARDS

Each plot is in excess of the minimum internal floor area requirements for their respective capacities and number of storeys set out within the Nationally Described Space Standards (NDSS). Bedrooms are of sufficient width and area to provide an acceptable standard of amenity.

Plots 3 and 4 benefit from significant private amenity spaces in excess of the minimum 10.5m depth outlined within the ADG. The garden of Plot 3 would experience overshadowing due to the canopies of mature TPO trees that are to be retained to the north. That said, the extent of their canopies would not unacceptably infringe on the amenity of the space, with significant portions remaining outside of the canopies. Given the extent of the Root Protection Areas that would underlie the amenity spaces of Plot 3 and 4, but particularly Plot 3, permitted development rights would need to have been restricted within these spaces to prevent potential harms to the trees in question in the future.

Plots 1 and 2 have rear gardens of 10.2-10.5m in depth which are either sufficient or just below the minimum 10.5m depth recommended. However, both remain of sufficient width such that they would provide functional and meaningful amenity space to occupiers.

Overall, the proposals would benefit from sufficient internal and external amenity in accordance with ALP policies D DM2 and QE SP1.

HIGHWAYS IMPACT AND PARKING

Each dwelling would be required to feature 3 No. car parking spaces in accordance with the Arun Parking Standards and such provisions are to be made within private driveways to the front of each unit. During the course of the application, the internal dimensions of the garages were also increased to be 3m x 6m, ensuring they meet the internal dimensions outlined within Section I.01 of the Arun Design Guide. This ensures the parking demand of each unit can be met sufficiently.

Details of secure and sheltered cycle parking storage could have been secured by way of condition at a rate of two spaces per unit. These could have been within the amenity spaces or accommodated within garages given the excess parking provisions available, with care being taken to ensure no such provisions impact on tree roots within the rear gardens.

WSCC Highways were consulted, and raised no objections on highways safety grounds, and concluded that the site has good alternative public transport connections and was sustainably located.

The proposal is in accordance with ALP policy T SP1 and the Arun Parking Standards.

TREES

The site is densely planted with mature trees, including eight trees covered by Tree Preservation Order (TPO). The proposal includes a number of tree removals and seeks to introduce the development with a series of construction methods that aim to avoid damage to the TPO trees while developing within the root networks.

During the lifetime of the application, a plot boundaries plan was sought, to confirm and ascertain where the gardens of the dwellings would extend to, and how much of these spaces would encompass and/or be dominated by the TPO trees. This would have allowed conditions to be applied to prevent the uncontrolled enveloping of the TPO trees within private gardens and allow Permitted Development Rights restrictions to prevent future uncontrolled development within their Root Protection Areas.

The Tree Officer has provided comment on this application and ultimately, resolved to object, with specific consideration and recognition of the local amenity value and prominence of the TPO trees.

The proposal illustrates multiple RPA incursions with the construction of driveways, carriageway and footways, patio, soakaways, surface water drainage, and foul water apparatus. In particular at plots 3 and 4, especially the latter. Plots 1 and 2 have a low arboricultural impact and are likely deliverable without causing harm to the higher value trees on site (category A and B).

A 'No-dig' construction methodology is proposed in various areas, but this should only be used where RPA incursion is unavoidable and clearly justified in the overall planning balance. Even then, its use carries a high risk of root damage. It is difficult to justify for the facilitation of plot 4, which is a single, detached dwelling, where two mature to late-mature trees would be directly affected and are particularly sensitive to changes in ground levels and soil hydrology.

The plot boundaries plan shows plots 3 and 4 to encompass many large, high-value trees, which is undesirable as the change in land use increases the risk of future harm. While permitted development restrictions can be imposed to reduce the potential impacts, soft landscaping, soil compaction, and lawn management all maintain the potential to adversely affect tree health and vitality over time.

There is concern in relation to service-runs in and out of site that have not been shown. There remains potential for tree/hedgerow removal and root protection area incursion to install these elements. While it is assumed that utility apparatus (gas, electric, mains water) could avoid the RPAs of retained trees by using the proposed highway network, also it remains that statutory undertakers are not required to replace any specialised construction (e.g. 'no dig') during trench reinstatement following repairs. This means that even if the proposed 'no-dig' construction methods were agreed to be suitable in this instance, future works/repairs along the specialised highway proposed would still likely result in harm to these trees.

The surface and foul water drainage strategy proposed for the site have also not yet been approved and

are not, therefore, finalised. This fundamental element of the scheme should be resolved alongside the scale and layout at the application stage to avoid later requirement/dependence on flood mitigation measures/drainage apparatus needing to locate in positions that could have significant adverse impacts on the retained trees and landscape proposals.

The RPAs and future growth potential of retained trees represent clear and significant constraints for the siting of any required SuDS features, soakaways, or underground services for this prospective development site. Adequate buffers and easements must be included to account for root growth to minimise the risk of damage to retained trees during any future maintenance required.

The Tree Officer has advised that RPA incursions must be clearly and robustly justified. BS5837:2012 does not promote development within RPAs. The standard sets out options to be considered only where incursion is unavoidable and no reasonable alternative exists. Development layouts that fail to follow this principle should be resisted.

The level of RPA incursion of established trees within this proposed scheme is not supportable and the extent of ground protection and no-dig construction shown on the Tree Retention Plan is substantial. They represent a highly ambitious proposal with a significant risk of inadvertent damage to retained trees.

The Tree Officer suggested that a future residential development scheme on this site may be viable, but has suggested that the quantum be reduced by the severance of plot 4, and a revised layout that ensures the central cluster of high-value trees remain inviolate as an important area of ornamental woodland habitat, rather than being placed at risk for the sake of a single additional dwelling.

While the Tree Officer has raised no concerns, from an amenity perspective, in relation to the tree removals proposed, the objection to the proposed development in its current format persists due to the unacceptable risk of harms to the many high-amenity trees covered by TPO and to be retained.

For the reasons outlined above, the proposal is in conflict with ALP policy ENV DM4.

ECOLOGY AND BIODIVERSITY

The proposal is subject to statutory Biodiversity Net Gain (BNG). The submitted details identify a loss of 1.33 Area Biodiversity Units equivalent to -33.8% habitat units once all proposed mitigation, compensation, and enhancement measures on-site are considered.

The losses include high-distinctiveness woodland habitat totalling -0.72 units, individual trees equating to -0.071 units, and grassland equating to -0.68 units. Mitigation and compensation measures include the creation of areas of mixed scrub adjacent to existing woodland areas and the planting of 24 No. new native trees throughout the site. Some of the habitats proposed for creation on site are high-distinctiveness and must be secured by Section 106 agreement (S.106). During the lifetime of the application, this matter was discussed with the agent, but in the interests of avoiding undue costs, the S.106 was not drafted and completed while relevant essential consultation comments were still pending. Following the objections from the engineers and the Tree Officer, no such S.106 was pursued as the refusal of the application in its current format became clear, and funding a S.106 for this scheme would not resolve the ultimate outcome of the scheme in its current format. Should a revised scheme or an appeal for this scheme ever come forward, such a S.106 would be required.

ALP policy ENV DM5 requires protected species on site to be protected, and for proposals to achieve a BNG on site. Relevant initial and additional ecological surveys have been provided, addressing initial concerns raised in respect of bat roost features that were present on a number of trees to be pruned. Following these surveys, the Council's Ecologist has raised no objections, subject to the relevant

mitigation measures being secured, including the attendance of an ecologist to supervise the works to T14, T15 and T29.

Even if proposed compensation and enhancement measures were secured through a completed S.106 agreement, the development would still fail to achieve a net gain in biodiversity on site, contrary to ALP policy ENV DM5. However, having regard to the statutory Biodiversity Net Gain (BNG) framework, it would have been possible to secure the minimum 10% net gain through off-site biodiversity units. In that scenario, and had a suitable S.106 agreement been completed, on-site enhancement and compensation measures could also have been secured to provide meaningful mitigation for the proposed on-site biodiversity losses. As such, while the proposal would have resulted in residual ecological harm at the site level, those impacts would not have been likely to extend beyond the site, and an overall biodiversity net gain would have been achieved through off-site provision. The site is not a designated priority habitat or habitat area and, in these circumstances, conflict with ALP policy ENV DM5 in respect of on-site BNG alone would not have warranted refusal.

However, no completed S.106 agreement is in place. As a result, proposed on-site compensation and enhancement measures, which are critical to mitigating biodiversity impacts and to compliance with the BNG hierarchy, are not secured. In the absence of these measures, the resulting harm to on-site biodiversity is unacceptable.

It is acknowledged that the BNG hierarchy outlined within NPPG Paragraph: 008 Reference ID: 74-008-20240214 states that, in the first instance, adverse effects to habitats which have a medium, high, and very high distinctiveness should be avoided, and if they cannot be avoided, the adverse effects should be mitigated. It is debatable whether the proposal has sought to avoid impacts to medium and high-distinctiveness habitats on site, such as the TPO trees, given Plot 4 forms part of the proposal. The creation of this plot and its access requires and results in, significant potential short-term and long-term adverse effects on such habitats. The proposal has sought to mitigate these effects through a series of engineering methods and it is apparent that the proposed quantum of development may not have been achievable without this mitigation. However, a single dwelling could very likely be located elsewhere in Littlehampton or the wider District, and so it is not clear that it comprises an essential element of the development, therefore, the adverse effects associated with the creation of Plot 4 may have been avoidable.

It is also noted that the proposed pumping station was relocated in the later stages of this application. It was relocated to an area in which planting is proposed in accordance with the site plan, though it is noted the proposed landscaping plan does not indicate the same level of planting in this location. Any future submission should ensure there is no conflict between the pumping station and existing/proposed planting.

For the reasons outlined above, and in the absence of a suitable and completed S.106 agreement to secure the proposed on-site compensation and enhancement measures, the proposal is in conflict with ALP policies ENV SP1 and ENV DM5.

FLOODING AND DRAINAGE

The site lies within Flood Zone 1 both now and in the future. It is, however, potentially at risk of Groundwater Flooding as per the Arun District Council (ADC) Strategic Flood Risk Assessment (SFRA) (both 2016 and 2026), and varies between Low- to High-risk of surface water flooding both now and in the future (2040-2060) according to the EA Flood map for Planning and the ADC SFRA (2026).

While the site has been identified as having a potential susceptibility to groundwater flooding, the mapping for this susceptibility is an indicator only, and cannot be relied upon to confirm on-site conditions or actual flood risk. The application has been supported by winter groundwater monitoring results that

indicate peak winter groundwater levels are approx. 3.27m below ground level. Full details of this monitoring, including pit locations and recorded depths throughout the monitoring period (even if dry) have not been provided, but assuming the peak levels identified are accurate, this would indicate the risk of groundwater emergence and groundwater flood risk is very low.

The submitted Flood Risk Assessment (FRA) does not assess surface water flood risk beyond stating that finished floor levels will be set 300mm above ground level and noting the extent of this risk is confined to the west corner of the site. Plot 3, in particular, appears to be largely located within the area at risk of surface water flooding. Although the drainage strategy has been updated to include a retaining wall around plots 2 and 3 to raise site levels while minimising impacts to existing root networks and flood storage areas, the extent and depth of surface water flooding across the site have not been assessed. As a result, flood risk has not been directly evaluated in relation to the siting and proposed levels of the dwellings, and it cannot be confirmed that the development would be safe from surface water flooding for its lifetime in conflict with ALP policy W DM2 and NPPF paragraph 170.

According to NPPG Paragraph: 027 Reference ID: 7-027-20220825, where a proposal is supported by a Site-Specific Flood Risk Assessment that confirms occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development, a Sequential Test for flood risk as set out by NPPF paragraph 175, is not required. As it has not been confirmed that the proposed occupiers would be safe from surface water flood risk for the lifetime of the development, a sequential test is required and the absence of one forms a reason for refusal.

The proposal has been supported by a surface water drainage strategy and supporting technical documents. This has been reviewed by the ADC Drainage Engineers, who have resolved to object to the proposal at this time due to a number of concerns and resultant objections to National Standards for Sustainable Urban Drainage Systems (NSfS) Standards 1, 3, and 7. No objection has been raised to the remaining standards, subject to conditions, however, the objections raised mean that the proposal cannot be supported at this time.

The surface water drainage scheme intends to make use of infiltration methods which are supported by the NSfS. It intends to use a mix of permeable paving and soakaways. The ADC engineers confirmed that based on the submitted technical data, it is likely that infiltration is viable on site, but have identified the following concerns:

- There is a lack of full winter groundwater monitoring data and details of the investigations for review and consideration
- Section 2.5 of the report confirms made ground is present on site at depths of 0.4m to 0.7m, which could preclude the use of infiltration features without sufficient mitigation and that the areas of made ground have not been mapped or discussed further
- Section 2.5 identifies an underlying Chalk Strata which incurs a low risk of dissolution and states there is no hazard based on Envirocheck data, but minimum distances between SUDS features and buildings has not been confirmed (i.e. is more than 5m required)
- Insufficient evidence of testing depths to confirm if the proposed infiltration features penetrate the suitable drainable strata
- The designer has not suitably justified why the worst-case infiltration rates have not been used for all soakaway locations
- The current safety factor (f) consequence of failure, which is not in accordance with relevant guidance, has not been qualified
- The extent, specification and calculations of the permeable paving features have not been provided
- That there are a number of existing trees/RPZ areas that may be affected by the new drainage apparatus, and that further assurances are required to demonstrate coordination with these constraints
- The drainage design does not comply where the design is for a 10yr return period

- A 50% half drain down time within 24hrs for the 30yr event has not been demonstrated
- That the design does not adequately assess the on-site surface water flood risk extents
- Concerns regarding the potential conflicts between drainage infrastructure and the landscaping/trees to be approved under this application
- That no maintenance schedule has been provided to ensure long-term functionality

There are various technical details that are absent or insufficient, but also, fundamentally, the site is heavily constrained by root networks of trees and planting marked for retention, and the fixed layout and scale of the scheme. The submitted details identify that made-ground is present close to the surface where infiltration is proposed, but has not mapped where these plumes are, nor discussed how or why its presence will not prejudice the use of infiltration features in the locations proposed. The ADC engineers are clear that its presence may preclude the use of infiltration features without suitable mitigation, and if so, the already restricted areas of the site where infiltration features can be located (and are proposed) may be further restrained or found to be unviable. The various insufficiencies identified above, may also require the proposed drainage features to increase in size or relocate, and the constraints of the site may restrict or prevent this within the fixed scale and layout of the scheme.

Overall, there is insufficient evidence to confirm that infiltration is a viable method of draining the site, despite the favourable infiltration rates and groundwater levels, owing to the spatial constraints of the site, the unknown extent of made-ground, and the fixed scale and layout of the scheme. There has been no alternative surface water disposal location identified and it would not be appropriate to resolve the finalised details of the proposed surface water drainage scheme where there is potential that infiltration could be unviable.

It has not been sufficiently evidenced that the proposal can be sustainably and adequately drained and not increase flood risk on site or elsewhere in conflict with the NSfS, ALP policies W DM2 and W DM3, and NPPF paragraphs 181, 182, and 187e.

SUMMARY

The conclusions outlined above regarding the absence of a sufficient Flood Risk Assessment to confirm that the properties would be safe for their lifetime, and the subsequent lack of a Sequential Test conflicts with ALP policy W DM2, and NPPF paragraphs 170 and 175. These matters represent strong reasons to refuse the development at this time in accordance with NPPF paragraph 11(d)(i), and the tilted balance is therefore not applied.

The proposal is not supported by a completed S.106 legal agreement to secure the proposed on-site Biodiversity Net Gain (BNG) enhancements and compensation measures. Although the development could theoretically secure a 10% net gain in biodiversity through the use of off-site biodiversity credits and would in any event remain in conflict with ALP policy ENV DM5 even if such a S.106 agreement was completed, the absence of a completed agreement results in an unacceptable outcome. As submitted, the scheme would cause unacceptably adverse impacts on on-site biodiversity, including the loss of high-distinctiveness habitat, without appropriate on-site compensation or enhancement. The proposal is in conflict with ALP policies ENV SP1 and ENV DM5.

The development involves an unacceptable and overly-ambitious extent of ground protection, no-dig construction, and residential plot within the root protection areas of multiple high-value TPO trees and, overall, represents an unacceptable risk of harm to the vitality and longevity of these trees in conflict with ALP policy ENV DM4.

For the reasons outlined above, the proposal is recommended for refusal.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This application would have been CIL liable, therefore, developer contributions towards infrastructure would have been required (dependent on any exemptions or relief that may have applied).

RECOMMENDATION

REFUSE

- 1 The proposal has not adequately demonstrated that the dwellings and their occupiers would be safe from surface water flood risk for the lifetime of the development, nor has it been supported by a Sequential Test to demonstrate that there are no reasonably available alternatives sites for this development at a lower risk flooding in conflict with Arun Local Plan policy W DM2, and NPPF paragraphs 170 and 175.
- 2 The proposal has not been supported by a Section 106 legal agreement to secure the proposed on-site Biodiversity Net Gain enhancements and compensation measures as required, and the absence of such a completed agreement results in an unacceptably adverse impact on on-site biodiversity, including the loss of high-distinctiveness habitat, without appropriate on-site compensation or enhancement in conflict with Arun Local Plan policies ENV SP1 and ENV DM5.
- 3 The proposed development by reason of extensive root network incursions and 'no-dig' construction methods would incur an unacceptable risk of harm to the vitality and longevity of multiple high-value trees, including several covered by Tree Preservation Order, in conflict with Arun Local Plan policy ENV DM4.
- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning

(Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.