

Recommendation Report for Planning Permission

REF NO: P/18/20/PL

LOCATION: Land west of
Barton House
Manor Park
Pagham

PROPOSAL: Change of use from highway land to residential use for the development of 4 No. 3 bed terraced houses with associated parking & access. This application affects the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for the development of 4 No. 3 bed terraced houses with associated parking & access on an open, grassed area. This application affects the setting of a listed building.
SITE AREA	944 sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	42 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	A number of trees have already been removed from the site and the proposal would result in the loss of several more but no TPO'd trees would be affected by the development.
BOUNDARY TREATMENT	The site is open at all sides apart from the west which has a 1.8m close boarded wooden fence.
SITE CHARACTERISTICS	The site is an open green area located at Manor Park and is laid to grass with a collection of trees of various ages and size. There are no TPO's on the site. Manor Park is a mixed residential development, with properties of differing architectural styles. The site runs to some 944 sq m and is broadly rectangular in shape. The site is not overlooked by adjoining properties. Access is off Manor Park and the site is near to local facilities at Nyetimber. The site is not subject to any flooding risk and is in flood zone 1. The site is in a sustainable location, in very close proximity to local amenities, beach, schools and within walking distance to local transport links making the site easily accessible by various modes of transport both public and private. Barton Manor is located on the western side of the boundary. Barton Manor is a grade II listed building which has been extended in recent years by a series residential extensions, the most recent being a small two storey extension added in

2008, which is located about 1m from the site.

CHARACTER OF LOCALITY

The area is part of a residential road comprising of detached/semi-detached houses and bungalows of various styles and designs built in the late 60's.

RELEVANT SITE HISTORY

P/21/20/PL Variation of conditions 2 & 3 following P/32/18/PL to change approved floor plans & elevations & materials.

P/32/18/PL	Erection of 10 car garage building	ApproveConditionally 17-09-18
------------	------------------------------------	----------------------------------

None

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham District Council: Objection

- The impact on the setting of this listed building would be unacceptable. The building has previously enjoyed an open setting and this would be compromised to an unacceptable degree. It would be contrary to Local Plan policy HER DM1 and if this is out of date, contrary to the NPPF 2019 para 194.
- Overdevelopment - Contrary to Local Plan policy D DM1 with regard to scale.
- Policy D DM1 requires minimal impact to users and occupiers of nearby properties. As the land is a long established amenity space the impact would not be minimal. Examples given are loss of sunlight, privacy and outlook. These are examples, not an exhaustive list.

72 Letters of objections received, all objecting to the proposal.

- The village has already met its housing need;
- The development will add more fluvial and fluvial flooding
- This open green area should be protected;
- The proposal will result in a loss of biodiversity;
- The dwellings are not self sufficient;
- The schools are already full;
- This close already has a lack of parking & tight turning places;
- The proposal will affect the historical Barton Manor;
- The proposal will result in a loss of visibility for drivers and pedestrians;
- Amenity land should stay as amenity land;
- The proposal would be over development of the site;
- The design is unsightly;
- The site is a children's play area;
- The land around a listed building should not be changed;
- Green areas are important for mental health;

- The proposal would lead to a dangerous precedent;
- It would destroy the fabric of this small neighbourhood;
- There is already a lack of social spaces for children;
- Manor park is already full;
- Refuse collections are already causing problems
- The proposed homes are not affordable homes
- Local services and amenities are already full
- The sewage system cannot cope
- The site is on a flood plain
- The public highways/ developer agreement signed in 1969 shows the site as green space;
- This green space is supposed to be forever open to the public and cannot be 'stopped up'
- Access roads would need to be improved to support this traffic
- These terraced house would not be in keeping
- These green spaces are badly needed
- Other sites should be considered
- The council should not have even accepted the proposal;
- This space is badly needed by wildlife and enjoyed by children
- The visual amenity enjoyed by existing homes will be ruined
- The proposed homes are not environmentally energy efficient
- The proposal is a badly designed inappropriate over development
- ADC should not have refused the application to TPO the trees on site
- Highway safety is a big issue here.

COMMENTS ON REPRESENTATIONS RECEIVED:

The majority of comments will be addressed in the conclusion section of the report. However, only material planning considerations will be addressed.

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

WSCC Highways: No objections. Do not consider the proposal would have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 109), and there are no transport grounds to resist the proposal. A number of conditions are suggested should permission be granted.

Conservation Officer: No objections. On balance, it is considered that the proposed development will not cause further harm to the setting of the neighbouring listed building. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments.

Tree Officer: No objections subject to the imposition of conditions should permission be granted.

Landscape Officer: No objections subject to the imposition of a condition.

Southern Water: No objections subject to imposition of a number of conditions.

Engineers comments: No objections subject to the imposition of a condition.

Archaeology: No objections

Environmental Health: No objections subject to imposition of conditions.

Ecology: No objection subject to implementation of a number of recommendations and enhancements.

Natural England: Since this application results in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Arun District Council has measures in place to manage these potential impacts through the agreed strategic solution which Natural England consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site.

COMMENTS ON CONSULTATION RESPONSES:

Consultee comments will be addressed in the conclusion section below

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HWBSP1	HWB SP1 Health and Wellbeing
QESP1	QE SP1 Quality of the Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
SPD1	Open Space & Recreation Standards
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.

In April 2020, the "Pagham Development Management Plan 2020" was published. The Plan contains five policies. It is therefore necessary, in accordance with paragraph 216 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration.

Given the early stage the Draft plan has reached it has limited weight.

There are no policies of relevance in the Neighbourhood Plan.

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 site is in the built up area and satisfies the principle of development but it is felt the proposal would lead to overdevelopment of the site, resulting in a cramped appearance and result in the loss of a pleasant open space which is important for the character of the area and for the visual and amenity value it provides for existing nearby residents.

OTHER MATERIAL CONSIDERATIONS

Arun District Council are unable to demonstrate a 5 year Housing Land Supply and the policies most relevant to the assessment of the development are considered out-of-date. It follows that the NPPF is a material consideration of significant weight for the purposes of decision taking, under Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended).

CONCLUSIONS

PRINCIPLE:

The site lies within the built up area boundary where residential development is acceptable in principle. In this case the key policies are deemed to be D DDM1 and D SP1 of the Local Plan.

Policy SD SP1 of the Arun Local Plan states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)."

Policy SD SP2 of the Arun Local Plan states that development should be focused within the BUAB and will be permitted, subject to consideration against other policies of this Local Plan.

Paragraph 118(d) of the NPPF states: "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing".

Arun District Council are unable to demonstrate a 5 year Housing Land Supply at the time of this assessment which therefore triggers the presumption in favour of sustainable development under footnote 7 and paragraph 11(d). Applying the presumption in favour of sustainable development for decision taking means granting permission unless:

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

The development would provide housing in a sustainable location that would provide access to jobs and services required for day-to-day living, which would support the local economy (economic). The development would provide a range of homes that could meet the needs of present and future generations (social). The development would make an effective use of the land on a previously developed infill plot surrounded by similar development (environmental).

Paragraph 11(d)(ii) requires decisions to be taken in accordance with the policies in the Framework unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The provisions contained within the 2019 Framework are given significant weight in the application of paragraph 11(d) in the absence of the Council being able to demonstrate a sufficient 5 year Housing Land Supply. A full assessment of all matters and their significance are outlined below.

HERITAGE ASSETS:

The buildings and other development are within the setting of a Grade II Listed Building, Barton Manor which is immediately to the west of the site. The proposal will affect the setting of this listed building.

Relevant Local Plan policies are HER SP1 (The Historic Environment) and HER DM1 (Listed Buildings). HER SP1 states that listed buildings and their settings will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. Also development likely to prejudice their setting will be refused and that any proposals for development will be required to comply with all other relevant policies. HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings.

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

historic interest which it possesses."

It is necessary to consider policy guidance in the NPPF which sets out several steps when considering impact on heritage assets. Para 189 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 193-196).

The applicants provided a Heritage Statement which gives information in accordance with the relevant paragraphs of the NPPF 2019 as described above. The Statement elaborates on the recent history of Barton Manor stating that the original listed building to the western end of the current building has been surrounded by a series of modern additions, the major one being a 19 bedroom extension added circa 1991 and a more recent addition in 2008. Since 1991 the building has been subject to numerous applications and modifications. It is argued the extensions and ad-hoc building works over the years have considerably detracted from the original building's listed status.

A summary of ADC's Conservation officer comments are as follows:

The proposal is for a terrace of houses on the existing open space which is located adjoining to the modern C20 element of the building. As a consequence, the older western element of Barton Manor does not directly adjoin the application site and the proposed development.

Although its possible to view the older part of the Barton Manor from the application site it is worth remembering the harm to the existing setting that has already taken place as a result of the surrounding modern development.

On balance, it is considered that the proposed development will not cause further harm to the setting of the neighbouring listed building and complies with the guidance in the NPPF, with policies HER DM1 and HER DM3 of the ALP and with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

DESIGN AND VISUAL AMENITY

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character.

In April 2020, the "Pagham Development Management Plan 2020-2030" was published. The Plan contains five policies. There are no policies of relevance to this proposal. In any case the PNP should be attributed limited weight at this time due to the early stage in the process.

Para 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and

landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." In addition, paragraphs 122, 130 and 131 are all relevant.

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

Proposed materials would consist of bricks on the ground floor with timber cladding on the 1st floor under a roof of grey slate. Each dwelling would have a front porch constructed of bricks under a rolled lead roof. A pitched roof is proposed for each dwelling with a ridge and eave height of approx. 8.3m and 5.5m respectively. Proposed materials are considered acceptable.

In the Arun Design Guide 2020 there are 13 key design objectives for good design:

The natural surveillance, which is public space directly overlooked by habitable rooms in surrounding dwellings in order to provide safety for their users, of Manor Park would be negatively affected by this development.

This open space adds to the cohesiveness and vibrancy of this residential area which residents use to meet and mix, where children come to play and where elderly enjoy the sociable public realm. It enables interaction between a wide range of people of all ages. This open space adds to Manor Parks ecological, social and aesthetic functionality and is highly valued open space in this built up area.

This open space is a pleasant, safe and secure green area that makes a significant enhancement to Manor Park's residents quality of life and perception of place.

It is not considered the proposal, with the loss of this valued open space, would add to the health and well-being of residents in Manor Park or to its local distinctiveness, character and identity.

The Pagham Village Design Statement (PVDS) was adopted by the Pagham Parish Council in 2007 and is a material consideration in the determination of this application. It is considered that this has minimal weight in the determination of this application given that it is over 10 years old and predates the current Arun Local Plan and the NPPF & associated guidance on design.

The site falls in the "Pagham Road" area and this sets out the following development criteria relevant to this site/proposal:

- (1) Highest quality layout and design;
- (4) Preserve character of area;
- (5) Front boundaries should contribute to overall street scene;
- (6) Traditional materials where appropriate;
- (9) Maintain existing pattern e.g. setback, density;
- (11) Preserve views over open land to the west of Pagham Road; and
- (12) Speed restrictions and traffic calming, especially on Pagham Road.

The proposal would not comply with (1, 4, 9) as the proposal would be overdevelopment of the site with 4 terraced properties proposed for a site with an area of 944 sqm and a width of 23m. Each dwelling would have a width of 5.7m. The dwellings would be aligned in a south-easterly direction with plots 3, 2 and 1 set back from each other by approx. 2m at a time. The distance between the proposed and neighbours to

the front and rear is considered acceptable. There would be a distance of approx. 15m between plot 1 and neighbours to the east No. 21, 22 and 23 Manor Park. There are examples of terraced properties in the original development of Manor Park but none have the residential density as the proposed. The impact of this development would not be softened by the extent of hardstanding needed at the front for parking. The requirement of this hardstanding would further limit the ability to mitigate against the loss of trees resulting from this development. The original development of Manor Park was designed around this open green area. This proposal would be at total odds with the existing use of the site. Any development would be a dramatic change but the development of 4 terraced properties on such a small site would have a significant impact.

The proposal would not be in keeping with the general pattern and scale of development in the locality. The development would result in a cramped development visually at odds with the existing streetscene and character of the area.

It is not considered the proposal complies with Policy D DM1 and D SP1 of the Arun Local Plan and paragraph 122 of the NPPF.

RESIDENTIAL AMENITY

Arun Local Plan policy D DM1 requires the LPA to have regard to certain aspects when considering new development including:

QE SP1 of the Arun District Local Plan 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 natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

None of the PNDP policies specifically refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure a high standard of amenity for all existing and future users (paragraph 127).

The front facing 1st floor window of each proposed dwelling would face onto rows of residential garages approx. 20m away where privacy would not be affected. No side facing windows are proposed therefore Barton Manor apartments to the west and No's. 21, 22 and 23 to the east would not be affected by overlooking or lack of privacy. Also due to orientation residents at Barton Manor would enjoy normal levels of sunlight throughout the majority of the day and No's. 21, 22 and 23 to the east would be unaffected. Due to the distances and angles involved it is not felt any other neighbour would be significantly affected by the proposal.

In Section 12 of the NPPF 2019 'Achieving well-designed places' the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 (f) states that planning policies and decisions should ensure that developments: 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'.

According to the residential amenity guidelines of the Arun Design Guide the amenity space available for all plots is considered acceptable. 60 sqm rear gardens are recommended for 3 bedroom dwellings (plots 2 and 3 are slightly less with 57 sqm but this is not a significant amount).

For existing residents the proposal results in the loss of a valued open space used continuously by existing residents. Although not formally designated open space under relevant neighbourhood policy the loss of this green space/ play area would impact negatively on the health and well being of Manor Park residents resulting in a low standard of amenity for existing Manor Park residents and a loss of natural

environment upon which leisure and recreational activities are enjoyed.

Accordingly the proposal is not considered to comply with QE SP1 of the Arun Local Plan & paragraph 127 (f) of the NPPF 2019.

INTERNAL SPACE STANDARDS

Policy D DM2 (ALP) requires internal space standards to be an appropriate size to meet the requirements of all occupants and their changing needs. Paragraph 13.3.4 which supports the implementation of Policy D DM2 states there might be occasions where development cannot comply with all the space standards which includes the conversion of an existing building.

The internal spaces of the proposed dwellings have been assessed against the Nationally Described Space Standards which are used to assess acceptable spaces under Policy D DM2. The proposed spaces meet the minimum thresholds, which is 93 sqm for a two storey 3 bedroom dwelling. 94 sqm are proposed for each dwelling. The development accords with Policy D DM2.

HIGHWAYS & PARKING

Policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Eight parking spaces are proposed. WSCC have no objection. All spaces are appropriately sized at 2.4 x 4.8m. Using the Arun DC Supplementary Planning Document 2020, three bedroom dwellings in this location would attract parking demand of two spaces per dwelling, eight in total. Visitor spaces should be provided on a ratio of 1 space per 20% of the total number of dwellings, in this case 0.8. No visitor space has been provided but it is felt that there is room for an additional parking space to the front of the development. If the proposal is to be approved a condition would be added to ensure this additional parking space is provided. The parking layout is such that vehicles will be provided the opportunity to turn on site and thus be able to enter and leave the site in the forward gear.

Cycle parking will be accommodated within a garden sheds for each plot. This provision would be considered acceptable.

Highway Boundary

The land is considered public highway. In order for planning permission to be implemented the Public Highway must first be 'Stopped Up' and have its highway rights extinguished. Providing the development has not commenced this process can be sought under S247 of the Town and Country Planning Act 1990. Prior to commencement the applicant would need to complete the 'Stopping Up' Process. The granting of planning permission WSCC comment does not guarantee that a 'Stopping Up' application, which will be subject to additional consultation, will be successful.

The Local Highway Authority does not consider the proposal has an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 109), and there are no transport grounds to resist the proposal.

The proposal accords with policies T DM1 & T SP1 of the ALP and with the guidance on highway safety within the NPPF.

BIN STORAGE AND COLLECTION

Policy WM DM1 (ALP) requires residential development to be designed to ensure kerbside collection for waste vehicles. Therefore, the development accords with Policy WM DM1 of the Arun Local Plan.

BIODIVERSITY:

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

Para 175 of the NPPF states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The application is accompanied by an Ecological Impact Assessment which concludes the site supports a low status day roost of common pipistrelle but also supports suitable habitat for badger (foraging/commuting only), breeding birds and hedgehog. The Assessments sets out various mitigation measures including the installation of additional bat roosting features, nesting boxes, and the use of native planting known to benefit a range of species. The Assessment states that if the site is managed appropriately, the proposed measures should result in an overall net gain for biodiversity.

The Councils Ecologist advises no objection subject to mitigation and enhancement measures being secured by condition. The application complies with the NPPF para 175, with ALP policy ENV DM5.

TREES:

ALP policy ENV DM4 states development will be permitted where it can be demonstrated that trees contributing to local amenity will not be damaged or destroyed now and as they reach maturity, unless development:

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

The applicants have submitted an Arboricultural Impact Assessment & Method Statement (AIA/MS) with a Tree Survey Schedule and Tree Constraints Plan with a Tree Retention Protection Plan (TRPP).

The Tree Survey data is comprehensive and accords with the requirements of BS5837:2012. The Tree

Officer is in agreement with the retention category ratings for on and off-site trees.

Reference is made in the legend of TRPP (Notes: item 3.) to the aforementioned AIA/MS (LLD1899-ARB-REP-001), although the tree officer could see no record of this document having been submitted. This is a critical omission, as it should describe key elements of the proposal such as; timing and phasing of operations, methods of working within the root protection area of retained trees, frequency of supervision and record keeping.

This a busy layout on a relatively confined plot and so a Construction Management Plan (that fully complements the TRPP), is needed to clearly show where the intended route of heavy plant is to occur across the site, siting of any compound area, area for delivery and storage of materials and details of any other potentially harmful practice associated with the proposal. This ensures retained on/off-site trees will not be negatively impacted throughout development.

There is an inevitable and substantial loss of tree cover which must be adequately mitigated in a detailed and ambitious landscaping scheme.

The Tree Officer concluded the proposal should be achievable in arboricultural terms, although there is important information lacking such that this scheme does not have full support. The tree officer believes this can be easily overcome with the provision of a suitable AIA/MS via conditions.

Due to the constrained nature of the site however it is not felt the loss of tree cover could be mitigated against through the use of a landscape scheme and it is therefore not considered the proposal complies with ENV DM4 of the Arun Local Plan.

CONCLUSION

Arun District Council are unable to demonstrate a 5 year housing land supply on the date of this assessment and therefore the presumption in favour of sustainable development follows. Paragraph 11(d)(ii) requires permissions be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the 2019 Framework taken as a whole.

The site is in the built up area and satisfies the principle of development but it is felt the proposal would lead to overdevelopment of the site, resulting in a cramped appearance and result in the loss of a pleasant open space which is important for the character of the area and for the visual and amenity value it provides for existing nearby residents. It is also felt that due to the cramped nature of the site with a large degree of hardstanding at the front the loss of tree cover could not be mitigated against through a landscaping scheme. It is therefore considered that any benefits of the scheme are significantly outweighed the adverse impacts it would have.

The application is therefore recommended for refusal for the reason given overleaf.

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

The Council has recently adopted a new Community Infrastructure Levy on 1st April 2020.

Details of the charging schedule can be found here:

<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n14676.pdf&ver=15027>

The proposed is not a "Self build" development therefore a CIL contribution is needed for this development. The CIL contribution for this Zone 4 development is £37,200.00

RECOMMENDATION

REFUSE

- 1 The proposal results in the loss of a pleasant open space which is important for the character of the area and for the visual and amenity value it provides for nearby residents, contrary to policy D DM1, D SP1, QE SP1 of the Arun Local Plan and paragraphs 122 and 127(f) of the NPPF 2019.
- 2 The proposal leads to an overdevelopment of the site resulting in a cramped appearance at odds with its current use and character of the locality. Due to the cramped nature of the site, with a large degree of hardstanding at the front, the loss of tree cover could not be mitigated against through a landscaping scheme, contrary to policy D DM1, D SP1 and ENV DM4 of the Arun Local Plan and paragraph 130 and 131 of the NPPF 2019.
- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.
- 4 If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.

Further details are on [GOV.UK](https://www.gov.uk).